



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### Concluding observations on the initial report of Tuvalu\*

#### I. Introduction

1. The Committee considered the initial report of Tuvalu<sup>1</sup> at its 759th, 761st and 763rd meetings,<sup>2</sup> held on 4, 5 and 6 March 2025. It adopted the present concluding observations at its 776th meeting, held on 14 March 2025.
2. The Committee welcomes the initial report of Tuvalu, which was prepared in accordance with the Committee's reporting guidelines.
3. The Committee regrets that the State Party has not provided written replies to the Committee's list of issues and questions.<sup>3</sup> Moreover, despite repeated requests from the Committee, the State party did not send a delegation to the Committee's thirty-second session. In view of this situation, and pursuant to rule 40 of its rules of procedure, the Committee proceeded to consider the initial report in the absence of a delegation and decided to adopt the present concluding observations.

#### II. Positive aspects

4. The Committee welcomes the legislative, administrative and policy measures taken by the State Party to promote the rights of persons with disabilities and to implement the Convention since its accession thereto in 2013, in particular the following:
  - (a) The adoption of the Tuvalu National Gender Policy and the Tuvalu National Gender Equity Policy, both addressing the situation of women with disabilities, in 2014 and 2024, respectively;
  - (b) The adoption of amendments to the Constitution to include disability and sex as grounds for protection against discrimination, in 2023;
  - (c) The adoption of the Tuvalu National Strategy for Sustainable Development (Te Kete) 2021–2030, which includes persons with disabilities in its outcome areas, in 2021;
  - (d) The adoption of the National Climate Change Policy (Te Vaka Fenua o Tuvalu) 2021–2030, which makes reference to persons with disabilities, in 2021;
  - (e) The adoption of the Tuvalu National Policy for Disability, in 2018;
  - (f) The adoption of the Tuvalu National Human Rights Action Plan, in 2016;

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\* Adopted by the Committee at its thirty-second session (3–21 March 2025).

<sup>1</sup> [CRPD/C/TUV/1](#).

<sup>2</sup> See [CRPD/C/SR.759](#), [CRPD/C/SR.761](#) and [CRPD/C/SR.763](#).

<sup>3</sup> [CRPD/C/TUV/Q/1](#).



- (g) The adoption of the Tuvalu National Youth Policy, identifying youth with disabilities as a key target group, in 2015;
- (h) The establishment of the Tuvalu National Disability Coordinating Committee, in 2014.

### **III. Principal areas of concern and recommendations**

#### **A. General principles and obligations (arts. 1–4)**

- 5. The Committee notes with concern:
  - (a) That domestic laws contain terminology that devalues persons with disabilities, that there is no disability legislation to translate Convention provisions into the legal framework, and that the recommendations from the legislative review conducted by the Economic and Social Commission for Asia and the Pacific have not been implemented;
  - (b) That the 2023 revisions of the Tuvalu National Policy for Disability have not been endorsed, and that there is insufficient resourcing and monitoring across ministries, and insufficient coordination and collaboration across ministries, with donor and development partners and with regional partners and civil society organizations, to effectively implement the Tuvalu National Policy for Disability 2018 and other sectoral policies and regional initiatives, such as the Pacific Framework for the Rights of Persons with Disabilities 2016–2025;
  - (c) That the State Party has not yet ratified the Optional Protocol to the Convention.
- 6. **The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**
  - (a) **Implement the recommendations of the legislative review carried out by the Economic and Social Commission for Asia and the Pacific by progressively adopting, repealing and/or amending domestic legislation and policy frameworks to ensure harmonization with the Convention, and enact disability legislation to translate Convention provisions into the legal framework;**
  - (b) **Finalize and endorse the 2023 revisions of the Tuvalu National Policy for Disability, allocate a small percentage of each ministry’s budget to establish a dedicated disability budget allocation, and strengthen and consolidate monitoring across ministries, and coordination and collaboration across ministries, with donor and development partners and with regional partners and civil society organizations, to implement the Convention;**
  - (c) **Consider ratification of the Optional Protocol to the Convention.**
- 7. The Committee is concerned that there are insufficient measures and resources to ensure close consultation with and the active involvement of persons with disabilities, through their representative organizations, such as the Fusi Alofa Association, including on outer islands, in all decision-making processes affecting them across all ministries.
- 8. **The Committee recalls its general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, and recommends that the State Party strengthen measures and resources to ensure that persons with disabilities, through their representative organizations, such as the Fusi Alofa Association, are closely consulted and actively involved in decision-making processes affecting them, including in the design, implementation and review of national policies, such as the Tuvalu National Human Rights Action Plan 2016–2020, the Tuvalu National Policy for Disability 2018 and the National Strategy for Sustainable Development 2021–2030.**

## B. Specific rights (arts. 5–30)

### Equality and non-discrimination (art. 5)

9. The Committee is concerned about the prevalence of inequality and discrimination, which are experienced by all persons with disabilities throughout Tuvalu, and the lack of anti-discrimination protections and redress.

