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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Tuvalu**

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## **Introduction**

1. The Government of Tuvalu submitted its first national Universal Periodic Review report to the Human Rights Council on the 11 December 2008. The Human Rights Council adopted the report in the same year. Tuvalu accepted all ten recommendations<sup>1</sup> of the Council. Since the adoption of the first report, Tuvalu has tried to work to implement these recommendations and commitments through all relevant parties, including government agencies, official institutions, and civil society organizations. Significant to note is that Tuvalu continues to face challenges in the implementation of the recommendations and also with its overall human rights commitments.

2. The Office of the Attorney General, Office of the Prime Minister and the Ministry of Foreign Affairs together with regional partners were largely responsible for putting this national report together. This report treats what has been achieved regarding the strengthening and protection of human rights and implementation of the recommendations of Tuvalu in respect to the first report it submitted to the Human Rights Council in 2008.

### **I. Methodology and process for preparing the report**

#### **A. Methodology for preparing the report**

3. The UPR Team<sup>2</sup>, in its initial meeting, recommended requesting that the relevant official agencies, officers and civil society organizations provide and submit relevant information and achievements concerning the recommendations of the UPR during 2008-2012. The team emphasized the need to base the information on the implementation of the agreed recommendations from the 2008 session with the HRC and in compliance with Resolution 16/21 on the follow-up to the Human Rights Council resolution with regard to the universal periodic review. The UPR Team met and discussed ways in which the information for the report can be sourced and finalised.

#### **B. Process for preparing the report**

4. A four-day workshop was held on the 15<sup>th</sup> – 17<sup>th</sup> August 2012 to provide technical advice on the preparation of Tuvalu's second national report. The workshop was jointly facilitated by the Office of the High Commissioner for Human Rights (OHCHR), the Pacific Islands Forum Secretariat (PIFS), and the Secretariat of the Pacific Community's (SPC) Regional Rights Resource Team (RRRT), with funding support from the Kingdom of Netherlands. This workshop provided an opportunity for the UPR stakeholders to reflect on the UPR process, and to discuss key challenges, past achievements and progress.

5. Based on the consultation and further directions from the Attorney General in November 2012, a core group was formed consisting of members of the Tuvalu UPR Taskforce to draft and formulate Tuvalu's second national report. The group met to discuss and confirm the structural framework for formulating and distributing tasks before and after receiving all the relevant information from the above-mentioned entities and institutions. The UPR core group prepared a preliminary draft of the report according to the general guidelines adopted under Human Rights Council resolution 1/5 of 18 June 2007 for preparing information in the UPR framework. The draft report was shared amongst senior civil servants and relevant government ministries and offices for their views and comments.

6. The draft UPR report was also used in the national consultation on Funafuti during the celebration of the International Human Rights Day on the 10<sup>th</sup> December 2012. The celebrations also allowed the Office of the Attorney-General, Department for Women, Department for Education and Fusi Alofa (Disability NGO) to share issues discussed in specific human rights reports namely CRC, CEDAW and the NGO UPR report. The event was also used to collect more information for the 2<sup>nd</sup> national UPR Report. The 2<sup>nd</sup> draft report was presented at the Teams December 2012 meeting for discussion in preparation for its adoption in its final form.

7. As is the protocol with any reports that is representative of the Government of Tuvalu it was reviewed by the Development Coordinating Committee (DCC). As such this national report has the approval of the Prime Minister of Tuvalu.

## **II. Developments since the previous review, background of the State under review and framework, particularly normative and institutional framework, for the promotion and protection of human rights: constitution, legislation, policy measures, national jurisprudence, human rights, infrastructure including national human rights institution and scope of international obligations identified in the “basis of review” in resolution 5/1**

### **A. National laws and legislation**

8. The government of Tuvalu has made progress in ensuring that human rights standards are included in national legislation. Listed below are some of the legislation relating to human rights passed by the Parliament of Tuvalu from the period 2008 – 2010. A detailed explanation on the given legislation is provided for, in section C of this report.

- Environment Protection Act 2008;
- Constitution (Recognition of Traditional Standards, Values and Practices) Amendment Act 2010;
- Leadership Code Act<sup>3</sup>;
- Police Powers and Duties Act 2009;
- Public Enterprises ( Performance and Accountability) Act 2009<sup>4</sup>;
- Counter Terrorism and Transnational Organized Crimes Act 2009, and
- Religious Organizations Restrictions Act 2010.

### **B. National measures and policies**

#### **1. Tuvalu National Women’s Policy**

9. Gender mainstreaming is an ongoing process within government departments. Government ministries and department are encouraged to include gender in planning processes, discussions and policies. The Development Bank of Tuvalu in partnership with the Republic of China Taiwan has an ongoing scheme for promoting women’s involvement in business. This has resulted in an increased involvement of women in small businesses.

10. The Tuvalu National Women's Policy aims to (a) support women's participation in agriculture, fishing and food security. Integrate gender in budget and trade policies; (b) equal access for women to education and trainings; (c) increase participation of women in economy and contribute to the public sector; (d) to increase women's participation and awareness in environmental management and protection; (e) promote the equitable participation by women and men in public life, statutory boards, state own enterprises and parliament; (f) to implement the various articles of CEDAW and other international instruments and to submit periodic reports; (g) to encourage government to review national legislation, to ensure women's human rights are fully protected by law; (h) to eliminate sexual and family violence and also to collect and publicise data on gender based violence; (i) to promote police and programs of traditional knowledge and preserve positive customary cultural values, traditions and practices; (j) to increase the participation and access of women to express and decision making in and through the media and new information technologies.

11. Since the submission of the first report in 2008 the department of women have progressed in the following areas:

- completed and submitted Tuvalu's CEDAW Report together with the Common Core Document;
- sponsored the work on the Family Protection and Domestic Violence Bill;
- increase advocacy and lobbying on temporary special measure especially in decision making forums at the local and national level ( public and private sector);
- ongoing lobbying for support to amend the Constitution to prohibit sex and gender discrimination;
- ongoing lobbying and advocacy on gender equality in the land legislation.

## 2. Draft Tuvalu National Youth Policy (2012–2016)<sup>5</sup>

12. The Policy document is part fulfillment of the Tuvalu Government's commitment to its young women and men. The Policy illustrates the commitment and recognition by the Government and the society as a whole of the need to empower its young people, regardless of race, religion, gender and disabilities. The commitment is to provide better opportunities for developing the personal, physical, social, economic, mental and spiritual potential of young people; to encourage them to positively participate in nation building and to shape their future. The Policy stresses the need for the relevant government departments, non-government organizations, churches, the private sector and the community to make concerted efforts to address issues affecting the lives of young people.

