



# Convention on the Rights of the Child

Distr.: General  
17 March 2020

Original: English  
English, French and Spanish only

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## Committee on the Rights of the Child

### Eighty-third session

20 January–7 February 2020

Agenda item 4

### Consideration of reports of States parties

## Replies of Tuvalu to the list of issues in relation to its combined second to fifth periodic reports\*, \*\*

[Date received: 2 March 2020]

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\* The present document is being issued without formal editing.

\*\* The annexes to the present report may be accessed from the web page of the Committee.

GE.20-04125(E)



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## Replies to the list of issues (CRC/C/TUV/Q/2-5)

### A. Reply to paragraph 1 of the list of issues

1. The Constitutional review had begun with scoping of thematic areas which are in real need for change such as the bill of rights contained in Part II of the Constitution. In addition, community-based consultations were conducted on the Constitutional Review which included community members, civil servants, women representatives, children and youths on Funafuti, the Capital, and outer islands. Further consultations were also conducted with the diaspora in Fiji, Australia and New Zealand. The Constitutional Review Team also welcomed submissions from other sectors and agencies who wished to make submissions on changes they wanted to be done to the current Constitution. The Constitutional Review Team received submissions from ESCAP, OHCHR and the Gender department. The thematic areas which were discussed during the Constitutional Review relating to its compliance are:

#### Religion, religious freedom and underlying challenges

2. The constitutional review process highlighted possible reforms to do with controversies over religion, particularly on the outer islands. The current constitution guarantees freedom of belief<sup>1</sup> and freedom of assembly and association.<sup>2</sup> As noted above, it also puts great emphasis on tradition and the role of communities in preserving those traditions and protection of Tuvaluan values.<sup>3</sup> The *Ekalesia Kelisiano Tuvalu (EKT)* is recognized in law as the “state church”<sup>4</sup>, although it is not mentioned in the Constitution, which speaks only of Christian principles.<sup>5</sup> Recent cases, such as the one between *Mase Teonea v. Pule o Kaupule of Nanumaga and Nanumaga Falekaupule*<sup>6</sup> have reflected on the need to look thoroughly on how the Constitution is made more inclusive and clear. In the aftermath of this case, the parliament passed the Religious Organizations Restriction Act which was intended as a kind of compromise between freedom of religion and the need to uphold Tuvaluan values. The Act gives Island Falekaupule the power to decide on applications for new religious activity, but also guarantees the right to individual worship in private homes. The new religions feel that this is highly restrictive, advantages the state church and discriminates against new religious groups. They also note that in some cases their members have been ostracized on the outer islands; Island leaders claim that some of these denominations have encouraged their members not to provide for the traditional contributions to island governance through the Falekaupule.

3. The issue of new religions continues to linger and is a delicate one in terms of constitutional reform. On the one hand, members of new religions are understandably looking to the Constitution to protect their rights and beliefs from regulatory incursion at the hands of the Falekaupule on various islands. On the other, the Constitution does explicitly recognize the importance of communities and traditional values. The current constitution essentially adopts the strategy of putting these competing values in the same document, and leaving it for the courts and political authorities to later work them out. It is clear, though, that the compromise of the Religious Organizations Restrictions Act has not resolved the issue.

#### Gender and inclusion related challenges

4. Traditional Tuvaluan culture, like many within the Pacific region, is patriarchal in nature, relying on conceptions of women and men having different spheres of activity. The Constitution is relatively silent on gender, and there is some resistance to recognizing

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<sup>1</sup> Section 23 of the Constitution of Tuvalu.

<sup>2</sup> Section 25 of the Constitution of Tuvalu.

<sup>3</sup> Section 29 of the Constitution of Tuvalu.

<sup>4</sup> Section 2(1) of the State Church (Declaration) Act.

<sup>5</sup> Preamble; Section 29.

<sup>6</sup> Court of Appeal, Civil Appeal No. 1 of 2005.

women as full participants in the political, social and economic spheres. There are other gender issues related to traditional rights, such as the fact that fathers get custody of children when the child reaches the age of 2 and the court is satisfied that the Child's best interest and future support is guaranteed.<sup>7</sup>

### **Adoption of the child protection and welfare bill of 2017**

5. The Ministry of Education has recruited a Child Protection Consultant (UNICEF/MOHSWG) to help develop and implement CP and Welfare Bill (Oct 2019–Oct 2020). The consultant during her engagement will Assist the Ministry and build the capacity of the Ministry to a) Revise and finalise the Child Protection in Schools Policy; b) Develop a costed plan of action to implement the Child Protection in Schools Policy; c) Develop, plan and implement child protection-related activities for the education sector, for example: i) develop a training module to train teachers on positive discipline methods; train teacher trainers, ii) and/or teachers on these topics, iii) develop a training module to train teachers on detecting, reporting and referring child abuse cases and train trainers and/or teachers, iv) develop a programme to establish a child abuse reporting, response and referral mechanism in schools; develop a training module and train school child protection focal points, v) develop a programme to prevent bullying in schools, vi) integrate child protection in the existing review/planning/reporting, supervision, performance evaluation, and information management systems and processes; d) Coordinate with other sectors relevant to child protection, in particular through the NACCR and the TWG, and also bilaterally, as needed.

6. Furthermore, the Child Protection Consultant will provide technical assistance to the Ministry to: a) revise and finalise the Child Protection in Schools Policy, including drafting, consultations, etc, b) develop a costed plan of action to implement the Child Protection in Schools (CPiS) Policy, c) if national Education plans or policies are being revised, advocate and provide technical inputs to include child protection interventions, d) assist in preparation of annual education government budget to ensure resource allocation for child protection (Fiscal year January to December), e) participate in stakeholders' review of the child protection baseline research report, through the National Advisory Committee for Child Rights (NACCR) Technical Working Group (TWG) and f) once the child protection baseline survey has been completed, participate in child protection system design processes and child protection bill revision to ensure role of education is adequately reflected.

7. The Child Protection and Welfare Bill has been drafted, consulted holistically at all island communities on the Capitol and on the outer islands including teachers, parents and children in schools. After the first set of consultation and feedbacks received, the second draft bill was formulated with acceptable feedbacks incorporated in the second draft. It is envisaged that the Bill will be tabled in the first session of Parliament in 2020.

## **B. Reply to paragraph 2 of the list of issues**

8. A Policy for the Protection of Children in all Educational Institutions in Tuvalu was drafted with the assistance of UNICEF under the Child Protection Project. This policy was included in the comprehensive consultation which was undertaken in Tuvalu and further amendments were suggested. The Policy goes hand in hand with the Child Protection and Welfare Bill and its implementation is dependent on the enactment of the Child Protection and Welfare Bill.

### **National Advisory Committee for Children's Rights coordination the implementation of the Convention**

9. The National Advisory Committee for Children's Rights (NACCR) is obligated under the Terms of Reference to coordinate the drafting of the Government's report on the Convention to the Committee, to undertake national consultations with relevant stakeholders on the draft CRC reports, ensure that all government CRC reports are submitted and endorsed by Cabinet, ensure the official submission of all Government CRC

<sup>7</sup> Section 20 (2), Native Lands Act.

reports to the CRC Secretariat in Geneva, coordinate the government's response to the list of issues and any other communication with the Committee on the Rights of the Child and other international human rights mechanisms, facilitate the preparation of the Government delegation for constructive dialogues with the CRC Committee, including seeking technical support from development partners for mock sessions and other support needed, coordinate and monitor national implementation and follow up of the concluding observations/comments and recommendations from the CRC Committee, coordinate national awareness on the CRC and child rights in general, provide advice to Cabinet/Parliament on issues relating to children and to carry out other duties necessary for the effective reporting and implementation of the CRC.

