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## Draft report of the Working Group on the Universal Periodic Review<sup>1</sup>

### Tuvalu

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<sup>1</sup> The final document will be issued under the symbol A/HRC/24/8. The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its sixteenth session from 22 April to 3 May 2013. The review of Tuvalu was held at the 6<sup>th</sup> meeting on 24 April 2013. The delegation of Tuvalu was headed by Ms. Eselealofa Apinelu, Attorney General. At its 10<sup>th</sup> meeting held on 26 April 2013, the Working Group adopted the report on Tuvalu.
2. On 14 January 2013, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Tuvalu: Islamic Republic of Mauritania, Republic of Korea and Republic of Estonia.
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Tuvalu:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/16/TUV/1);
  - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/16/TUV/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/16/TUV/3).
4. A list of questions prepared in advance by the United Kingdom of Great Britain and Northern Ireland, The Netherlands, Slovenia, Mexico, Montenegro, Liechtenstein and Spain was transmitted to Tuvalu through the troika. These questions are available on the extranet of the UPR.

## 1. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. At the 6<sup>th</sup> meeting, on 24 April 2013, H.E. Ms. Eselealofa Apinelu, Attorney General, presented the national report and made an opening statement. She affirmed Tuvalu's commitment to the Universal Periodic Review and expressed appreciation to those who had provided support in the preparation of the State report.
6. The Head of the Delegation started her intervention by referring to the specific vulnerabilities that Tuvalu, as a small island State, had to face, namely the threat of the adverse impacts of climate change and sea level rise, as well as the lack of capacity. The impact of globalization was overwhelming and the global financial crisis, together with the physical and social characters of the country, had seriously undermined Tuvalu's ability to provide essential services to its people. The continuing loss of vital land, destruction of food crops and contamination of the ground water supply by seawater intrusion were everyday challenges that affected the competing interests and priority needs of the Government and that seriously undermined Tuvalu's capacity to protect fundamental human rights and to particularly fully implement the economic, social and cultural rights.
7. The Attorney General also stated that Tuvalu's cultural traditions and its community interests preserved harmony and peace in the country and influenced the behaviour of society and the management of the island community. To that extent, governance was assured through the '*falekaupule*', the traditional house of the island chiefs and elders.
8. Despite the above-mentioned situations, Tuvalu expressed its commitment to protect human rights and to meet its obligations on human rights while noting that many

commitments were dependent on the availability of financial and technical resources. In that regard, the advantages of the UPR process were welcomed, particularly the fact that it allowed Tuvalu to take stock of the human rights' protection and it permitted the Government to inform the international community of its human rights situation and to engage with other countries regarding the improvement of human rights.

9. With the aim of answering the advance questions received, the Head of the Delegation explained that, despite the fact that Tuvalu had not fully implemented all the supported recommendations of the last review, it had addressed human rights matters of significant relevance for the country, by mainly using the Te Kakeega II (National Strategic Development Plan). Some of the key national priorities identified in the National Strategic Development Plan were: education, health, establishment of the Ombudsman's Commission, gender equality promotion, expansion of the women role in development, youths' participation in sports, promotion of traditional knowledge and culture, local governance and community development, revision of labour related legislation, access to safe drinking water, housing availability and mitigation of climate change agricultural impacts.

10. She also highlighted some progresses made related to Tuvalu's human rights commitments, such as the reporting to the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women; the support of the visit of the Special Rapporteur on the human right to safe drinking water and sanitation; the support of the ratification of the Convention on the Rights of Persons with Disabilities; the accession to the Rome Statute of the International Criminal Court; the inclusion of gender in government planning; and the visibility given to climate change issues.

11. Tuvalu noted, however, several challenges and constraints in the implementation of recommendations and of the overall human rights commitments, mainly the funding constraints, the resource availability and the opportunity, which denied the outer-islands the opportunity to participate actively. The impacts of climate change and sea level rise; the lack of internal capacity, of financial support, of human resources and of understanding on the UN human rights conventions, were likewise recognized as constraints to implement the UPR recommendations.

12. Tuvalu mentioned that its plans for implementing the recommendations of the Special Rapporteur on the human right to safe drinking water and sanitation will be finalised upon receiving the final report from the Special Rapporteur. However, the Government was working to ensure a priority to access to safe drinking water and sanitation facilities.

13. Tuvalu reported that the Government was considering supporting the ratification of core human rights treaties but discussions were on-going given the country's capacity constraints and the responsibility attached to the implementation of such treaties.

14. Likewise, regarding the questions received on legislative compliance, the Government was seeking financial and technical assistance from the international community. In that regard, with the assistance of the Pacific Islands Forum Secretariat, Tuvalu was considering facilitating a legislative compliance review of national laws and a cost benefit analysis before ratifying specific treaties. The Delegation however reiterated that the Government had already endorsed accession to the Rome Statute of the International Criminal Court.