10. **The Committee recalls its general comment No. 6 (2018) on equality and non-discrimination, and targets 10.2 and 10.3 of the Sustainable Development Goals, and recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, develop and adopt an anti-discrimination framework that encompasses the prohibition of all forms of disability-based discrimination, including the denial of reasonable accommodation and intersectional discrimination, and provides persons with disabilities who are victims of discrimination with legal remedies, redress and support.**

### Women with disabilities (art. 6)

11. The Committee is concerned about the insufficient inclusion of women and girls with disabilities in the design and implementation of gender programmes and policies, such as the Tuvalu National Gender Equity Policy 2024, in the work of the Gender Affairs Division and in initiatives of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), such as the Advancing Gender Justice in the Pacific Programme and the Pacific Partnership to End Violence against Women and Girls.

12. **The Committee recalls its general comment No. 3 (2016) on women and girls with disabilities, and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, and recommends that the State Party:**

(a) **Ensure that the issues and recommendations pertaining to women and girls with disabilities in the 2018 Tuvalu Study on People with Disability are addressed in gender policies and programmes, in the work of the Gender Affairs Division and in partner programmes designed for women;**

(b) **Work in partnership with, and provide sufficient resources to, organizations of persons with disabilities, including the Fusi Alofa Association, to closely consult and actively involve women and girls with disabilities, including those on outer islands, in the design, implementation and review of gender policies and programmes, including the implementation and review of the Tuvalu National Gender Equity Policy 2024, in the work of the Gender Affairs Division and in partner programmes designed for women and girls.**

### Children with disabilities (art. 7)

13. The Committee is concerned about:

(a) The insufficient inclusion of the rights of children with disabilities in laws, policies and programmes focused on children, including the Tuvalu National Youth Policy, and in the work of the National Advisory Committee for Children's Rights;

(b) The insufficient coordination, including through the National Disability Coordinating Committee, to implement laws, policies and programmes focused on children and those focused on children with disabilities, including the Tuvalu National Policy for Disability 2018.

14. **Recalling its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities, the Committee recommends that the State Party:**

(a) **Develop a comprehensive, disability-inclusive children's policy and strategic plan to consolidate and implement actions to advance the rights of all children throughout the State Party;**

(b) **Strengthen the coordination, monitoring and evaluation of the implementation of laws, policies and programmes relating to children's rights by**

**ensuring arrangements for collaboration and partnership between the National Advisory Committee for Children’s Rights and the Tuvalu National Disability Coordinating Committee.**

**Awareness-raising (art. 8)**

15. The Committee is concerned about the high prevalence of stigma, prejudice, stereotyping, harmful attitudes and negative beliefs about the causes of disability, which have a detrimental impact on the lives of children and adults with disabilities throughout the State Party.

**16. The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Develop and resource an action plan for awareness-raising with time frames and measurable outcomes to implement priority area 1 (awareness and advocacy) of the Tuvalu National Policy for Disability 2018 at the family, church, community and island council levels and across all islands;**

(b) **Provide training on the rights of persons with disabilities across all government ministries, the judiciary, law enforcement agencies and the media.**

**Accessibility (art. 9)**

17. The Committee is concerned about the impact of the lack of accessibility throughout the State Party across all mainstream essential services, housing, transport, and information and telecommunications systems and facilities, and the adverse impact thereof on the participation and inclusion of children and adults with disabilities in all aspects of community life.