10. The NACCR TOR has established a Technical Working Group (TWG) as a sub-committee to assist and provide technical assistance to the Committee. Core to its responsibilities is to work directly with line-ministries in identifying issues to be discussed at NACCR meetings and coordinating and facilitating preparations for the NACCR meetings; the TWG also works as an advisory role in advising the Minister and members of the NACCR, in consultation with the Office of the Attorney-General, it provides support for research, consultation and other work required for the development of new or amendments to policies, guidelines and other spheres of work relating to children. It also works with UNICEF and other development partners where technical or other support is needed. The TWG further prepares briefing notes and other information for NACCR when required or necessary, on issues relating to the rights of a child and conducts other work which are deemed necessary to ensure that it functions in an effective manner.

11. Given the shortage of human resources, the NACCR Secretariat remains with the Ministry of Education, Youth and Sports whilst the TWG provides other technical support in the implementation concluding observations and compliance with the Convention. The Government of Tuvalu is heavily reliant on its development partners with the implementation of concluding observations received from the previous review. In doing so, the Government partnered up with UNICEF in 2017 to establish a Child Protection Work Plan. The Child Protection Work Plan had the following milestones, i). to undertake a Child Protection Baseline research, ii). to conduct Child Protection Advocacy and Awareness Raising, iii) the development of Child Protection legislation and Child Protection Policy in Schools, Management of Child Protection Project and implementation and finally to monitor and evaluate mid year and annual on going support to strengthen Child Protection in Tuvalu. The total cost for the Child Protection Project was estimated at more than a quarter of a million US dollars. After the establishment of the NACCR TOR, Cabinet had established \$20,000 special development expenditure for NACCR support and related works. The Government increased its allocation for NACCR support work in 2019 to \$30,070 to support program activities that will be carried out by the NACCR for the implementation of the Convention on the Rights of the Child. It is evident through out the budget since the initial review that Tuvalu, with its limited resources cannot financially support compliance with the Convention without support from its development partners.

#### **Status of the National Human Rights Institution Act of 2017**

12. Parliament had enacted the National Human Rights (NHRI) Act on the 24th November 2017. The Act extends the functions of the Ombudsman established under the Leadership Code Act 2006 and provides the functions, duties and powers relating to human rights for ensuring the dignity, equality and worth of individuals and recognizing that individuals have the right to life, liberty and freedom from discrimination and to provide for related purposes. The Act provides for the creation of the officer of the ombudsman Commissioner for Human Rights.

13. Part IV of the Act provides for the Human Rights duties and functions of the Ombudsman to investigate complaints of human rights violations. The Act further provides for general powers of the Ombudsman's Office in conducting inquiry and for procedural matters. The Act further has Offense provisions and miscellaneous provisions such as funding provisions to ensure the operation of the NHRI without compromising the independence of the Ombudsman of its objectives.

14. Since the enactment of the Act, the Ombudsman has conducted consultation on both the Leadership (Amendment) Act 2017 and the NHRI Act with communities and relevant stakeholders. The Government has further established a permanent position of a National Human Rights Commissioner under the Established Register and funded under the 2020 budget. It is envisaged that the Human Resources Management Department will advertise the position of the Human Rights Commissioner in the first quarter of 2020.

### C. Reply to paragraph 3 of the list of issues

15. The Tuvalu National Youth Policy (2015 – 2019) is underpinned by the following rights based approaches and principles of youth development including *Equity*, the rights of all young women and men to equality of opportunities and equitable distribution of services and resources; *Participation*, the recognition that young women and men are participants in society and as such have a priority role and responsibility in the decisions that impact on their lives and Access; that youth are able to easily attend adequate and appropriate programmes and services and for youth to benefit from these regardless of gender, religion, geographic location, social, cultural, political or economic circumstances. Essentially a right based approach to youth development includes the following elements; *Express linkage* to rights, that everything that one does is connected to a human right Accountability to all stakeholders, *Empowerment, Participation and Non-discrimination* and attention to vulnerable groups of which youth are one.

16. The goal of the 2015–2019 Tuvalu National Policy is to foster the spiritual, mental, physical and cultural development of youths of Tuvalu to enable them to be positive contributors to the national development of Tuvalu. The six priority policy outcome of the Policy are to improve equitable access to education, training and employment opportunities for young women and men (youth and career pathways), increase equal opportunities for young women and men to participate in decision making and leadership (Youth and Governance), youth wellbeing improved through equitable access to health services, spiritual guidance, sports opportunities and cultural activities (Youth and Wellbeing), increased number of youth participating in activities that promotes peace building and conflict prevention (Youth and Peace building), increase number of youth promoting sustainable development (Youth and Sustainable Development) and improved capacity to implement the Policy (Youth Mainstreaming).

17. The Tuvalu National Youth Council (TNYC) jointly monitors the implementation of the Policy together with the youth development department. The TNYC is mandated to advocate to Government the views and opinions expressed by young women and men and also views of youth stakeholders.

### D. Reply to paragraph 4 of the list of issues

18. The Marriage (Amendment) Bill was passed in 2016. The Act was enacted by Parliament on the 18th December 2015 and it commenced to have legal effect on the 1st of January 2016. The Act amended section 5 in its entirety and replaced it providing the minimum marriageable age shall be 18 years and any marriage solemnized between persons either of who is under the age of 18 shall be void. The Amended Act further amended section 7 in its entirety and provided (1) where either party to an intended marriage, not being a widower or a widow, is under 21 years of age, the written consent of both the father and mother shall be required unless (a) if one of the parent is dead or of unsound mind, or absent from the district, the consent of the other parent shall be required; or (b) if both parents are dead, or of unsound mind or absent from the district, the consent of the guardian of such party shall be required. (2) Subject to sub-section (1) of this section (a) when a party has no father, mother or guardian, the Registrar General may, if satisfied after due inquiry that the intended marriage is a proper one, dispense with such consent; or (b) when the person whose consent is required refuses his consent, the Registrar-General may, if satisfied after due inquiry that the refusal is perverse and that it is in the best interest of the party requiring the consent that the intended marriage should take place, dispense with such consent. (3) If the person required to signify his consent is illiterate, he shall sign his

consent by placing his mark thereto after it has been read over and explained to him by a magistrate or a marriage officer who shall attest the same.

#### **Progress made in reviewing discriminatory laws**

19. The Government of Tuvalu having recently established is progressively realizing the need to review discriminatory laws on the case by case basis. As part of the new government's establishment of the Director of the Public Prosecutions office, it will be mandated to review and consolidated the Penal Code. The review of discriminatory laws will also be undertaken as part of the Constitutional Review which is a priority of the current government.

