



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
25 July 2014

Original: English

Committee on the Elimination of Discrimination against Women

List of issues and questions in relation to the combined third and fourth periodic reports of Tuvalu*

Definition of discrimination

1. It is acknowledged that the Constitution has not been amended with a view to prohibiting discrimination on the basis of sex or gender ([CEDAW/C/TUV/3-4](#), para. 14).¹ Please indicate whether the State party has taken or plans to take steps to amend the Constitution and other appropriate legislation to incorporate the principle of equality of women and men and define and prohibit all forms of discrimination against women, including direct, indirect, de jure and substantive discrimination, in line with article 1 of the Convention.

Discriminatory laws and practices

2. Reference is made to a number of laws that contain direct or indirect discriminatory provisions against women, such as the Native Lands Act, the Tuvalu Lands Code, the Falekaupule Act, the Marriage Act, the Employment Act and the Penal Code (paras. 10-13 and 56). It is also acknowledged that, since the State party's previous report, no comprehensive legislative review with a view to removing discriminatory provisions against women has been conducted (para. 7 and table below para. 33). Please indicate whether the State party envisages carrying out such a review of its legislation and setting a clear timetable for the conclusion thereof in order to amend or repeal all discriminatory legislation and achieve compliance with the Convention and the Committee's general recommendations.

3. According to the Laws of Tuvalu Act 1987, customary law is recognized along with statutory law as a source of law in the State party ([HRI/CORE/TUV/2012](#), para. 37). Please indicate any measures taken to bring customary law and practices into line with the obligations of the State party under the Convention.

* Adopted by the pre-sessional working group for the sixtieth session, meeting from 21 to 25 July 2014.

¹ Unless otherwise indicated, paragraph numbers refer to the combined third and fourth periodic reports of the State party.



Visibility of the Convention

4. The State party acknowledges that the Convention has not been disseminated to all branches of the Government and to the judiciary (para. 20), as previously recommended ([CEDAW/C/TUV/CO/2](#), para. 18). It also acknowledges that the most recent training programme for law enforcement officers on the Convention was conducted in 2007 (para. 22). Please indicate whether the State party has planned any new training programmes for law enforcement officers on the Convention. What efforts are being made to improve the capacity and knowledge of the Government, the judiciary, the education sector, civil society and the general public with regard to gender equality? Please also provide specific information on how the State party is enhancing the awareness and knowledge of women, in particular those belonging to the most disadvantaged groups, such as rural women, women with disabilities and older women, about their rights under the Convention and the related national legislation.

Access to justice

5. Please provide information on measures taken to remove barriers to women's access to justice, in particular limited information about their rights, lack of support in pursuing those rights and high legal costs. In the light of the Committee's previous recommendations ([CEDAW/C/TUV/CO/2](#), para. 18), please provide information on measures taken to expand legal assistance for women in the State party. Please also provide information about decisions issued by the judiciary in relation to violations of women's rights and to ensure reparations, including adequate compensation, for victims. Please also provide updated information on the human and financial resources provided to the Office of the People's Lawyer (para. 25).

National machinery for the advancement of women

6. Please provide updated information on whether the national machinery for the advancement of women (the Department of Women Affairs) has been provided with adequate human, financial and technical resources and the authority and decision-making power necessary to coordinate and work effectively for the promotion of gender equality and mainstreaming, as previously recommended by the Committee ([CEDAW/C/TUV/CO/2](#), para. 24). Please also indicate any progress made and challenges faced in the implementation of the National Strategy for Sustainable Development 2005-2015 (Te Kakeega II), in particular taking into account the outcome of the midterm review relating to women and gender issues and alternative income-generating opportunities for women (para. 15). Please also elaborate on the progress made in establishing a gender recognition policy and a strategic plan and corporate plan for the Department of Women (table below para. 33).

Temporary special measures

7. It is acknowledged that the Constitution falls short of providing temporary special measures and that such measures are erroneously perceived as a tool to disadvantage men (para. 32). Please provide information on the steps taken to promote understanding of temporary special measures for the advancement of women, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 on the subject. It is mentioned that a strategy/policy paper on reserved seats for women has been developed and presented to the Development

Coordinating Committee and the Cabinet (table below para. 33, para. 35) and that legislation to reserve parliamentary seats for women (two seats in total, one per four islands) is pending (table below para. 33). Please provide information on the content of the paper, its current status and the measures taken to expedite the adoption of related draft legislation.

