



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### **Concluding observations on the initial report of Tuvalu, adopted by the Committee at its sixty-fourth session (16 September–4 October 2013)**

1. The Committee considered the initial report of Tuvalu (CRC/C/TUV/1) at its 1824th meeting (see CRC/C/SR.1824), held on 20 September 2013, and adopted, at its 1845th meeting, held on 4 October 2013, the following concluding observations.

#### **I. Introduction**

2. The Committee welcomes the submission of the initial report of the State party and the written replies to its list of issues (CRC/C/TUV/Q/1/Add.1). This allowed a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive and successful dialogue held with the multisectoral delegation of the State party, which participated from Fiji through videoconference.

#### **II. Follow-up measures undertaken and progress achieved by the State party**

3. The Committee welcomes the adoption of the following legislative measures:
- (a) Adoption of Children (Amendment) Bill 2012;
  - (b) Tuvalu Red Cross Society and Geneva Conventions Bill 2012;
  - (c) Police Powers and Duties Act 2009 and Police Powers and Duties Regulations 2012; and
  - (d) Tobacco Control Act 2008.
4. The Committee notes with appreciation the following policy and institutional measures:
- (a) Water and Sanitation Policy 2013;
  - (b) Gender Equality Policy;
  - (c) Cybercrime / Information and Communications (ICT) Policy;
  - (d) Tuvalu Education Strategic Plan 2012–2015;

- (e) National Climate Change Policy/National Strategic Action Plan for Climate Change Adaptation and Disaster Risk Management;
  - (f) Tuvalu National Women's Policy;
  - (g) Tuvalu Red Cross Child Protection Policy;
  - (h) Ministry of Health Strategic Plan for 2008–2018;
  - (i) Department of Education Strategic Plan 2006–2010;
  - (j) Te Kakeega II (National Strategy for Sustainable Development) 2005–2015;
- and
- (k) Establishment of the National Advisory Committee for Children in 1998.

5. The Committee welcomes the submission by the State party of a common core document (HRI/CORE/TUV/2012) in 2012.

6. The Committee notes as positive the State party's cooperation with the Special Rapporteur on the human right to safe drinking water and sanitation and the visit from the Special Rapporteur to the State party from 17 to 19 July 2012.

### **III. Factors and difficulties impeding the implementation of the Convention**

7. The Committee recognizes the difficulties facing the State party, including the continuing threat of climate change, which can affect the survival of the country, and the severe shortage of human and financial resources. These can have a significant and adverse impact on the development and implementation of legislation, policies and programmes for children in the State party. However, the Committee also reminds the State party that these difficulties should not be regarded as a deterrent to the full implementation of the Convention. The State party is encouraged to seek the necessary technical and financial assistance from relevant international, regional and bilateral partners to enable the progressive and full implementation of the Convention.

### **IV. Main areas of concern and recommendations**

#### **A. General measures of implementation (arts. 4, 42 and 44 (para. 6) of the Convention)**

##### **Legislation**

8. The Committee notes as positive the existence of some legal measures which safeguard the rights of the child in the State party, and the formulation of the Family Protection and Domestic Violence Bill. The Committee is, however, concerned that a comprehensive review of all laws relating to children has not been undertaken in the light of the Convention and that the enactment of the Family Protection and Domestic Violence Bill has been delayed.

9. **With reference to its general comment No. 5 (2003) on the general measures of implementation of the Convention on the Rights of the Child, the Committee urges the State party to undertake a comprehensive legislative review to ensure compliance of its legislation with the principles and provisions of the Convention and expedite the enactment of the Family Protection and Domestic Violence Bill. The Committee encourages the State party to seek the necessary technical and financial support from**

international and regional organizations, including the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

#### **Comprehensive policy and strategy**

10. While noting that some national policies partly deal with children's rights, and that the State party is currently developing the Tuvalu National Youth Policy 2012–2016, which only covers youth between the ages of 15 and 34, the Committee remains concerned that there is no comprehensive policy on children.