#### **Legal, policy and awareness-raising measures**

20. Work has been undertaken to address discrimination, raise awareness of the most vulnerable children in Tuvaluan society and seek to implement measures to ensure support for these children. The Child Protection Baseline Survey, undertaken in 2019 with the support of UNICEF, provided data identifying the most vulnerable children in Tuvaluan society which included children living away from their biological parents, children living in dysfunctional households, children with disabilities and mixed gender (pina) children. Additionally, a validation and systems design workshop was run by UNICEF in July 2019 outlining these findings and raising awareness across government and NGOs. Gender, equity and social Inclusion Workshop for teachers, senior school staff and church leaders was run by MEYS in May and October 2019. Other activities have included a "GESI Fun Day – The Voice of the Child" which was planned and aimed to support and promote GESI with a focus on the theme "The New Tuvaluan". This GESI activity followed a three-pronged Change Model – Awareness, Dialogue and Action – with the focus on the delivery of awareness and dialogue exercises through games, activities and artwork. The Voice of the Child targeted children with disabilities, Year 8 and TVSD students and provided them with a good opportunity to express and share their feelings and ideas related to the future new Tuvaluan person they envisaged. Radio is also used regularly to run different programs focusing on awareness raising and education. This includes storytelling, question time and support program which utilizes the radio to inform the public about GESI activities such as the training of teachers and GESI tips for teachers and parents.

### **E. Reply to paragraph 5 of the list of issues**

21. The Family Protection and Domestic Violence (FPDV) Act 2014 came into effect on the 18th December 2014. The Family Protection and Domestic Violence Act 2014 provides for a guarantee for women and children including those living with disabilities protection from all forms of violence namely sexual, economic, emotional and physical. The Family Protection and Domestic Violence Act 2014 also imposes mandatory responsibilities on the part of service providers to expediently attend to cases of violence in the home. In addition, the government of Tuvalu through cabinet on the 22nd March 2017 endorsed the establishment of the Family Protection Fund subject to operating under the Tuvalu Development Fund.<sup>8</sup> Significant to the establishment of the fund is the opportunity for child survivors of domestic violence and access for mothers in domestic violence to access as per the criteria and developed operational policy. Furthermore, the Office of the Attorney General in partnership with the Pacific Community/RRRT is currently undertaking a Family Protection and Domestic Violence Baseline. The baseline is aimed at identifying and improving existing mechanisms that can be used to promote the current work on eliminating violence against women in Tuvalu. It is envisaged that the findings of the baseline will assist in the strengthening of ongoing work of the Tuvalu Police Force and relevant government and NGO stakeholders in eliminating violence against women in Tuvalu.

22. The Police Force continues to conduct awareness and outreach program to communities including strengthening the process of investigation on violence against

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<sup>8</sup> Family Protection and Domestic Violence (Amendment) Act 2015.

women. The Tuvalu Police Force in ensuring that accountability for perpetrators for violence and increasing the victims access to justice, ensures that the rights of victims are given during investigations and ensures that only the Senior Magistrates attends to the case. Important to note is that rights of the perpetrators is also provided during the course of the investigations.<sup>9</sup> Also, as part of its internal strategy to reduce domestic violence, the Tuvalu Police Force has in place: (a) no drop policy; (b) issues of police orders, and (c) arrest of offenders.

23. Further, the Tuvalu Gender Policy 2014–2016 discusses women with disabilities in various key thematic areas namely: (a) specific situations of rural women and girls with disabilities are addressed through all legislation, adopt measures to facilitate access to employment for women with disabilities, (b) create a gender sensitive environment in the Falekaupule, Kaupule and Parliament to enable women participation at all levels, including for women with disabilities, recognition of gender based violence experienced by women with disabilities and adoption of adequate measures to prevent it and (c) protect women, strengthen capacity of police officers and health care service providers to respond to victims with a gender sensitive approach including women with disabilities.”

24. The Government of Tuvalu established a Tuvalu Gender Policy 2014–2016 which discusses women with disabilities in various key thematic areas namely: (a) specific situations of rural women and girls with disabilities are addressed through all legislation, adopt measures to facilitate access to employment for women with disabilities, (b) create a gender sensitive environment in the Falekaupule, Kaupule and Parliament to enable women participation at all levels, including for women with disabilities, recognition of gender based violence experienced by women with disabilities and adoption of adequate measures to prevent it and (c) protect women, strengthen capacity of police officers and health care service providers to respond to victims with a gender sensitive approach including women with disabilities.”

25. Ongoing consultations and training have been conducted with the assistance of Technical Advisers, Office of the Attorney-General, SPC/RRRT on the implementation of the FPDV Act. After nation wide consultation, it was evident that the impact of domestic violence was still not fully registered with the community and it was harder for victims to get the immediate protection they deserved. Following reports and recommendations, the Government of Tuvalu made amendments to the FPDV Act in 2015 empowering each member of the Island Court shall have the power to make or grant a protection order in accordance with this Act.

26. The police during White Ribbon day continues to conducts awareness program on all forms of violence (particularly domestic and child violence). The SPC/RRRT in collaboration with the Tuvalu Police Service and the Office of the Attorney-General and Judiciary in collaboration provided training for new police recruits earlier this year (2020) to properly implement the Act.

### **Measures to expedite the development of a policy framework on child protection**

27. With the support of UNICEF and AVP, two Child Protection Consultants have been recruited to support the development and implementation of the Child Protection and Welfare Bill. The Ministry of Education, Youth and Sports has recruited a Child Protection Consultant (UNICEF/ MEYS/AVP) to help develop and implement the Policy for the protection of children in all educational institutions. The consultant during her engagement will Assist the Ministry and build the capacity of the Ministry to a) Revise and finalise the Child Protection in Schools Policy; b) Develop a costed plan of action to implement the Child Protection in Schools Policy; c) Develop, plan and implement child protection-related activities for the education sector, with key priorities including positive discipline methods, detecting, reporting and referring child abuse cases, establish a child abuse reporting, response and referral mechanism in schools; develop a training module and train school child protection focal points and developing a programme to prevent bullying in schools.

<sup>9</sup> Right to be legally represented and the right to remain silent as provided under the Constitution.

28. The Child Protection and Welfare Bill has been drafted, consulted holistically at all island communities on the Capitol and on the outer islands including teachers, parents and children in schools. After the first set of consultation and feedbacks received, the second draft bill was formulated with acceptable feedbacks incorporated in the second draft. It is envisaged that the Bill will be tabled in the first session of Parliament in 2020.

**Mechanism for receiving, following up and investigating reports from or on behalf of child victims of violence**

29. Police are empowered to issue Police Orders under the Police Powers and Duties Act 2009. In considering whether to make a police order, and the terms of a police order, a police officer is to have regard to the following a) the need to ensure that a person is protected from acts of domestic violence; b) the need to prevent behavior that could reasonably be expected to cause fear that a person will have committed against him or her an act of domestic violence; c) the need to ensure that children are not exposed to acts of domestic violence; d) the wellbeing of children likely to be affected by the behavior of the persons involved or by the operation of a proposed order; e) the accommodations needs of the persons involved; f) hardship that may be caused if the order is made; g) any similar behavior by any persons involved, whether in relation to the same person or otherwise; and h) any other matter the police officer considers relevant.<sup>10</sup>

30. A person against whom a police order is issued must immediately; (a) surrender to a police officer any weapon in his or her possession or control; and (b) vacate any land or building occupied by a person at risk, whether or not he or she has a legal or equitable interest in the land or building.<sup>11</sup> It is a condition of every police order that the person against whom the police order is issued must not: a) physically or sexually abuse a person at risk; or b) threaten to physically or sexually abuse a person at risk; or c) damage, or threaten to damage, property of a person at risk ; or d) engage, or threaten to engage, in other behavior, including intimidation or harassment, that amounts to psychological abuse of a person at risk; or e) encourage any person to engage in behavior against a person at risk, where the behavior, if engaged in by the person against whom the orders is issued, would be prohibited by the order; or f) watch, loiter near, or prevent or hinder access to or from the dwelling, business, or employment of a person at risk, or an educational institution attended by a person at risk, or any other place that a person at risk often visits; or g) follow a person at risk, or stop or accost a person at risk, in any place; or h) where a person at risk is present of any land or building – enter or remain on that land or building in circumstances that constitute a trespass; or i) make any other contact with a person at risk (whether by telephone, correspondence, or otherwise) except such contact as is reasonably necessary in any emergency. Person at risk for the purpose of the Police Orders means a) the person named in the police order for whose safety the order is issued; and b) any child residing with that person.<sup>12</sup>

31. *The Police for the Protection of Children in all Educational Institutions in Tuvalu* is guided by its policy statement that all staff employed in Tuvaluan schools are responsible for the care, safety and protection of children in the school or educational institution and this responsibility extends to the identification and timely response to concerns regarding the possible sexual, physical, psychological and emotional abuse or neglect of a child. The police provides a framework for the protection, identification, managing and reporting incidents of child abuse in schools and educational institutions and whenever school activities and programs are conducted or provided.