13. The Tuvalu Youth Policy (2012–2016) is underpinned by the following rights based approaches and principles of youth development including: *Equity*, the rights of young women and men to equality of opportunities and equitable distribution of services and resources; *Participation*, the recognition that young women and men are participants in society and as such have a priority role and responsibility in the decisions that impact on their lives and *Access*; that young people are able to easily attend adequate and appropriate programmes and services and for young people to benefit from these regardless of gender, religion, geographic location, social, cultural, political or economic circumstances. Essentially a rights based approach to youth development includes the following elements; *Express linkage* to rights, that everything that one does is connected to a human right *Accountability* to all stakeholders, *Empowerment*, *Participation* and *Non-discrimination* and attention to vulnerable groups of which young people are one.

### 3. Inclusive Education Policy

14. The Ministry of Education is currently reviewing a regional policy on inclusive education to try and adapt it to the national context. Significant to this policy is the:

- training of teachers for special needs;
- building of a school for children with special needs.

## C. Official authorities and government organizations concerned with human rights

### 1. Attorney General's Office

15. The Office of the Attorney General acts as a human rights observer in Tuvalu. It plays a major role in ensuring the protection and promotion of human rights and more importantly upholding the human rights provision of the Constitution. This is done through legislative drafting, providing legal opinions and legal advice to Cabinet, the public and parliament. The Office of the Attorney-General also promotes human rights through the court system in ensuring that the perpetrators who abuse human rights are dealt with by the court and the safety of the victims and the public are reassured. The Office of the Attorney General also actively participates in advising the CEDAW Committee and CRC Task force in ensuring that human rights standards are upheld in the implementation of the conventions. It also advises different Ministries on human rights related matters namely labour, religion, employment etcetera.

16. Since 2008, the Office of the Attorney General has been actively engaged with relevant government departments on human rights promotion and facilitating the provision of revised laws with a human rights focus. The ultimate aim is to implement Tuvalu's international human rights obligations in harmony with Tuvalu's customs and tradition.

17. Furthermore, the Office of the Attorney General from time to time prepares its staff (legal) on human rights trainings and refresher courses to keep them updated with changes in human rights standards and requirements. The Office of the Attorney is also responsible for the national UPR report.

### 2. Peoples Lawyers Office

18. The People's Lawyers Office is responsible for ensuring that human rights are applied and or promoted through the court system. The Peoples Lawyers Office is responsible for the filing of cases of human rights abuses and at the same time ensures that these matters are heard in a timely manner by the court. The People's Lawyers office also provides legal advice to the public on the Bill of Rights and human rights conventions upon request. The office anticipates organizing a radio program next year to discuss issues relating to human rights and the law. The planned radio broadcast will also enable citizens living in the outer islands opportunity to be part of the discussions.

19. The office of the People's Lawyer has indicated the need to upgrade the standard of the only prison in Tuvalu and the services provided therein; specifically to proper food and access to telephones. The establishment of a female prison is crucial for the female detainee. The female prison has undergone renovation but has yet to be occupied.

20. Since 2008, the People's Lawyers Office has advised the Tuvalu community and the outer island communities on issues such as:

- right to religion;
- custody of children;

- torture police violations<sup>6</sup> and fair trial;<sup>7</sup>
- access to a fair justice system land issues;
- family law;
- unfair dismissal; and
- debt collections.

21. Since the submission of the first report the People's Lawyers office has represented clients who have reported infringements of their human rights such as the *Mase Teonea Case*. The office has also provided legal opinions and legal advice to the aggrieved church group.

### **3. Ministry of Foreign Affairs**

22. The Ministry of Foreign Affairs, Tourism, Trade, Environment and Labour have also undertaken work on human rights. At the regional level it is a member of pacific regional organisations and provides specific recommendations on development issues including human rights, gender etc.

23. The Ministry of Foreign Affairs is currently working with the ILO in improving the labour standards of both the civil servants and also its sea-fearers. The Ministry is still progressing with the implementation of the Maritime Labour Convention to protect the rights of its sea-fearers.

24. The ministry vocally participates in country community consultation on its Climate Change Policy which also relates to human rights issues and challenges relating to it. The ministry has actively participated in lobbying at the international community to prioritise Tuvalu's human rights which are affected as a result of climate change.

25. Since 2008, the Ministry of Foreign Affairs has:

- received the Special Rapporteur for water and sanitation;
- organised and assisted in the facilitation of the UPR seminar for the second round of reporting; and
- conducted in country consultation on climate change policy which includes issues such as food security, water, health.

### **4. Department of Police and Prison**

26. The police department acknowledges that there is a need to ratify the Convention Against Torture, Cruel and Inhumane Degrading Treatment, however, a cost and benefit analysis is needed alongside country consultation before ratification. Important to note is that the Bill of Rights in the Tuvalu Constitution recognises principles of the Convention. Section 19 of the Tuvalu Constitution states that no one shall be tortured or given inhuman or degrading punishment or treatment.

27. The police department plays a crucial role in enforcing the Bill of Rights if they suspect rights has been breached particularly in domestic violence cases<sup>8</sup>. The police department promotes and protects human rights in domestic violence cases by investigating the matter and enforcing the rights by prosecuting the cases. This is also articulated in the No Drop Policy<sup>9</sup>.

28. With regards to the protection of children from sexual abuse, the police officers with the Office of the Attorney General have successfully prosecuted defilement case s<sup>10</sup> with a few cases still under investigation. Further, the police department acknowledges that there is a need to improve case file management. The police department has encouraged its own

administration to manage cases in a timely manner and in accordance with the law. The delay in prosecuting cases also has a direct impact on the sentencing of cases<sup>11</sup> and in some instances the case has been struck out completely<sup>12</sup>.

#### 5. Department for Women Affairs

29. Since the last report, the Department of Women has facilitated ongoing advocacy programmes in women in decision-making, domestic violence, and gender. The Department is also planning to undertake more consultations with the people in the outer islands on the issue of women in decision-making. The Department of Women also works in partnership with the Tuvalu Business Centre by training women in basic management skills.

30. In October 2010, the Department for Women Affairs and the Attorney General's Office with assistance from regional organisation<sup>13</sup> facilitated and completed work on the 3<sup>rd</sup> and 4<sup>th</sup> CEDAW Report for the Government of Tuvalu. The CEDAW Report was accompanied by a Common Core Document.

