

TUVALU: CAMBIAR EL CURSO DE LOS DERECHOS HUMANOS Y LA CRISIS CLIMÁTICA

AMNISTÍA INTERNACIONAL: INFORMACIÓN PARA EL 44 PERIODO DE SESIONES DEL GRUPO DE TRABAJO SOBRE EL EXAMEN PERIÓDICO UNIVERSAL, 6-17 DE NOVIEMBRE DE 2023

RESUMEN

Este documento se ha preparado para el Examen Periódico Universal (EPU) al que se someterá Tuvalu el 8 de noviembre de 2023. En él, Amnistía Internacional evalúa la aplicación de las recomendaciones formuladas a Tuvalu en su EPU anterior, entre otras, en relación con la igualdad de género, la libertad religiosa, los derechos de las personas con discapacidad, el derecho a la atención sanitaria, los derechos de las personas con orientación sexual e identidad de género diversas y la crisis climática.

En el documento también se efectúa una valoración del marco de los derechos humanos con respecto a la ratificación de los órganos de tratados y la necesidad de reforzar las instituciones nacionales de protección de los derechos humanos, como la Oficina del Defensor del Pueblo.

En lo que respecta a la situación de los derechos humanos sobre el terreno, Amnistía Internacional manifiesta su preocupación por la manera en que se garantizan la igualdad y la no discriminación en las reformas constitucionales y otras revisiones legislativas. El documento concluye con un conjunto de recomendaciones a Tuvalu que, de aplicarse, contribuirían a mejorar la situación de los derechos humanos.

SEGUIMIENTO DEL EXAMEN ANTERIOR

1. Amnistía Internacional acoge con satisfacción las medidas positivas adoptadas por el gobierno de Tuvalu para implementar 78 de las 127 recomendaciones que se comprometió a seguir en la última sesión del EPU.¹
2. Tuvalu ratificó el Convenio de la OIT sobre las peores formas de trabajo infantil (núm. 182) en 2019² y actualizó sus contribuciones determinadas a nivel nacional sobre las emisiones climáticas en 2022.³
3. Sin embargo, Tuvalu aún no ha cumplido todos sus compromisos adquiridos en el último Examen, en especial, ratificar tratados de derechos humanos adicionales, entre ellos la Convención contra la Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes⁴ y el Pacto Internacional de Derechos Económicos, Sociales y Culturales (PIDESC).⁵
4. Aplicar las recomendaciones anteriores para proteger a las mujeres frente a la violencia y la discriminación, así como para salvaguardar el derecho a la libertad de religión o creencia en la ley y en la práctica para las minorías nacionales y étnicas, sería un paso importante con vistas a mejorar la situación de los derechos humanos en el país.
5. Como pequeño país insular, con una población de unos 11.000 habitantes, Tuvalu puede necesitar la cooperación internacional y la ayuda de otros países para alcanzar una mayor protección de los derechos humanos, especialmente para poner en marcha medidas adecuadas que ayuden a la población a adaptarse a los impactos de la crisis climática y a proporcionar apoyo y remedio a las personas que sufren pérdidas y daños.
6. La presentación de informes de Tuvalu en virtud de la Convención sobre la Eliminación de Todas las Formas de Discriminación contra la Mujer lleva retrasada desde 2019.
7. El Anexo 1 contiene una tabla con las recomendaciones del último Examen de Tuvalu. De las recomendaciones aceptadas, las aplicadas aparecen destacadas en verde; las aplicadas parcialmente, en amarillo; y las aún no aplicadas, en rojo. Tuvalu carece de información y datos exhaustivos para evaluar con precisión la aplicación de algunas de las recomendaciones.

MARCO NACIONAL DE DERECHOS HUMANOS

1. La Constitución de Tuvalu incluye una Declaración de Derechos Fundamentales que garantiza la no discriminación por motivos de raza, lugar de origen, opiniones políticas, color, creencias religiosas y sexo. La Constitución no menciona la identidad de género ni la orientación sexual, lo que sigue planteando retos para la comunidad LGBTI. En 2018 se creó el Proyecto de Revisión Constitucional de Tuvalu para revisar y actualizar la Constitución; sin embargo, aún sigue en curso sin que se haya propuesto fecha de finalización.
2. La Oficina del Defensor del Pueblo Principal de Tuvalu actúa como institución nacional de derechos humanos (INDH). El Defensor del Pueblo es responsable de armonizar la legislación nacional con los convenios internacionales, según la Estrategia Nacional para el Desarrollo Sostenible de Tuvalu de 2016 a 2020.⁶ Sin embargo, la Oficina del Defensor del Pueblo Principal no está acreditada como institución nacional de derechos humanos (INDH) según los Principios de París.
3. En Tuvalu, el órgano jurisdiccional de mayor rango es el Tribunal Superior, según la Constitución.
4. En Tuvalu no hay partidos políticos; los miembros del Parlamento son independientes y deben representar los intereses de sus comunidades.
5. Acceder a la justicia por actos de violencia de género sigue siendo difícil para las mujeres, ya que la violación marital no está tipificada explícitamente como delito en el código penal.⁷ El aborto está también criminalizado en todas las circunstancias, excepto cuando sea necesario para proteger la vida de la mujer. Las penas varían entre 10 años y cadena perpetua.⁸

SITUACIÓN DE LOS DERECHOS HUMANOS SOBRE EL TERRENO

Libertad de religión, cultura y creencias

6. La Constitución de Tuvalu antepone las normas, valores y prácticas tradicionales al derecho de las personas a la libertad de religión, la libertad de creencias y la libertad de reunión y asociación pacíficas (artículo 11.2).
7. La Ley de Registro de Entidades Religiosas de 2008 establece que una “entidad religiosa” de 50 personas o más debe registrarse ante el Estado y obtener la aprobación de los Falekaupule (las personas mayores del pueblo o comunidad) de su isla (artículo 2).⁹ Su incumplimiento puede dar lugar a la interposición de acciones judiciales. La Ley de Restricción de Organizaciones Religiosas de 2020 establece que, cuando los valores y la cultura de Tuvalu se vean amenazados, los líderes de una comunidad podrán retirar la aprobación a una organización religiosa (sección 4.4).¹⁰ Aunque el gobierno de Tuvalu trata de promover la tolerancia religiosa, hay informes que señalan una comunicación ineficaz para las islas exteriores. Las religiones minoritarias han ganado en los tribunales casos en los que los líderes locales habían intentado restringir las actividades religiosas.¹¹
8. En 2019, la relatora especial de la ONU sobre los derechos culturales visitó Tuvalu y formuló recomendaciones sobre la protección de la libertad de religión y la no discriminación, entre otras cosas ratificando el PIDESC y reforzando los motivos de no discriminación en la Constitución de Tuvalu.¹²