32. Clause 9.1 of the Policy provides for all school staff must do all of the following when performing their duties: (a) Make a report to the Principal in relation to any of the following: (i) concerns about the behaviour of a member of the school staff towards any student; (ii) any information given to the staff member concerning possible sexual abuse, exploitation or neglect of a student in any context; (iii) any other child protection concerns held by the staff member, including the possibility of physical or emotional abuse of a child;

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<sup>10</sup> Section 43 of the Police Powers and Duties Act 2009.

<sup>11</sup> Section 44 (1) of the Police Powers and Duties Act 2009.

<sup>12</sup> Section 44 (2) (3) of the Police Powers and Duties Act 2009.

(iv) family or domestic violence witnessed by the staff member which affects, or may affect, a child at the school; (b) ensure that records are kept of any report made under this Policy and any document or information relevant to the Report (see Sections 11 and 18 of this Policy); (c) apply all requirements under the law and this Policy in relation to keeping records confidential, and ensuring that the identity of a child in relation to whom a report has been made, or action has been taken, under this Policy; (d) participate in and complete all prevention programs offered by the school or the Department for the relevant type or status of employee, which are aimed at promoting the protection and welfare of children and students.

33. In addition to the obligations under 9.1, all teaching staff must do all of the following when performing their duties: (a) Make a Report to the Principal of any of the following: (i) a belief held by the teacher, formed on reasonable grounds, of the sexual abuse of a child in the school, if the abuse has occurred after the effective date of this Policy (and if the abuse has occurred before the commencement of this Policy a report may be made, but it is not obligatory for this to be done); (ii) any abuse of a child by any member of the school staff; (iii) any abuse of a child during a supervised school activity; (iv) any sexual abuse committed by a student within the school; (v) any consensual sex between children at the school if the sexual activity may constitute a criminal offence; (vi) any allegation of sexual harassment by a member of the school staff against any person; (vii) any allegation of sexual harassment by a student in the school against a member of staff or another student; (b) document all behavioural indicators of child abuse (see Section 15 of this Policy).

34. In addition to the obligations under 9.1, all Principals must do all of the following when performing their duties: (a) forward all Reports made under this Policy to the Director of Education, and request acknowledgment that the Reports have been received; (b) report child protection concerns that may involve criminal behaviour to the Commissioner of Police; (c) if time permits, notify or attempt to notify the Director of Education or the Commissioner of Police (as appropriate) prior to informing the parents, and seek advice from the Director or Commissioner; (d) file and store all documentation securely and separately from the child's school records; (e) if requested, support the teacher or member of the school staff to make a verbal report to the Director of Education; (f) provide information to the Commissioner of Police (or to a designated police officer) as requested, and ensure that members of the school staff cooperate with any investigation or inquiry; (g) arrange support for the child as required, and document all aspects of the support that is offered; (h) arrange support for the staff member who has made a mandatory report when there is concern for their safety; (i) ensure that the parents of a child in relation to whom a report has been made, are informed as soon as practicable after the Report is made; (j) when informing parents of a Report, the following procedures should be followed: (i) the interview should be conducted in private and document the discussion; (ii) the parents must be told why the interview is taking place; (iii) the parents must be told that the school is obliged to report the matter to the Department of Education and to the Police, but will otherwise treat the interview as confidential and protect the interests of the child in maintaining confidentiality; (iv) discussions must be direct, honest and professional; (v) the parents must be advised of reports that have been made to other agencies; (vi) the action to be taken by the Department if an allegation has been made against a staff member must be explained; and (vii) the parents must be informed of the support available to them and their child; (k) ensure that Reports required under this Policy provide information and statistics that can be brought to the attention of the NACCRC and the Development Coordinating Committee (DCC), and which can facilitate the provision of coordinated support; (l) implement approved prevention programs and otherwise promote understanding about child protection and the processes for promoting child welfare.

## **F. Reply to paragraph 6 of the list of issues**

35. Section 29 of the *Education Act* Cap 30.05 provides for (1) No teacher, other than a head-teacher, shall administer corporal punishment to any pupil. (2) If a head-teacher administers corporal punishment to any pupil, he shall record details of the punishment

administered and the offence for which the corporal punishment was administered in a book to be kept at the school for that purpose. (3) The Minister may give directions for further controlling corporal punishment in schools. Section 29 has been repealed under the *Education (Amendment) Act 2017* in its entirety. It is therefore prohibited to administer corporal punishments in all education institutions and anyone reported administering corporal punishment will be charged under the Penal Code.

36. Section 8(8) of the Island Courts Act provides that in lieu of any other sentence which an island court may lawfully impose on any male child or male young person, the provisions of section 6(1) to the contrary notwithstanding, it may order his parent or guardian to cane him with a specific number of strokes of a cane not exceeding, in the case of a child, 6 strokes, and in the case of a young person, 10 strokes; and any strokes so ordered shall be administered in accordance with such regulations as may, for the time being, be in force and in the presence of a member of the island court. Although the Island Court has not administered section 8 (8) in determining its sentence, the government of Tuvalu in compliance with its human rights obligations has repealed this section in its entirety.

37. Additionally, Corporal Punishment is explicitly prohibited in Educational settings. The Child Protection in Educational Institutions explicitly sets this out and measures have been taken by the Education Department to inform and train teachers in Positive Behaviour strategies. The Education Department has worked with all schools to inform them of the change in law and all teachers have had basic training provided on Positive Behaviour Management as well as the first cohort (40 teachers across 2 schools) of teachers from the mainland schools has undertaken training modules on Positive Behaviour in School Strategies training that were conducted in 2019 through a partnership with Volunteer Service Abroad (New Zealand) who provided a 12 month TA Volunteer who developed a contextually suitable positive behaviour management program and training modules for all schools in Tuvalu. Education Officers from the School Supervisory Unit are now also trained to deliver this Positive Behaviour Management Training to all other schools in Tuvalu and to ensure that all new and returning teachers are provided with the same training. The workshops were developed based on principles from the Positive Behaviour For Learning (PB4L) philosophy. The aim of PB4L is 'To provide a positive school climate and create a supportive environment for personal, social and academic growth for students and staff.' The achievements realized from this were as follows i) delivery of the four workshops between April–November 2019 to Nauti School and the Seventh Day Adventist (SDA) Primary School teachers and Head Teachers; ii) SDA School 100% teacher attendance at workshops #2 and #4. Attendance at workshop #1, 80% and Workshop #3, 70%; iii) Six of SDA's 10 teachers attended all four workshops; iv) Nauti Primary School 95% teacher attendance at workshop #3. Attendance at workshop #1, 70%, workshop #2, 69% and workshop #4, 62%; v) Eleven of Nauti Primary School's 42 teachers attended all four workshops; vi) Two teaching staff from the outer island's participated in workshop #3 at Nauti School; vii) 96% of Nauti School participants rated the programme as 'Excellent' overall; viii) 98% of SDA School participants rated the programme overall as 'Excellent' overall.