**18. Recalling its general comment No. 2 (2014) on accessibility, Sustainable Development Goal 9 and targets 11.2 and 11.7 of the Sustainable Development Goals, the Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Develop and resource an accessibility action plan with time frames and measurable outcomes to implement priority area 4 (information, infrastructure and transportation) of the Tuvalu National Policy for Disability 2018;**

(b) **Review and amend all laws and policies in relation to accessibility, including the 1993 telecommunications law, the National ICT Policy and the draft national building code, to ensure that they are disability-inclusive;**

(c) **Collaborate with the Pacific Region Infrastructure Facility to ensure that its technical advice and work to coordinate partner investments are disability-inclusive and accessible for persons with disabilities, based on the principle of universal design;**

(d) **Develop and implement procurement policies that ensure that contracts and donor partnership agreements include disability-inclusive provisions for compliance with accessibility requirements and the principle of universal design.**

**Situations of risk and humanitarian emergencies (art. 11)**

19. The Committee notes the vulnerability of the State Party to disasters and is concerned about the insufficient attention paid specifically to the situation of persons with disabilities in the Tuvalu National Climate Change Policy 2021–2030, as well as in disaster-related legislation, and that humanitarian aid, including food, clean drinking water and proper sanitation, is not available for persons with disabilities on equal basis with others.

**20. Recalling the Sendai Framework for Disaster Risk Reduction 2015–2030, the Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action of the Inter-Agency Standing Committee, and its own guidelines on deinstitutionalization,**

including in emergencies,<sup>4</sup> the Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, ensure the protection and safety of persons with disabilities in situations of risk, including by:

(a) **Reviewing the National Climate Change Policy 2021–2030 and relevant national legislation, policies and guidelines, including disaster-related legislation, to ensure they are disability inclusive;**

(b) **Ensuring that persons with disabilities have access to humanitarian aid on an equal basis with others, including through adequate funding, and that related information and communications, including on protocols for evacuation in situations of risk, humanitarian emergencies and natural disasters, on evacuation centres, emergency relief assistance, early warning systems, community needs assessments and assistive devices, and on decision-making processes, are accessible for persons with disabilities.**

#### **Equal recognition before the law (art. 12)**

21. The Committee is concerned about the denial of legal capacity to persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, as well as the absence of supported decision-making mechanisms for the exercise by persons with disabilities of their legal capacity on an equal basis with others.

22. **The Committee recommends that, in line with its general comment No. 1 (2014) on equal recognition before the law, the State Party:**

(a) **Review national legislation to ensure that persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, are not deprived of their legal capacity and are recognized as persons before the law on an equal basis with others, and replace substitute decision-making systems, including guardianship, with supported decision-making systems, which ensure the provision of individualized support and respect the autonomy, will and preferences of persons with disabilities;**

(b) **Develop awareness-raising campaigns and capacity-building programmes, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, for all stakeholders, including the families of persons with disabilities, community members, health professionals, public officials, the media, the judiciary and Members of Parliament, on the recognition of the legal capacity of persons with disabilities and supported decision-making;**

(c) **Ensure the effective, independent participation of persons with disabilities, through their representative organizations, in the reform process and in the training of relevant personnel on the recognition of the legal capacity of persons with disabilities and on mechanisms of supported decision-making.**

#### **Access to justice (art. 13)**

23. The Committee is concerned about the barriers faced by persons with disabilities in accessing justice on an equal basis with others, including legislation denying legal capacity to persons with intellectual and/or psychosocial disabilities, the physical inaccessibility of police stations and courthouses, the lack of free legal aid and age- and gender-appropriate procedural accommodations, the lack of accessible information and communications in court proceedings, the lack of knowledge, training and awareness among legal aid lawyers, police officers and judicial officials on working with and representing persons with disabilities, and the lack of knowledge among persons with disabilities about their rights, formal procedures on how to enforce their entitlements and processes to obtain remedies.

24. **The Committee recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities, prepared in 2020 by the Special Rapporteur on the**

<sup>4</sup> CRPD/C/5.

rights of persons with disabilities, and target 16.3 of the Sustainable Development Goals, and recommends that the State Party:

(a) **Adopt and implement effective mechanisms to ensure procedural, age-appropriate and gender-sensitive accommodations in judicial and administrative proceedings for persons with disabilities, including women with disabilities, persons with intellectual and/or psychosocial disabilities and persons with physical or sensory impairments, and measures to provide information in accessible formats, and ensure the physical accessibility of police stations, court buildings and all judicial and administrative facilities;**

(b) **Strengthen capacity-building programmes for the judiciary and justice sector professionals, such as prosecutors and law enforcement officials, including police and prison officers, on the provisions of the Convention and on access to justice for persons with disabilities, including on procedural accommodations for persons with disabilities.**

#### **Liberty and security of person (art. 14)**

25. The Committee is concerned about the existence of legislation in the State Party, including article 111 of the Mental Treatment Act, that allows for the deprivation of liberty of persons with disabilities on the basis of their disability, in particular their “mental capacity”, and the lack of guarantee of their security in those circumstances.