Igualdad de género y poner fin a la violencia contra las mujeres

9. Tuvalu se esforzó por dar prioridad a las mujeres y las niñas en la Estrategia Nacional para el Desarrollo Sostenible de 2016 a 2020 (no está claro si se ha actualizado más recientemente). Sin embargo, el impacto de estas estrategias para reforzar la igualdad de acceso al empoderamiento económico y al liderazgo, así como para eliminar todas las formas de violencia y discriminación contra las mujeres y las niñas, sigue sin estar claro.¹³
10. La Encuesta de Indicadores Múltiples de Tuvalu reveló que, en 2019, el 26% de las mujeres y niñas de entre 15 y 49 años habían sufrido violencia sexual por parte de su marido o pareja. También constató que el 23,7% de los hombres de entre 35 y 49 años creían justificable pegar a su mujer si ésta discutía con ellos.¹⁴
11. Desde que Tuvalu puso en marcha su Estrategia y Plan de Acción de Género como parte de su Proyecto de Adaptación para las Costas de 2017 a 2024, han aumentado significativamente las mujeres en puestos de liderazgo y, además, las mujeres se han implicado más en el proceso de dicho proyecto. Sin embargo, Tuvalu debería integrar más a las mujeres en la elaboración y aplicación de políticas, ofrecer formación sobre la incorporación de una perspectiva de género e implicar a las mujeres en decisiones en las que están infrarrepresentadas.¹⁵

Personas con discapacidad

12. Las personas con discapacidad física congénita tienen menos probabilidades de recibir formación debido a la falta de educación especializada. Las personas con discapacidad también tienen menos probabilidades de acceder a un empleo o de asistir a actos de la comunidad, ya que tienen una accesibilidad limitada. Las personas con discapacidad psicosocial se ven aún más desfavorecidas, ya que la atención sanitaria básica gratuita no abarca la atención especializada que precisan.
13. Según la Estrategia Nacional para el Desarrollo Sostenible de 2016 a 2020, el Comité de Coordinación Nacional para la Discapacidad de Tuvalu estaba elaborando un borrador de Política Nacional de Discapacidad.¹⁶ Sin embargo, no se ha informado de avances al respecto.

Orientación sexual, identidad y expresión de género y características sexuales

14. En 2019, la Alianza por la Igualdad y la Justicia informó de que en Tuvalu existía un importante reconocimiento tradicional para las comunidades del tercer género, debido a los roles sociales y comunales históricos. Sin embargo, según informes, la discriminación ha aumentado en los últimos años.¹⁷
15. En los artículos 153 y 155 del Código Penal se tipifican como delito las relaciones sexuales entre personas del mismo sexo. Aunque no hay pruebas de que estas disposiciones se apliquen activamente, es preciso derogarlas con carácter prioritario para garantizar el bienestar y la seguridad de las personas LGBTI.

16. La Ley de Relaciones Laborales y de Empleo de Tuvalu de 2017 prohíbe la discriminación por motivos de orientación sexual; sin embargo, no existen leyes que protejan a las personas de la discriminación por razones de identidad de género, expresión de género y características sexuales, lo que excluye de la protección a las personas transgénero.

Atención sanitaria adecuada

17. El Banco Mundial concedió una subvención de 15 millones de dólares al Plan Estratégico Nacional Sanitario de Tuvalu para el periodo de 2020 a 2024 a fin de mejorar los servicios nacionales de atención sanitaria, en apoyo del Proyecto de Fortalecimiento del Sistema Sanitario de Tuvalu. Los fondos se han destinado específicamente a una nueva ala del Hospital Princesa Margarita (PMH) en Funafuti y a otras once clínicas en distintos puntos del país (el nivel de aplicación de la subvención no está claro). En el Proyecto de Fortalecimiento del Sistema Sanitario de Tuvalu se propone crear una clínica especializada en enfermedades no transmisibles (ENT) en la ampliación del PMH. Sin embargo, las islas exteriores, que presentan las tasas de ENT más elevadas del país, reciben un mantenimiento limitado de sus instalaciones sanitarias. Además, Tuvalu tiene dificultades económicas para financiar el programa de tratamiento médico en el extranjero para casos graves de ENT.¹⁸
18. Si bien se prestan servicios periféricos comunitarios en las islas exteriores, todos los médicos de Tuvalu están radicados en el PMH. Las ocho islas exteriores no disponen de médicos, mientras que dos de las islas carecen de clínicas. Otras dos islas no cuentan con ninguna matrona, mientras que una tercera isla dispone de una matrona de nivel diplomado. Todas las islas cuentan con al menos dos profesionales de enfermería y personal sanitario rural, excepto la isla de Niulakita, en la que sólo hay un profesional de enfermería.¹⁹
19. En enero de 2023, el Fondo de Población de la ONU distribuyó 500 kits de dignidad por valor de 36.000 dólares estadounidenses entre las mujeres y niñas de las islas más afectadas por la sequía —Nanumea, Nanumaga y Niutao—, para mantener la salud sexual y reproductiva y proporcionarles suministros contra la violencia de género; sin embargo, deben reforzarse los recursos humanos para garantizar un acceso adecuado a los servicios de salud sexual, reproductiva y materna.²⁰

Crisis climática y derechos humanos

20. La región de las islas del Pacífico contribuye con menos del 0,03% a las emisiones mundiales y, sin embargo, está especialmente expuesta a los efectos nocivos del cambio climático, como la subida del nivel del mar y el aumento de los fenómenos meteorológicos graves. Tuvalu está situado a menos de cinco metros sobre el nivel del mar y corre un alto riesgo de erosión costera, marejadas gigantes, sequías de larga duración y ciclones tropicales más frecuentes.²¹
21. Desde 2017, el Fondo Verde para el Clima proporciona ayuda económica al Proyecto de Adaptación para las Costas de Tuvalu (TCAP), que posibilita becas de ciencias medioambientales e ingeniería costera, formación en supervisión del litoral y planificación costera, aprendizaje integrado sobre el cambio climático en el currículo escolar de primaria, evaluaciones costeras y formación para los trabajadores gubernamentales de las islas exteriores en adaptación basada en los ecosistemas para la protección costera.²² Se espera que el informe final del TCAP se haga público en 2024, después de las dos conferencias regionales que se celebrarán en ese año. El gobierno australiano ha aportado también fondos considerables para reforzar la resiliencia de Tuvalu frente al cambio climático.
22. En 2022, Tuvalu actualizó sus contribuciones determinadas a nivel nacional con el fin de centrarse en la mitigación y promover una ruta de desarrollo sin emisiones de carbono de aquí a 2050. Este tema se describe en el Plan de Gestión Medioambiental y Social (ESMP) de Tuvalu de 2021, desarrollado como herramienta de gestión para el TCAP.²³ Tuvalu defiende expresamente que se establezca un mecanismo económico internacional para apoyar a las personas que sufren pérdidas y daños inducidos por el clima.
23. Tuvalu está estudiando las vías legales para preservar la titularidad de sus zonas marítimas y el reconocimiento del Estado, incluso si la isla quedara totalmente sumergida o resultara inhabitable como consecuencia de la crisis climática. Cualquier plan de reubicación debe incluir una consulta adecuada con las comunidades afectadas y atenerse al derecho y las normas internacionales de derechos humanos. Tuvalu puede requerir y tiene derecho a obtener asistencia y cooperación internacionales para apoyar a las personas que se enfrentan a pérdidas y

daños, incluidas aquellas que tal vez deban reubicarse porque su país se vuelve inhabitable debido al cambio climático.