15. On women's rights and traditional practices, the Attorney General stated that domestic violence was the main form of violence against women in Tuvalu. The CEDAW National Taskforce was giving more attention to this issue and the Family Protection and Domestic Violence Bill was awaiting community consultations in all islands before resubmission to Cabinet for consulting in Parliament. Furthermore, in 2009 the Parliament passed the Police Powers and Duties Act (PPDA), which made domestic violence a criminal offence,

recognised that domestic violence was not a private issue and specifically mandated the Police to respond to domestic violence.

16. While acknowledging the inconsistency of Tuvalu's domestic laws and cultural and traditional practices on the treatment of women's rights, the Department of Women Affairs aimed to use cultural realities to challenge harmful cultural practices. Furthermore, the Department of Women had increased the advocacy and lobbying on temporary special measures, especially in decision making at the local and national level, and was also lobbying to support the amendment of the Constitution to prohibit sex and gender discrimination.

17. The Head of the Delegation expressed that people with different sexual orientation did not suffer social discrimination but the question of legal protection in the laws was controversial and will need to be carefully considered. Tuvalu was open to discussion.

18. Tuvalu noted that consultations were on-going with a view to amending the Constitution once there is wider understanding and acceptance of gender equality.

19. The Attorney general expressed that the Government was progressively realizing the recommendation to amend the legislation to include a safeguard against statelessness.

20. Tuvalu reiterated its commitment to protect human rights of its people, for which purpose requested relevant assistance in its effort to fulfill its human rights obligations.

## **B. Interactive *dialogue* and responses by the State under review**

During the interactive dialogue, 38 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

21. Maldives acknowledged significant developments since 2008 and appreciated efforts to address violence against women and the formulation of the Family Protection and Domestic Violence Bill. It recognized the need for international technical assistance and financial support to fully realize its first cycle recommendations, as well as capacity building and awareness-raising. It acknowledged water scarcity and urged consideration of the report from the Special Rapporteur on the human right to safe drinking water and sanitation as the basis for advancement. Maldives made recommendations.

22. Mexico acknowledged the strengthening of human rights despite Tuvalu's challenges. It welcomed cooperation with Special Procedures and the visit from Special Rapporteur on the human right to safe drinking water and sanitation. It expressed hope to see a law on water adopted as soon as possible. It welcomed the report submitted on the Convention on the Rights of the Child. It encouraged the on-going work to include prohibition of discrimination based on sex and gender in the Constitution. Mexico made recommendations.

23. Montenegro realized Tuvalu's limited capacities and encouraged the UN to provide specific assistance for the ratification of more human rights treaties. It recognized the importance of a plan of action as recommended by the Special Rapporteur on the human right to safe drinking water and sanitation. It expressed concern over disadvantaged position of women in some fields. It requested information on steps to amend the Constitution and to incorporate principles of equality and prohibition of sex- and gender-based discrimination into legislation. Montenegro made recommendations.

24. Morocco recognized Tuvalu's challenges to the full realization of social, economic and cultural rights and commended its efforts to harmonize the domestic legislation with international human rights instruments, and to implement institutional mechanisms to guarantee human rights. Morocco made recommendations.

25. Canada indicated that in 2008, in response to interventions on freedom of religion or belief and freedom of expression relating to discrimination against individuals of certain beliefs that stem from traditional and customary practices, Tuvalu recognized that there existed a discrepancy between the law and certain traditional practices and expressed its commitment to address this matter. Canada requested information on the status of current laws and concrete steps taken to address this matter. It welcomed the formulation of a Family Protection Bill and the announcement of the launching of community consultations. Canada made recommendations.

26. New Zealand commended Tuvalu' commitment to improve the human rights protection, including addressing domestic violence, although more remained to be done. New Zealand requested information on the steps taken to ensure a mechanism, such as an Ombudsman, to investigate allegations of human rights violations. Noting resource constraints and geographic challenges, it commended Tuvalu's efforts in financial governance. It noted that health and education services should be prioritized. New Zealand made a recommendation.

27. Nicaragua recognized limited national resources and underscored the cooperation shown in hosting the Special Rapporteur on the human right to safe drinking water and sanitation and expressed hope for the creation of a framework for cooperation, bearing in mind the harmful consequences of climate change. It recognized efforts to achieve participation by and empowerment of women. It encouraged continued efforts to improve equality between men and women. Nicaragua made a recommendation.

28. Nigeria commended progress in promoting and protecting human rights and in ensuring that human rights standards were included in Tuvalu's national legislation. It noted Tuvalu's efforts to empower women through its National Women's Policy and youth through its National Youth Policy. Nigeria made recommendations.

29. The Philippines noted Tuvalu's progress in building the normative framework and institutions on human rights and commended the enactment of laws and the establishment of government offices such as the People's Lawyers Office and the Department of Women's Affairs. It welcomed the ratification of core human rights instruments. It commended the work on the National Strategic Plan key priorities. It recognized Tuvalu's constraints and supported the appeal to the international community for technical assistance. It made a recommendation.

30. Senegal noted the integration of international human rights standards into Tuvalu's domestic legislation. It welcomed the establishment of a special task force to eliminate violence against women. Senegal recognized the challenges faced and endorsed Tuvalu's call for technical assistance. It made a recommendation.

