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FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (B) OF THE
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

Tuvalu

This report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being four years, most documents are dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations¹

<i>Core universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
CEDAW	6 Oct 1999	No	-
CRC	22 Sep 1995	No	-
<i>Core treaties to which Tuvalu is not a party: ICERD, ICESCR, ICCPR, ICCPR-OP 1, ICCPR-OP 2, OP-CEDAW, CAT, OP-CAT, OP-CRC-AC, OP-CRC-SC, ICRMW, CPD, CPD-OP and CED.</i>			
<i>Other main relevant international instruments</i>		<i>Ratification, accession or succession</i>	
Convention on the Prevention and Punishment of the Crime of Genocide		No	
Rome Statute of the International Criminal Court		No	
Palermo Protocol ³		No	
Refugees and stateless persons ⁴		Yes, except the 1954 and 1961 Conventions	
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁵		Yes, except Additional Protocols I, II and III	
ILO fundamental conventions ⁶		No	
UNESCO Convention against Discrimination in Education		No	

1. The 2003-2007 United Nations Development Assistance Framework (UNDAF) noted that Tuvalu's Government generally respects the human rights of its citizens, and society is largely egalitarian. Some forms of discrimination exist, however, particularly with regard to women.⁷

C. Institutional and human rights infrastructure

N/A.

D. Policy measures

2. The 2003-2007 UNDAF noted that Tuvalu's *Vision 2015* has eight broad goals for national development to achieve high living standards within its minimal natural resources.⁸

3. The 2003-2007 UNDAF informed that Tuvalu has entered into numerous international commitments. These include endorsing the goals of the Decade for Education for All; the Programme of Action of the International Conference on Population and Development; the Beijing Platform of Action; the World Summit Goals for Children, the Convention on the Rights of the Child, the Convention on Elimination of All Forms of Discrimination against Women and the Pacific Platform of Action on Women. In 2000, Tuvalu endorsed the Millennium Declaration including the Millennium Development Goals (MDGs). Tuvalu has already met several MDGs and seems likely to meet most of the other key ones.⁹

4. The 2003-2007 UNDAF indicated that the Government's objectives for outer island development have focused on the devolution of authority to the *Kaupule*, or traditional local government bodies. A key objective is to combat urbanization through improvements in public service delivery to the islands through a *Falekaupule* Trust Fund (to which the islands, central Government and donors contribute), controlled by the islands. Currently, the per capita share of the fund held by the people of Funafuti, the capital, is about double the average of other islands, causing fears that the mechanism may worsen, rather than improve, inequalities. The Government is

also considering ways to decentralize key infrastructure, developing a regular and reliable freight service to and from the capital, improving cargo-handling facilities, and improving outer island telecommunications.¹⁰

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body</i> ¹¹	<i>Latest report submitted</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CEDAW	CEDAW/C/TUV/2 2 July 2008	-	-	Combined initial and second report not yet scheduled for consideration
CRC	-	-	-	Initial report overdue since 1997

2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	None
<i>Visits agreed upon in principle</i>	None
<i>Visits requested and not yet agreed upon</i>	None
<i>Facilitation/cooperation during missions</i>	
<i>Follow-up to visits</i>	
<i>Responses to letters of allegations and urgent appeals</i>	No communications were sent to the Government of Tuvalu between 1 July 2004 and 30 June 2008.
<i>Responses to questionnaires on thematic issues</i> ¹²	Tuvalu responded to none of the 12 questionnaires sent by special procedures mandate-holders ¹³ between 1 July 2004 and 30 June 2008, within the deadlines.

3. Cooperation with the Office of the High Commissioner for Human Rights

5. The Regional Office for the Pacific of OHCHR made a presentation on the Universal Periodic Review (UPR) to 80 delegates from Pacific Islands member States (including Tuvalu) and to the Council of Regional Organizations in the Pacific (CROP) agencies of the Pacific Islands Forum on 23 July 2008: it aimed at providing information about the UPR to Pacific Island States as well as at raising awareness about the potential advantages of the UPR for them. Held at the Pacific Islands Forum Secretariat for leading Government officials and their delegations, the luncheon presentation was opened by the acting Secretary-General of the Pacific Islands Forum.¹⁴