RECOMENDACIONES DE ACTUACIÓN DIRIGIDAS AL ESTADO OBJETO DEL EXAMEN

Amnistía Internacional insta al gobierno de Tuvalu a:

Marco nacional de derechos humanos

24. Adherirse a los restantes tratados fundamentales de derechos humanos e incorporarlos a la legislación nacional.
25. Solicitar la acreditación de la Oficina del Defensor del Pueblo como INDH, de conformidad con los principios relativos al estatuto de las instituciones nacionales para la promoción y protección de los derechos humanos (los Principios de París).
26. Cumplir sus obligaciones actuales de presentación de informes ante los órganos de tratados en virtud de la CEDAW de forma prioritaria y garantizar que en el futuro los informes se presenten a su debido tiempo con participación y consulta adecuadas de la sociedad civil.

Libertad de religión

27. Modificar el artículo 3.1 de la Ley de Registro de Entidades Religiosas de 2008 y el artículo 4.4 de la Ley de Restricción de Organizaciones Religiosas de 2020 para garantizar la libertad religiosa de todas las personas.
28. Continuar promoviendo la comunicación de la tolerancia religiosa para las islas exteriores y exigir responsabilidades a los líderes locales por los abusos contra los grupos religiosos minoritarios.

Violencia contra mujeres y niñas

29. Reformar el Código Penal para tipificar como delito la violación marital y seguir promoviendo la concienciación y la formación sobre la violencia de género.
30. Continuar dando a conocer a la sociedad el contenido de la Ley de Protección Familiar y Violencia Doméstica de 2014 y desarrollar un plan de acción nacional sobre la prevención de la violencia contra las mujeres y las niñas.
31. Seguir integrando a las mujeres en los puestos de liderazgo político y garantizar que participan en la elaboración y aplicación de las políticas.
32. Mejorar el acceso a la información y la accesibilidad de los servicios de salud sexual y reproductiva, así como despenalizar el aborto.

Personas con discapacidad

33. Aplicar una legislación que garantice que los espacios y servicios públicos pueden acoger a personas con discapacidad.
34. Defender y proteger el derecho a la educación de todas las personas con discapacidad ampliando los servicios y las instalaciones de enseñanza, además de desarrollar un currículo independiente para estudiantes con necesidades especiales.
35. Mejorar la disponibilidad y el acceso a la sanidad pública para las personas con discapacidad psicosocial.

Orientación sexual, identidad y expresión de género y características sexuales

36. Revisar el Código Penal para incluir una definición de violación neutra en cuanto al género y despenalizar las relaciones sexuales entre personas del mismo sexo.
37. Desarrollar y adoptar medidas legales y administrativas para investigar los actos de discriminación, estigmatización y violencia contra las personas a causa de su orientación sexual, identidad y expresión de género y características sexuales, y garantizar que las personas tengan acceso efectivo a recursos cuando se violen sus derechos, entre otras cosas a través de enjuiciamientos penales, indemnizaciones, albergues y apoyo médico y psicosocial.

Atención sanitaria adecuada

38. Reforzar los recursos humanos y financieros de los servicios sanitarios para quienes viven en las islas exteriores y destinar asignaciones presupuestarias al mantenimiento de clínicas en estas islas.
39. Mejorar el acceso a la atención obstétrica de urgencia, la formación de matronas y los recursos dedicados a la atención sanitaria materna y reproductiva en las islas exteriores.
40. Proporcionar a las matronas, el personal de enfermería y los trabajadores sanitarios rurales de las islas exteriores formación especializada sobre las enfermedades no transmisibles (ENT) y proporcionar a las clínicas de estas islas el equipamiento necesario para el tratamiento de las ENT.

Crisis climática y derechos humanos

41. Seguir aplicando las políticas de adaptación al cambio climático incluidas en el TCAP para evitar o minimizar el impacto sobre los derechos humanos de la población de Tuvalu y comunicar periódica y públicamente los avances logrados a través del Plan de Gestión Medioambiental y Social.
42. Llevar a cabo evaluaciones inclusivas y participativas de pérdidas y daños y necesidades teniendo en cuenta el efecto negativo del cambio climático en el disfrute de los derechos humanos y garantizando que las personas y los grupos más afectados pueden participar plenamente en ellas.
43. Garantizar que los grupos más afectados —mujeres, pueblos indígenas, personas con discapacidad y otros grupos marginados— puedan acceder a cualquier nuevo fondo que se reciba para hacer frente a las pérdidas y los daños, especialmente aquellos que se enfrentan a formas de discriminación múltiples e interrelacionadas.
44. Solicitar cooperación y asistencia internacionales sobre los planes propuestos, como la reubicación internacional —teniendo especialmente en cuenta la preservación de los derechos sociales, económicos y culturales debido al cambio climático— y garantizar que dichos planes sean coherentes con las leyes y normas internacionales de derechos humanos, en especial de forma que los pueblos indígenas puedan mantener su identidad colectiva y su derecho a la autodeterminación en un lugar seguro y adecuado en el que se garanticen todos sus derechos humanos.

ANNEX 1

MATRIX OF RECOMMENDATIONS FROM THE PREVIOUS CYCLE, WITH COMMENTS ON PROGRESS

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
Theme: A12 Acceptance of international norms			
101.1 Ratify the international human rights instruments it is not party to (Ghana); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A12 Acceptance of international norms Affected persons: - general	Not implemented
101.2 Proceed to a rapid ratification of the main international conventions on human rights (France); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A12 Acceptance of international norms Affected persons: - general	Not implemented
101.3 Ratify international instruments to which Tuvalu is not yet part of (Togo); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A12 Acceptance of international norms Affected persons: - general	Not implemented
101.17 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A12 Acceptance of international norms D25 Prohibition of torture and cruel, inhuman or degrading treatment Affected persons: - general	Not implemented
101.18 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Armenia); Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Spain); Pursue efforts to ratify international instruments such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Morocco); Consider acceding to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Indonesia); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A12 Acceptance of international norms D25 Prohibition of torture and cruel, inhuman or degrading treatment Affected persons:	Not implemented
101.19 Consider the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Chile); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A12 Acceptance of international norms D25 Prohibition of torture and cruel, inhuman or degrading treatment Affected persons: - general	Not implemented
101.22 Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention against Torture (Philippines); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A12 Acceptance of international norms D25 Prohibition of torture and cruel, inhuman or degrading treatment G4 Migrants Affected persons: - migrants	Not implemented
101.30 Ratify the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) (United Kingdom of Great Britain and Northern Ireland); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A12 Acceptance of international norms E32 Right to just and favourable conditions of work F33 Children: protection against exploitation Affected persons: - children	Implemented In June 2019, Tuvalu ratified the convention (see: https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/child-labour/WCMS_709991/lang-en/index.htm)