31. One of the main gender issues in Tuvalu is gender equality in decision-making. With the assistance of UNDP, the Department of Women was able to carry out a national consultation on women in decision-making. Participants included members of Parliament, civil servants, representatives from NGOs, and the community at large. From this training, people got to understand more about the need for gender equality in decision-making at different levels of the society, especially at the Parliament level. Participants have also shown support and encouraged the national government to start the process of lobbying for more support on the issue, as well as designing temporary special measures for gender equality in the Parliament.

32. The Department of Women have also carried out referral services to women seeking assistance to issues such as domestic violence, custody, teenage children and land.

#### 6. Department for Education

33. The Department of Education is the focal point for the implementation of Convention on the Rights of the Child. Despite the challenges faced by the Department in compiling the Tuvalu State Report under CRC, in 2012 with the assistance of UNICEF, the Tuvalu CRC report was finally submitted. The Department has also launched the Tuvalu Education Strategic Plan 2012–2015. It has a component for developing a policy on inclusive education. The Department also conducted a workshop on CRC with the teachers on the capital.

### **III. Promotion and protection of human rights on the ground: implementation of international human rights obligations identified in the “basis of review”, national legislation and voluntary commitments, national human rights institutions activities, public awareness of human rights, cooperation with human rights mechanisms**

34. Although Tuvalu is not a party to the other core human rights treaties<sup>14</sup> the Government is still committed to ensuring effective monitoring of human rights situation on the ground and to meet the targets outlined in the Te Kakeega II, The National Strategy on Sustainable Development.

35. Tuvalu adheres to the United Nations Charter and the Universal Declaration on Human Rights. It has ratified two international human rights treaties: namely the

Convention on the Elimination of all forms of Discrimination against Women (CEDAW)<sup>15</sup> and the Convention on the Rights of the Child (CRC)<sup>16</sup>.

36. International treaties ratified by Tuvalu are accordingly incorporated into domestic laws. However, there are serious issues of capacity in Tuvalu to fulfill the requirements of international treaties, and to ensure consistency of domestic laws.

37. Tuvalu ratified the Convention on the Rights of the Child in 1996. With the assistance of UNICEF, Tuvalu submitted its first report on the Convention in early 2012. The delay in the submission of the CRC Report was due largely to the lack of capacity in terms of skills, knowledge and financial resources. From the public awareness programs on the Convention on the Rights of the Child, it was evident that there is need for greater and wider consultation on the Convention.

38. Tuvalu, in ensuring that it complies with its international obligations, has cooperated with specific international human rights mechanisms:

- Tuvalu agreed to a visit by the Special Rapporteur's on clean water and sanitation. Tuvalu is currently awaiting the official report from the SR before responding and making the necessary implementation arrangements.

39. Tuvalu in meeting its international human rights obligations has since the submission of the first report:

- completed both the CRC and CEDAW report; and
- completed a Common Core Document.

#### **IV. Action taken regarding recommendations arising from the first UPR round (2008)**

##### **A. Recommendations 67/1, 67/2, 67/3, 67/5: Treaty ratification and international cooperation**

40. The Government of Tuvalu is considering supporting the ratification of core human rights treaties. Discussions are currently ongoing as to which core human rights treaties are to take priority. Tuvalu is aware of the enormous responsibility attached to the implementation of human rights treaties and is therefore considering facilitating a legislative compliance of national laws before pursuing ratification of specific treaties. The government of Tuvalu has sought the assistance of the Pacific Islands Forum Secretariat with regards to facilitating a legislative compliance review before ratifying more treaties.

41. It is important to note that constraints in funding, resource availability and opportunity has hindered the progress of national stakeholders facilitating and conducting public awareness programs. This lack of funding and resource availability has also denied outer-islands the opportunity to participate actively and to support human rights awareness and programs.

42. The Government of Tuvalu is requesting international assistance from UN agencies<sup>17</sup> and regional partners<sup>18</sup> to assist in the implementation of its human rights obligations. On the 13 July 2012, the Government of Tuvalu hosted the UN Special Rapporteur on the right to safe drinking water and sanitation to examine the situation of water and sanitation in Tuvalu. The Special Rapporteur will present its findings to the UN Human Rights Council and to include recommendation for the Government of Tuvalu. This fulfils the recommendation relating to the extension of open invitation to mandate holders of the UN made by the government of Tuvalu in 2008.

43. Furthermore, the Attorney General's Office in collaboration with the Pacific Islands Forum Secretariat in partnership with other regional human rights organisations will undertake a legislative compliance review and cost benefit analysis before committing to other human right treaties.

**B. Recommendations 67/4: CRC reporting and 68/2: Incorporate fully in its legislation the provisions of the Conventions on the Rights of the Child to enhance the protection of children's rights**

44. Tuvalu ratified the Convention on the Rights of the Child in 1996. With the assistance of UNICEF, Tuvalu was able to submit its first report under this Convention on the 16 February 2012. Lack of capacity in terms of skills, knowledge and financial resources have been identified as key in the late submission of the CRC report. The need for more advocacy and awareness on the CRC has been highlighted as important and that there is a need to actively include the private sector in ongoing advocacy on the CRC.

45. Currently, there is no national policy or plan of action designed specifically for children. However, there is a National Youth Policy for youths between the ages of 15 and 34. The National Youth Policy was developed for the period 2005 to 2010. The Ministry is currently reviewing this policy.

46. Similarly, other national policies have been developed to take into account the interests of children and youth, in a manner that is consistent with the principles articulated under the Convention on the Rights of the Child. These are embedded in the Te Kakeega II (National Strategy for Sustainable Development) 2005-2015, Department of Education Strategic Plan 2006-2010, National Policy on Early Childhood Care Education 2007, and Ministry of Health Strategic Plan 2008-2018. The Government of Tuvalu has on a yearly basis allocated financial support for NACC<sup>19</sup> to assist in the implementation of its core mandates.

47. As part of its ongoing assistance to the Government of Tuvalu, UNICEF has expressed interest in providing assistance to facilitate in-country consultation including the review of laws relating to children.

48. Tuvalu has carried out various assessments on how to implement the provisions of the Convention on the Rights of the Child and is awaiting feedback and recommendations from the CRC Committee towards the implementation of the recommendations. The Government of Tuvalu, through its national CRC Taskforce, will consider and progressively realise the Committee's recommendations. The Ministry of Education, Youth and Sports is responsible for the submission of and also the implementation of the CRC State Report and its recommendations.

**C. Recommendations 67/6, 67/7, 67/8, 67/9, 68/4, Strengthening human rights institutions and international assistance**

49. At the national level, each human right treaty to which Tuvalu is a party has a National Coordinating Committee or Taskforce. The CEDAW Taskforce, has since 2009 done a lot of work on the issue of domestic violence. The CEDAW Taskforce comprises representatives from the government and civil society. Its primary role is facilitate full implementation of CEDAW.