11. **The Committee recommends that the State party prepare a comprehensive policy on children (0–18 years) based on the principles and provisions of the Convention. The Committee further encourages the State party to develop a strategy based on the policy and allocate sufficient human, technical and financial resources for its implementation. In doing so, assistance could be sought from regional, international and bilateral partners.**

#### **Coordination**

12. The Committee notes with appreciation that the State party established the National Advisory Committee for Children in 1998, with representatives from civil society in its membership, and which is responsible for coordinating policies and programmes on children's rights. However, the Committee remains concerned that the National Advisory Committee for Children does not have a strategic plan for coordinating policies and programmes and for monitoring and evaluating the implementation of the Convention. In addition, sufficient resources have not been allocated to fulfil all its responsibilities.

13. **The Committee recommends that the State party strengthen the National Advisory Committee for Children by providing it with sufficient human, technical and financial resources to carry out its activities and by enhancing its status and mandate to develop a strategic plan to effectively coordinate, monitor and evaluate national policies and programmes relating to the rights of the child. The Committee encourages the State party to seek assistance from regional and international organizations, including UNICEF.**

#### **Allocation of resources**

14. **The Committee recommends that the State party maintain its high investments in health and education and ensure that a sufficient budget is allocated for all other areas of children's rights, including child protection. The Committee also recommends that the State party collect data on the public budget allocated for children in all sectors, which will provide the State party with useful indicators to develop policies and programmes for children.**

#### **Data collection**

15. While noting that some data on children is available, including data disaggregated by sex and geographical location in the health and education sectors, the Committee is concerned that there is no comprehensive data collection system to systematically assess the implementation of the Convention. The Committee is also concerned that a census has not been undertaken since 2002 and that no disaggregated data is available on children with disabilities.

16. **The Committee recommends that the State party develop a comprehensive data collection system to monitor the progress on child-related policies and programmes for all children below the age of 18 years. This should be disaggregated by age, sex,**

disability, geographical location and socioeconomic background. The Committee encourages the State party to seek assistance from relevant United Nations agencies and programmes, including UNICEF.

#### **Independent monitoring**

17. The Committee is concerned that there is no independent monitoring body mandated to investigate and redress violations of the rights of the child, such as a children's ombudsperson or a national human rights commission, in the country.

18. Drawing attention to its general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party establish an independent and effective national human rights institution that is mandated to handle complaints, particularly relating to violations of rights of the child, in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), as it agreed to do under the universal periodic review in 2008 and 2013. The Committee encourages the State party to seek technical assistance from OHCHR, the Pacific Island Forum Secretariat and the Asia-Pacific Forum of National Human Rights Institutions in this regard.

#### **Dissemination, awareness-raising and training**

19. While noting the efforts made by the State party to raise public awareness of the principles and provisions of the Convention, including the children's conference programme, the Committee is concerned that awareness-raising programmes are inconsistent and concentrated mostly on the capital island. The Committee is further concerned that the Convention is perceived by the public as an instrument to diminish parental rights to guide and discipline their children.

20. The Committee recommends that the State party undertake regular awareness-raising programmes, including the institutionalization of the children's conference programme. More efforts should be made to reach out to children living on outer islands and to sensitize the public, particularly parents and traditional and community leaders, on the principles and provisions of the Convention with a view to changing any misconception thereof. It is important to ensure that all professionals working with and for children, in particular law enforcement officials, teachers and health professionals, are adequately and systematically trained on the rights of the child. The Convention should be incorporated in their professional training programme. The Committee encourages the State party to seek technical assistance from OHCHR and UNICEF in this regard.