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
101.25 Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Denmark); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A12 Acceptance of international norms F12 Discrimination against women Affected persons: - women	Not implemented
101.21 Consider the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Afghanistan); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A12 Acceptance of international norms F31 Children: definition; general principles; protection F33 Children: protection against exploitation Affected persons: - children	Not implemented
101.27 Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Iraq); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A12 Acceptance of international norms F31 Children: definition; general principles; protection F33 Children: protection against exploitation Affected persons: - children	Not implemented
101.26 Accede and ratify the human rights instruments to which it is not yet a party, in particular the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (Honduras); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A12 Acceptance of international norms, F4 Persons with disability, F31 Children: definition; general principles; protection F33 Children: protection against exploitation Affected persons: - children	Not implemented
101.28 Ratify the Convention on the Rights of Persons with Disabilities (Afghanistan); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A12 Acceptance of international norms, F4 Persons with Disabilities Affected persons: - persons with disabilities	Not implemented
101.23 Intensify efforts to ratify remaining major international human rights treaties, including the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocols to the Convention on the Rights of the Child (Georgia); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A12 Acceptance of international norms, F4 Persons with disabilities, B32 Racial discrimination D25 Prohibition of torture and cruel, inhuman or degrading treatment F12 Discrimination against women F31 Children: definition; general principles; protection Affected persons: - women	Not implemented
Theme: A21 National Mechanisms for Reporting and Follow-up (NMRF)			
101.40 Establish a national mechanism for reporting and monitoring of its human rights obligations (Honduras); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A21 National Mechanisms for Reporting and Follow-up Affected persons: - general	Partly implemented In 2017, Tuvalu passed a law allowing its Ombudsman Office to be its national human rights institution. As there is no public reporting on the number or outcome of human rights investigations carried out by the Ombudsman, it is difficult to assess its effectiveness.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
101.42 Continue to resource and progress implementation of its action plan to strengthen the implementation of its international human rights obligations (New Zealand); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A21 National Mechanisms for Reporting and Follow-up Affected persons: - general	Partly implemented Tuvalu launched a National Action Plan from 2016-2020 but it is not clear this has been updated.
Theme: A22 Cooperation with treaty bodies			
101.29 Adopt an open, merit-based selection process when selecting national candidates for treaty body elections (United Kingdom of Great Britain and Northern Ireland); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A22 Cooperation with treaty bodies D7 Right to participation in public affairs and right to vote Affected persons: - general	Not implemented
Theme: A41 Constitutional and legislative framework			
101.48 Continue efforts to promote human rights by strengthening the national legislative framework (Morocco); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A41 Constitutional and legislative framework Affected persons: - general	Not implemented In 2016, the Tuvalu government commenced a review of its constitution, including with a view to strengthening human rights framework. UNDP has supported this process. As at 2021, the process was ongoing and continued to receive budgetary funding.
101.122 Continue to strengthen legislative measures by remedying protection gaps to protect all children from both violence and abuse, as recommended by the Committee on the Rights of the Child (Maldives); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A41 Constitutional and legislative framework A23 Follow-up to treaty bodies F31 Children: definition; general principles; protection Affected persons: - children	Partly implemented With the support of UNICEF and SPC, Tuvalu developed a handbook on positive behaviour management for children in 2020. (see: https://hrsd.spc.int/sites/default/files/2021-07/Tuvalu_Positive_Behaviour_Management_for_Children_Handbook.pdf)
101.32 Finalize constitutional changes with an aim to strengthen the non-discrimination clause on a gender and disability basis and take further steps towards empowering them (Georgia); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A41 Constitutional and legislative framework B31 Equality & non-discrimination Affected persons: - persons with disabilities	Partly implemented There is ongoing discussion about changing the Constitution.
101.51 Review legislation and amend or repeal any law that discriminates on the grounds of sexual orientation and gender identity, or any other ground, in accordance with the principles of equality and non-discrimination (Uruguay); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A41 Constitutional and legislative framework B31 Equality & non-discrimination F12 Discrimination against women Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Not implemented Sections 153-155 of Tuvalu's criminal code criminalises consensual same sex sexual activity between males. (See: https://tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/1965/1965-0007/ PenalCode_1.pdf)

