



GOVERNMENT OF TUVALU

## TUVALU STATEMENT

**MS ESE APINELU, ATTORNEY GENERAL**

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**18<sup>th</sup> September 2013**

President,  
Members of the UN Human Rights Council,  
Observers and stakeholders,  
Excellencies,

It gives me great pleasure on behalf of the government of Tuvalu and the people of Tuvalu to first of all thank the President/Chairperson of this session and all the countries that are present for this session.

Let me also thank OHCHR Regional Office for the Pacific for facilitating the delivery of our statement through video messaging recorded from their office in Suva, Fiji.

Talofa and greetings from Tuvalu.

From the outset please allow me to extend our sincere apologies to the UN Human Rights Council for not being able to attend the plenary session. We thank you for the opportunity to be able to deliver Tuvalu's statement to the plenary via alternative means. Due to pressing national commitments Tuvalu is unable to avail itself at this stage to be present in Geneva to address the Council. Tuvalu remains committed though to fulfilling its UPR obligations.

In this statement i will first of all outline the new developments that have happened since our report in April of this year. Secondly, i will provide Tuvalu's response to the recommendations that needed Tuvalu's confirmed position by this meeting. Lastly, I will provide you with an update on what Tuvalu has done with the recommendations that enjoyed the support of Tuvalu in the April UPR session.

President

A lot has happened in Tuvalu since the 16<sup>th</sup> session of the UPR in Geneva where Tuvalu had its second periodic review. The country at this point in time is having a High Level Dialogue on the new government's Road Map. The Road Map outlines key priority measures that the government aims to implement. The new government for Tuvalu was sworn into office in August 2013. We are happy to inform the member states that 18 of the recommendations that did not enjoy the support of Tuvalu in the 16<sup>th</sup> session of the UPR are now core components of the Road Map for the new government. These include matters relating to the ratification of international human rights treaties, possible amendments to the Constitution to prohibit gender discrimination and the review of our religious laws. As we have stated in the 16<sup>th</sup> session, Tuvalu will continue to consider recommendations that did not have our support and this is proof of a positive consideration of those matters.

President

Further and as indicated and agreed to at the 16 Session of the UPR working group, the Tuvalu delegation affirmed that two of the recommendations from Uruguay and Slovakia will be examined and responses will be delivered to the Council at the 24<sup>th</sup> session of the Human Rights Council (A/HRC/24/8, para. 83). The recommendations include:

- i. *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);*
- ii. *Include legislative safeguard against statelessness with regards to children born in its territory, who would otherwise be stateless, to acquire Tuvaluan nationality (Slovakia).*

I am happy to report that the recommendations have been considered by the government of Tuvalu and both recommendations enjoy the support of Tuvalu. While supporting those two recommendations, the government and the people of Tuvalu have great difficulty in trying to understand how such a situation could possibly happen in Tuvalu. Our laws provide that any child born in Tuvalu may be eligible for Tuvalu citizenship. Any child born in Tuvalu or abroad and either parent is Tuvaluan can acquire Tuvalu citizenship. Despite our belief that our current laws already provided a mechanism for acquiring Tuvalu nationality, the recommendations were

supported in that they are recommendations that have a positive approach to children's issue and Tuvalu does not wish to see any child born in the country to go through such a problem. We therefore, call on the international community or UN bodies who feel they have the best mechanism or laws in place to address these issues to please help Tuvalu in implementing these recommendations.

President

Lastly Tuvalu wishes to report that of the recommendations that enjoyed the support of Tuvalu, some have been fully implemented while others are in progress. The lack of human resources, financial resources and technical assistance are major challenges affecting Tuvalu's ability to implement the recommendations.

**Recommendation (by United States) to organize a by-election for the electoral district of Nukufetau as soon as practicable.**

The by-election for Nukufetau was held on 28<sup>th</sup> June and the successful candidate had been sworn into office. Another bye election for Nui was complete on the 10 September and due to transportation problems within the country, the new member of parliament is yet to be transported to the mainland to be sworn in.