26. **Recalling its guidelines on the right to liberty and security of persons with disabilities,<sup>5</sup> and its guidelines on deinstitutionalization, including in emergencies, the Committee recommends that the State Party:**

(a) **Review its national legislation to guarantee the constitutional right to liberty for all persons with disabilities, including those with intellectual and/or psychosocial disabilities;**

(b) **Implement the Tuvalu National Policy on Disability, the gender policy and the policy on children, establish a monitoring mechanism to ensure that persons with intellectual and/or psychosocial disabilities are not subjected to arbitrary detention, and ensure that reasonable accommodation and safety are provided to persons with disabilities who come into conflict with the law.**

#### **Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

27. The Committee is concerned about the use of restrictive practices, coercion or forced treatment against persons with disabilities, including older persons in their family homes and children with disabilities in schools, and about the lack of complaint mechanisms to report these practices and obtain redress.

28. **Recalling its guidelines on deinstitutionalization, including in emergencies, the Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Monitor, investigate, document and remedy any allegations of the use of restrictive practices, as well as coercion or forced treatment, against persons with disabilities, including in schools and medical facilities, in interactions with the police and at home;**

(b) **Establish a competent and effective complaint mechanism, with sufficient financial, human and technical resources and accessible to all persons with disabilities, and investigate and sanction perpetrators of practices that may amount to torture or cruel, inhuman or degrading treatment or punishment against persons with disabilities, including in police custody, imposing sanctions proportional to the conduct.**

<sup>5</sup> [A/72/55](#), annex.

**Freedom from exploitation, violence and abuse (art. 16)**

29. The Committee is concerned about the gender-based violence experienced by women and girls with disabilities, as well as reports of exploitation, violence and abuse of children and older persons with disabilities.

30. **Recalling its statement of 25 November 2021 on the elimination of gender-based violence against women and girls with disabilities, and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, the Committee recommends that the State Party:**

(a) **Take all steps necessary to raise awareness about measures for the protection of persons with disabilities from exploitation, violence and abuse, adopt a comprehensive strategy to prevent the exploitation of, violence against and abuse of persons with disabilities, especially women and girls with disabilities, including older women with disabilities, persons with intellectual and/or psychosocial disabilities and persons with disabilities who are confined to their family homes, and ensure that persons with disabilities have information about how to avoid, recognize and report cases and have access to independent complaint mechanisms and appropriate remedies, such as redress and adequate compensation, including rehabilitation;**

(b) **Ensure that the plans of action related to family protection and domestic violence in Tuvalu guarantee the accessibility and inclusiveness for persons with disabilities of the mechanisms for reporting, preventing and ensuring protection from exploitation, violence and abuse, including domestic violence;**

(c) **Ensure that the draft policy for the protection of all children in educational institutions addresses accessibility and reasonable accommodation for children with disabilities;**

(d) **Provide training for the families of persons with disabilities and their caregivers, church groups, health professionals and law enforcement officers to enable them to recognize all forms of exploitation, violence and abuse, and to better communicate and work with persons with disabilities who are victims of violence.**

**Protecting the integrity of the person (art. 17)**

31. The Committee is concerned about the possibility under the Mental Treatment Act of keeping a person with a disability, until discharged, under the direction of medical officers for decisions regarding care and treatment, without any reference to safeguards.

32. **The Committee recommends that the State Party:**

(a) **Adopt and implement legislative and policy measures to ensure, in all situations, the protection of the integrity of persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, and ensure that medical interventions and treatment are carried out with the free and informed consent of persons with disabilities;**

(b) **Ensure the collection of data about persons with disabilities placed under the direction of medical officers for decisions regarding care and treatment, to monitor the situation of persons with disabilities, and provide complaint and redress mechanisms to persons with disabilities.**

**Liberty of movement and nationality (art. 18)**

33. The Committee notes that the Constitution recognizes the rights to freedom of movement and nationality. However, it is concerned about reports of persons with disabilities being removed by the police from streets, airports and other public spaces without their consent, and the lack of information about practical measures to ensure and support the enjoyment by persons with disabilities of those rights on equal basis with others.

34. **The Committee recommends that the State Party develop policy measures to guarantee the right to freedom of movement of persons with disabilities.**

**Living independently and being included in the community (art. 19)**

35. The Committee is concerned about the limited possibilities for persons with disabilities to choose their place of residence and where and with whom they live, in particular due to the lack of in-home, residential and other community support services, including personal assistance, which leaves persons with disabilities dependent on their families and the care of their families and without the possibility to enjoy their right to independent living.