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
101.62 Accelerate efforts to incorporate into its legislation at all levels, including at the constitutional level, provisions that prohibit discrimination based on sex, gender and disability (Mexico); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A41 Constitutional and legislative framework, B31 Equality & Non-discrimination, F12 Discrimination against Women, F4 Persons with disabilities Affected persons: - women - persons with disabilities	Not implemented There is ongoing discussion about changing the Constitution. In addition, the Penal Code (last revised 2008) should be revised to include a gender-neutral definition of rape, decriminalise same sex sexual activity, decriminalise sex work and decriminalise abortion – as this disproportionately impacts on women and people based on their gender identity or sexual orientation.
101.98 Prioritize the full implementation of the Family Protection and Domestic Violence Act of 2014, including by ensuring that women and girl survivors of violence have access to effective means of redress and protection and by raising societal awareness about the content of the Act (Netherlands); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A41 Constitutional and legislative framework B51 Right to an effective remedy D29 Domestic violence D8 Rights related to marriage & family Affected persons: - women - girls	Partly implemented Ongoing implementation.
101.107 Amend the Penal Code and the Family Protection and Domestic Violence Act in order to criminalize rape in all circumstances (Portugal); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A41 Constitutional and legislative framework D29 Domestic violence D8 Rights related to marriage & family F13 Violence against women Affected persons: - women	Not implemented Under the Penal Code, rape is not defined as gender neutral, and rape within marriage is not explicitly prohibited (see s128 – definition of rape).
101.78 Ensure the meaningful participation of all citizens of Tuvalu dispersed in the archipelago in the current process of constitutional revision (Honduras); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A41 Constitutional and legislative framework, D7 Right to participation in public affairs and right to vote Affected persons: - general	Implemented The Constitution review process remains ongoing.
101.106 Review and subsequently amend or repeal legislation entailing gender-based discrimination, including provisions in the Penal Code 1978 and the Marriage Act (Netherlands); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A41 Constitutional and legislative framework, F12 Discrimination against women Affected persons: - women	Not implemented The Penal Code (last revised 2008) should be revised to include a gender-neutral definition of rape, explicitly define rape within marriage as a crime, decriminalise same sex sexual activity, decriminalise sex work and decriminalise abortion – as this disproportionately impacts on women and people based on their gender identity or sexual orientation.
101.116 Criminalize child pornography and ensure the law criminally prohibits: procuring, offering, providing, obtaining or using children for prostitution and/or for the production of pornography, or other illicit activities, as well as prohibits the distribution, dissemination, sale and possession of child pornography (United States of America); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A41 Constitutional and legislative framework F33 Children: protection against exploitation Affected persons: - children	Partly implemented Article 141 of Penal code protects under 15yrs, does not protect ages 15-18. More needs to be done in terms of raising awareness and adapting policies and laws to cover online child exploitation.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
101.126 Take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities (United States of America); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A41 Constitutional and legislative framework, F4 Persons with disabilities Affected persons: - persons with disabilities	Partly implemented
Theme: A42 Institutions & policies - General			
101.49 Adopt policy and legal measures to combat discrimination based on sexual orientation and gender identity (Chile); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A42 Institutions & policies - General, B31 Equality and Non-discrimination Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Not implemented The Penal Code (last revised 2008) should be revised to include a gender-neutral definition of rape, decriminalise same sex sexual activity, decriminalise sex work and decriminalise abortion – as this disproportionately impacts on women and people based on their gender identity or sexual orientation.
Theme: A45 National Human Rights Institution (NHRI)			
101.34 Proceed with the establishment of an independent national human rights institution, in compliance with the Paris Principles (Algeria); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	Partly implemented As noted above, the Ombudsman has functions as a human rights institution since 2017 but has not publicly reported on its complaints and procedures to evaluate its effectiveness.
101.35 Expedite the establishment of the national human rights institution in compliance with the Paris Principles (Ghana) (Nepal) (Spain) (Turkey); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	Not implemented
101.36 Take further steps in implementing the National Human Rights Institution Act 2017 towards the full establishment of a national human rights institution that is in full conformity with the Paris Principles (Indonesia); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	Not implemented
101.37 Establish the national human rights institution in full compliance with the Paris Principles (Portugal); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	Not implemented
101.38 Accelerate its efforts in establishing the national human rights institution in full compliance with the Paris Principles (Ukraine); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	Not implemented
101.39 Establish an ombudsman as a mechanism for reception of complaints on human rights violations by State agents (Philippines); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	Implemented Part IV- 11.2 of NHRI of Tuvalu Act 2017.
Theme: A46 National Plans of Action on Human Rights (or specific areas)			
101.41 Make every effort to ensure appropriate mechanisms for monitoring the implementation of the human rights national action plan for 2016 to 2020 (Jamaica); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A46 National Plans of Action on Human Rights (or specific areas) Affected persons: - general	Partly implemented Implementation, and next plan is unclear.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
101.45 Ensure an adequate institutional framework and the resources to fully implement the Tuvalu National Human Rights Action Plan 2016–2020 (Singapore); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A46 National Plans of Action on Human Rights (or specific areas) Affected persons: - general	Partly implemented
101.47 Allocate sufficient budget and human resources to fully implement the Tuvalu National Human Rights Action Plan 2016–2020 (Philippines); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A46 National Plans of Action on Human Rights (or specific areas) Affected persons: - general	Partly implemented
101.99 Implement the measures identified in the human rights national action plan to address violence against women, including through community education, police training and stronger recording processes (Australia); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A46 National Plans of Action on Human Rights (or specific areas) E51 Right to education - General F13 Violence against women Affected persons: - women	Partly implemented
101.67 Proceed with the implementation of the National Strategy for Sustainable Development and the Tuvalu National Human Rights Action Plan 2016–2020 (Israel); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	A46 National Plans of Action on Human Rights (or specific areas), Sustainable Development Goal implementations (S01, S02, S03, S04, S05, S06, S08) Affected persons: - general	Partly implemented
Theme: B13 Genocide			
101.4 Ratify the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	B13 Genocide A12 Acceptance of international norms Affected persons: - general	Not implemented
Theme: B31 Equality & non-discrimination			
101.64 Integrate principles of non-discrimination and equality of women and men into education policies, the national core curriculum and related documents, as well as into basic and continuing education for teachers and health-care professionals and other service providers (Iceland) (Portugal); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	B31 Equality & non-discrimination E41 Right to health - General E51 Right to education - General F12 Discrimination against women Affected persons: - women	Partly implemented
101.109 Continue to fight all forms of discrimination, in particular against women (Senegal); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	B31 Equality & Non-discrimination, F12 Discrimination against women Affected persons: - women	Partly implemented
101.52 Prohibit by law all forms of discrimination, particularly those based on sex or disability (Algeria); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	B31 Equality and Non-discrimination, F4 Persons with disabilities Affected persons: - women - persons with disabilities	Not implemented
Theme: B73 Human rights and climate change			
101.69 Continue to implement climate change mitigation policies to avoid impacts on the fundamental rights of Tuvaluans (Haiti); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	B73 Human Rights and Climate Change Affected persons: - general	Implemented Updated Nationally Determined Contributions (NDCs) 2022
101.70 Continue implementing policies and programmes aimed at the mitigation of the effects of climate change, taking into consideration a focus on human rights (Costa Rica); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	B73 Human Rights and Climate Change Affected persons: - general	Implemented See above

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
101.71 Continue promoting in the international sphere the right to a healthy environment, and the fight against climate change (Cuba); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	B73 Human Rights and Climate Change Affected persons: - general	Implemented See above
101.72 Assess on a regular basis the impact of climate change and natural disasters on the full enjoyment of human rights by the poor and low-income population, with a view to supporting victims of such disasters (Ghana); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	B73 Human Rights and Climate Change Affected persons: - persons living in poverty	Partly implemented
101.73 Periodically assess the impact of climate change and natural disasters on the enjoyment of human rights by the poor and support efforts to build their resilience to such disasters (Jamaica); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	B73 Human Rights and Climate Change Affected persons: - persons living in poverty	Partly implemented
101.74 Redouble efforts with a view to formulating, in coordination with regional organizations and the United Nations, a plan for the management and mitigation of natural disasters that takes into consideration the situation of migrant children and the potential massive displacement of the population (Mexico); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	B73 Human Rights and Climate Change, G4 Migrants, G6 Internally displaced persons Affected persons: - children - migrants	Partly implemented As a small island population no more than 2 metres above sea level, Tuvalu is likely to have to relocate its population due to the effects of climate change in the coming decades – making the primary challenge migration of Tuvalu citizens elsewhere.
Theme: D28 Gender-based violence			
101.111 Work towards the implementation of the women, peace and security agenda in order to guarantee effective participation of women in all aspects of decision-making (Spain); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	D28 Gender-based violence, F14 Participation of women in political and public life, D7 Right to participation in public affairs and right to vote Affected persons: - women	Partly implemented
Theme: D29 Domestic violence			
101.110 Fully implement the Family Protection and Domestic Violence Act 2014, with the necessary technical assistance of the relevant United Nations agencies such as the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and UNDP where appropriate, expeditiously operationalize the Family Protection Fund, and dedicate the necessary resources to ensure that the family protection and domestic violence baseline study conducted by the office of the Attorney General is comprehensive so as to strengthen the ongoing work to eliminate violence against women in Tuvalu (Singapore); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	D29 Domestic violence D8 Rights related to marriage & family F11 Advancement of women F12 Discrimination against women F13 Violence against women Affected persons: - women	Partly implemented
101.102 Promote equality and empowerment of women, particularly in regard to hereditary and custody rights, and strengthen measures against domestic violence (Germany); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	B31 Equality & Non-discrimination D29 Domestic violence F11 Advancement of women F12 Discrimination against women Affected persons: - women	Partly implemented