**Recommendation (by France, Maldives, New Zealand, Azerbaijan and Italy) to continue its efforts to raise awareness in country on the Family Protection and Domestic Violence Bill and continue its support to enact the Bill.**

Despite ongoing issues regarding transportation to the outer islands for assistance towards the consultation on the Family Protection and Domestic Violence Bill, the department of Women in association with the office of the Attorney-General conducted its first community consultation on the capital, Funafuti on the 5<sup>th</sup> June.

Participants included chiefs of the islands, women, youths and students who represented the different schools. Representatives from island communities and government officials also attended this consultation. The women representatives in this consultation raised that they agreed and accepted the protection given to families in a domestic household as indicated in the Bill. Student representatives raised that the Bill did not cover protection of children in boarding schools because they were also subject to violence and that the definition of household did not extend to educational institutions such as the boarding school.

The second round of consultation in the outer islands was carried out from the 23 – 25 June. It covered three islands only. Continuing problems with fuel shortage and lack of transportation is a major challenge. The only means of getting between the islands in Tuvalu is by boat. The two government vessels have had major problems and needed maintenance in Fiji. The country has been without these means of transportation until now. Apart from the need to carry out these consultations, prolong absence of boats calling on these islands mean that most island are without the basic food items required of their everyday life. Shortage of fuel adds

another problem especially for health matters when outer islands rely on diesel generators for their health clinics in emergency situations. In such situations consultations on the Bill become secondary to the immediate need of ensuring all the people receive fuel and basic food items. With the technical and financial assistance of the South Pacific Community (SPC/RRRT) the consultation to the northern islands<sup>1</sup> were completed comments and feedback gathered will be analysed and submitted to Cabinet for approval to make the necessary changes to the Bill as appropriate before it is presented to Parliament for the first reading.

**Recommendation (by Australia and Indonesia) to continue to fully implement the Police Powers and Duties Act.**

The Police department with the assistance of the New Zealand Police force have progressed to implement the Police Powers and Duties Act. These have been conducted through police training and awareness to familiarise police officers of their powers under this Act. The police officers have also improved their roles and efforts to control violence against women and children. This have been achieved through continuous patrol and conducting operations, involving themselves in a domestic violence crisis and being attentive to reports from the general public of any violence being committed. The New Zealand Police and the Tuvalu Police Force are currently working together to better improve the implementation of police powers under the Police Powers and Duties Act.

Furthermore, a key aim of the Police Department is to travel to the outer islands to train police officers stationed on the outer islands on the powers they have under this Act. Most police officer's on the outer island are not aware of the Act, thus the need for outer island training. This also raises the transportation challenges faced by government in servicing people in the outer islands.

With regards to the recommendations to ratify human rights related international agreements, the government of Tuvalu arranged for a high level dialogue with its donor partners to fulfil its aims and goals under the Te Kakeega II (National Strategy for Sustainable Development). . These goals include Tuvalu ratifying human rights related international agreements as well.

In conclusion the government of Tuvalu calls upon the international Community to provide the necessary assistance required in order to successfully implement and address the approved recommendations. Specific assistance is requested for training of the citizens on human rights so that the whole population are aware of their rights. Training of government officials and leaders on human rights is also requested to allow officials to understand the significance of these rights and the greater need to promote and protect them. Tuvalu requests for the international community to assist Tuvalu in combating the severe impacts of climate change. To commit to reduce their emission levels and side with Tuvalu in the upcoming Conference of the Parties meeting in Rio, Brazil. The government of Tuvalu kindly requests for countries who have laws addressing statelessness to provide legal and technical assistance to enable the successful amendment to its citizenship/stateless laws. Tuvalu continues to seek assistance from the

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<sup>1</sup> Nanumea, Nanumaga and Niutao

international community in terms of technical assistance, financial and bilateral assistance to facilitate and ease the implementation of the recommendations.

Fakafetai Lasi