50. The CEDAW Taskforce is currently:

- working with relevant stakeholders on formulating a model family protection and domestic violence legislation;

- monitoring the progress of Tuvalu's CEDAW report; and
- leading the advocacy on Temporary Special Measures.

51. The CEDAW Taskforce is also responsible for monitoring the progress on the writing of CEDAW State report. The advocacy and awareness programs conducted have generated interest amongst the community. In particular, there is an increasing appreciation for the necessity to have women candidates for national elections. In 2010, the Department of Women conducted a national consultation on Women in Decision-Making on Funafuti. The department is mindful of the need to extend consultations to the outer islands ensuring that the general populous is educated on issues relating to the CEDAW and more importantly the work currently carried out by government on CEDAW.

52. Tuvalu has a UPR Taskforce comprising of government and civil society representatives. A core group of the taskforce comprising the Ministry of Foreign Affairs, Attorney-General's Office and the Office of the Prime Minister oversee the compilation of the second UPR Report. The Tuvalu National AIDS Committee (TUNAC) consists of government departments and NGOs working in the area of HIV/AIDS. It has facilitated and coordinated human right works on the promotion and protection of the rights of people living with HIV/AIDS. TUNAC has a National Strategic Plan 2009-2013 which focuses on tackling/removing stigma and discrimination of people living with HIV/AIDS. TUNAC is currently in the process of lobbying for more support for a specific HIV legislation. The key objective of the proposed legislation is to promote and protect the rights of people living with HIV/AIDS.

53. The Parliament of Tuvalu enacted the *Leadership Code Act* in 2006. The Act establishes the Ombudsman Commission which consists of the (a) Chief Ombudsman who is the head of the Ombudsman Commission; (b) two other Ombudsman Commissions. The functions are (a) to inquire into any complaints or allegations of any misconduct on the part of any leader; (b) to inquire into any defects in administrative practice appearing from any matter being inquired into; (c) to inquire into any case of an alleged or suspected discriminatory practice by a leader; (d) to give prior advice on potential breaches of this code and (e) to investigate and report on any complaints of any alleged breaches of this code.

54. The Government of Tuvalu remains committed and supportive of ongoing national discussions on the potential establishment of a national human rights institution. It is also supportive of a regional human rights commission.

#### **D. Recommendation 67/10, 67/11, 67/12, 68/2, 68/5, 68/6, 68/7, 68/8, 68/9, 68/10: Legislative reforms**

##### **1. Police Powers and Duties Act 2009**

55. In 2009, Parliament passed the Police Powers and Duties Act (PPDA) which specifically mandates the Police to respond to issues concerning domestic violence. Section 40 of the PPDA makes domestic violence a criminal offence. Section 42 of the PPDA further stipulates that a Police Officer may make a Police Order if the Police Officer:

- (a) either:
  - (i) reasonably believes that:
    - a person has committed an act of domestic violence and is likely again to commit such act; or

- a child has been exposed to an act of domestic violence committed by or against the person with whom the child is in a domestic relationship and the child is likely again to be exposed to such an act; or
- (ii) reasonably fears, or reasonably believes that another person reasonably fears that:
  - a person will have committed against him or her an act of domestic violence; or
  - a child will be exposed to an act of domestic violence committed by or against a person with whom the child is in a domestic relationship; and
- (b) reasonably believes that making an order is necessary to ensure the safety of a person.

56. The PPDA also recognises that domestic violence is no longer a private issue. The PPDA grants temporary powers to the Police to protect the victim until further action can be undertaken.

## 2. Counter Terrorism and Transnational Organised Crime Act 2009

57. The Government of Tuvalu in 2009 passed the Counter Terrorism and Transnational Organised Crime Act. The purpose of the Act is to implement the UN Security Council Resolution and Conventions dealing with Terrorism and Transnational Organised Crimes, to prevent terrorism from operating in Tuvalu; and to prevent persons in Tuvalu from taking part in terrorist activities or supporting terrorism.

Furthermore, section 67 states that:

“a person must not engage in trafficking or being involved in arranging of trafficking in a person, knowing that the persons entry into Tuvalu or any other state is or was arranged by specified means.”

Section 68 protects children from being trafficked adding:

“a person must not intentionally engage in trafficking any person who is a child or be involved in the arranging of trafficking in a person who is a child, regardless of whether the child’s entry into Tuvalu or any state is or was arranged by specified means”.

Section 74 states:

“a person must not, in order to obtain a material benefit, engage in people smuggling either knowing or being reckless as to the fact that the entry of the person being or to be smuggled into the country is illegal.”

58. The Act makes breaches by individuals an offence and is liable on conviction to imprisonment not exceeding 20 years.

## 3. Constitution (Recognition of Traditional Standards, Values and Practices) Amendment Act 2010

59. In 2010, the Parliament passed the Constitution (Recognition of Traditional Standards, Values and Practices) Amendment Act. The purpose of the Act is to:

(a) protect the island communities of Tuvalu from the spread of religious beliefs which threaten the cohesiveness of island communities.

(b) to provide the powers necessary to make laws to restrict the exercise of certain constitutional freedoms, where the exercise of those freedoms is inconsistent with a law, or an act done under law, which accords with the traditional standards, values and practices of the island communities of Tuvalu.

(c) to provide legal recognition for the traditional practices of island communities to limit the establishment of religions on their islands.”

#### **4. Religious Organisations Restriction Act 2010**

60. In 2010 Parliament passed the Religious Organisations Restriction Act in 2010. The purpose of this Act is to allow people to practice their religion with respect to custom and traditions.

#### **5. Amend the Constitution to prohibit discrimination against persons with disabilities.**

61. In recognition of its commitment on the agreed recommendation, government has made the following commitment:

- pledge financial assistance and support to the Fusi Alofa<sup>20</sup> Tuvalu;
- integrate special needs education for people with disabilities for 2013 to 2015 under the National Sustainable Development Plan - Action Plan 2015<sup>21</sup>;
- ensure budgetary provisions of \$53,000 for medical assessment on people with disability and \$80, 000 in 2011<sup>22</sup> and \$40,000 in 2012, for the development of the National Disability Policy<sup>23</sup>. Tuvalu however lacks the capacity and is seeking external assistance from relevant regional organization to facilitate the development of the National Disability Policy;
- develop a National Policy on Disability with the assistance of Pacific Islands Forum Secretariat and regional partners, to enhance the development of a National Disability Policy<sup>24</sup>;
- the Ministry of Education in its Tuvalu Education Strategic Plan 2011-2015 has integrated inclusive education.<sup>25</sup>