38. The Child Protection in Schools Policy and amendments to the Education Act will outline training such as PBSIS which will be mandatory for all teachers, reporting pathways, repercussions for teachers that engage in corporal punishment. Work is also underway to develop an induction package for all new teachers which includes specific information on child protection, expectations under their role as professionals including mandatory reporting and a code of conduct.

#### **Progress made in amending the Penal Code**

39. The Penal Code was amended in 2016 to increase the age of females criminalized for acts of incest from 15 years to the age of 18 years. Section 156(5) of the Penal Code has been amended in its entirety and replaced with the following words (5) *any female person of or above the age of 18 years who with consent permits her grandfather, father, brother or son to have sexual intercourse with her (knowing him to be her grandfather, father,*

brother or son, as the case may be) shall be guilty of a felony and shall be liable to imprisonment for 7 years.<sup>13</sup>

### **Status of the cybercrime bill**

40. Tuvalu is in its initial stages of getting a first draft Cybercrime Bill completed. However, the provisions in this draft bill aim to protect children by penalizing those that: (1) Possess child pornographic material (2) Distributes child pornographic material (including exporting of such material) (3) Publishes child pornographic material (3) Imports pornographic material into Tuvalu (4) Grooms a child for sexual activity (5) Meets a child following sexual grooming (6) Intentionally exposes a child to indecent material and (7) Using service for sexual activity with child. There are also provisions that hold service providers accountable for the following: (i) Is aware or becomes aware that a service provided by a person can be used to access child pornographic material and (ii) Does not, within reasonable time after becoming aware, report this to the Tuvalu Police or remove the material from the service if they are able to.

41. As earlier stated, this bill is in its raw stages of drafting and further child pornographic provisions might be added to the draft Bill and discussions and consultations. However, in the draft bill at the moment, it tends to include some measures to implement provisions against child pornography.

## **G. Reply to paragraph 7 of the list of issues**

42. Section 7 of the *Native Lands Code* provide for (i) A gift to an adopted child may only be given if the adoptive parent has registered the adoption before the lands court. An adoption of a child shall only be allowed by the lands court if it is satisfied that the adoptive parent's real issue, or his family if he is issueless, will not thereby be left in hardship, but if his real issue, or his family if he is issueless, are guilty of neglect then the lands court may approve the adoption and it is immaterial if there are not enough lands left for his real issue or his family. Such an adoption may be annulled by the lands court if it is proved that the adopted child is not dutiful. (ii) An adopted child will receive his inheritance from his real father and mother in the same way as his brothers and sisters. (iii) Gifts to an adopted child will revert to the donor's family if the recipient dies issueless. But if the recipient has children the donor loses his reversionary right and it is immaterial if his issue are later issueless. (iv) At Funafuti an owner may not distribute or give away his lands held kaitasi without the consent of the other members of the Kaitasi group. (v) At Nui Gifts of Adoption will revert to the donor or his issue upon the issueless death of the recipient or his issue irrespective of the number of generations after the gift. However the land shall revert to not more than 2 members of the donor's issue in order to prevent undue fragmentation. The above provisions are from the *Native Lands Code* which commenced since the 1st July 1962. Some twenty four years later, the government enacted an *Adoption of Children Act* which commenced in 1986.

43. The *Adoption of Children Act* provides for the welfare and interest of child to be paramount in all proceedings before the Court.<sup>14</sup> Section 10 further states that no adoption order shall be made unless having made proper enquiries the Court is satisfied that – (a) the applicants are of good repute and are fit and proper persons to fulfill the responsibilities of parents of the child to be adopted; and (b) the applicants are suitable persons to adopt the child having regard to – (i) all relevant considerations, including age, state of health, education and religious upbringing of the child and of the applicants; (ii) any wishes that have been expressed by a parent or guardian of the child in an instrument of consent to the adoption with respect to the religious upbringing of the child; and (iii) the welfare and interests of the child. This Act was further amended in 2013 to increase the age of adoption from 12 to 21 years and in 2015 Parliament enacted its subsequent amendment to allow Tuvaluan natives and citizens of Tuvalu to Adopt children under the Act irrespective of the place of residence. Since its initial reporting in 2013, the Judiciary has seen far more formal

<sup>13</sup> Penal Code (Amendment) Act 2016.

<sup>14</sup> Section 7 of the *Adoption of Children Act*.

adoption under the Adoption Act taken place compared to Native Adoptions under the Tuvalu Lands Code.

## **H. Reply to paragraph 8 of the list of issues**

44. The endorsed Tuvalu National Policy on Disability sets out a comprehensive framework to address the needs and rights of persons with disabilities. It aims to improve the quality of their lives and their full and equal participation as empowered citizens. This is a reflection of Tuvalu's vision of a disability-inclusive and barrier-free society where persons with disabilities are able to enjoy all human rights on an equal basis with others, and to live with dignity. This also reflects the key principles and core values of the CRPD, in particular the: (a) principles of non-discrimination; (b) respect for inherent dignity; and (c) full and effective participation and inclusion.

45. The Tuvalu National Disability Coordinating Committee commits to advancing human rights generally in Tuvalu but, more specifically, it was established to formulate and develop meaningful national decisions and actions that addresses issues concerning persons with disabilities in Tuvalu. The objective of the Tuvalu National Disability Coordinating Committee is to ensure the facilitation of the implementation of the CRPD by setting up and developing key mechanisms that would in turn translate into relevant and progressive actions to realise the human rights of persons with disabilities in Tuvalu. The TNDCC is the national focal point for disability in Tuvalu. The Department of Community Affairs is the Government's Focal Point for Disability.

46. In 2017, the government of Australia through the Pacific Women Shaping Pacific Development (Pacific Women) program provided funding to the government to undertake the Tuvalu Study on Peoples with Disabilities. The Government of Tuvalu through the Ministry of Home Affairs and the Gender Affairs Department provided essential support to the Study throughout its duration. The Board, staff, members and volunteers of the Fusi Alofa Association (FAA), the disabled people's organisation in Tuvalu, played a key role in the Study from its initial inception. The study on disability, humanity and dignity are particularly pertinent concepts raised under the National Action Plan on Human Rights and the Convention on the Rights of Persons with Disabilities.

47. In addition to the above, the government of Tuvalu currently have in place a Support Scheme for the Most Vulnerable Persons with Disability. The support scheme recognises that persons with disabilities live in conditions of poverty, and, in this regard recognises the critical need to address the negative impact of poverty on persons with disabilities in Tuvalu and to provide financial assistance to citizens of Tuvalu who are eligible. The beneficiary under the scheme is entitled to receive a payment of AUD\$70.00 per month in accordance with the provisions of the scheme.

48. The Tuvalu National Disability Coordinating Committee's primary role is to assist the Government and People of Tuvalu in coordinating and monitoring the implementation of Tuvalu's obligations under the Convention.