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
101.100 Develop a comprehensive strategy to reduce violence against women, including domestic violence, particularly on the outer islands, by enhancing women's awareness of their rights and identifying ways to combat such violence (Turkey); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	D29 Domestic violence F12 Discrimination against women F13 Violence against women Affected persons: - women	Partly implemented
Theme: D42 Freedom of thought, conscience and religion			
101.77 Take measures to fully guarantee freedom of religion or belief, including by addressing concerns from minority religious groups over limitations on their activities in the outer islands (Canada); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	D42 Freedom of thought, conscience and religion Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not implemented Constitution reform is ongoing.
Theme: D51 Administration of justice & fair trial			
101.75 That the Office of the People's Lawyer could be strengthened with the necessary financial, human and technical resources to enable effective representation of those in need of legal aid (Guyana); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	D51 Administration of justice & fair trial Affected persons: - general	Partly implemented Human rights action plan 2016-2020
Theme: E25 Human rights & poverty			
101.81 Pursue efforts to eradicate poverty (Senegal); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	E25 Human Rights and Poverty, E21 Right to an adequate standard of living - general Affected persons: - general	Partly implemented
Theme: E26 Human Rights & drinking water and sanitation			
101.80 Develop initiatives aiming to guarantee access to water and sanitation for all (France); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	E26 Human Rights & drinking water and sanitation Affected persons: - general	Partly implemented Sustainable and Integrated Water and Sanitation Policy 2012-2021
Theme: E31 Right to work			
101.79 Take the necessary measures to modernize Tuvalu's maritime infrastructure, with a view to creating better jobs in the formal sector (Haiti); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	E31 Right to work, E21 Right to an adequate standard of living Affected persons: - general	Partly implemented Multiple World Bank Outer Islands Maritime Infrastructure projects
Theme: E41 Right to health - General			
101.82 Explore all appropriate options to improve access to affordable and adequate health care for citizens on the outer islands, particularly women (Jamaica); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	E41 Right to health - General Affected persons: - women	Partly implemented
101.83 Strengthen human and financial resources of health-care services to enable them to better serve disadvantaged segments of the population (Senegal); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	E41 Right to health - General Affected persons:	Partly implemented
101.86 Continue to make efforts to guarantee the right to the enjoyment of the highest attainable standard of health, particularly by ensuring access to health services to all persons living in the country, particularly by installing health centres on the outer islands (Brazil); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	E41 Right to health - General Affected persons: - general	Partly implemented

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
101.85 Assign human and financial resources in order to strengthen universal access to sexual and reproductive health services, in particular for women and girls on the outer islands, who are not adequately equipped, with trained midwives and nurses to attend to maternal health and attend to the complications of deliveries (Honduras); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	E41 Right to health - General E43 Access to sexual and reproductive health and services Affected persons: - women - girls	Partly implemented
101.97 Ensure universal access to sexual and reproductive health services for all women and girls (Uruguay); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	E41 Right to health - General E43 Access to sexual and reproductive health and services Affected persons: - women - girls	Partly implemented Abortion remains criminalised in all circumstances and carries life imprisonment for women (section 150 of the Penal Code).
Theme: E51 Right to education - General			
101.91 Redouble efforts to increase the quality of education and guarantee the right to education for all, without exclusion (Haiti); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	E51 Right to education - General Affected persons: - general	Partly implemented
Theme: F11 Advancement of women			
101.105 Take effective measures to promote gender equality and women's empowerment (Nepal); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	F11 Advancement of women F12 Discrimination against women Affected persons: - women	Partly implemented Women remain under-represented in public and political life. For the 2019 general elections, only 1 woman was elected for the 15 member parliament (6%).
Theme: F12 Discrimination against women			
101.104 Ensure efficient follow-up to the recommendations given by the Committee on the Elimination of Discrimination against Women (Israel); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	F12 Discrimination against women, A23 Follow-up to treaty bodies Affected persons: - women	Partly implemented
101.108 Ensure that a gender perspective is integrated into all climate change and disaster risk reduction policies, bearing in mind that disasters not only disproportionately affect women and girls but also exacerbate existing economic and social inequality across gender (Republic of Korea); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	F12 Discrimination against women, B73 Human rights and climate change Affected persons: - women - girls	Partly implemented
101.65 Undertake further measures regarding the remaining key areas where improvements need to be made, most notably in relation to vulnerable groups of populations, in particular women, persons with disabilities and children (Ukraine); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	F12 Discrimination against Women, F4 Persons with Disabilities, F31 Children: definition; general principles; protection Affected persons: - women - children - persons with disabilities	Partly implemented
101.68 Strengthen the gender equality perspective in sustainable development policies (Iraq); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	F12 Discrimination against women, S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
Theme: F14 Participation of women in political and public life			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
101.101 Take advantage of the new electoral law to work towards increased participation of women in politics (France); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	F14 Participation of women in political and public life, D7 Right to participation in public affairs and right to vote Affected persons: - women	Partly implemented Women remain under-represented in public and political life. For the 2019 general elections, only 1 woman was elected for the 15 member parliament (6%).
Theme: F31 Children: definition; general principles; protection			
101.119 Make further efforts to register all children born on all islands (Haiti); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	F31 Children: definition; general principles; protection Affected persons: - children	Partly implemented
101.117 Step up efforts to reduce the mortality rate among children under 5 (Congo); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	F31 Children: definition; general principles; protection, E41 Right to health Affected persons: - children	Implemented According to UNICEF, child mortality rate for children under 5 continues to decline, however Tuvalu should continue to ensure such records are up to date and reported regularly (see: https://data.unicef.org/country/tuv/)
101.103 Take further measures to protect women and children against all forms of violence (Italy); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	F31 Children: definition; general principles; protection, F13 Violence against Women Affected persons: - women - children	Partly implemented
101.125 Continue efforts to promote and protect the rights of children and persons with disabilities (Nepal); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	F31 Children: definition; general principles; protection, F4 Persons with disabilities Affected persons: - children - persons with disabilities	Partly implemented
Theme: F34 Children: Juvenile justice			
101.120 Continue its efforts in strengthening the capacity of the Tuvalu Police Force and the Office of the Attorney General in applying child-sensitive justice procedures (Indonesia); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	F34 Children: Juvenile justice Affected persons: - children	Not implemented
Theme: F4 Persons with disabilities			
101.127 Explore all appropriate options to advance the rights of persons with disabilities, building on existing platforms and with appropriate assistance from the international community (Jamaica). Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	F4 Persons with disabilities Affected persons: - persons with disabilities	Not implemented
101.124 Adopt a comprehensive child policy based on the principles and provisions of the Convention on the Rights of the Child (Togo); Source of position: A/HRC/39/8/Add.1 - Para. 2	Supported	F4 Persons with disabilities F31 Children: definition; general principles; protection Affected persons: - children	Not implemented
Theme: A12 Acceptance of international norms			
101.7 Take steps to ratify the International Covenant on Civil and Political Rights and its Optional Protocols, and incorporate these obligations into domestic legislation (New Zealand); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A12 Acceptance of international norms A41 Constitutional and legislative framework D1 Civil & political rights - general measures of implementation Affected persons: - general	Not implemented