#### **6. Family Protection and Domestic Violence Bill**

62. In 2009, the Ministry of Home Affairs partnered with SPC/RRRT to enhance national response to the issue of violence against women. The issue was brought to the CEDAW National Taskforce for deliberation and agreed to give it more attention. The Country Focal Officer SPC/RRRT facilitated a literature review which comprised of the analysis of court cases and research on violence against women<sup>26</sup>. The findings of the review showed that domestic violence was the main form of violence against women<sup>27</sup>. Following national consultations a proposed law was developed to deal with the issue of domestic violence. At the time of writing the report the Bill, known as the Family Protection and Domestic Violence Bill (FPDV Bill), is now awaiting community consultations<sup>28</sup> (rural areas) before resubmission to Cabinet for consulting and tabling in parliament. The purpose of the FPDV Bill is to:

- provide for greater protection from violence within any domestic relationships;
- clarify the duties of the Police and other law enforcement agencies in regards to domestic violence;
- introduce protection orders and other measures to reduce and prevent violence, promote the safety and wellbeing of victims of violence,
- hold perpetrators accountable;
- provide for maintenance upon separation; and
- comply with State obligations under the CEDAW and CRC.

## 7. Improve the implementation of the law on granting asylum

63. The government of Tuvalu acknowledges that due to the zero level of asylum seekers in Tuvalu, the practical constraint of carrying capacity of small island states and the lack of financial means available, Tuvalu was not able to develop its law and policy on this area. The Government of Tuvalu will take note of this recommendation and make necessary amendments when asylum becomes an issue in Tuvalu and the need for reform arises.

64. Features of Tuvalu's legal framework, which incorporates customary law but excludes those precepts which may be perceived as violations of human rights, and which always give precedence to the interpretation of law that is compatible with the international obligations be singled out as good practices in the field of human rights.

65. This report recognises the belief that custom and culture play a very crucial role in maintaining peace in the society. Whereas human rights are protected in the Constitution, it is imperative that the enjoyment of one's right does not conflict the customs and the culture of the community. It is this way of life that links the people together and making them live peacefully with each other. Therefore, people feel that there should be community right and this should prevail over individual human right.

### E. Legislation currently under review

66. The Government of Tuvalu in partnership with Pacific Islands Forum Secretariat and the New Zealand Human Rights Commission, are currently reviewing the Education Act to be more human rights compliant. The partnership aims at implementing the Convention on the Rights of the Child particularly that relating to the right to education in laws and policies.

67. Furthermore, the Ministry of Home Affairs is also conducting a review of the Falekaupule Act in order to allow women and youths to vote in the Kaupule (local government council) on budgetary matters.

### F. Recommendation 67/13: Convene Court of Appeal

#### *Case of Teonea v Kaupule*

68. Recognizing the recommendation 67/13, the government of Tuvalu convened the Court of Appeal on the *Teonea v Kaupule*. The Case of *Teonea v Kaupule* was heard on the 8<sup>th</sup> and 9<sup>th</sup> of September 2009. The judgment in this case was handed down on the 4<sup>th</sup> November 2009. This appeal case concerned Constitutional challenges to the resolutions of the Nanumaga Falekaupule made in November 2001, June 2003 and July 2003 under sections 23, 24, 25 and 27 of the Constitution which respectively relate to freedom of belief, freedom of expression, freedom of assembly and association and freedom from discrimination. The case also considered section 29 of the Constitution which includes a special exception to restrictions on the right to freedom of belief where it is necessary for the protection of Tuvaluan values.

69. The Court of Appeal held by 2:1 against that the resolutions of the Falekaupule which prohibited the establishment of new religions on Nanumaga is contrary to the Constitution.

70. The Court of Appeal further ruled that those resolutions of the Falekaupule which have general application are customary laws under the Laws of Tuvalu Act and are required to comply with the Constitutional limits for the protection of fundamental rights and freedoms. Falekaupule resolutions (of general application) are consequently legally

binding and enforceable through the Courts, but are invalid to the extent of inconsistency with the Constitution.

**G. Recommendation 67/14: Promotion of human rights**

71. In terms of public awareness, the Ministry of Home Affairs, Department of Women, Police and the National Council of Women have, since 2009, used the International Women's Day and the White Ribbon's Day to advocate for more support to eliminate all forms of violence against women, in particular domestic violence. The relevant partners have contributed to awareness on radio programs on the issue of domestic violence. The Police Department has also conducted awareness programs with schools through the assistance of the New Zealand PPDVP as well as facilitating police training and in particular helping the Tuvalu Police keep a database on domestic violence.

72. The Offices of the People's Lawyer, Police and the Office of the Attorney-General have also extended assistance to victims of domestic violence through the provision of legal representation and opinion. Cabinet has also mandated that the Office of the Attorney-General takes the Bill to all island communities for consultation.

73. The issue of amending the Constitution to specifically provide for freedom from discrimination on the ground of sex or gender continually features in ongoing government debates. The proposed amendment to the Falekaupule Act mentioned above is one of the strategies employed to allow people to accept the notion of equality between men and women.

**H. Recommendation 67/15: Climate change**

74. In 2008, the Environment Department prepared the National Adaptation Program of Action (NAPA) which is an obligation of least developed countries under the UN Framework Convention on Climate Change (UNFCCC). Since the submission of the first report, the Environment Department under the office of the Foreign Affairs has established a NAPA (National Adaptation Program of Action) Project to oversee the effects of climate change and its impacts on Tuvalu. NAPA was established in February of 2010 to 2014 with the assistance of GEF (Global Environment Fund).

75. Since its establishment, NAPA has targeted three main areas of implementation these are: (i) coastal areas including food security and home gardening on all the islands, (ii) agriculture and (iii) water. The three focal areas address the deficiency issues of food security, accessibility to fresh and safe water, to better the agricultural standards on some of the islands and managing fishing grounds to provide the community with adequate food source.

76. In 2009, as part of its reporting obligation under the UN Convention on Biodiversity, Tuvalu also reported the impacts of climate change on biodiversity, especially with marine species as the people of Tuvalu depend mainly on the sea for food supply. Coral bleaching, ocean acidification and depletion of fish stocks pose a great risk to Tuvalu's food supply as most people live a subsistence way of life that revolves around the marine environment.

77. The NAPA Project has provided households on Nanumea with 60 water storage tanks for agricultural purposes. Additionally, EDF (European Development Fund) and Save the Children has also assisted Tuvaluan household by providing plastic water tanks for safe water catchment and storage. The NAPA project has also assisted in building water cisterns on Nanumea to address the issue of water shortage.