B. Implementation of international human rights obligations

1. Equality and non-discrimination

6. According to the 2003-2007 UNDAF, the Constitution prohibits discrimination on the basis of race, creed, sex, or national origin, and the Government generally respects these prohibitions. Nonetheless, social behaviour, as determined by custom and tradition, is generally considered by Tuvaluans as being as important as the law. Village elders enforce custom and traditions, an arrangement that can lead to some forms of discrimination. In the traditional culture of the outer islands, women occupy a subordinate role, limiting job opportunities, despite the law, which

accords them equal rights with men. Local hereditary elders exercise considerable traditional authority - including the seldom-invoked right to inflict corporal punishment for infringing customary rules, a practice that can be at odds with the national law.¹⁵

2. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

7. In 2006, the Special Representative of the Secretary-General on human rights defenders noted that the Constitution of Tuvalu contained advanced sections allowing for the application of relevant international human rights law, but that specific provisions directed at safeguarding activities carried out for the defence of human rights were, generally, not prescribed.¹⁶ She highlighted that considerations were under way for setting up an extra position within the proposed office of the Ombudsman to deal with human rights, and noted that she would appreciate receiving additional information on this initiative from the Government.¹⁷

8. The Special Representative also noted that with its population of less than 10,000, there is only one project known to her to be working with human rights issues: a woman human rights defender who runs a legal rights training project, which includes radio programmes, debates, community workshops, newsletter publishing and pamphlets in the local language, all to promote and protect human rights.¹⁸

9. A 2007 United Nations Millennium Development Goals report noted that in the 2006 elections, no women were elected to the lower houses of Parliament.¹⁹

3. Right to work and to just and favourable conditions of work

10. The 2003-2007 UNDAF informed that only 30 per cent of the labour force participates in the formal wage economy. The remaining 70 per cent are primarily involved in rural subsistence and livelihood activities. There is high youth unemployment and few new jobs being created. Practical policies are needed for improvements to the livelihoods of the growing numbers of young Tuvaluans who will remain in the informal sector.²⁰

11. The 2003-2007 UNDAF stated that services, opportunities and cash incomes on islands away from Funafuti are considerably less than those of the capital. The proportion of men in Funafuti working in cash employment in 1994 was over double the rate in outer islands; for women, triple. Per capita cash incomes in Funafuti were triple those of the rest of the country.²¹

12. The 2003-2007 UNDAF also informed that women hold mid- and senior-level civil service posts; however, their numbers are less than one fourth those of males and gender equality is proceeding slower than it might, particularly in rural Tuvalu.²²

4. Right to social security and to an adequate standard of living

13. The 2003-2007 UNDAF stated that the perception in Tuvalu is that poverty does not exist, as traditional exchanges provide effective social protection against absolute poverty. Those who live on outer islands, members of large families, the disabled, and those without access to land (at least where they reside), however, tend to be disadvantaged and suffer from "poverty of opportunity". Tuvalu's remoteness - and the outer atolls' remoteness from Funafuti - limits the opportunities available in Funafuti and even more, the opportunities in the outer islands.²³

14. The World Health Organization's Regional Office for the Western Pacific (WPRO) informs that, at the request of the Ministry of Health, WHO assists the Ministry to review its national

legislation relevant to the International Health Regulations (IHR 2005). The goals of the project “Review of Tuvalu’s legislation for compliance with the International Health Regulations” are: (i) review Tuvalu’s national legislation relating to public health, quarantine, and point of entry in relation to the IHR; (ii) make any necessary adjustments for the implementation of the IHR; (iii) develop an IHR implementation plan and start the process of legal revision and implementation.²⁴

15. According to a WHO statistical database, in 2002, 100 per cent of births given in Tuvalu were attended by skilled health personnel.²⁵

16. The United Nations Population Fund’s (UNFPA) Office for the Pacific informs that access to basic health services is virtually universal. Tuvalu has an excellent record of meeting the basic health needs of its people.²⁶ WPRO informs that health services are working to meet the new demands of the changing lifestyles (especially regarding diet) of the population. There is one hospital, located on the main island of Funafuti, whereas the outer islands have clinics staffed by trained nurses. There is a limited supply of fresh (rain) water on these atoll islands, which means that there is a risk of spread of communicable diseases through drinking water; groundwater is brackish and is not generally considered safe for consumption. The leading causes of morbidity and mortality are communicable diseases, even if no outbreaks of infectious diseases have been reported in recent years. However, non-communicable diseases, such as obesity, heart disease and diabetes, are a growing concern. The infant mortality rate is high, at 21.6 per 1,000 live births.²⁷