Stereotypes and cultural practices

8. The State party acknowledges the existence of traditional patriarchal attitudes and gender stereotypes that contribute to gender discrimination and reinforce stereotypical images of the role of women and men in the family and in society (paras. 32, 36-37, 46 and 70; [HRI/CORE/TUV/2012](#), paras. 10, 62 and 64). Please provide detailed information on the measures taken to eliminate patriarchal attitudes and discriminatory stereotypes that impede women's full enjoyment of their rights and indicate whether the State party envisages putting in place a comprehensive strategy, including legislation, establishing a monitoring mechanism and conducting research on this subject, including on the outer islands, as previously recommended by the Committee ([CEDAW/C/TUV/CO/2](#), para. 28).

Violence against women

9. It is indicated that 40 per cent of women reported having experienced some type of physical or sexual violence (para. 46). It is also indicated that, to eliminate violence against women, a bill on family protection and domestic violence has been prepared, but is pending further community consultations before being taken back to the Cabinet for approval (para. 48). Please provide information on the status of the bill, including a clear time frame for its adoption, its content and goals and the extent to which women were involved in its preparation. Please also indicate whether the State party envisages repealing discriminatory provisions in the Penal Code, as recommended in the Committee's previous concluding observations ([CEDAW/C/TUV/CO/2](#), para. 32). Please elaborate on the proposed amendment to expand the definition of rape, including marital rape (para. 58). Please also indicate what progress has been made towards prohibiting all corporal punishment of girls and boys, including in the home.

10. It is further acknowledged that there are no shelters for victims of domestic violence in the State party (para. 53). Please indicate whether the State party is taking measures to ensure that victims of violence have access to immediate and effective means of redress and protection, including shelters. Please also elaborate on the crisis centre project (para. 52) and its results, in addition to providing sex-disaggregated data on those who use the centre, the grounds for having access to the centre and the assistance provided.

Trafficking in women and exploitation of prostitution

11. The State party acknowledges the lack of information on exploitation of women in prostitution or trafficking (para. 60). Please indicate whether there is an intention to establish a data collection system and to conduct studies and surveys on the prevalence and causes of exploitation of women and girls in the State party, as previously recommended by the Committee ([CEDAW/C/TUV/CO/2](#), para. 34). Please provide information on the measures taken to identify victims of trafficking, protect them and provide them with rehabilitation and reintegration services. Please

also provide information on the number of investigations and prosecutions in cases of trafficking and on sentences imposed against persons convicted. Please indicate whether the State party intends to review and repeal discriminatory provisions of the Penal Code relating to prostitution.

Participation in political and public life

12. The State party acknowledges obstacles with regard to women's participation in political and public life owing to prevailing patriarchal attitudes towards women in leadership positions (para. 70; [HRI/CORE/TUV/2012](#), para. 64). Please provide information on measures taken, including temporary special measures and campaigns to raise awareness of the importance of the full and equal participation of women in leadership positions, to accelerate the increase in the representation of women in political and public life, in particular in Parliament and other decision-making bodies at both the local and national levels. Please indicate what specific measures are in place to ensure the full participation of women in the discussion, design and formulation of policies on adaptation to climate change. Please elaborate on the proposed amendments to the Falekaupule Act, including the status of the proposed amendments to ensure that women and men of 18 years of age and above are eligible to vote in Falekaupule assemblies and in authorizing Falekaupule annual budgets (paras. 9 and 11).

Nationality

13. Please provide information on any steps taken by the State party to amend its legislation on nationality, in particular regarding the transmission of citizenship by Tuvaluan women to their children on the basis of equality with men, to bring it fully into line with article 9 of the Convention (para. 75).

Education

14. Please provide updated information on the percentage of girls and women, both in the capital and on the outer islands, enrolled in primary, secondary and tertiary education. It is acknowledged that parents often keep older girls at home to look after their younger siblings (para. 79). Please indicate what measures are envisaged to tackle this problem more effectively and to ensure equal access for girls to all levels of education. Please also provide information on any progress made, including through temporary special measures in line with article 4 of the Convention and general recommendation No. 25, in ensuring that young women have access to the Tuvalu Maritime Training Institute (paras. 77-78).