78. NAPA has also conducted awareness raising programs on each island and has assisted in broadening the awareness to their respective communities. In addition, NAPA

has successfully undertaken the coastal protection programs on all islands by planting mangroves on shores to prevent further coastal erosion. AusAid has provided assistance in building nurseries for the planting of mangroves before transplanting them to the coastal areas which are more prone to erosion.

79. NAPA has also trained teachers on Funafuti and the outer islands and has also streamlined climate change in the educational curriculum. NAPA is also responsible for the GIS (Geographical Information System) on each island. This pin-points the actual progress of the work done by locating home gardens, swamp taro pits, water storage facilities and buildings on a clear satellite view.

80. In 2010, NAPA hosted an outer-island consultation to identify priorities of each islands and to plan the implementation of these priorities. The targeted participants were Kaupule members, Community leaders and members, women and youth. A gender component of women and youth was formed to establish a Steering Technical Group. With its ongoing progress, NAPA has also faced challenges and constraints which have slowed or hindered the rapid progress of the Project.

81. Some identified challenges are the (i) accessibility and availability of the funds to procure materials for project development, (ii) the complicated process of the UN system in accessing these funds, (iii) the unavailability of materials for the progress of the projects, (iv) the poor management within the internal system in authorising payments in order to make payments for the purchasing of project materials and (v) the slow process of staff recruitment are some of the challenges faced by the project in implementing the climate change adaptation and risk management actions.

82. Tuvalu is also supporting negotiations for a Convention on loss and damage which deals with compensation for countries affected by extreme weather and slow onset like sea-level rise and ocean acidification. The Department of Environment has also prepared a draft Convention on loss and damage and has also used it as a lobbying tool on climate change. The lack of support from other countries, especially developed countries on this issue is one of the many challenges faced by Tuvalu in its advocacy campaign on climate change and its impact on small island states.

83. In 2011, the Environment Department with partners at the national and regional level started consultations for a climate change policy which included visiting outer islands to collect and collate information relevant for the proposed policy. In order to verify the information gathered, community leaders, women and youths were invited to participate in the National Climate Change Summit. The said policy was finally endorsed in 2012 and it is the basis of the work on climate change issues in Tuvalu. Beside the Climate Change Policy, an Action Plan to implement the policy was also drafted and endorsed together with the policy in early 2012. One of the significant issues of the Action Plan is the avoidance of duplication of activities in the country.

84. Furthermore, in 2011 Tuvalu was declared a state of emergency due to a long drought period. As a result, the projects after the drought focused more on the country's high vulnerability to water shortage and low capacity to deal with it.

85. The Department of Environment has also shared that implementation of the Environment Protection Act<sup>29</sup> is very difficult due to budget cuts from the national government, so they rely more on outside funding. The Department of Environment has also been vocal in lobbying at the international level for a 2<sup>nd</sup> commitment period after Kyoto Protocol. The Department also has ongoing partnership with the Lands & Surveys Department in terms of the UN Convention to Combat Desertification. This partnership involves geographical surveys from maps to determine the amount of land loss from coastal erosion, the destruction of natural environments for development purposes, and technical assessment in terms of proposed plans and awareness programs.

86. At the national level, the Department often celebrate International Environment Day/Week – using the opportunity to raise public awareness to capture various issues affecting the environment, for example, climate change, water, health, sanitation, etc. However, funding for these celebrations usually come from the private sector and SPREP. Some of the challenges currently faced by the Department of Environment are:

- national budget allocations is inadequate to sustain activities and
- staff turnover within the department.

**I. Recommendation 67/16: Education sector**

87. The Education Ministers of the Pacific Islands Forum (Tuvalu is member) March 2009 endorsed the Pacific Education Development Framework (PEDF) 2009 – 2015. Tuvalu was one of the 16 pacific island countries represented at the Forum. One of the guiding principles and values of the Pacific Education Development Framework is education as a human right.<sup>30</sup>

88. In line with the National Sustainable Development Strategy Plan 2005-2015 and the Pacific Education Development Framework, the Education Department created its Tuvalu Education Strategic Plan II, (TESP II) 2011-2015, with technical assistance from the Pacific Islands Forum Secretariat. In accordance with its TESP II, 2011-2015, Tuvalu Government through the Ministry of Education have undertaken preliminary works, with technical assistance from the Pacific Islands Forum Secretariat, for the revision of the Education Act.

**J. Recommendation 67/17: Partnership with civil society**

89. The Incorporation of Non – Governmental Organisations Act 2007 regulates the formation and incorporation of non – governmental organizations in Tuvalu for any lawful purpose but not for pecuniary gain or profit and for other connected purposes.<sup>31</sup> Section 3 of the Act provides for the incorporation of an association or organization for any lawful purpose but not for pecuniary gain or profit may make an application to the Registrar in accordance with the Act.<sup>32</sup> Section 8 of the Incorporation of Non – Governmental Organizations Act provides that there should be a registered office of an NGO at a physical place to which all communications may be addressed.<sup>33</sup> Section 9 provides for the registration of members of an NGO.<sup>34</sup>

90. Once registered and issued with a certificate of incorporation it conclusive evidence that all statutory requirements regarding registration have been complied with, and therefore the NGO is authorised to be registered and has been registered accordingly under the Act.<sup>35</sup>

91. Currently Fusi Alofa and TANGO<sup>36</sup> are the two legally registered NGO under the Incorporation of Non Governmental Organizations Act. In relation to public awareness of human rights and related issues, the Ministry of Home Affairs, Department of Women, Police and the National Council of Women have, since 2009, used the International Women’s Day and the White Ribbon’s Day to advocate for more support to eliminate violence against women, particularly domestic violence.

92. Persevere along its path and ask international community to provide all the technical and financial support needed by Tuvalu during this process, particularly for the setting up of a national human rights institution in conformity with the Paris Principles; continue its efforts to harmonize national legislation with international human rights instruments; continue awareness raising and dissemination of human rights principles among the population at large; and conduct human rights training for officers responsible for law enforcement.

93. In relation to the issue of capacity building (for the Tuvalu Police Force (officers)), the New Zealand Police is actively working on the capacity building training of Police officers on human rights and domestic violence. With the Police taking an active role in the campaign to eliminate violence against women, people have started to report domestic violence cases to the Police. The Police Department now has an up-to-date database on domestic violence.

94. At the time of writing this report, the Tuvalu and New Zealand Police Force have indicated plans on extending their public awareness programs on domestic violence to those in the outer islands. They have also indicated willingness to include schools in their domestic violence programs. The Tuvalu Police Force (with the assistance of the New Zealand Police) first started commemorating the 16 days of activism on the elimination of violence against women, since 2009.