36. **The Committee recalls its general comment No. 5 (2017) on living independently and being included in the community and its guidelines on deinstitutionalization, including in emergencies, and recommends that the State Party:**

(a) **In close consultation with and with the active involvement of persons with disabilities, through their representative organizations, develop national strategies and guidelines on community-based inclusive development, across all islands, with established time frames and the allocation of sufficient resources, and ensure that the community-based services are available and are aimed at enabling persons to live independently and participate in the community;**

(b) **Raise awareness to promote understanding of the right to choice and self-determination of persons with disabilities concerning their living arrangements, the right not to be obliged to live in a particular living arrangement, and the value of inclusion in, as opposed to segregation from, the community;**

(c) **Transform mainstream services in the community, including education, employment, healthcare, leisure, and cultural and social activities, to be disability-inclusive and accessible, and provide personal assistants;**

(d) **Support families with members with disabilities, including financially, to adapt and improve the accessibility of their homes and gain access to assistive technologies.**

**Personal mobility (art. 20)**

37. The Committee is concerned:

(a) About difficulties faced by persons with disabilities, in particular those with motor or visual impairments, in accessing quality and affordable mobility and assistive technologies, live assistance and intermediaries;

(b) That imported assistive devices for persons with disabilities are expensive and not exempted from taxes and additional duties.

38. **The Committee recommends that the State Party:**

(a) **Take the measures necessary, in cooperation with relevant national and international actors, to facilitate access for all persons with disabilities, including children with disabilities, to quality mobility aids, devices and assistive technologies at an affordable cost, particularly on the outer islands, as well as measures to provide for training, and to arrange for repair and maintenance of those devices and technologies;**

(b) **Train and deploy adequate numbers of orientation and mobility instructors for persons with disabilities;**

(c) **Ensure the affordability of vehicles and assistive devices, including by applying incentive measures and tax and customs exemptions for the purchase of assistive equipment and devices for persons with disabilities, and review taxation laws to allow tax exemption for vehicles and assistive devices for use by persons with all categories of disabilities.**

**Freedom of expression and opinion, and access to information (art. 21)**

39. The Committee is concerned about:

(a) The lack of sign language specialists to develop a national sign language and to train persons with disabilities throughout Tuvalu in the use of sign language;



(b) The insufficient provision of information in accessible formats and of information and communications technology, such as Easy Read, plain language, captioning, sign language, Braille, audio description, and tactile, augmentative and alternative means of communication, by both public and private media outlets, and in particular on the websites that provide public information, and the lack of access to information and communications technology by persons with disabilities;

(c) The insufficient number of accessible private and public websites, as well as the lack of captioning, sign language and audio description, on television for deaf, blind, deafblind and partially sighted persons.

40. **The Committee recommends that the State Party:**

(a) **Develop a sign language development strategy and a pool of qualified sign language interpreters to teach sign language, including on the outer islands;**

(b) **Take all measures, including legislative and policy measures, necessary to ensure the accessibility of all public information, including television and media services, for all persons with disabilities in accessible communication formats, such as Braille, deafblind interpretation, sign language, Easy Read, plain language, audio description, captioning and subtitles, by allocating adequate funding for their development, promotion and use, and ensure access to information and communications technology appropriate for the diversity of persons with disabilities, including in rural and remote areas;**

(c) **Adopt and implement legislative and policy measures aimed at ensuring that television stations provide their programmes in accessible formats, including captioning, sign language and audio description, for deaf, blind, deafblind and partially sighted persons, and at ensuring that public and private websites are made accessible.**

**Respect for home and the family (art. 23)**

41. The Committee is concerned about the information received on the constraints faced by persons with disabilities, in particular women with disabilities and persons with intellectual and/or psychosocial disabilities, with regard to all discriminatory provisions that impede the exercise by persons with disabilities of their freedom to marry and found a family.