17. The 2003-2007 UNDAF informed that sexually transmitted diseases are increasing, particularly among overseas workers (especially sailors) who are at risk of contracting HIV/AIDS.²⁸

18. The UNFPA Office for the Pacific also informs that access to improved drinking water and adequate sanitation facilities, even in rural areas, are good.²⁹ According to MDG Info 2007, in Tuvalu in 2004, 90 per cent of the population used improved sanitation facilities; this figure comprises 84 per cent of the rural population as well as 93 per cent of the urban population.³⁰

5. Right to education and to participate in the cultural life of the community

19. The UNFPA Office for the Pacific informs that access to formal education in Tuvalu is virtually universal.³¹ The 2003-2007 UNDAF informed that about 95 per cent of Tuvaluans, male and female alike, are literate. Since 1988, Tuvalu’s educational policy has been the “Education for Life” programme, emphasizing compulsory, high-quality education for all through to the age of 15, strong community and parental participation, and equal access to schools throughout the country. All children have access to schooling and there appears to be broad gender equality in enrolment through secondary school, although with lower female rates of completion. In recent years, there has been an increase in the number of children participating in early childhood education and a higher percentage of formally qualified pre-school teachers.³² Education is reasonably gender-balanced through secondary school and 45 per cent of all overseas tertiary scholarships since 1991 have gone to women.³³

6. Migrants, refugees and asylum-seekers

20. The United Nations High Commissioner for Refugees (UNHCR) reported in 2006 that Tuvalu is, since 7 March 1986, a State party to the 1951 Refugee Convention but has not yet implemented domestic legislation that incorporates refugee law or procedures for the determination of refugee status.³⁴

7. Human rights and counter-terrorism

21. The United Nations Office on Drugs and Crime (UNODC) informed that Tuvalu participated from 23 to 27 June 2007 in the subregional consultation workshop on measures for the legislative implementation of the legal regime against terrorism in the Pacific region and related technical assistance delivery, organized in collaboration with the Pacific Islands Forum Secretariat.³⁵

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

22. The 2003-2007 UNDAF noted that Tuvalu has an excellent record of meeting its people's basic needs since independence in 1978, with nearly universal access to basic health services and formal education. Life expectancies are on a par with some middle income countries. Despite extreme dependence on one sector (government), the economy has performed satisfactorily. Slow population growth and declining dependency ratios provide opportunities for improvements in the quality of services rather than just quantitative expansion.³⁶

23. The 2003-2004 UNDAF also noted that Funafuti's potable water comes mainly through its considerable rainfall but roof-top catchment and storage systems have deteriorated leading to frequent shortages. Sanitation in Funafuti may become a more serious issue if population movement through internal migration is not addressed. Regardless of the extent of sea-level rise, global climate change will result in more pronounced weather patterns: heavier or more frequent droughts, storms, and out-of-season rain. Extended droughts will stress Tuvalu's water lenses, thus decreasing fresh water for human and plant use.³⁷

24. The 2003-2007 UNDAF further noted that the key issues that affect Tuvalu are the following: inadequate governance; declining educational performance; weakness of the private sector; breakdown of traditional support systems; and urban elite which is capturing most benefits of modernization. Development challenges include effectively addressing recent increases in relative poverty; increasing environmental degradation; rapid urbanization; the high costs of outer island development, and limited progress in gender equality.³⁸

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

N/A.

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

25. The 2003-2007 UNDAF noted that the Tuvalu administration is severely under-resourced in terms of skills and finances. A key issue is to design programmes and projects that are sufficiently straightforward that the Government and the United Nations can readily coordinate and administer activities, while sufficiently well-designed that they deliver the planned services effectively. Another issue is developing strategic partnerships for the delivery and management of programmes and projects. The possibility of more joint programming and evaluation among United Nations agencies and with other development partners will be investigated.³⁹

26. The overall goal of United Nations assistance in Tuvalu throughout the 2003-2007 UNDAF period is: support Tuvalu's national development strategies for achieving equitable and sustainable human development; reducing relative poverty; making decision-making transparent and accountable; and managing the country's natural resources in a sustainable manner. The 2003-2007 UNDAF also noted that the following key development issues facing Tuvalu are to be the focus of United Nations assistance within the UNDAF: (i) reducing disparities in services and opportunities;

(ii) governance and human rights; (iii) the environment and vulnerability. This includes widening dialogue and participation in decision-making, and encouraging ratification and more effective implementation of key conventions.⁴⁰

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://untreaty.un.org/>.