95. In 2008, the Attorney-General's Department of Australia has provided assistance to the Government of Tuvalu in drafting the Police Powers and Duties Act to include specific powers to deal with domestic violence matters. The Act also empowers Police officers to issue orders to offer temporary protection for victims of domestic violence until further assistance is sought.

96. The Office of the Speaker to Parliament in 2012 conducted an Induction Workshop for Members of Parliament, with the assistance of UNDP, Australian government, and other partners<sup>37</sup>. The consultation focused on issues such as human rights and good governance for parliamentarians.

97. The Ministry of Home Affairs, with assistance from UNDP, NZAID and other partners, also conducted workshops in the outer islands on local elected leadership as well as strengthening local governance. In 2010, the Ministry of Home Affairs hosted the Island Leaders Assembly (TILA), a meeting for traditional leaders. This resulted in increased support for the development of specific legislation and policies on the issues of gender discrimination in the Falekaupule and Kaupule administration.

98. Issues relating to domestic violence and the rights of persons with disabilities also received the support from Kaupule and Falekaupule leaders. From these outer island consultations the Ministry of Home Affairs was able to draft an amendment to the Falekaupule Act in order to allow women to participate in the Kaupule budgetary processes. Furthermore, the traditional leaders from the eight islands of Tuvalu who attended the *Tuvalu Island Leaders Assembly* in 2010 also agreed to support legislation to eliminate violence against women.

99. In 2009, the Ministry of Home Affairs, in partnership with SPC, facilitated human right awareness programs on domestic violence, rights of persons with disabilities and rights of people living with HIV/AIDS. Human rights training were also facilitated for community paralegals on family law, corruption and human right treaties. Some of the community paralegals from these trainings have used the knowledge and the skills to help others in their work and families.

100. The National AIDS Committee (TUNAC<sup>38</sup>) has contributed immensely to supporting the rights of people living with HIV/AIDS. This has led to the creation of the National Strategic Plan 2009 – 2013 on HIV and other STI's. This has also led to the development of a HIV legislation addressing issues such as stigma and discrimination of people living with HIV/AIDS. TUNAC members have conducted public awareness programs on Funafuti and over the radio for those living in the outer islands. The Tuvalu Family Health Association also extended HIV/AIDS awareness programs to outer islands.

101. The promotion of the rights of people with disabilities was highlighted as a concern that needed addressing by the Government of Tuvalu. In 2009, the Fusi Alofa Association

Tuvalu (FAA) was established with the assistance of the Pacific Disability Forum. In partnership with national development actors and offices<sup>39</sup> Fusi Alofa has implemented awareness programs on the rights of people with disabilities. On 3<sup>rd</sup> December 2012, the organisation received its registration certificate from the Ministry of Home Affairs. At the time of the writing of this report the Ministry for Home Affairs has allocated a grant of \$5,000 to the Association.

102. In addition to the above, the organisation has established a formal school to help educate children with special needs and who cannot attend formal school. It has also lobbied for more support from the Education Department in terms of the education of children with disabilities. The Education Department in 2012 endorsed its Education Policy which is inclusive of children with disabilities.

## **V. Achievements, best practices, challenges and constraints**

103. The Government of Tuvalu recognises the progress that has been made in relation to meeting its human rights commitments and obligations. Some of the more notable achievements include:

- completion of the CRC Report;
- completion of the CEDAW Report;
- completion of the Common Core Document;
- visit of Special Rapporteur on clean water and sanitation to Tuvalu;
- support for the ratification of the CRPD;
- mandatory inclusion of gender in government planning; and
- visibility of Tuvalu's climate change issues in the international arena.

104. This report also recognises the constraints and challenges on the implementation of its human rights obligation and in particular the agreed recommendations from the UPR HRC constructive dialogue in 2008. Central to this are challenges and constraints including

- lack of internal capacity;
- lack of financial support;
- lack of human resource; and
- lack of understanding and interest of the UN Human Rights Conventions.

## **VI. Key national priorities and initiatives and commitments that the State concerned has undertaken and intends to undertake to overcome those challenges and constraints and improve human rights situations in the State**

105. The Government of Tuvalu uses the Te Kakeega II (National Strategic Development Plan) to matters to be undertaken or intended to be undertaken by the government. Listed below are some of the key national priorities identified in the National Strategic Development Plan, they are:

- establish Ombudsman's Commission;
- promote gender equality;

- expand the role of women in development;
- promoted traditional knowledge and culture;
- mitigate climate change agricultural impacts;
- minimize climate change impacts; and
- safe drinking water.

106. Additional priorities identified by the government of Tuvalu as needing further attention are highlighted in the TK II Mid Term Review. Listed below are some additional priorities that the government of Tuvalu is considering implementing:

- highest health standard attainable;
- improve housing availability;
- promote gender equity and expand the role of women in development;
- increase the participation in sports;
- local governance and community development;
- review of labour related legislation; and
- education opportunities for all.

107. The Government of Tuvalu requests technical and financial assistance from regional and international development partners towards the implementation of the identified key national priorities. Furthermore, the Government of Tuvalu fully intends to work with national partner on the dissemination and implementation of the above mentioned key priorities. The government of Tuvalu acknowledges the continuing support from CSO's and NGO's in the achieving and awareness raising of these goals.

## **VII. Expectations of the State concerned in terms of capacity building and requests, if any, for technical and support received**

108. The government of Tuvalu is appreciative of the support that has been received from partners and organizations on the implementation of its human rights obligations. The government of Tuvalu is further requesting the international community for additional technical and financial assistance towards the recognition and implementation of its human rights obligations.

109. Technical support and capacity building initiatives by partners on human rights issues have been ongoing. The government of Tuvalu has benefited from the technical assistance from the Office of the High Commissioner for Human Rights (OHCHR), Pacific Islands Forum Secretariat (PIFS), Secretariat of the Pacific Community (SPC), United Nations International Children's Fund (UNICEF), United Nations WOMEN (UN WOMEN), International Labour Organisation (ILO), Integrated Water Resource Management (IWRM), Pacific Adaption to Climate Change (PACC), United Nations Family Population Fund (UNFPA), United Nations Development Programme – Multi Country Office (UNDP MCO), United Nations Development Programme Pacific Centre (UNDP Pac Centre) for the assistance provided in the implementation of key priorities area.

## VIII. Voluntary commitments

110. The government of Tuvalu commits to continuing and completing work on the implementation of the key priorities identified under the Te Kakeega II, National Strategic Plan. Furthermore, Tuvalu commits to working with partners nationally, regionally and internationally to implement its human rights obligations.