### **B. Definition of the child (art. 1 of the Convention)**

21. The Committee is concerned that the age of marriage is 16 years.

22. The Committee urges the State party to raise the age of marriage to 18 years for both boys and girls.

## C. General principles (arts. 2, 3, 6 and 12 of the Convention)

### Non-discrimination

23. The Committee is concerned that the anti-discrimination provisions in the Constitution of Tuvalu do not recognize discrimination based on gender and disability and that some discriminatory acts are permitted by the application of laws enacted prior to independence or undertaken during a state of emergency. It is further concerned that the legislation, including the Tuvalu Lands Code 1962 and the Native Lands Act 1956, discriminates against women and girls, particularly single mothers and children born out of wedlock, in relation to land inheritance rights and child custody.

**24. The Committee recommends that the State party take the steps necessary to review its Constitution and amend its legislation with a view to bringing discriminatory provisions into line with article 2 of the Convention. The Committee further recommends that the State party enact legislation to explicitly prohibit discrimination based on any ground, including gender, disability and birth, and ensure its effective implementation.**

### Best interests of the child

25. The Committee is concerned that the legislation, including the Native Lands Act and the Tuvalu Lands Code 1962, does not make reference to the best interests of the child, and that the best interests of the child is not taken into account as a primary consideration at all levels of decision-making affecting children by governmental institutions, courts, administrative authorities or legislative bodies.

**26. The Committee draws the State party's attention to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration. The Committee recommends that the State party ensure that this right is appropriately integrated in all legislation and consistently applied in all administrative, judicial and policy measures relevant to children. The Committee also recommends that the State party develop guidelines, including procedures and criteria, to determine the best interests of the child and disseminate these to the public, including traditional and religious leaders and all relevant public authorities. The Committee encourages the State party to seek necessary technical assistance from UNICEF in this regard.**

### Respect for the views of the child

27. The Committee notes with appreciation the efforts by the State party to seek and incorporate the views of children and young people in the preparation of the National Strategy for Sustainable Development for 2005–2015, the National Youth Policy for 2005–2010 and the Ministry of Health Strategic Plan for 2008–2018, and the State party's initial report to the Committee. However, the Committee remains concerned that traditional customs appear to be contrary to the principle of respect for the views of the child. Children under the age of 18 years are prohibited from participating in Falekaupule meetings, where decisions are made with regard to education, health and other important matters affecting them.

**28. In view of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party ensure that traditional customs are not regarded as barriers to the full participation of children in family, community, school and social life; ensure that article 12 of the Convention is fully reflected in all laws and judicial and administrative decisions; and raise awareness of**

the public, particularly traditional and religious leaders, parents, teachers, judges and professionals working with and for children.

**D. Civil rights and freedom (arts.7, 8, 13–17, 19 and 37 (a) of the Convention)**

**Birth registration**

29. The Committee is concerned that not all births are registered in a timely manner and that the registration rate is far lower among children on the outer islands than among children on Funafuti.

30. **The Committee recommends that the State party collect accurate and comprehensive data on birth registration, map the deficiencies and identify measures to address this issue, including through a Child Protection Baseline review conducted in cooperation with UNICEF, and also raise the awareness of parents, with a view to ensuring they fulfil their legal obligations.**

**Freedom of thought, conscience and religion**

31. The Committee is deeply concerned that section 29 of the Constitution stipulates that the exercise of human rights might be restricted if it is deemed divisive, unsettling or offensive to the people or threatens the values and culture of Tuvalu, and that the State party has enacted the Religious Organisations Restriction Act 2010, which results in the placement of restrictions on the freedom of religion, leaving the registration of religious organizations to the discretion of island Falekaupule. The Committee is also concerned that in practice freedom of religion is not respected in schools as guaranteed in the legislation.

32. **In the light of article 14 of the Convention, the Committee strongly recommends that the State party take all necessary measures to ensure that freedom of thought, conscience and religion is guaranteed in the Constitution and all other relevant laws, including the Religious Organisations Restriction Act 2010. The Committee also recommends that the State party include information in its next periodic report to the Committee about the measures taken to guarantee freedom of thought, conscience and religion in schools.**

**Right to privacy**

33. The Committee is concerned that the names of offenders under 18 are published in court proceedings and that the Office of the Attorney General has no policy to prevent publicity and to protect the privacy and identity of young offenders.