31. Singapore noted that despite challenges, Tuvalu had made progress to promote and protect human rights. It commended steps taken to promote women's rights and acknowledged the National Women's Policy and the Family Protection and Domestic Violence Bill. Singapore noted the impact of the climate change on people's access to food, safe drinking water, adequate housing and arable land. It recognized the preparation of a comprehensive National Adaptation Program of Action and noted the active engagement of international organizations to support its implementation. Singapore made recommendations.

32. The Attorney General thanked the distinguished delegates for all the comments and welcomed the recommendations provided as a way to improve human rights in Tuvalu. She stated that Tuvalu would require assistance in order to implement or carry forward these recommendations.

33. She referred that the report from the Special Rapporteur on the human right to safe drinking water and sanitation was most helpful to the country and stated her belief that it will form a very good basis for the Government to use and try to fulfill its obligations with regard to the matter.

34. Concerning protection of women and children and the Family Protection and Domestic Violence Bill, the Head of the Delegation informed that consultations with outer islands to fully explain the content of this bill to the people and receive their comments were hindered by transportation problems. However, she assured that this matter remained a priority for the Office of the Attorney General and the Office of the Prime Minister.

35. With regards the Ombudsman's commission to specifically address human rights issues, the Head of the Delegation reported that the Government had implemented the establishment of the Ombudsman's commission and the Leadership Code to look into breaches of that code with leaders' role in decision-making.

36. In relation to other human rights instruments that Tuvalu was required to sign up to, the Attorney General reiterated that all human rights issues were beneficial to the country but it was just a matter of how Tuvalu could actively engage to fulfill those commitments given its financial constraints and human resources limitations, which obliged Tuvalu to set priorities as to what could actually be done in any given year and within current capabilities.

37. She stated that women's protection was a priority and in almost every official or non-official meeting or gathering, women's issues were always an opportunity for women's organizations to highlight their aims and visions and to seek support from the community in furthering the equality issue. However, the process of getting the proposed amendments to the Constitution aimed at ensuring a provision on equal treatment on the basis of sex was still under consultation as there was not yet a clear support from all the islands. Nevertheless, the Department of Women was actively engaged in consulting and in trying to ensure that support was received for these matters.

38. Slovakia recognized Tuvalu's vulnerability to impacts of climate change. It commended the Education for Life program providing free and universal primary education and the achievement of high literacy rates. It acknowledged the development of the Draft Water Act, the Sustainable and Integrated Water and Sanitation policy, the establishment of the Department of Women's Affairs and the inclusion of women and gender development in the 2005-2015 National Strategic Development Plan. Slovakia made recommendations.

39. Slovenia noted progress in Tuvalu's human rights commitments and obligations and in the inclusion of human rights standards into national legislation. It noted CEDAW concern at violence against women, including domestic violence. It acknowledged the ratification of CEDAW and CRC. It welcomed Tuvalu's agreement to the 2012 visit from the Special Rapporteur on the human right to safe drinking water and sanitation. Slovenia made recommendations.

40. Spain welcomed Tuvalu's efforts to fulfil its international obligations and underscored the visit from the Special Rapporteur on the human right to safe drinking water and sanitation. It mentioned the Government's decision to reflect on ratification of core human rights instruments and expressed hope that such reflection will be positive. It noted the priorities identified in the Second National Strategic Development Plan, including gender equality. Spain made recommendations.

41. Thailand welcomed legislation adopted to promote and protect human rights. It acknowledged progress in ensuring gender equality and women's basic rights but remained concern about reports of domestic violence and stereotyping regarding women's role in society. It appreciated the submission of the report to the CRC and the establishment of a

school for children with special needs. It supported child rights as a top national agenda. Thailand recognized Tuvalu's constraints and challenges and encouraged the international community and OHCHR to provide assistance and capacity-building. It made recommendations.

42. Trinidad and Tobago noted Tuvalu's key national human rights priorities that included the promotion of gender equality and the provision of safe drinking water. It commended the work of the Department of Women in collaboration with the UNDP. It acknowledged the climate change challenges faced and commended the National Adaptation Program of Action to address such issues. Trinidad and Tobago welcomed the visit by the Special Rapporteur on the human right to safe drinking water and sanitation to examine the water and sanitation situation in Tuvalu. It made recommendations.

43. Turkey acknowledged positive steps taken to implement Tuvalu's commitment to human rights. It recognized constraints and invited regional and international development partners to provide technical and financial assistance. Turkey expressed confidence in the successful implementation of the National Strategic Development Plan and its prioritization of issues such as the Ombudsman's Commission, the promotion of gender equality and the role of women in development. It underscored the importance of having a national human rights institution. Turkey made recommendations.

44. The United Kingdom of Great Britain and Northern Ireland recognized Tuvalu's challenges, particularly climate change, and acknowledged the level of consultation with civil society. It noted the ratification of just two international human rights treaties and encouraged the signature and ratification of other human rights treaties. It urged steps to address water and sanitation problems. It emphasized the importance of the right to social security and to an adequate standard of living. It made recommendations.

