

Responses to Recommendations

TUVALU

Review in the Working Group: 11 December 2008
 Adoption in the Plenary: 20 March 2009

Tuvalu’s responses to recommendations:

In the Report of the Working Group:	In the Addendum:	During the plenary:	Recommendations pending responses:	Summary:
17 REC accepted; 2 rejected; 10 pending	No addendum	The delegation accepted the 10 pending REC	None	Accepted: 27 Rejected: 2 No clear position: 0 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/10/84:

“67. The recommendations formulated during the interactive dialogue have been examined by Tuvalu and the recommendations listed below enjoy the support of Tuvalu:

- 1. Ratify human rights treaties to which Tuvalu is not yet a party (Brazil); ratify, in particular, the International Covenant on Economic Social and Cultural Rights and the International Covenant on Civil and Political Rights (Switzerland, Italy); ratify core international human rights instruments, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Canada); give positive consideration, as a matter of priority, to ratification of at least the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Mexico); consider ratifying other key treaties, particularly the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Slovenia); sign the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Australia); sign and ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as soon as possible (France);
- 2. Consider the possibility of acceding promptly at least to the main international instruments, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination (Algeria); ratify the Convention against Torture (Switzerland);

- 3. Make good use of technical assistance from OHCHR to ratify expeditiously several major human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and the International Convention on the Elimination of All Forms of Racial Discrimination (Japan);
- 4. Meet its reporting obligations under the Convention on the Rights of the Child (United Kingdom);
- 5. Extend a standing invitation to human rights special procedures (Mexico); issue a standing invitation to all special procedures (Czech Republic); consider extending a standing invitation to all special procedures of the Council (Latvia);
- 6. Effectively strengthen its human rights institutional framework and further promote concrete programmes to raise awareness of human rights (Czech Republic);
- 7. Establish a national human rights institution in accordance with the Paris Principles (France); call on the international community to offer very much needed technical assistance to Tuvalu as stipulated and outlined in paragraph 77 of the national report and to address the call by Tuvalu for technical assistance in the establishment of a human rights institution (Zambia);
- 8. Build a national commission for human rights and a human rights office in the country, and provide human rights education programmes and awareness-raising activities, calling upon the international community to consider technical assistance and financial support (Brazil);
- 9. Persevere along its path and ask the 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 (Morocco);
- 10. Prioritize necessary reforms to modernize legislation and eliminate all forms of discrimination (United Kingdom);
- 11. Keep working in cooperation with OHCHR on the theme of the upcoming Review Conference on racism, racial discrimination, xenophobia and related intolerance as it enters the final phase of its preparatory process (Brazil);
- 12. Develop a comprehensive strategy to reduce domestic violence in Tuvalu, including by raising public awareness of the issue and identifying ways to combat such violence (New Zealand); implement effective means to ensure greater public awareness of the issues of domestic violence and gender discrimination and encourage greater involvement of Government agencies and civil society in efforts to address these issues (Australia);
- 13. Convene the Court of Appeal in the interest of addressing the pending appeal to the High Court ruling of 2005 on the case of *Teonea v. Kaupule* (Canada);
- 14. Continue actions and efforts to promote and protect human rights effectively on the ground and towards achieving the objectives set out in its national strategy for sustainable development (Cuba);
- 15. Step up efforts on raising the awareness of the population of the impact of climate change and involve the population more in the decision-making process in mitigating and adapting to the consequences of such changes (Switzerland); continue to play an active role in promoting international cooperation to combat climate change (Philippines); continue to engage with the international community, particularly the major emitting countries of the developed world, many of whom are States members of the Council, working with them in order to protect the human rights of Tuvaluans by securing significant global reductions in greenhouse gas emissions (Maldives); participate in discussions in the Council, scheduled for March 2009, on the relationship between human rights and climate change, in order to send a strong message to the parties to the United Nations Framework Convention on Climate Change on the importance of reaching an effective and workable global agreement on climate change mitigation and adaptation (Maldives);

- 16. Accord appropriate attention to the education sector in the medium and long term as the only way to correct the lack of human resources and institutional capacities in the country (Algeria);
- 17. Work with civil society on follow-up to the review (United Kingdom).

“68. The following recommendations will be examined by Tuvalu, which will provide responses in due time. The response of Tuvalu to these recommendations will be included in the outcome report to be adopted by the Council at its tenth session:

- 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 (Brazil);
- 2. Incorporate fully in its legislation the provisions of the Convention on the Rights of the Child to enhance the protection of children’s rights (Italy);
- 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 (Turkey);
- 4. Consider appointing an Ombudsman with responsibility for investigating alleged violations of human rights as a short-term measure (New Zealand);
- 5. Amend the Constitution to prohibit discrimination against persons with disabilities (New Zealand);
- 6. Eliminate any legislation that has discriminatory effects against women, implement the relevant recommendations of the Committee on the Elimination of Discrimination against Women, and introduce a gender-specific dimension to the anti-discrimination provision of the Constitution (Switzerland); continue to strengthen measures to promote the equal rights of women and to counter discrimination (Philippines); adopt a law that prohibits discrimination on the basis of gender (Netherlands); amend the Constitution to include freedom from discrimination on the grounds of sex (New Zealand); incorporate in its legislation, at all levels, including at the level of the Constitution, provisions banning discrimination on the grounds of sex and gender (Mexico); stay strongly committed to the topic and further discussion leading to an amendment of the Constitution prohibiting discrimination based on sex and gender (Germany); establish equality between the sexes in the Constitution and take all necessary measures to counter gender-based discrimination (France);
- 7. Penalize rape, whoever is responsible, including marital rape (France);
- 8. Reform the Penal Code to cover offences such as sexual abuse against minors and to eliminate corporal punishment (Mexico);
- 9. Improve the implementation of the law on granting asylum (Netherlands);
- 10. That 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 (Mexico).

69. The recommendations noted in the report in paragraphs 31(b) and 50 (a) above did not enjoy the support of Tuvalu.”

- Paragraph 31(b) (Czech Republic): “Recommended the decriminalization of consensual same-sex activity between adults and the adoption of measures to promote tolerance in this regard, which would also facilitate more effective educational programmes for the prevention of HIV/AIDS.”
- Paragraph 50(a) (Canada): “To continue to combat discriminatory societal behaviours, including by working at reforming domestic laws, in particular land and family laws, which require amendments in

order for Tuvalu to in compliance with the Convention on the Elimination of Discrimination against Women.”

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