34. **The Committee recommends that the State party ensure that the right to privacy of juvenile offenders is guaranteed, and take all necessary measures to ensure that the identity of juvenile offenders is not revealed in court proceedings.**

**E. Violence against children (articles 19, 37 (a) and 39 of the Convention)**

**Corporal punishment**

35. The Committee is deeply concerned that the Constitution and the Penal Code allow parents and guardians to use corporal punishment to discipline children and that corporal punishment is still widely practised in the homes and schools. The Committee is further concerned that island courts can authorize physical punishment as a criminal sentence.

36. With reference to the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to:

(a) Undertake awareness-raising programmes, including campaigns, about the negative impact of corporal punishment on the psychological development of children, especially concerning their dignity, with a view to changing adult perceptions and societal attitudes towards corporal punishment;

(b) Bring all laws, policies, and regulations into full conformity with the Convention with a view to banning corporal punishment in all schools, homes and communities;

(c) Abolish physical punishment as a criminal sentence by the island courts; and

(d) Promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment and seek the assistance of the United Nations Educational, Scientific and Cultural Organization and UNICEF in this regard in order to build on other successful initiatives in the Pacific region or elsewhere in the world.

#### **Abuse and neglect**

37. It is noted that the State party has taken some legislative measures to address abuse and neglect of children, including the Police Powers and Duties Act 2009 and the Family Protection and Domestic Violence Bill. However, the Committee is concerned that the enactment of the Family Protection and Domestic Violence Bill has been delayed and the existing legislation does not protect all children below 18 years. The Committee is further concerned that:

(a) The number of reports on domestic violence to the police is very low, despite its wide prevalence in the State party;

(b) No specialized rehabilitative services are available for child victims of abuse and neglect; and

(c) No comprehensive data is available on the abuse and neglect of children, including domestic violence.

38. The Committee recommends that the State party expedite the enactment of the Family Protection and Domestic Violence Bill and strengthen new and existing legislation to provide all children with full legislative protection from abuse and neglect. The Committee further recommends that the State party:

(a) Take all necessary measures, including strengthening the investigative power of the police and training of law enforcement and judicial officials on how they should deal with child victims, to ensure that all cases of abuse and neglect of children are reported, investigated and prosecuted; and

(b) Take steps to ensure that all child victims are provided with physical, mental and psychological support services.

#### **Sexual abuse**

39. While noting that some legislative measures have been put in place to address the sexual abuse of children, the Committee is concerned that there are significant protection gaps, as follows:

- (a) The legislation does not protect all children below 18 years;
- (b) Sexual assault is considered only in case of penile penetration, and other aspects of sexual violence are not recognized as a sexual assault;
- (c) The Penal Code (section 156 (5)) permits a girl aged 15 years and above to be charged with the offence of incest if she is regarded as having consented to the act;
- (d) Sexual offences against boys are not legally recognized and there are no services to respond to the needs of young boys who are victims of sexual crimes;
- (e) Marital rape is not criminalized in law;
- (f) Mandatory prosecution and minimum sentences for sexual assault are lacking and bail is available to those charged with sexual assault; and
- (g) No specific provisions prohibit child pornography.

40. The Committee notes with concern that the statistics provided by the State party indicate that the number of cases of sexual abuse against children reported to the police is very low, which is not in accordance with the information on abuse given in studies. This is due to certain barriers, including prior sexual conduct, the necessity for corroboration in sexual offence prosecution and the requirement for proof of resistance by the victim. The Committee is further concerned that women and girls are often coerced to accept apologies as an adequate response to resolve acts of violence.