45. The United States of America commended Tuvalu's 2010 elections. It noted and encouraged the participation in the sub-regional audit support program. It welcomed the increased school attendance by girls and the increased women participation in several areas. It expressed condolences at the loss of the Finance Minister and noted the need for a by-election. It raised concern over the application of and limitations in the Religious Organizations Restriction Act as well as over the illegality of sexual relations between males. It strongly supported decriminalizing consensual sexual relations between adults. It made recommendations.

46. Uruguay expressed appreciation for Tuvalu's efforts and commitment to the UPR process. It highlighted the legislative advances and institutional reforms made, which had helped towards fulfilling some of the previous UPR recommendations, despite the constraints and challenges facing Tuvalu. Uruguay made recommendations.

47. Concerning Tuvalu's efforts to ratify core human rights treaties, the Attorney General reiterated that assistance had been requested from the Pacific Islands Forum Secretariat to carry out a legislative review of the laws. From having ratified two human rights treaties, Tuvalu had realized of the obligations that came with signing up to international conventions. Tuvalu supported the idea of ratifying all core human rights treaties but it must make sure that it was in a position to fulfill what it was supposed to do once an international convention was ratified.

48. Tuvalu reiterated its commitment with the Special Procedures and specifically acknowledged the assistance that Tuvalu could get from the report of the Special Rapporteur on the human right to safe drinking water and sanitation.

49. With reference to the country laws and traditional practices, which seemed to be in conflict with international law, this was a matter which continued consultations between the relevant authorities and the traditional assemblies on each island.



50. The Head of the Delegation pointed out that the Religious Organizations Restrictions Act was the Government's first attempt to facilitate dialogue between people who wanted to exercise freedom of religion and Tuvalu's traditional practices. This was the first law forbidding island communities from stopping anyone from sharing religious and beliefs. The starting point of this law was to allow people to come in and explain and share their religious beliefs. She expressed that consultations were continuing, not just on religion but also on women's issues, between traditional leaders, decision-makers, relevant government authorities, NGOs and civil society.

51. Viet Nam noted the remarkable progress made by Tuvalu since its first UPR in ensuring that human rights were included in national legislation. It highlighted the drafting and implementation of several important acts such as on Constitutional amendment, Leadership Code, Police Powers and Duties, Public Enterprises and Environmental Protection. As a developing country, Viet Nam shared the constraints and challenges faced by Tuvalu in implementing its human rights obligations. It called upon the international community to support Tuvalu. It made recommendations.

52. Algeria, while acknowledging Tuvalu's challenges, noted the positive developments since its previous review, particularly the inclusion of international human rights standards into national legislation; measures in favour of persons with disabilities; and the adoption of the National Women's Policy, the draft National Youth Policy and the Family Protection and Domestic Violence Bill. It echoed the request for technical and financial assistance to implement Tuvalu's national priorities. Algeria made recommendations.

53. Australia commended the Police Service Act and the Police Powers and Duties Act and noted that changes to police legislation aligned with ICCPR and ICESCR. It was concerned about the delay in setting a date for a by-election in the electorate of Nukufetau and urged elections to be held to ensure representation of all Tuvaluans in Parliament. Australia acknowledged progress on gender equality as well as welcomed the engagement with the International Criminal Court. Australia made recommendations.

54. Azerbaijan congratulated Tuvalu's cooperation with UN mechanisms and welcomed its readiness to accede to the core international human rights treaties. It noted efforts to ensure gender mainstreaming and women's empowerment and to combat domestic violence as well as the adoption of the Police Powers and Duties Act. It was aware of the constraints faced by Tuvalu in the promotion and protection of human rights and of the negative impact of climate change and highlighted the need for support on the implementation of its human rights obligations. Azerbaijan made recommendations.

55. Brazil expressed appreciation for Tuvalu's commitment to the establishment of a national human rights institution; its openness to cooperation with its international partners in the sphere of human rights; its achievements in awareness raising; and the impressive work carried out by the People's Lawyers Office in the field of access to justice. All such advances were a token of the unswerving commitment of Tuvalu to human rights, despite the social, economic and environmental challenges faced. Brazil made recommendations.

56. The Netherlands welcomed the National Women's Policy, which was a positive step towards promoting gender equality and women's participation in the public sector. The Netherlands would continue to monitor its implementation, as the position of women was still vulnerable. It made recommendations.

57. Chile recognized Tuvalu's difficulties to implementing the recommendations of 2008 and the financial and human resource constraints. It acknowledged its commitment with the UPR and the special procedures; the measures adopted to ensure free and universal primary education for children and youth; the strengthening of the Attorney General's Office, the People's Lawyers Office and the police; and the implementation of national youth and

women's policies. It encouraged Tuvalu to intensify efforts to ratify the various outstanding international human rights instruments. Chile made recommendations.