42. **The Committee recommends that the State Party:**

(a) **Raise awareness in society of the rights of persons with disabilities with respect to sexual expression, choice of relationships, family and parenthood, including adoption, and remove all obstacles preventing persons with disabilities, in particular women with disabilities and persons with intellectual and/or psychosocial disabilities, from exercising their rights on an equal basis with others;**

(b) **Repeal the discriminatory provisions that impede the exercise by persons with disabilities of their freedom to marry and found a family and provide for assisted decision-making in the context of marriages, family planning and the exercise of other rights by persons with disabilities.**

**Education (art. 24)**

43. The Committee is concerned:

(a) That many children with disabilities remain at home and do not receive support to access inclusive education;

(b) About discriminatory attitudes towards children with disabilities that prevent them from enrolling in school, bullying, threats of being sent to a special school, resistance from teachers, the school community and families, the inaccessibility of school premises, the low number of staff, inadequate teaching materials, lack of water and sanitation, insufficient material and financial resources, and lack of reasonable accommodation for children with disabilities.

44. **Recalling its general comment No. 4 (2016) on the right to inclusive education, and target 4.5 of the Sustainable Development Goals, the Committee recommends that**

**the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Adopt a national policy on inclusive quality education and ensure that inclusive quality education covers all children with disabilities, regardless of their type of disability, throughout the country, and adopt a timetable for the transition from special schools to inclusive mainstream education;**

(b) **Strengthen training and awareness-raising on the rights of children with disabilities, including to inclusive education, among children with disabilities themselves, their parents and relatives, teachers and members of religious communities, and in society as a whole;**

(c) **Provide students with disabilities with compensatory functional aids and learning materials in alternative and accessible formats, such as inclusive digital access, as well as modes and means of communication, including Easy Read, communication aids, and assistive and information technologies.**

#### **Health (art. 25)**

45. The Committee is concerned about:

(a) The limited access of persons with disabilities to healthcare services;

(b) The lack of access of persons with disabilities, particularly women and girls with disabilities and persons with intellectual and/or psychosocial disabilities, to sexual and reproductive health services and HIV/AIDS awareness programmes;

(c) The absence of community-based mental health services and support for persons with disabilities as part of general health services;

(d) The lack of availability of medicines and qualified health personnel, including for rehabilitation, in the context of health services, as well as the lack of training of healthcare professionals on the rights of persons with disabilities.

46. **Taking into account the links between article 25 of the Convention and targets 3.7 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State Party:**

(a) **Ensure that persons with disabilities have access to affordable, accessible and quality health services on an equal basis with others;**

(b) **Provide persons with disabilities, in particular women and girls with disabilities, with access to sexual and reproductive healthcare and health services, including to HIV/AIDS awareness programmes, and ensure supported decision-making for women with intellectual and/or psychosocial disabilities so that they can reaffirm their sexual and reproductive autonomy and self-determination;**

(c) **Ensure the availability of community-based mental health services and support, including peer-led support, and allocate adequate resources for quality facilities and services for mental healthcare provision;**

(d) **Develop compulsory training for healthcare professionals on the rights of persons with disabilities, including on the relevant skills, support measures, free and informed consent and information and communication means and methods, provide information in accessible formats, including Braille, sign language and Easy Read, for persons with disabilities, particularly persons with intellectual and/or psychosocial disabilities and women and girls with disabilities, and ensure the physical accessibility of health facilities and equipment.**

#### **Habilitation and rehabilitation (art. 26)**

47. The Committee is concerned about the lack of rehabilitation services for persons with disabilities and the lack of rehabilitation, health education and sanitation equipment, particularly on the outer islands. The Committee is also concerned about the lack of staff and resources for the community-based rehabilitation programme.

48. **The Committee recommends that the State Party:**

(a) **Ensure that health institutions, educational institutions, vocational training programmes and other social services are equipped and adequately resourced to provide accommodation and rehabilitation services to persons with disabilities;**

(b) **Establish a community implementation monitoring mechanism for rehabilitation in close consultation with and with the active involvement of persons with disabilities, through their representative organizations.**

**Work and employment (art. 27)**

49. The Committee notes with concern:

(a) Barriers to employment for persons with disabilities, such as low levels of education, poor skills training, discrimination in recruitment processes and employment conditions, and lack of reasonable accommodations in the workplace;

(b) The absence of a policy in the field of labour and employment for persons with disabilities, the lack of mechanisms for the application of employment quotas for persons with disabilities, and the lack of entrepreneurial programmes and development schemes to promote the self-employment and entrepreneurship of persons with disabilities;

(c) The insufficient resourcing for livelihood programmes for persons with disabilities run by the Fusi Alofa Association, in particular for women with disabilities.