**41. The Committee recommends that the State party:**

- (a) Review and revise the relevant legislation to protect all children under 18 years, both girls and boys, from sexual abuse in order to ensure that all forms of sexual violation perpetrated against women and children are criminalized and punished, including marital rape, to strengthen the punishment for sexual assaults, and to include provisions prohibiting child pornography;**
- (b) Repeal section 156 (5) of the Penal Code;**
- (c) Eliminate barriers which prevent child victims of sexual violence from reporting incidents to relevant authorities;**
- (d) Take all necessary measures to improve opportunities for confidential reporting of incidents, to ensure that investigations are carried out in a child-sensitive manner, and to guarantee that perpetrators of sexual abuse of children are brought to justice and punished with sanctions proportionate to their crimes; and**
- (e) Raise awareness of the public at the national and community levels to prevent and respond to sexual abuse and violence.**

**F. Family environment and alternative care (arts. 5, 18 (paras. 1–2), 9–11, 19–21, 25, 27 (para. 4) and 39 of the Convention)**

**Family environment**

42. The Committee, noting that the extended family system in the State party provides protection and care to children whose parents cannot take care of them, recommends that the State party give support to the members of the extended family, including information on the best forms of child-rearing practices, social support and material resources, in order to provide safeguards for children separated from their parents.



### **Children deprived of a family environment**

43. The Committee is concerned that no formal procedures exist to govern the separation of a child from the care of extended family in situations of abuse by family members. Children do not have access to alternative forms of protective care such as institutional or foster care.

44. **The Committee recommends that the State party take the steps necessary to adopt legislation and mechanisms to monitor and protect children who have been placed in the care of family members because their parents cannot provide them with appropriate care, and establish appropriate forms of alternative care taking into account the Guidelines for the Alternative Care of Children.**

### **Adoption and custody**

45. The Committee is concerned that the Tuvalu Lands Code permits the annulment of an adoption based on a child's behaviour, does not consider the best interests of the child and gives preference to paternal custody. It is also concerned that adoption occurs privately within the family, and that there is no monitoring mechanism to follow up on adoptions.

46. **The Committee recommends that the State party:**

(a) **Revise the provisions for the annulment of adoption in the Tuvalu Lands Code to uphold the best interests of the child;**

(b) **Conduct a study on the nature and extent of the practice of customary adoptions by family members;**

(c) **Amend relevant domestic laws to protect the rights of the child in adoption proceedings and bring adoption proceedings into full compliance with the principles and provisions of the Convention, in particular article 21;**

(d) **Ensure that avenues are provided to children for redress in case of abuse and/or neglect in the context of adoption and care by adoptive parents, including the extended family; and**

(e) **Ratify the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and review interfamily adoption procedures to ensure they conform to the Convention.**

## **G. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1–3) of the Convention)**

### **Children with disabilities**

47. The Committee notes with appreciation that the State party has initiated an inclusive education policy and that the Government has endorsed the Convention on the Rights of Persons with Disabilities for ratification. However, the Committee remains concerned that there are no comprehensive legislative and policy measures to protect the rights of children with disabilities, and that there is no reliable data and studies to identify children with disabilities and their special needs and which could lead to policymaking. The Committee is further concerned at the statistics provided by the State party, which indicate that 25.6 per cent of persons with disabilities aged between 3 and 24 never attended school and 62.1 per cent left school. The Committee is also concerned that there is no system for the early detection of disabilities in children.

48. **In the light of article 23 of the Convention and of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party**

to adopt a human rights-based approach to disability, and specifically recommends that it:

- (a) Take the steps necessary to adopt legislative and policy measures to improve the protection of children with disabilities. In doing so, it is necessary to systematically collect data on children with disabilities, including through the national census, and to conduct studies on the situation of children with disabilities and their special needs;
- (b) Expedite the adoption of an inclusive education policy for children with disabilities and ensure its effective implementation;
- (c) Establish a system for early detection of disabilities and take preventive measures;
- (d) Expedite the ratification of the Convention on the Rights of Persons with Disabilities; and
- (e) Inform the Committee of the measures taken to protect the rights of children with disabilities, particularly in the area of education, in its next periodic report to the Committee.