58. Costa Rica echoed Tuvalu's appeal to provide technical and economic assistance. It acknowledged efforts to incorporate human rights standards into its national legislation; the significant progress in the field of women's rights and empowerment at all levels of society; the legislative measures to combat human trafficking, especially of children; and the drafting of national youth policies. It urged Tuvalu to design a national plan or policy for children, recognizing the benefits of social investment in childhood. It highlighted the serious impact of climate change on the enjoyment of human rights. It made recommendations.

59. Cuba praised the steps taken by Tuvalu to promote and protect the rights of persons with disabilities and persons living with HIV/AIDS; the improvement of people's access to health services; and the raise awareness of human rights in the context of domestic violence. It welcomed several initiatives to combat HIV/AIDS and the discrimination of people living with HIV/AIDS. It asked Tuvalu about possible forms of international cooperation which could be entered into to ensure that its people fully enjoyed their human rights, particularly the rights to education and health.

60. Estonia noted with appreciation the inclusion of human rights standards into national legislation and progress in the implementation of several recommendations. It commended Tuvalu on prioritizing gender equality and promoting the role of women in its National Strategic Development Plan. Estonia urged Tuvalu to amend legislation to bring it into line with CEDAW and to raise awareness about women's rights and gender equality in society. It encouraged Tuvalu to show a strong commitment to the rule of law by ratifying and aligning its legislation with the Rome Statute and acceding to the Agreement on the Privileges and Immunities of the International Criminal Court. Estonia made recommendations.

61. With reference to the by-election question, the Head of the Delegation informed that it was a matter before the High Court who will probably inform as to when the by-election will be carried out.

62. The Attorney General reiterated that women took priority in Tuvalu and that there were on-going consultations on that matter. However, several cultural practices stopped women from doing certain things and it will probably take time for women to break away from the bonds of cultural practices. She stated that there were no laws which prevented women from having equal access to employment.

63. On the ratification of the Rome Statute of the International Criminal Court, it was reiterated that the Cabinet already endorsed accession to this Convention and that the optional protocol was under consideration.

64. The Director of Education stated that the system was trying to promote education, particularly early childhood education, which was one of the priorities of the National Strategic Development Plan.

65. On the area of corporal punishment, she noted the recent review of the Education Act with the aim to integrate human rights concerns. She explained that corporal punishment was legal and was allowed but only by the head teachers. Tuvalu was working to combat this and discussions had been conducted on this issue. Tuvalu requested support from the international community to improve this area.

66. Concerning corporal punishment of children in a domestic context, the delegate from the Crown Counsel informed about a workshop conducted by the Red Cross society to formulate a policy for the child protection, which covered protection of children, inter alia, from physical, emotional, sexual and financial abuse. He expressed hope that with

additional assistance this policy will come into effect soon. He also called for amendments to the Education Act to prohibit corporal punishment.

67. France welcomed Tuvalu's willingness to defend human rights, despite the economic and financial constraints and environmental challenges it faced. It particularly welcomed the action taken by Tuvalu to combat poverty and to promote quasi-universal access to health services and education. France made recommendations.

68. Germany welcomed the visit of the Special Rapporteur on the human right to safe drinking water and sanitation. Referring to the Constitution Amendment Act, Germany asked Tuvalu how the Government intended to guarantee the right of every person to freedom of religion or belief in the application of the act. It welcomed recent steps to strengthen the legal and social status of women, but was concerned that neither the Constitution nor other legislation, embodied the principle of gender equality, nor contained a definition of discrimination against women. Germany made recommendations.

69. Guatemala welcomed the development of policies to promote human rights, particularly the National Women's Policy, the National Youth Policy, the Inclusive Education Policy and the National Strategic Development Plan. It shared CEDAW concerns at the lack of public awareness of women's rights and gender equality; at women's lack of awareness of their rights; and at the paternal transmission of land ownership. While welcoming improvements on the matter, it urged Tuvalu to continue efforts to promote gender equality throughout the country. Guatemala made recommendations.

70. Hungary took note of the cooperation with OHCHR and the expertise extended by CEDAW and the Special Rapporteur on the human right to safe drinking water and sanitation. It recognized efforts to eliminate gender inequalities but encouraged to include gender as a prohibited ground for discrimination in the Constitution. Hungary believed that free and universal primary education should be accessible to both urban and rural areas and gender equality should be incorporated into the higher education levels. It was concerned that corporal punishment of children was still lawful in schools. It noted the Inclusive Education Policy and encouraged increased participation of persons with disabilities in formal decision levels. Hungary made recommendations.

71. Indonesia welcomed the Second National Strategic Development Plan and its mid-term review, whose key national priorities demonstrated Tuvalu's commitment to human rights. It agreed with the importance of technical and financial assistance from regional and international development partners in implementing those priorities. It commended measures adopted to raise public awareness of the rights of vulnerable groups, including women and people with disabilities. It welcomed the adoption of the Police Powers and Duties Act, which would help to eradicate domestic violence. Indonesia made recommendations.