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
101.14 Ratify the International Covenant on Civil and Political Rights and the Optional Protocol thereto on abolishing the death penalty, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A12 Acceptance of international norms B32 Racial discrimination D1 Civil & political rights - general measures of implementation D23 Death penalty D25 Prohibition of torture and cruel, inhuman or degrading treatment Affected persons: - general	Not implemented
101.24 Ratify promptly the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Uruguay); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A12 Acceptance of international norms B32 Racial discrimination D1 Civil & political rights - general measures of implementation D25 Prohibition of torture and cruel, inhuman or degrading treatment E1 Economic, social & cultural rights - general measures of implementation Affected persons: - general	Not implemented
101.5 Ratify the International Covenant on Civil and Political Rights (Montenegro); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A12 Acceptance of international norms D1 Civil & political rights - general measures of implementation Affected persons: - general	Not implemented
101.6 Accede to the International Covenant on Civil and Political Rights and take steps to raise social awareness and understanding of the rights embodied in the instrument (Canada); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A12 Acceptance of international norms D1 Civil & political rights - general measures of implementation Affected persons: - general	Not implemented
101.15 Ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Germany); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A12 Acceptance of international norms D1 Civil & political rights - general measures of implementation D25 Prohibition of torture and cruel, inhuman or degrading treatment E1 Economic, social & cultural rights - general measures of implementation Affected persons: - general	Not implemented
101.16 Ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Australia); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A12 Acceptance of international norms D1 Civil & political rights - general measures of implementation D25 Prohibition of torture and cruel, inhuman or degrading treatment E1 Economic, social & cultural rights - general measures of implementation Affected persons: - general	Not implemented
101.8 Ratify the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (Brazil); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A12 Acceptance of international norms D1 Civil & political rights - general measures of implementation E1 Economic, social & cultural rights - general measures of implementation Affected persons: - general	Not implemented

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
101.9 Sign and ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as soon as possible (Iceland); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A12 Acceptance of international norms D1 Civil & political rights - general measures of implementation E1 Economic, social & cultural rights - general measures of implementation Affected persons: - general	Not implemented
101.10 Speed up the efforts to ratify other core human rights treaties, particularly the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Slovenia); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A12 Acceptance of international norms D1 Civil & political rights - general measures of implementation E1 Economic, social & cultural rights - general measures of implementation Affected persons: - general	Not implemented
101.11 Accelerate efforts to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Ireland); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A12 Acceptance of international norms D1 Civil & political rights - general measures of implementation E1 Economic, social & cultural rights - general measures of implementation Affected persons: - general	Not implemented
101.12 Increase efforts to swiftly ratify the main international human rights instruments, especially the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Italy); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A12 Acceptance of international norms D1 Civil & political rights - general measures of implementation E1 Economic, social & cultural rights - general measures of implementation Affected persons: - general	Not implemented
101.20 Consider adhering to the main human rights international instruments, namely, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Costa Rica); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A12 Acceptance of international norms, D1 Civil & political rights - general measures of implementation, E1 Economic, social & cultural rights - general measures of implementation Affected persons: - general	Not implemented
101.63 Continue to take steps to actively promote the equal rights of all individuals regardless of gender, religious belief, sexual orientation, age, disability or other status, including by ratifying the International Covenant on Economic, Social and Cultural Rights (New Zealand); Source of position: A/HRC/39/8/Add.1 - Para. 3b	Noted	A12 Acceptance of international norms, F4 Persons with disabilities, F12 Discrimination against Women D42 Freedom of thought, conscience and religion E1 Economic, social & cultural rights - general measures of implementation Affected persons: - women - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) - persons with disabilities	Not implemented
101.13 Ratify the International Covenant on Economic, Social and Cultural Rights (Montenegro); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A12 Acceptance of international norms E1 Economic, social & cultural rights - general measures of implementation Affected persons:	Not implemented
Theme: A21 National Mechanisms for Reporting and Follow-up (NMRF)			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
101.43 Consider the establishment or strengthening of the existing national mechanism for coordination, implementation, reporting and follow-up, in line with elements arising from good practices identified in the 2016 OHCHR guide on national mechanisms for reporting and follow-up (Portugal); Source of position: A/HRC/39/8/Add.1 - Para. 3	Noted	A21 National Mechanisms for Reporting and Follow-up Affected persons: - general	Partly implemented
101.44 Establish a special national body aimed at regular reporting on measures taken by the national authorities in implementing the Human Rights Council's recommendations (Serbia); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A21 National Mechanisms for Reporting and Follow-up Affected persons: - general	Partly implemented
101.46 Consider the establishment and implementation of a national mechanism for reporting and follow-up with a view to a constructive and systematic cooperation with the human rights protection system of the United Nations (Togo); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A21 National Mechanisms for Reporting and Follow-up Affected persons: - general	Partly implemented
Theme: A41 Constitutional and legislative framework			
101.50 Repeal provisions of the penal code that criminalize adult consensual same-sex sexual conduct (United States of America); Source of position: A/HRC/39/8/Add.1 - Para. 3b	Noted	A41 Constitutional and legislative framework Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Not implemented
101.54 Decriminalize consensual sexual relations between adults of the same sex (Honduras); Source of position: A/HRC/39/8/Add.1 - Para. 3b	Noted	A41 Constitutional and legislative framework Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Not implemented
101.56 Repeal provisions of the Criminal Code that criminalize consensual sexual relation between adults of the same sex (Spain); Source of position: A/HRC/39/8/Add.1 - Para. 3b	Noted	A41 Constitutional and legislative framework Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Not implemented
101.58 Consider repealing provisions that outlaw sexual relations between consenting male adults (Italy); Source of position: A/HRC/39/8/Add.1 - Para. 3b	Noted	A41 Constitutional and legislative framework Affected persons: - general	Not implemented
101.60 Take measures as necessary to remove from the criminal code the offence of consensual sexual relations between persons of the same sex (Argentina); Source of position: A/HRC/39/8/Add.1 - Para. 3b	Noted	A41 Constitutional and legislative framework Affected persons: - women - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Not implemented
101.53 Amend or repeal all sex-related discriminatory legislation and legislation criminalizing consensual same-sex relations to ensure consistency with the principles of equality and non-discrimination (Australia); Source of position: A/HRC/39/8/Add.1 - Para. 3b	Noted	A41 Constitutional and legislative framework B31 Equality & non-discrimination Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Not implemented
101.55 Repeal all provisions that criminalize consensual same-sex conduct and ensure that anti-discrimination laws cover sexual orientation (Iceland); Source of position: A/HRC/39/8/Add.1 - Para. 3b	Noted	A41 Constitutional and legislative framework, B31 Equality & Non-discrimination Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Not implemented