49. The Ministry of Education currently provides Special School (MoE) Grant for Fusi Alofa. The grant provided has allowed the Fusi Alofa to provide educational services for children with special needs in Tuvalu. The grant pays for the teachers that are currently managing the school for children with special needs. In addition to the above, the 2012 Census for the first time included persons with disabilities in its interviews and overall scope of work. The 2007 Demographic & Health Survey included indicators into domestic violence on women and children. Also, important to note is that persons with disabilities particularly the mentally incapacitated can travel to any of the outer island without paying for boat fares or accompanying costs.

50. Additionally, the Public Health Unit and Non-Communicable Disease Committee have facilitated awareness and training programmes for relevant stakeholders including the National Disability Organisation on non-communicable disease and better healthy lifestyle. The Government of Tuvalu notes that there is an urgent need to fully include persons with disabilities in national data gathering and statistics. The initial report also notes that whilst

this was barely done in the past, more attention will be made to be more inclusive in the future work and activities. Additionally, the Ministry of Health has currently modified its building and premises to be more accessible for persons with disabilities. It has also facilitated the provision of wheelchairs for persons with disabilities who need them.

51. Further the Tuvalu National Disability Coordinating Committee under s5(1) (d), (e) has as its core functions to: (d) make recommendations on legislative and policy actions to be undertaken to ensure the effective implementation of the CRPD; (e) Coordinate the adoption of legislation and administrative measures to promote the human rights of Persons with Disabilities.

52. The Government of Tuvalu through the endorsed Tuvalu National Policy on Disability has identified 12 priority areas. These 12 areas have been identified after thorough consultations with persons with disabilities and relevant government stakeholders. Important to note that the identified 12 key priorities will be progressively realised. The priority areas, have identified specific objectives and accompanying activity that will need to be undertaken to fulfil the enjoyment of the priority areas. In addition, the endorsed Tuvalu National Disability Policy has an accompanying Implementation Plan. The implementation plan has identified activities under each key priority that will need to be implemented to allow and ensure that the rights of persons with disabilities are recognised. It also identifies key government department that will be working in partnership with Fusi Alofa to implement the identified activities.

53. The report notes that, in accordance with the Falekaupule Act Schedule 3 Cap 4.08, the Falekaupule (Assembly of Traditional Leaders), in conjunction with the Government, is to provide for and grant sums of money towards the maintenance and welfare of children and young persons and of the aged, destitute or infirm. The Government of Tuvalu will work with the relevant government ministry and department to ensure that the word disability is included in this clause of the mentioned Schedule.

54. Inclusive Education is a priority under MEYS and an Inclusive Education TA has been recruited to support the Ministry. Under her recruitment, the TA is mandated to develop policy in line with the Ministries inclusive education goal, identify gaps and provide inclusion provisions in compliance with the inclusive education goal provide capacity building for relevant stakeholders on the above developments.

## **I. Reply to paragraph 9 of the list of issues**

55. Child Poverty has not been identified as an issue affecting Tuvaluan society. Tuvaluan society lives in a communal setting which allows for a village to raise a child. Children who belong to parents who might face financial hardship will often be supported by extended family and the church community to ensure that no child suffers hunger. The outer Island are all staffed with nurses and some allied health services to reduce the disparities in health between the main island of Funafuti and outer islands. Serious medical cases on the outer islands are referred to the mainland of Funafuti. In addition, the medical team will often conduct outreach services to the outer islands to provide support to the nursing posts in the outer island. On all outer islands there are nursing posts which are accessible for all the community to get information in relation to Sexual Reproductive Health. On Funafuti, the NGO TuFHA(Tuvalu Family Health Association) works in partnership with the Ministry of health and provides counseling and education to adolescents on Sexual Reproductive Health through government funding assistance and cooperation with the Ministry in terms of facility sharing and assistance where necessary. For further information on the disparity, please refer to Annex 5. In addition, a capacity building training was lead by the Pacific Women with Ministry of Education to train teachers and education staff on basic counseling skills.

56. As a member of the international community, Tuvalu has committed to realising the SDGs. The SDGs complement Tuvalu's ongoing and existing development priorities in the TK III as well as other international human rights commitments. However, as envisaged by the United Nations, the goals are, over a 15-year period, envisioned to end poverty, protect the planet, and ensure prosperity for all, while welcoming the participants on of all people

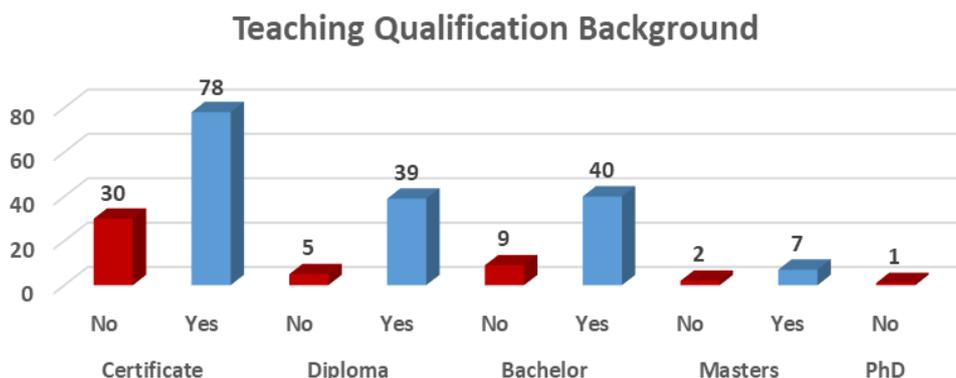
in a country. Tuvalu will continue to work with development partners and donors to realise progress around some of these crucial areas especially on food security.

57. In addition to the above, the government of Tuvalu currently have in place a Support Scheme for the Most Vulnerable Persons with Disability. The support scheme recognises that persons with disabilities live in conditions of poverty, and, in this regard recognises the critical need to address the negative impact of poverty on persons with disabilities in Tuvalu and to provide financial assistance to citizens of Tuvalu who are eligible. The beneficiary under the scheme is entitled to receive a payment of AUD\$70.00 per month in accordance with the provisions of the scheme. The Tuvalu National Disability Coordinating Committee’s primary role is to assist the Government and People of Tuvalu in coordinating and monitoring the implementation of Tuvalu’s obligations under the Convention.

**G. Reply to paragraph 10 of the list of issues**

58. The Education Department has taken several measure to improve the quality of teaching across all sectors of Schooling.

59. Working in partnership with the University of the South Pacific and funded in partnership with the DFAT – Australia Support to Education in Tuvalu Program, 18 teachers graduated with a Certificate of Teaching. These teachers will increase the pool of teachers available to support the Education Department.



60. Girls are out performing boys in all levels of schooling. Literacy levels plays a major role in this and working with the DFAT– Australian Support to Education in Tuvalu program, the Education Department is providing all schools with training in pedagogy and delivery using a Literacy focus. It is hoped that this training will help provide teachers with the skills to provide a learning environment that fosters positive learning outcomes for girls and boys.

**Literacy and Numeracy Training (2019)**

Teachers	Males	Females	Total
Year 1-8			82
Head Teachers			9
Assistant Head Teachers			16
<b>TOTAL</b>			<b>107</b>

<b>Writing – Years 1 – 8 (2020 to date)</b>			
TEACHERS	School	Length of PD	Number of attendees
Years 1-8	Nauti and SDA	6 ½ hours	43
Years 1-8	Nanumea	6 hours	7
Years 1-8	Nanumaga	6 hours	9
Years 1-8	Niutao	5 ½ hours	12
Years 1-8	Nui	2 ½ hours	3
Years 1-8	Nukufetau	2 ½ hours	7
Years 1-8	Vaitupu	10 hours	9

61. Providing quality learning materials is also a priority for the Education Department, in partnership with DFAT– Australian Support to Education in Tuvalu program, providing \$200,000 of resources that cover the areas of shared reading, graded readers for the 10 Primary schools including reading materials suitable for older students who are part of the Technical Vocational Skills Development (TVSD) program.