15. It is acknowledged that there is no information available and monitoring system in place regarding school "push outs" (para. 82) and that the position on corporal punishment in the Education Act and the Penal Code has not changed (para. 83). Please provide information on whether the State party envisages setting up and implementing an appropriate system to monitor school "push outs" and prohibiting corporal punishment in the Education Act and the Penal Code, as previously recommended by the Committee ([CEDAW/C/TUV/CO/2](#), para. 40). Please also provide information on the vocational training that was introduced to build the capacity of school "push-outs" in skills such as carpentry and cooking (para. 85).

Employment

16. It is indicated that the Employment Act continues to contain discriminatory provisions with regard to maternity leave and women's choice of employment (para. 86). Please indicate whether the State party envisages repealing such provisions and whether it plans to develop an equal employment opportunity policy ([HRI/CORE/TUV/2012](#), para. 73). Please also provide information on the measures taken to protect women from discrimination and exploitation in the field of employment, including to monitor and close the gender wage gap and apply the principle of equal remuneration and equal opportunities at work, as previously recommended by the Committee ([CEDAW/C/TUV/CO/2](#), para. 42). Please also provide information on the status of the labour bill, which is intended to give better effect to the eight fundamental conventions of the International Labour Organization, and on the time frame for its adoption.

Health

17. Please indicate whether the State party has taken or intends to take measures to decriminalize abortion in cases of rape, incest, threats to the life or health of the mother or serious foetal impairments, in line with the Committee's general recommendation No. 24 on women and health. What measures have been taken to raise community awareness of this issue? Please also provide updated information on the maternal mortality rate (para. 97) and updated data, disaggregated by sex, age and geographical location, on the prevalence of HIV/AIDS. Please provide detailed information about measures taken to tackle the impact of HIV/AIDS on women and girls and on the results of the implementation of the National Strategic Plan for HIV and Sexually Transmitted Infections 2009-2013 (para. 111) and indicate whether a new national strategic plan has been adopted. Please also elaborate on the various programmes to raise awareness of HIV and other sexually transmitted infections (para. 111), in particular if they have a specific focus on women, as well as on the reasons why efforts to raise the awareness of government personnel have not proved successful (para. 112).

Rural women

18. It is mentioned that women face discrimination in terms of access to land (para. 120). Please provide detailed information about any measures taken to ensure that women and men have equal access to land ownership, including the repealing of discriminatory legislation. The Special Rapporteur on the human right to safe drinking water and sanitation, in her report on her mission to Tuvalu in 2012, welcomed the draft water resources act and the draft water resources and sanitation management act being developed and encouraged the Government to adopt those instruments as soon as possible in order to develop and put in place its water and sanitation management structure ([A/HRC/24/44/Add.2](#), para. 7). Please indicate the current status of the above-mentioned acts and describe the measures envisaged to ensure that access to water and sanitation is affordable to all, in particular to women living in poverty and on the outer islands. Please also provide information on the measures taken to ensure access by rural women to credit and to develop the skills and knowledge of women on the outer islands to enable them to launch microbusinesses.

Disadvantaged groups of women

19. It is acknowledged that there is still no formal social or political framework for ensuring the rights of women with disabilities, other than family solidarity (para. 125). Please provide information on the situation of disadvantaged and marginalized groups of women, including older women and women with disabilities, in all areas covered by the Convention. Please elaborate on the discussion relating to the adoption of a national disability policy, including on the participation of women in its development (para. 127), and indicate whether the policy is in conformity with the Convention on the Rights of Persons with Disabilities. Please also elaborate on the initiative to survey persons with disabilities under the project on strengthening local governance.

Marriage and family relations

20. Please provide detailed information on the continuing consultations to reform the family law of the State party (para. 134) and on the extent to which women have been involved therein. Please also indicate whether the State party has taken steps to raise the minimum age of marriage to 18 years for girls and boys to prevent child and forced or arranged marriage, especially on the outer islands. Please also indicate whether the State party has taken steps to repeal or amend discriminatory provisions in the Native Lands Act and the Tuvalu Lands Code concerning custody of children born out of wedlock (para. 129). It is acknowledged that, owing to the cultural expectation that a woman will return to her family following divorce so that her family can look after her, there is a lack of understanding of the concept of maintenance (para. 133). Please indicate whether any measures have been taken to raise awareness of this issue and ensure the enforcement of maintenance orders.

Optional Protocol and amendment to article 20 (1) of the Convention

21. Please indicate any progress made towards accession to the Optional Protocol to the Convention. Please also indicate what progress has been made towards the acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.