#### **Health and health services**

49. The Committee notes with appreciation the provision of free health care for all Tuvaluans and the development of the Ministry of Health Strategic Plan for 2008–2018. The Committee is, however, concerned at the disparity in medical services. While noting the necessity of the government-funded overseas treatment schemes, to which 40 to 50 per cent of the national health budget is allocated, the Committee remains concerned that those schemes reduce the State party's capacity to strengthen its own primary and preventive health-care system, which could save resources that could in turn be channelled to extend health coverage. The Committee is also concerned that the estimated under-five mortality rate is still one of the highest in the Pacific region and that 6 in 10 children aged 6–69 months and a quarter of women aged 15–49 years are anaemic, with urban women twice as likely to be at risk of anaemia as compared to rural women.

50. **The Committee recommends that the State party:**

- (a) Ensure that quality health services are provided in all geographical areas, and take specific measures to reduce the disparity in service access between Funafuti and other areas;
- (b) Provide sufficient resources to expand the primary and preventive health-care system to reach all children;
- (c) Reduce the under-five mortality rate;
- (d) Conduct studies on the causes of anaemia among young children and women and, based on the findings, formulate and implement programmes to address the issue; and
- (e) Seek financial and technical assistance from, inter alia, UNICEF and the World Health Organization (WHO) in this regard.

#### **Adolescent health**

51. While noting the initiatives taken by the State party to promote sexual and reproductive health among adolescents, the Committee remains concerned that:

(a) A total of 43.6 per cent of adolescents are reported to be sexually active, but only 20.3 per cent of those adolescents have used a condom at first sex, leading to a high rate of sexually transmitted infections (STIs) among young people;

(b) The ongoing reproductive health education in school is insufficient and ineffective. There are gaps, both in terms of knowledge and practice of safe sex, between boys and girls, which has led to a risk of HIV/AIDS and STIs, as well as of teenage pregnancies;

(c) Reproductive health services and counselling are not sufficiently provided to all adolescents;

(d) About 50 per cent of Tuvaluans aged 15–19 years are either overweight or obese due to unhealthy eating practices and are, therefore, at risk of non-communicable diseases; and

(e) A total of 41.6 per cent of adolescents are reported to consume alcohol despite its prohibition by law.

**52. Referring to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, the Committee recommends that State party:**

(a) Undertake a comprehensive assessment of the health status of adolescents in the State party which identifies key health issues, particularly reproductive health, teenage pregnancy, HIV/AIDS, STIs, alcohol abuse and non-communicable diseases;

(b) Strengthen and widen access to sexual and reproductive health education in schools for both girls and boys, providing them with sufficient and practical knowledge to improve reproductive health practices;

(c) Ensure access by all adolescents to confidential reproductive health and counselling services and information;

(d) Promote healthy dietary habits and lifestyles among children from an early age;

(e) Strengthen efforts to prevent alcohol abuse among adolescents by enhancing the enforcement of the Alcoholic Drink Act and providing life-skills education; and

(f) Seek technical and financial assistance from the United Nations Population Fund (UNFPA), UNICEF and WHO, among others, in this regard.

### **Breastfeeding**

53. The Committee notes as positive that the State party has adopted a national policy on breastfeeding and designated Princess Margaret Hospital as a baby-friendly hospital. However, the Committee is concerned that the main duration of breastfeeding is only 1.5 months; that only a third of babies are exclusively breastfed for the first five months; and that working mothers are allowed a very limited time for nursing their babies at work.