72. Ireland, while noting the adverse impact of sea level rise on food security, water and health on the people of Tuvalu, welcomed the Government's position on the need for the international community to address the human rights dimensions of climate change. Ireland urged that Tuvalu ensure that the provisions of international human rights treaties are fully implemented in policy and practice. On access to justice issues, it urged Tuvalu to ensure that the People's Lawyers Office is given the necessary human and financial resources to operate effectively in all the islands. Ireland made recommendations.

73. Italy welcomed efforts deployed by Tuvalu to comply with international human rights standards and to implement CRC and CEDAW. Italy noted the internal debate on possible accession to other core international human rights instruments. It noted reports indicating that action deployed to protect women's rights had still limited impact. Italy made recommendations.

74. Malaysia noted the progress made since Tuvalu's first UPR, particularly on the inclusion of human rights standards into national legislation. It acknowledged that remaining challenges were hindering the full enjoyment of human rights and hoped that the international community would heed Tuvalu's call for technical and financial assistance in fulfilling its human rights obligations. It welcomed on-going efforts in gender mainstreaming and observed that progress had been made in youth development, inclusive education and persons with disabilities. Malaysia made recommendations.

75. The Head of the Delegation, in response to the question on repealing the new laws adopted to address the issues in relation to freedom of religion and its cultural practices, said that there were on-going consultations between the islands. Tuvalu's approach was to facilitate dialogue between religious organizations and the different islands.

76. With regard to the People's Lawyers Office, it was noted that Tuvalu needed assistance in that area. Meetings had taken place to discuss having a pool of available lawyers but the People's Lawyers Office currently had only one lawyer.

77. Lastly, concerning the call for Tuvalu to ratify the core human rights treaties, as had been stated previously, a legislative review was currently being carried out in order to give the Government and people of Tuvalu an understanding of the obligations before ratifying international conventions.

78. The Head of the Delegation took the opportunity to thank the Tuvaluan delegation for assisting in this presentation as well as all the countries for their comments and recommendations.

79. The recommendations received were most useful for Tuvalu and it was noted that some recommendations might be within the country capabilities, as it was already working on those with the assistance of foreigners' donors, whereas others required more assistance from the international community. Tuvalu reiterated that it would continue to request assistance from the international community in its efforts to fulfil its international human rights obligations.

80. Tuvalu engaged to come back to the working group with a more formal commitment as to which recommendations and what plan would be the way forward for the country to continue in its efforts to address human rights.

## **II. Conclusions and/or recommendations**

**81. The recommendations formulated during the interactive dialogue listed below enjoy the support of Tuvalu.**

- 1. Continue the efforts to achieve accession to the main human rights international instruments and their consistent incorporation into domestic legislation (Costa Rica);**
- 2. Consider ratifying new international human rights instruments which would assist in strengthening its legal and institutional framework for the promotion and protection of human rights (Nicaragua);**
- 3. Continue its efforts to accede to the remaining core international human rights treaties, which will strengthen the domestic legislation with regard to the promotion and protection of human rights, including freedom of religion or belief (Turkey);**

4. Work closely with the OHCHR and the Council for considering eventual participation to the core international instruments on human rights (Viet Nam);
5. Further continue internal consultations and request the technical assistance of relevant UN institutions with regards to the accession to the core international human rights treaties (Azerbaijan);
6. Increase efforts to swiftly ratify fundamental treaties on human rights, such as ICCPR and ICESCR, also by taking advantage of the available international technical assistance to address possible shortcomings in fulfilling the requirements of the international treaties (Italy);
7. Put in place, with the technical cooperation of OHCHR and the financial support of the donor's community, a sustained human rights training process for government authorities, the People's Lawyers Office, officials of the justice system and inhabitants of the country, in order to begin with a ratification process, or when applicable, accession, to the main international human rights treaties, including the Rome Statute of the International Criminal Court (Uruguay);
8. Ratify the Rome Statute of the International Criminal Court as soon as possible (Australia);
9. Ratify the Rome Statute of the International Criminal Court and accede to the Agreement on the Privileges and Immunities of the ICC (Estonia);
10. Accelerate the process of legislative compliance review, mentioned in the state report, in order to ratify the core human rights treaties, in particular the ICCPR (Hungary);
11. Consider becoming party to the Optional Protocols to the CRC (Thailand);
12. Consider signing and ratifying the new Optional Protocol to the CRC on a communications procedure (Slovakia);
13. Continue its efforts to harmonize its national legislation with international human rights instruments (Morocco);
14. Continue progress towards passage of subordinate legislation and full implementation of the Police Service Act 2009 and the Police Powers and Duties Act 2009 (Australia);
15. Step up its efforts to implement the Police Powers and Duties Act (PPDA) (Indonesia);
16. Intensify efforts to establish a National Human Rights Commission in order to consolidate and secure the gains made in promoting and protecting the human rights of the people of Tuvalu (Nigeria);
17. Pursue its efforts to create a national human rights institution (Turkey);
18. Maintain and strengthen efforts towards the establishment of a fully-fledged National Human Rights Institution (Brazil);
19. Step up efforts in implementing the current national priorities, including the policy for youth and women advancement, Education Strategic Plan, Climate Change Adaptation Program and the National Sustainable Development Strategy (Viet Nam);