50. **Recalling its general comment No. 8 (2022) on the right of persons with disabilities to work and employment, the Committee recommends that the State Party, in line with target 8.5 of the Sustainable Development Goals:**

(a) **Address the lack of access to education and vocational training, take measures to address discriminatory attitudes and practices by employers and inaccessible workplaces, which affect the employment and employability of persons with disabilities, and encourage sectors other than the education sector to provide learning and employment opportunities for persons with disabilities;**

(b) **Ensure that persons with disabilities have access to work and employment in the regular labour market and are included in private and public work environments, on an equal basis with others, and introduce entrepreneurial programmes and development schemes for the creation of opportunities for self-employment and entrepreneurship;**

(c) **Raise awareness of the full range of incentives available to promote the employment of persons with disabilities, to combat discrimination in hiring processes and conditions of employment, and to provide reasonable accommodation for persons with disabilities in the workplace;**

(d) **Ensure support for persons with disabilities, in particular women with disabilities, through the livelihood programmes, including on the outer islands.**

**Adequate standard of living and social protection (art. 28)**

51. The Committee notes with concern:

(a) That, according to the support scheme for the most vulnerable persons with disabilities, persons with disabilities who reach the age of 70 lose their disability benefit and are left only with the benefit granted to older adults;

(b) The situations of poverty faced by persons with disabilities, in particular persons requiring higher levels of support.

52. **Recalling the links between article 28 of the Convention and target 10.2 of the Sustainable Development Goals, which seek to empower and to promote the economic inclusion of all persons, irrespective of their disability status, the Committee recommends that the State Party:**

(a) **In close consultation with and with the active involvement of persons with disabilities, through their representative organizations, review the national social protection programme with the aim of ensuring equal access to support for persons with disabilities, regardless of their age and annual income, and ensure that persons who reach the age of 70 continue to receive the disability benefit regardless of whether they receive other types of allowance;**

(b) **Streamline social security support systems to ensure that they are accessible to all persons with disabilities, as a measure to tackle poverty.**

#### **Participation in political and public life (art. 29)**

53. The Committee notes with concern:

(a) That the electoral process is not accessible and inclusive for persons with disabilities across the islands;

(b) That section 18, on method of voting, of the Tuvalu Kaupule (Elections) Regulations prevents persons with disabilities from voting in secrecy, as it requires the presence of an election official to place the ballot paper in the ballot box;

(c) That the Falekaupule Act prevents persons with intellectual and/or psychosocial disabilities from voting;

(d) The low representation of women with disabilities in decision-making positions and in elected political bodies.

54. **The Committee recommends that the State Party:**

(a) **Develop a national plan to ensure the accessibility of election materials, polling stations and information about elections across the islands;**

(b) **Repeal or amend all laws and policies that restrict or deny persons with disabilities, particularly persons with intellectual and/or psychosocial disabilities, the right to vote and stand for election, and ensure their full participation in electoral process and in political and public life;**

(c) **Take all measures to establish a constitutional right to vote for all persons with disabilities, and amend all electoral laws to ensure access to the electoral system for all persons with disabilities, including persons with intellectual and/or psychosocial disabilities, as voters and as candidates;**

(d) **Take specific steps, including affirmative action, to increase the representation of women with disabilities in public life, in decision-making positions and in elected political bodies.**

#### **Participation in cultural life, recreation, leisure and sport (art. 30)**

55. The Committee is concerned:

(a) That recreational, cultural and sports spaces are not accessible to persons with all types of disabilities across all the islands;

(b) At the lack of support for and promotion of programmes for the involvement and participation of persons with disabilities in culture and art;

(c) About the lack of information on the resources allocated to ensure effective participation in cultural life, recreation, leisure and sports for persons with disabilities;

(d) That the State Party has not yet ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

56. **The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Ensure that all public buildings, including cultural, recreational, leisure and sporting facilities, provide for accessibility and other accommodations, including assistive devices, to facilitate private and independent enjoyment of the right of persons with disabilities to cultural life, recreation, leisure and sports;**

(b) **Allocate resources and introduce programmes for the development of accessible recreation, art and leisure spaces in both rural and urban areas for persons with all types of disabilities, and make the existing sports and recreation infrastructure accessible to all persons with disabilities;**

(c) **Ensure the effective development and participation of persons with disabilities in sport, encourage those who choose to pursue arts and sport, supporting them with all devices and equipment necessary to make meaningful careers in arts and sport, and provide sufficient support to the Tuvalu Association of Sports and National Olympic Committee to develop sports for persons with disabilities, in particular for children with disabilities;**

(d) **Consider ratifying the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled and implementing it through national law.**

### **C. Specific obligations (arts. 31–33)**

#### **Statistics and data collection (art. 31)**

57. The Committee is concerned about:

(a) The coordination of the collection, and the consistency, of disaggregated data and statistics on the situation of children and adults with disabilities in the State Party, including on the outer islands, to assist with policy development and review;

(b) The dissemination and availability of data and statistics on children and adults with disabilities across ministries, to development partners and to persons with disabilities and their representative organizations.