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPD	Convention on the Rights of Persons with Disabilities
OP-CPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁴ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁵ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁶ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁷ United Nations Development Assistance Framework - Tuvalu (2003-2007), para. 31. Document available at www.undp.org/execbrd/UNDAF-Tuvalu.doc.

⁸ *Ibid.*, para. 25.

⁹ Ibid., para. 26.

¹⁰ Ibid.

¹¹ The following abbreviations have been used in document:

CEDAW	Committee on the Elimination of Discrimination against Women
CRC	Committee on the Rights of the Child

¹² The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate-holder.

¹³ See (i) Special Rapporteur on the right to education (A/HRC/4/29): questionnaire on the right to education of persons with disabilities sent in 2006; (ii) Special Rapporteur on the human rights of migrants (A/HRC/4/24): questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (iii) Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23): questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (iv) Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5): questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (v) Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15): questionnaire on the human rights of indigenous people sent in August 2007; (vi) Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67): joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; (vii) Special Rapporteur on the right to education (E/CN.4/2006/45): questionnaire on the right to education for girls sent in 2005; (viii) Working Group on Mercenaries (A/61/341): questionnaire concerning its mandate and activities sent in November 2005; (ix) Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31): questionnaire on the sale of children's organs sent in July 2006; (x) Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78): questionnaire on child pornography on the Internet sent in July 2004; (xi) Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8): questionnaire on assistance and rehabilitation programmes for child victims of trafficking and sexual commercial exploitation sent in July 2007; (xii) Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3): questionnaire on human rights policies and management practices.

¹⁴ OHCHR Regional Office, Media release of 22 July 2008, paras. 1, 3 and 6.

¹⁵ UNDAF-Tuvalu, para. 31. For the website see note 7.

¹⁶ Report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95/Add.5, para. 1248).

¹⁷ Ibid., para. 1252.

¹⁸ Ibid., paras. 1242-1244.

¹⁹ The Millennium Development Goals Report 2007, New York, p. 13.

²⁰ UNDAF-Tuvalu, para. 28. For the website see note 7.

²¹ Ibid., para. 33.

²² Ibid., para. 32.

²³ Ibid., para. 35.

²⁴ WPRO, Final project report: December 2007. Review of Tuvalu's legislation for compliance with the International Health Regulations (2005), para. 1. Report available at: <http://www.wpro.who.int/sites/hsd/documents/Review+of++Tuvalu%E2%80%99s+legislation+for+compliance+with+the+IHR.htm>.

²⁵ WHO, Statistical Information System. Data available at [www.who.int/whosis/data/Search.jsp?countries=\[Location\].Members](http://www.who.int/whosis/data/Search.jsp?countries=[Location].Members).

²⁶ Information available at: <http://pacific.unfpa.org/Countries/tv.htm>.

²⁷ WPRO, Tuvalu: Health Situation and Trend. Data available at http://www.wpro.who.int/countries/tuv/health_situation.htm.

²⁸ UNDAF-Tuvalu, para. 34. For the website see note 7.

²⁹ Information available at: <http://pacific.unfpa.org/Countries/tv.htm>.

³⁰ Data available at <http://www.devinfo.info/mdginfo2007/devinfoapp.aspx?cl=DAT>.

³¹ For the website see note 29.

³² UNDAF-Tuvalu, para. 36. For the website see note 7.

³³ Ibid., para. 32.

³⁴ UNHCR, Country Operations Plan, Overview. Country: Australia, New Zealand and the South Pacific, p. 3. Information available at: <http://www.unhcr.org/protect/PROTECTION/4332c5fa2.pdf>.

³⁵ UNODC submission to the UPR on Tuvalu, p. 9.

³⁶ UNDAF-Tuvalu, para. 22. For the website see note 7.

³⁷ Ibid., para. 37.

³⁸ Ibid., para. 23.

³⁹ Ibid., para. 54.

⁴⁰ Ibid. paras. 40-42.