62. Tuvalu Early Learning Project (TuLP) is a \$12.7 million project funded under the World Bank IDA funding to Tuvalu. This project will begin in August 2020 to December 2025. Key challenges proposed to be addressed by this project are: a) school readiness, b) improved literacy outcomes – Primary, c) access to and availability of teaching and learning materials, d) student absenteeism, e) gender disparity in learning outcomes, f) stunting, g) data for decision making, h) improved school leadership and systematic approaches. This project will be managed through the mechanisms of the Government of Tuvalu with an emphasis on sustainable approaches beyond 2025.

**Measures under the Sustainable and Integrated Water and Sanitation Policy**

63. The Sustainable and Integrated Water and Sanitation Policy 2012–2021 is a response to national water crises, and directly aims to ensure that the government is prepared for future challenges. The purpose of the WSP is to ensure that the people of Tuvalu have continued access to safe, reliable, affordable and sustainable water and sanitation facilities. The policy supports Tuvalu’s key planning document, Te Kakeega III (National Strategy for Sustainable Development), as well as key Pacific Regional Framework such as the Pacific Regional Action on Sustainable Water Management.

64. The Sustainable and Integrated Water and Sanitation Policy complements other national frameworks, including Te Kaniva (National Climate Change Policy), the Strategic National Action Plan (SNAP), National Biodiversity Strategy and Action Plan (NBSAP), the National Action Plan to combat Land Degradation and Drought (NAP), and the National Adaptation Program of Action (NAPA). It is intended that measures for the implementation of the policy will be further progressed through the finalisation of Tuvalu’s national IWRM Plan.

65. The WSP adopts the following guiding principles: (a) access to safe drinking water and sanitation is a fundamental human right. Access to facilities should not be confined to certain sectors of the community, and the WSP aims to ensure that the daily needs of all

Tuvaluan's, including the most vulnerable, are met; (b) water is everyone's business, and all Tuvaluan's have a role in the management of water and sanitation. The effective implementation of the WSP will depend on the success of integration, coordination and collaboration between responsible ministries, departments, Kaupule, non-government organisations, the private sector, civil society and international partners. The WSP encourages the effective participation of community stakeholders in planning, setting of rules and standards, implementation, monitoring and evaluation. The WSP also recognises that women have a key role in the management of water; (c) water and sanitation services in Tuvalu should, over the longer term, operate on a sustainable basis. The WSP acknowledges the importance of ongoing partner support to help address some of Tuvalu's more serious water and sanitation challenges, but also recognises that, over time, a more sustainable footing is needed for our water and sanitation services; (d) managing risk is more effective than responding to consequences. The WSP recognises that managing the water-related impacts of climate variability and climate change requires a risk-based approach, and adaptation to these impacts requires integration of effective risk reduction strategies across all sectors; and (e) effective water management is an important national response to the impacts of climate change.

66. In addition, the goals of the Sustainable and Integrated Water and Sanitation Policy 2012–2021 is to: (a) to provide a safe, reliable, affordable and sustainable water supply; (b) to manage and conserve scarce water supplies; (c) to establish and maintain effective early warning and response systems; (d) to enable effective, equitable and integrated governance of water and sanitation; (e) to increase community awareness and participation in the management of water and sanitation; (f) to improve access to reliable, affordable and environmental sustainable technologies; and (g) to improve the affordability of water and sanitation services and increase access to sustainable sources of finance.

## **K. Reply to paragraph 11 of the list of issues**

67. The disability policy under priority area 12: emergency and safety, it Clearly state that persons with disabilities need safeguarding and protections services that meet their needs, that includes children with disabilities. This is in accordance with other policies such as; Tuvalu National Strategic Action Plan for Climate Change and Disaster Risk Management. Tuvalu National Disaster Risk Management Arrangements (NDRMA) TC PAM Recovery Report. Which acknowledge the following objectives: (i) To ensure the Disaster Strategic Action Plan for Climate Change and Disaster Risk Management (NSAP) is inclusive; (ii) To align all community disaster plans and all school evacuation plans with the Disaster Strategic Action Plan for Climate Change and Disaster Risk Management (NSAP) to include Persons with Disability (iii) To ensure that safeguarding and protection measures are in place for women and girls, (iv)To facilitate awareness and advocacy programs on issues relating to climate change, emergency, safety and security to be inclusive.

68. The Education Department is now working closely with the SPC/Regional Rights Resource Team to integrate Social Citizens into the curriculum. This is inline with the outcomes of the promotion of social citizens through education consultation. To date, copies of the curriculum for Health Science, Social Science, science and climate Change education have been sent to the Pacific Community/Regional Rights Resource Team (RRRT) for review. This initiative commenced in 2018.

69. Moreover, Parliament enacted a *Climate Change and Disaster Survival Fund Act 2015* to provide for the security of the people of Tuvalu against the impacts of climate change and natural disasters. The Act further aims to legalize the establishment of the Tuvalu Climate Change and Survival Fund with which the Government will provide vital services to the people, and as a measure of response to future climate change impacts and disasters in Tuvalu. The Act shall apply to the Government in providing financial assistance to its citizens to adapt, recover and rehabilitate them from the devastating impacts of climate change and natural disasters.

70. The Parliament of Tuvalu further enacted a *Climate Change Resilient Act 2019* to build and effective climate change response and ensure long term, just transition to a climate resilient and lower carbon economy and society. The purpose of the Act is To achieve the policy objectives and commitments provided under section 8, the Act: (a) provides the legal basis for climate change resilience policy and law; (b) gives effect to legal obligations of Tuvalu with respect to implementing the UNFCCC, the Kyoto Protocol, the Paris Agreement and other agreements related to climate change that the Government of Tuvalu is a Party to; (c) promotes low carbon development; (d) establishes the role of Government in coordinating climate change actions and establishes effective governance structures for the implementation of sound climate change policies; (e) promotes public awareness and involvement in climate change issues and the preservation of Tu, Iloga mo Faifaiga as it relates to the environment; and complements climate change related provisions in other laws.

71. The policy objectives of this Act are:(a) to regulate Tuvalu’s efforts to reduce greenhouse gas emissions in accordance with section 9 and contribute to the protection of the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with Tuvalu’s responsibilities and capabilities; (b) to build the resilience of Tuvalu’s infrastructure, built environment and communities through effective adaptation and disaster preparedness actions; (c) to manage Tuvalu’s natural resources, environment, ecosystems and biodiversity to promote their resilience to the impacts of climate change; (d) to protect specific needs, taking into consideration special circumstances of Tuvalu and its vulnerability to the adverse effects of climate change; (e) to promote and support Tuvalu’s islands, industries and communities to adjust to the changes and impacts arising from reducing greenhouse gas emissions across the economy; (f) to support vulnerable communities and populations and promote social justice and intergenerational equity on matters related to this Act; and (g) to the greatest extent possible, guarantee the security of the people of Tuvalu from the impacts of climate change, to ensure their sustainability and to maintain national sovereignty, including coordinating planning efforts on climate change adaptation initiatives; and (h) to address loss and damage associated with climate change. The Act defines vulnerable communities and population to include children, women, the elderly, persons with disabilities, minority church groups, and other people in vulnerable situation.