**54. The Committee recommends that the State party undertake specific measures to promote exclusive breastfeeding up to the age of 6 months, including by providing training for all health workers and introducing legal measures to control the marketing and promotion of artificial infant formula.**

**Impact of climate change on the rights of the child**

55. While noting as positive that the State party has introduced the National Climate Change Policy and the National Strategic Action Plan for Climate Change and Disaster Risk Management, the Committee remains deeply concerned at the adverse impact of climate change and natural disasters on the rights of the child, including rights to education, health, adequate housing, and safe drinking water and sanitation, among others. The Committee also shares the concerns raised in the report of the Special Rapporteur on the human right to safe drinking water and sanitation (A/HRC/24/44/Add.2) that:

(a) There is a lack of access to a sufficient quantity of safe drinking water and adequate sanitation for all children in school; and

(b) The affected populations, mainly women and children, were not informed or given opportunities to participate in discussions on the impacts of climate change and policymaking related to them.

56. **The Committee recommends that the State party:**

(a) **In developing policies or programmes to address the issues of climate change and disaster risk management, ensure that the special vulnerabilities and needs of children, as well as their views, are taken into account;**

(b) **Collect disaggregated data identifying the types of risk children would face in various natural disaster scenarios, in order to formulate international, regional and national policies, frameworks and agreements accordingly;**

(c) **Finalize and implement national legislation and policies for sustainable safe water supplies and sanitation, including the Water and Sanitation Policy 2013, with a view to increasing access to sufficient safe drinking water and providing adequate sanitation, in particular in the outer islands;**

(d) **Take immediate steps to ensure sufficient safe drinking water and adequate sanitary facilities and supplies in schools, particularly for adolescent girls;**

(e) **Increase children's awareness of and preparedness for climate change and natural disasters by incorporating those issues into the school curriculum and teachers' training programmes; and**

(f) **Seek bilateral, multilateral, regional and international cooperation in implementing these recommendations.**

**Standard of living**

57. The Committee regrets that no baseline study or data is available to address the issues of people living in poverty, particularly children living on the outer islands. The Committee is concerned at the report that many (40 per cent in Funafuti and 31 per cent on the outer islands) elderly-headed households with children live in poverty. It is also concerned that children live in overcrowded conditions in informal squatter settlements, which have developed as a consequence of internal migration from outer islands to Funafuti, and that they are exposed to higher risks of infectious and waterborne diseases.

58. **The Committee recommends that the State party carry out a baseline study to analyse the situation of people living in poverty, particularly children living in elderly-headed households and children living in informal squatter settlements, and develop policies to address their issues. It also recommends that more efforts be made to ensure equitable access to basic services, including health and education, for all children in vulnerable situations.**

## **H. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

### **Education, including vocational training and guidance**

59. The Committee commends the State party for providing compulsory free education from the age of 6 to the age of 16 and achieving near universal primary enrolment. The attendance rate of 98 per cent for primary school is also commended. However, the Committee remains concerned that:

- (a) Early childhood development and care is not integrated with the formal education system;
- (b) Extra fees and hidden costs, such as school uniforms, lunch and transportation, keep some children from families in a vulnerable situation from attending school;
- (c) The quality of education is deteriorating due to lack of ongoing training for teachers and to outdated school facilities and teaching materials;
- (d) The pass rates of the National Year Eight (Form 2) Examination is very low (45 per cent in 2008), as is the pass rate of the Pacific Secondary School Certificate (28 per cent in 2009); and
- (e) There is no vocational training being planned for school dropouts, so they cannot find jobs in the labour market.