20. Strengthen its commitment to empowering women and youth and continue to build on the achievements already made and expedite action on its review of the National Youth Police, which is currently underway (Nigeria);
21. Consider adopting a National Plan adapted for children and early childhood (Algeria);
22. Continue its efforts to train law enforcement personnel on human rights protection (Morocco);
23. Continue its efforts to inform and raise awareness of the population on human rights principles (Morocco);
24. Continue its positive approach with regard to the promotion of human rights through its education system (Malaysia);
25. Continue to actively engage its regional and international partners to mobilize the necessary resources for the implementation of its human rights program (The Philippines);
26. Call upon the UN bodies and other donors to provide all necessary technical and financial support to help them to meet their human rights obligations (Morocco);
27. Extend a standing invitation to all thematic special procedures (Montenegro);
28. Extend an open invitation to the Special Procedures (Guatemala);
29. Continue and enhance the efforts in promoting and protecting the rights of vulnerable groups including women and persons with disabilities (Indonesia);
30. Strengthen legal and administrative provisions to eliminate all forms of discrimination based on sex and gender (Chile);
31. Carry out a comprehensive legal review of its domestic legislation and traditional practices to amend or eliminate those cultural practices and stereotypes which discriminate against women, bearing in mind its condition as State party to the Convention on the Elimination of All Forms of Discrimination against Women, while implementing innovative measures addressed to youth and adults to increase the understanding of the concept of equality between women and men and to present a positive and non-stereotypical image of women (Uruguay);
32. Work out and implement all those necessary measures, including legislative revisions, aiming at tackling discrimination and stereotypes against women, in particular those conducive to abuses and violence (Italy);
33. Continue its efforts in promoting gender equality including expanding the role of women in its national development (Malaysia);
34. Continue to work to achieve gender equality in the country (Guatemala);
35. Consider strengthening its policy and relevant legislation, as well as allocating adequate resources, to further promote gender equality and women's participation in public life (Thailand);
36. Pursue the efforts aiming at promoting women rights and ensuring gender equality, with particular attention to the access of women to justice and women participation in public life (Algeria);

37. Take further steps to increase women's empowerment, including in political and economic life, and through local and national implementation of effective measures to address domestic violence and gender discrimination (Australia);
38. Implement policies to combat discrimination against women, both in public and private life (Spain);
39. Continue to promote and strengthen the realization of women's rights, with special attention on equal rights and opportunities in the labor market (Brazil);
40. Strengthen its national machinery to promote gender equality and gender mainstreaming (Trinidad and Tobago);
41. Continue to combat discriminatory societal behaviours, in particular discrimination against women in law and practice, and take further steps to address violence against women, and domestic violence in particular (Canada);
42. Continue its efforts to guarantee gender equality by, for example, launching a public awareness campaign in order to stop violence against women and impunity for crimes against women (The Netherlands);
43. Pass and implement its proposed legislation to prevent violence against women and adopt a strategy to properly tackle the unequal status of women in many areas including education, public life and decision-making (United Kingdom of Great Britain and Northern Ireland);
44. Adopt appropriate laws to combat violence against women in general and domestic violence in particular (France);
45. Continue to combat violence against women and promote gender equality, with assistance from the UN Women and other relevant organizations (Singapore);
46. Continue the efforts made within the framework of fighting violence against women (Senegal);
47. Reinforce measures addressing violence against women, in particular the domestic violence, ensuring due accountability for perpetrators and increasing victims' access to justice (Slovakia);
48. Create an institutional strategy to reduce domestic violence (Slovenia);
49. Consolidate the development of a comprehensive national framework in addressing all forms of violence against women, through the adoption of the Domestic Violence Bill, and harmonize domestic law with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (Maldives);
50. Enact the Family Protection and Domestic Violence Bill and continue efforts to increase and extend public awareness on domestic violence issues to the Outer Islands (New Zealand);
51. Continue its internal measures for the adoption of the Family Protection and Domestic Violence Bill (Azerbaijan);
52. Support the Family Protection and Domestic Violence draft Bill with an institutional strategy and sufficient resources to enhance the prevention of domestic violence, combat impunity and grant adequate access to justice for the victims (Italy);