58. **The Committee recommends that the State Party adhere to the Convention in its efforts to achieve Goal 17 of the Sustainable Development Goals, in particular target 17.18 to significantly increase the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographical location and other characteristics relevant in the national context, and in particular that the State Party:**

(a) **Closely consult and actively involve persons with disabilities, through their representative organizations, in its efforts to increase the collection of data and statistics on disability;**

(b) **Ensure that data-collection measures, censuses and surveys are disability-inclusive and incorporate the Washington Group short set of questions on functioning, and provide training and capacity-building to statistical officers;**

(c) **Develop an accessible disability monograph from all data sources and statistics for dissemination across ministries, for development partners and for persons with disabilities and their representative organizations, and ensure that such data is available in Braille, sign language, Easy Read and electronic formats, including for persons with disabilities on outer islands.**

#### **International cooperation (art. 32)**

59. The Committee is concerned about insufficient donor investment and partnerships to advance the implementation of policies and programmes for persons with disabilities that focus on addressing specific critical gaps for children and adults with disabilities, such as the provision of assistive devices and wheelchairs and the associated repair capability, the development of sign language and the provision of sign language interpreters, and technical

assistance for developing accessibility standards and for the development of an anti-discrimination framework.

60. **The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, work with donors to ensure that investment and partnerships focus on specific critical gaps for persons with disabilities and that all donor investment includes disability-specific indicators and disability-inclusive design and delivery. It also recommends that the State Party take measures to strengthen its cooperation for the implementation of the Jakarta Declaration on the Asian and Pacific Decade of Persons with Disabilities, 2023–2032, the 2016 Pacific Framework for the Rights of Persons with Disabilities and the Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific.**

61. The Committee is concerned about persons with disabilities not being able to benefit from bilateral cooperation agreements and programmes, such as international worker schemes, study abroad programmes and climate refugee agreements, due to the migrant health requirements of partner countries that deny migration to persons with disabilities.

62. **The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, in its negotiations on bilateral cooperation agreements and programmes, ensure that migration health requirements do not prevent persons with disabilities in Tuvalu from benefiting from these programmes.**

#### **National implementation and monitoring (art. 33)**

63. The Committee notes with concern that, despite the National Human Rights Institution of Tuvalu Act 2017, there is no national human rights institution in the State Party accredited with the Global Alliance of National Human Rights Institutions, and that the Office of the Chief Ombudsman lacks the human and financial resources to effectively monitor human rights in Tuvalu.

64. **The Committee recommends that the State Party strengthen the Office of the Chief Ombudsman to act as a national human rights institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and seek accreditation with the Global Alliance of National Human Rights Institutions.**

65. The Committee is concerned that the Tuvalu National Disability Coordinating Committee, despite having been established as the coordinating body for the implementation of the Convention across all ministries, lacks adequate resources to implement its mandate.

66. **The Committee recommends that the State Party provide sufficient human, financial and technical resources to the Tuvalu National Disability Coordination Committee to enable it to carry out its mandate for ensuring that the rights of persons with disabilities are mainstreamed across all policies and programmes.**

## **IV. Follow-up**

### **Dissemination of information**

67. **The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State Party’s attention to the recommendations contained in paragraphs 6, on general principles and obligations, 50, on work and employment, and 58, on statistics and data collection.**

68. **The Committee requests the State Party to implement the recommendations contained in the present concluding observations. It recommends that the State Party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, local authorities and**

members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

69. The Committee strongly encourages the State Party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

70. The Committee requests the State Party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

#### Next periodic report

71. The combined second to fifth periodic reports are in principle due on 18 January 2032, under the simplified reporting procedure. The Committee will establish and communicate the exact due date of the combined periodic reports of the State Party in line with a future clear and regularized schedule for reporting by States Parties<sup>6</sup> and following the adoption of a list of issues and questions prior to reporting for the State Party. The combined periodic reports should cover the entire period up to the time of their submission.

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<sup>6</sup> General Assembly resolution 79/165, para. 6.