## IX. Conclusion

111. The Government of Tuvalu regards its second report as complementing the recommendations and plans to strengthen and protect the human right that was initiated when its first report was adopted. The government of Tuvalu will work to cooperate with the OHCHR, PIFS, and SPC in building capacities, training, and exchanging human rights expertise with neighbouring Pacific island countries.

112. The Government of Tuvalu calls on the international UN agencies and donors alike to assist in progressing its human rights obligations through technical and financial assistance.

### Notes

- <sup>1</sup> The recommendations given to Tuvalu to consider : (1) work towards reaching the human rights goals set by the Council in its resolution 9/12 and to strengthening its public policy guaranteeing the rights of the child, with special attention to children without parental care; (2) incorporate fully in its legislation the provisions of the CRC to enhance the protection of children's rights; (3) continue cooperation with OHCHR with a view to making necessary improvements in the fields of legislative reform on the punishment of sexual abuse of children, land and family laws, and the establishment of a national human rights commission and a human rights office; (4) consider appointing an Ombudsman with responsibility for investigating alleged violations of human rights as a short term measure; (5) amend the Constitution to prohibit discrimination against persons with disabilities; (6) eliminate and legislation that has discriminatory effects against women...; (7) penalize rape, whoever is responsible, including marital rape; (8) reform the penal code to cover offences such as sexual abuse against minors and to eliminate corporal punishment; (9) improve the implementation of the law on granting asylum; (10) Features of Tuvalu's legal framework, which incorporates customary law but excludes those precepts which may be perceived as human rights violations, and which always give precedence to the interpretation of law that is compatible with the international obligation, be singled out as good practices in the field of human rights.
- <sup>2</sup> The UPR Team is part of the UPR Taskforce. It is a core group of members from the UPR Taskforce designated to put the report together.
- <sup>3</sup> The Leadership Code was enacted in 2006 and is expected to be fully implemented for 2013.
- <sup>4</sup> The Public Enterprises (Performance and Accountability) Act 2009 deals with governance issues relating to transparency and accountability of Directors of Public Corporations.
- <sup>5</sup> The Draft Tuvalu National Youth Policy is awaiting Cabinet endorsement before it becomes fully effective.
- <sup>6</sup> R v Tima Teokila [2008] In this case, the accused was handcuffed to part of the radio tower where members of the public abused, threatened and assaulted the accused resulting in the accused sustaining injuries, [and the accused raped a 6 year old girl] I suggest taking out this reference. There are better cases dealing with police brutality etc but not this one.
- <sup>7</sup> R v Fatonuga Penivao [2012] in this case, the Chief Justice stayed the prosecution due to unreasonable delay in prosecuting the case.
- <sup>8</sup> *Police Powers and Duties Act 2010*.
- <sup>9</sup> The objective of the No Drop Policy is to ensure that sexual abuse case on children and women is given priority and it ought to be prosecuted in a timely manner. The Policy aims to prosecute such cases despite the traditional plea from the accused and his family to withdraw the case.

- <sup>10</sup> R v Pita Makapi (2012); R v Setaga (2009) ; R v Teokila (2008); R v Mono Temalie (2012).
- <sup>11</sup> R v Sione Setaga (2009).
- <sup>12</sup> R v Fatonuga Penivao (2012).
- <sup>13</sup> Pacific Islands Forum Secretariat , UN Women, SPC RRRT Country Focal Officer.
- <sup>14</sup> International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of all forms of Racial Discrimination, Convention against Torture and other Cruel and Inhumane Degrading Treatment , Convention on the Protection of the Rights of All Migrant Workers and their Families, International Convention for the Protection of All Persons from Enforced Disappearance.
- <sup>15</sup> 1999
- <sup>16</sup> 1996
- <sup>17</sup> OHCHR, UNICEF, UN Women, UNDP Pacific Centre, UNDP Multi Country Office (Pacific) etc.
- <sup>18</sup> PIFS, SPC RRRT.
- <sup>19</sup> National Advisory Committee for Children.
- <sup>20</sup> Fusi Alofa is the only disabled peoples organisation in Tuvalu. It is also a full member of the Pacific Disability Forum.
- <sup>21</sup> Te Kakeega II Mid-Term Review: Action Plan 2015.
- <sup>22</sup> 2011 National Budget Program Estimates.
- <sup>23</sup> 2012 National Budget Program Estimates.
- <sup>24</sup> Tuvalu Statement Report , Ministerial Meeting PNG.
- <sup>25</sup> Tuvalu Education Strategic Plan 2011-2015.
- <sup>26</sup> The Country Focal Officer SPC is based with the Ministry of Home Affairs under the Office of the Prime Minister.
- <sup>27</sup> Interviews with women in Tuvalu suggest that there is a need for more research, analysis and survey including sex aggregated data on violence. Physical and verbal abuse remains the prevalent form of domestic violence.
- <sup>28</sup> Nanumea, Nanumaga, Niutao, Nui, Vaitupu, Nukufetau, Funafuti, Nukulaelae.
- <sup>29</sup> The general objective of the Act includes: (a) to coordinate the role of government in relation to environmental protection and sustainable development; (b) provide a mechanisms for the development of environmental policy and law; (c) to promote a clean and healthy environment for Tuvaluans; (d) to prevent, control, monitor and respond to pollution; (e) to promote public awareness and involvement in environmental issues and the preservation of the local traditional practices, culture and identity as it relates to the environment; (f) to facilitate compliance and implementation of obligations under any regional and international environmental natural resource agreements or Conventions to which the government of Tuvalu has ratified or acceded to; (g) to facilitate sustainable development with respect to the management of the environment and natural resources; (h) to facilitate the assessment and regulation of environmental impacts of certain activities; (i) to promote the conservation and where appropriate sustainable use of biological diversity and the protection and conservation of natural resources on the land in air and in the sea; (j) to reduce the production of waste and to promote the environmentally sound management of all disposal waste.
- <sup>30</sup> Pacific Education Development Framework 2009-2015.
- <sup>31</sup> Incorporation of Non-Governmental Organizations Act 2007.
- <sup>32</sup> Incorporation of Non-Governmental Organizations Act 2007.
- <sup>33</sup> Ibid.
- <sup>34</sup> Ibid.
- <sup>35</sup> Ibid.
- <sup>36</sup> Tuvalu Association of Non Government Organisation.
- <sup>37</sup> 30 March – 2 April 2012.
- <sup>38</sup> TUNAC – Tuvalu National Aids Committee.
- <sup>39</sup> With Tuvalu Red Cross Society, SPC/RRRT, Social Welfare/Community Affairs, and Health Department.