53. Harmonize its Penal Code and legislation with the CRC in order to eradicate corporal punishment of children in schools and other settings (Hungary);
54. Opt for the prohibition of the use of corporal punishments, especially those involving minors (Spain);
55. Strengthen the proper functioning of the People's Lawyers Office by providing financial and technical support in order that everybody has the right to a due process and legal representation (France);
56. Implement, with the assistance of the international cooperation, a complaints system to guarantee the effective access of women to justice, in accordance with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (Uruguay);
57. Implement the Religious Organizations Restriction Act of 2010 consistent with its terms and with full respect for international religious freedom (United States of America);
58. Organize a by-election in Nukufetau as soon as practicable (United States of America);
59. Implement policies to promote food security (Mexico);
60. Comply with the UN Special Rapporteur's recommendation to adopt and implement a national water strategy and plan of action covering the entire population (Trinidad and Tobago);
61. Increase the initiatives to guarantee access for all to drinking water and sanitation (Spain);
62. Move forward, at the earliest possible opportunity, with the adoption of the draft Water Act to establish a legal framework and put in place water resources and sanitation infrastructure, including adequate collection, storage and distribution mechanisms to alleviate the challenges of scarcity and to ensure that all its citizen's right to safe drinking water and sanitation are safeguarded (Maldives);
63. Adopt and implement a national water strategy and plan of action covering the entire population, and make access to water and sanitation affordable to all (Slovenia);
64. Include, among the priorities of the Second National Strategic Development Plan, the access to sanitation along with access to drinking water which is already contained (Spain);
65. Improve access to education for children living in rural areas and adopt further measures, special laws and awareness programs to promote gender equality in education (Hungary);
66. Continue efforts to guarantee the full inclusion of persons with disabilities in all spheres of society (Costa Rica);
67. Continue to implement its NAPA to address the impacts of climate change, with assistance from UNPD, the Global Environment Fund and other relevant international stakeholders (Singapore);
68. Formulate, in cooperation with regional and United Nations mechanisms, a plan for the management and mitigation of natural disasters which includes potential mass displacements of the population (Mexico).



82. The following recommendations will be examined by Tuvalu which will provide responses in due time, but no later than the 24<sup>th</sup> session of the Human Rights Council in September 2013.

1. Consider the possibility of amending the National Constitution to include a safeguard against statelessness, which establishes the acquisition of Tuvaluan nationality for children born in the territory who otherwise would be stateless (Uruguay);
2. Include legislative safeguard against statelessness with regards to children born in its territory, who would otherwise be stateless, to acquire Tuvaluan nationality (Slovakia).

83. The recommendations below did not enjoy the support of Tuvalu.

1. Become party to the UN core human rights treaties and continue its efforts towards this aim (Montenegro);
2. Step up its recent efforts and ratify the core human rights treaties and other main relevant international instruments (Germany);
3. Accede to the International Covenant on Civil and Political Rights as a priority (Maldives);
4. Accede to the International Covenant on Civil and Political Rights and its optional protocols (Estonia);
5. Ratify as soon as possible the main international human rights treaties, mainly the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and ensure their effective implementation (France);
6. Ratify other core human rights treaties, particularly the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Slovenia);
7. Ratify, as soon as possible, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the respective optional protocols to those Covenants (Spain);
8. Ratify the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (Trinidad and Tobago);
9. Ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Ireland);
10. Ratify the Convention against Torture (Guatemala);
11. Accede to the Convention on the Prevention and Punishment of the Crime of Genocide (Estonia);
12. Proceed with the full incorporation of human rights treaties to which Tuvalu is a party into its domestic legal system (Slovakia);
13. Incorporate into domestic legislation the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and of the Convention on the Rights of the Child (France);
14. Fully incorporate the provisions of the Convention on the Elimination of All Forms of Discrimination against Women into its domestic legal system,

including through the on-going process of the amendment of the Constitution (Hungary);

15. Establish a national human rights institution that is fully compliant with the Paris Principles (Maldives);

16. Establish a national human rights institution in conformity with the Paris Principles (Morocco);

17. Ratify the main human rights treaties and investigate the possibility of the establishment of a national human rights institute, if necessary with assistance from the UN and UN member states (The Netherlands);

18. Repeal all provisions that criminalise consensual same-sex conduct and ensure that anti-discrimination laws cover sexual orientation (United Kingdom of Great Britain and Northern Ireland);

19. Support repeal of the provision of the Penal Code criminalizing consensual sex between adult males (United States of America);

20. Introduce in the Constitution the prohibition on gender and sex based discrimination similar to that relating to racial or religious discrimination (France);

21. Amend section 27 paragraph 1 of the Constitution, incorporate into the legislation the principle of equality between women and men and a prohibition of discrimination on the basis of sex as well as enact legislation to enforce the prohibition of discrimination (Germany);

22. Amend country's Constitution and enact other appropriate legislation to prohibit discrimination on gender grounds (Slovakia);

23. Adopt, as a matter of priority, all legal and administrative measures to prohibit and punish corporal punishment of children in all settings, including at home (Uruguay);

24. Adopt legal and administrative measures to eliminate all forms of corporal punishment of children (Chile);

25. Adopt necessary legislative and administrative measures to guarantee freedom of religion (Mexico);

26. Make changes to the Constitution Amendment Act of 2010 to fully guarantee freedom of religion or belief (Canada);

27. Amend or repeal the Religious Organisations Act so as to establish a legal framework ensuring that everyone is free to practice his or her own religious faith without penalty (Ireland).

84. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## **Annex**

### **Composition of the delegation**

The delegation of Tuvalu was headed by Ms. Eselealofa Apinelu, Attorney General, and composed of the following members:

Mr. Efren Jogia, Crown Counsel of the Office of the Attorney General;

Ms. Katalina Taloka, Director of Education.

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