72. The *Tuvalu National Labour Migration Policy* provides for the administration of labour migration. Within its strategic action, the policy has a mainstream labour migration in 10 year national strategy for sustainable development (2016–2026) and covers population planning, youth, women and education.

#### **L. Reply to paragraph 12 of the list of issues**

73. Given its limited financial resources and land mass availability, the government is not in a position to develop a comprehensive juvenile justice system in place within this periodic cycle however it relies on its development partners for technical, financial and human resources in the implementation of this recommendation.

#### **M. Reply to paragraph 13 (a) of the list of issues**

74. An update on the information with regard to New Acts 2017:

- Superior Courts (Amendment) Act
- Tobacco Control (Amendment) Act
- Island Courts (Amendment) Act
- Native Lands (Amendment) Act
- Falekaupule (Amendment) Act
- Traffic (Amendment) Act

- Penal Code (Amendment) Act
  - Merchant Shipping (Amendment) Act
  - Labour and Employment Relations Act
  - Marine Pollution (Amendment) Act
  - Marine Resources (Amendment) Act
  - Waste Management Act
  - Falekaupule (Amendment) Act
  - Education (Amendment) Act
  - Biosecurity Act
  - Alcoholic Drinks (Amendment) Act
  - Income Tax (Amendment) Act
  - Leadership Code (Amendment) Act
  - National Human Rights Institution Act
75. An update on the information with regard to New Acts 2018:
- Electoral Provisions (Parliament) (Amendment) Act
  - Constitution (Amendment) Act
  - Falekaupule (Amendment) Act
  - Public Finance (Amendment) Act
76. An update on the information with regard to New Acts 2019:
- Immigration (Amendment) Act
  - Dogs (Amendment) Act
  - Climate Change Resilience Act
  - Parks and Recreational Areas Act
  - Building Etc
  - Falekaupule (Amendment) Act.
77. An update on the information with regard to New bills:
- Immigration Bill
  - Cybercrime Bill
  - Birth, Death, and Marriage Bill
  - Alcoholic Drinks (Amendment) Bill
  - Public Order (Amendment) Bill
  - Superior Courts (Amendment) Bill
  - Penal Code (Amendment) Bill.
78. An update on the information with regard to New regulations:
- Vessel Charters and Diversion (Special Funds) Regulation 2018
  - Waste Management (Prohibition on the Importation of Single-Use Plastic) Regulations 2019
  - Waste Management (Litter and Waste Control) (Amendment) Regulation 2019
  - Family Protection Fund Regulation 2019.

**N. Reply to paragraph 13 (b) of the list of issues**

79. An update on the information with regard to New institutions:

- National Human Rights Institution
- Director of Public Prosecution.

**O. Reply to paragraph 13 (c) of the list of issues**

80. An update on the information with regard to New Polices/Programmes/Action Plan:

- National Noncommunicable Disease Strategic Plan 2017–2021
- Sexual and Reproductive Health Policy 2018
- National Medicine Policy.

**P. Reply to paragraph 13 (d) of the list of issues**

81. The government of Tuvalu has endorsed to sign up to the Convention against Torture, the Optional Protocol to the Convention on the Rights on the Rights of the Child on the sale of children, child prostitution and child pornography, Optional Protocol on a Communications Procedure and the United Nations Convention against Transnational Organized Crime.

**Q. Reply to paragraph 14 of the list of issues**

82. Please refer to Annex 1.

**R. Reply to paragraph 15 (a) of the list of issues**

83. No reported cases of corporal punishment but as of yet the systems are not in place to provide consistent data.

**S. Reply to paragraph 15 (b) of the list of issues**

84. Two cases of child abuse have been identified (2018 & 2019) and complaint have been lodged with Tuvalu Police Service for investigation and further prosecution.

**T. Reply to paragraph 15 (c) of the list of issues**

85. Please refer to Annex 6 and 8.

**U. Reply to paragraph 15 (d) of the list of issues**

86. No data available.

**V. Reply to paragraph 16 of the list of issues**

87. Refer to Annex 2 & 5.

88. The Ministry of Health has developed a *National Noncommunicable Diseases Strategic Plan 2017–2021* as a guiding tool of intervention to help address noncommunicable diseases in Tuvalu. The Ministry has achieved a high vaccination coverage 2016 more than 93% for all antigens, a 100% of antenatal patients were screened

for HIV and no cases of HIV were detected. While aiming to provide the best medical services to all its citizens, the Ministry has faced challenges such as

**W. Reply to paragraph 17 (a), (b) and (c) of the list of issues**

89. No data available.

**X. Reply to paragraph 17 (d) of the list of issues**

90. In the past three years, there are no recorded incidents of children separated from their parents, orphaned, adopted or placed with extended family. As Tuvalu is a communal society, any orphaned children will find themselves integrated within the larger extended family. There is currently no bill that mandates social welfare to place children in alternative placements. It is envisaged that the Child Protection and Welfare Bill 2019 once passed will give Social welfare the mandate to manage child protection issues in Tuvalu. For data on adoption before the court, please refer to Annex 7.

**Y. Reply to paragraph 18 (a) of the list of issues**

91. Pls. refer to Annex 3, the data was captured from the latest disability study in 2018.

**Z. Reply to paragraph 18 (b) of the list of issues**

92. At the moment there are no children living in an Institution. But there is a disabled people organization called Fusi Alofa, with the main aim of advocating for and improving the lives of people living with disabilities in Tuvalu.

**AA. Reply to paragraph 18 (c), (d), (e) and (f) of the list of issues**

93. See tables below.

**Primary school Dropout Rates**

<i>School years</i>	<i>Female</i>	<i>Male</i>	<i>Grand Total</i>
2017	2%	1%	2%
2018	1%	2%	2%
2019	0%	0%	0%
<b>Grand Total</b>	<b>1%</b>	<b>1%</b>	<b>1%</b>

**Secondary school Dropout Rates**

<i>School years</i>	<i>Female</i>	<i>Male</i>	<i>Grand Total</i>
2017	12%	25%	18%
2018	5%	14%	8%
2019	2%	4%	3%
<b>Grand Total</b>	<b>6%</b>	<b>14%</b>	<b>10%</b>

**AB. Reply to paragraph 18 (g) of the list of issues**

94. Data not available.

**AC. Reply to paragraph 19 (a) of the list of issues**

95. Refer to Annex 6 & 8.

**AD. Reply to paragraph 19 (b) and (c) of the list of issues**

96. Data not available.

**AE. Reply to paragraph 19 (d) of the list of issues**

97. Refer to Annex 8.

**AF. Reply to paragraph 19 (e) and (c) of the list of issues**

98. Data not available.

**AG. Reply to paragraph 20 of the list of issues**

99. The Department of Monitoring and Evaluation under the Ministry of Finance has the mandate to implement and monitor the Sustainable Development Goals. Tuvalu's National Strategy for Sustainable Development was formulated for the UN Sustainable Development Goals. The department keeps track of progress made in implementation through quarterly reports received from line Ministries.

**AH. Reply to paragraph 21 of the list of issues**

100. Please refer to Annexes.

**AI. Reply to paragraph 22 of the list of issues**

101. Tabling of the CP bill in Parliament in March 2019, continuous awareness raising on stakeholders who play the role of CP in the Bill and Policy.

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