60. **The Committee recommends that the State party:**

- (a) **Integrate early childhood development into the formal education system and provide necessary resources for teachers and facilities;**
- (b) **Take measures to reduce the burdens on vulnerable families with respect to extra and hidden costs for their children's education;**
- (c) **Regularly train teachers to upgrade their teaching skills, particularly targeting preschool and primary school teachers;**
- (d) **Continue the maintenance and upgrading of school facilities, and provide teaching materials and other supplies;**
- (e) **Take all necessary measures to improve the pass rate of the National Year Eight Examination; and**
- (f) **Expand and upgrade technical and vocational training in accordance with the needs of the labour market.**

### **Human rights education**

61. **The Committee recommends that the State party develop a national plan of action for human rights education, as recommended in the framework of the World Programme for Human Rights Education.**

## **I. Other special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)–(d), 32–36 of the Convention)**

### **Administration of juvenile justice**

62. The Committee is concerned that:

- (a) The age of criminal liability is 10 years of age and no minimum age is set for the deprivation of liberty;
- (b) The Island Courts Act permits the court to order a parent or guardian to cane a child and that the Penal Code stipulates life imprisonment for child offenders;
- (c) No concrete legislative measures have been taken to prohibit the sentencing of children to life imprisonment;
- (d) A child was sentenced to life in prison in 2003 (High Court case No. 5 of 2003), and that the individual, now an adult, still remains incarcerated;
- (e) There is no legal text regulating how the police should deal with juvenile offenders; and
- (f) The amendments to the Penal Code, which stipulate that a minimum penalty of 15 years' imprisonment and a maximum penalty of life imprisonment apply equally to adults and children charged and convicted of murder.

63. **The Committee strongly urges the State party to bring its juvenile justice system into full conformity with the Convention, in particular articles 37, 39 and 40, and with other relevant standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Guidelines for Action on Children in the Criminal Justice System, and the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. The Committee recommends in particular that the State party:**

- (a) Undertake a judicial review of the juvenile justice system and its compliance with the Convention;
- (b) Raise the age of criminal liability to an internationally accepted standard and explicitly establish a minimum age for deprivation of liberty in accordance with the Convention;
- (c) Repeal the provisions that allow corporal punishment and life imprisonment for child offenders;
- (d) Consider granting parole to the individual who was convicted as a child and is still serving a life sentence in prison;
- (e) Set up regulations for the police to use diversion and alternatives to punishment;
- (f) Revise laws to grant probation and parole in cases where sentences of deprivation of liberty are imposed;
- (g) Ensure that the amendment to the Penal Code is fully in line with the Convention and expedite the amendment process; and
- (h) Seek technical assistance from international, regional and bilateral partners, particularly the Interagency Panel on Juvenile Justice, in this regard.

#### **Migration**

64. The Committee is concerned about the absence of laws, regulations, policies and programmes governing children in migration situations in the context of natural disaster situations.

65. The Committee recommends that the State party enact a law on migration addressing all the special needs for the protection of children in migration situations.

#### **J. Ratification of international human rights instruments**

66. The Committee recommends that, in order to further strengthen the fulfilment of children's rights, the State party ratify the treaties to which it is not yet a party, in particular the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

#### **K. Regional and international cooperation**

67. The Committee recommends that the State party continue and strengthen its cooperation with bilateral, multilateral, regional and international partners, including OHCHR, the United Nations Office for Disaster Risk Reduction, the Office of the United Nations High Commissioner for Refugees, UNICEF, the Office for the Coordination of Humanitarian Affairs and the Secretariat of the Pacific Community's Applied Geoscience and Technology Division, to enhance the implementation of the Convention, especially with respect to the constraints imposed by climate change.

#### **L. Follow-up and dissemination**

68. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, *inter alia*, transmitting them to the members of the Government, Te Fale o Palamene (Parliament), the High Court and other courts of law and local authorities for appropriate consideration and further action.

69. The Committee further recommends that the initial report and the written replies by the State party and the related recommendations (concluding observations) be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and of its implementation and monitoring.

#### **M. Next report**

70. The Committee invites the State party to submit its combined second to fifth periodic report by 21 October 2017 and to include in it information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In accordance with General Assembly resolution 67/167 of 20 December 2012, in the event a report exceeding the page limitations is submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to

review and resubmit the report, translation of the report for purposes of examination of the treaty body cannot be guaranteed.

71. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved by the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I).

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