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
101.59 Repeal all provisions that criminalize consensual same-sex conduct and ensure that anti-discrimination laws cover sexual orientation (United Kingdom of Great Britain and Northern Ireland); Source of position: A/HRC/39/8/Add.1 - Para. 3b	Noted	A41 Constitutional and legislative framework, B31 Equality & Non-discrimination Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Not implemented
101.31 Introduce in the Constitution the prohibition against discrimination based on gender and on sexual orientation, at the same level as racial and religious discrimination (France); Source of position: A/HRC/39/8/Add.1 - Para. 3b	Noted	A41 Constitution and legislative framework, B31 Equality & Non-discrimination, F12 Discrimination against women Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Partly implemented Constitution review under discussion.
101.61 Amend sections 153–155 of the Penal Code to decriminalize same-sex conduct between consenting adults, as well as prohibit discrimination based on sexual orientation and gender identity (Canada); Source of position: A/HRC/39/8/Add.1 - Para. 3b	Noted	A41 Constitutional and legislative framework, B31 Equality & Non-discrimination, F12 Discrimination against Women Affected persons: - women - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Not implemented
101.95 Adopt comprehensive legislative measures to prevent and address all forms of violence against women and girls, and ensure that victims of violence have access to means of redress and protection, and perpetrators are brought to account (Republic of Korea); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A41 Constitutional and legislative framework B51 Right to an effective remedy F13 Violence against women Affected persons: - women - girls	Partly implemented
101.90 That the right to education should be treated similarly to other rights in the Constitution (Guyana); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A41 Constitutional and legislative framework E51 Right to education - General Affected persons: - general	Partly implemented Constitution review under discussion.
101.33 That the current constitutional review seek to clarify the principle of equality of women and men (Guyana); Source of position: A/HRC/39/8/Add.1 - Para. 3b	Noted	A41 Constitutional and legislative framework F12 Discrimination against women Affected persons: - women	Not implemented
101.93 Reform the Penal Code to criminalize marital rape and continue to address customs and social patterns that perpetuate discrimination against women and girls (Canada); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A41 Constitutional and legislative framework F12 Discrimination against women F13 Violence against women Affected persons: - women - girls	Not implemented Article 128 under the Penal Code defines rape – it is not gender neutral and does not explicitly cover rape within marriage.
101.112 Repeal all discriminatory laws against women which are contrary to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, in particular inequality in access to property rights and the underrepresentation of women in public and political life (Togo); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A41 Constitutional and legislative framework F12 Discrimination against women F14 Participation of women in political and public life Affected persons: - women	Not implemented
101.94 Adopt comprehensive measures, including legislative measures, to prevent and address all forms of violence against women and girls, including sexual violence (Uruguay); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A41 Constitutional and legislative framework F13 Violence against women Affected persons: - women - girls	Partly implemented

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
101.96 Adopt legislative and other measures to prevent and combat all forms of violence against women and girls, including domestic and sexual violence (Spain); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A41 Constitutional and legislative framework F13 Violence against women Affected persons: - women - girls	Partly implemented
101.118 That the legislation be amended to ensure equal rights for both parents for children born out of wedlock (Guyana); Source of position: A/HRC/39/8/Add.1 - Para. 3b	Noted	A41 Constitutional and legislative framework, F31 Children:definition; general principles; protection Affected persons: - children	Not implemented Refer to Native Lands Act
101.123 Adopt legislative measures to fully align the juvenile justice system with the relevant international standards, including by repealing the provisions that allow corporal punishment (Mexico); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A41 Constitutional and legislative framework F32 Children: family environment and alternative care F34 Children: Juvenile justice Affected persons: - children	Not implemented Refer to Article 226 of Penal Code
Theme: A43 Human rights policies			
101.115 Adopt public policies aiming at the eradication of violence against children, including legal measures to prohibit corporal punishment both in school and in the family (Chile); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	A43 Human Rights policies, F31 Children: definition; general principles; protection Affected persons: - children	Not implemented
Theme: B31 Equality & non-discrimination			
101.66 Repeal all discriminatory provisions included in the land code (Congo); Source of position: A/HRC/39/8/Add.1 - Para. 3b	Noted	B31 Equality & Non-discrimination Affected persons: - women	Not implemented Refer to Tuvalu Lands Code
101.57 Modify or repeal all laws that discriminate on the ground of sexual orientation or gender identity pursuant to the principle of equality and non-discrimination enshrined in international human rights law (Spain); Source of position: A/HRC/39/8/Add.1 - Para. 3b	Noted	B31 Equality & non-discrimination F12 Discrimination against women Affected persons: - women - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Not implemented
Theme: D42 Freedom of thought, conscience and religion			
101.76 That measures could be taken to address perceived restrictions to the freedom of religion (Guyana); Source of position: A/HRC/39/8/Add.1 - Para. 3b	Noted	D42 Freedom of thought, conscience and religion Affected persons: - general	Partly implemented Constitution review under discussion.
Theme: E21 Right to an adequate standard of living - general			
101.89 Continue strengthening programmes to promote employment and assistance for vulnerable groups in the fight against poverty and social exclusion (Bolivarian Republic of Venezuela); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	E21 Right to an adequate standard of living - general E31 Right to work Affected persons: - vulnerable persons/groups	Partly implemented
Theme: E22 Right to food			
101.88 Continue strengthening the programmes and social policies in the areas of education, health and food, paying special attention to the sectors of the population that are most in need (Bolivarian Republic of Venezuela); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	E22 Right to food E41 Right to health - General E51 Right to education - General Affected persons: - vulnerable persons/groups	Partly implemented
Theme: E41 Right to health - General			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
101.84 Introduce new dietary practices to reduce obesity (Haiti); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	E41 Right to health - General Affected persons:	Partly implemented WTO and Pacific Community- Tuvalu Guidelines for a Healthy Diet and Lifestyle 2021
101.87 Improve health-care infrastructure, access to emergency obstetric care, midwife training, and resources devoted to maternal health (Ghana); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	E41 Right to health - General Affected persons: - general	Partly implemented Refer to Tuvalu - WHO Country Cooperation Strategy 2018-2022
Theme: E51 Right to education - General			
101.92 Step up the efforts to improve education infrastructure, in particular basic sanitary facilities (Republic of Korea); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	E51 Right to education - General, E26 Human Rights & drinking water and sanitation Affected persons: - general	Not implemented N/A data provided for population using improved sanitation facilities- Tuvalu- WHO Country Cooperation Strategy 2018-2022
Theme: F12 Discrimination against women			
101.113 Take steps necessary to do away with patriarchal and gender-based stereotypes, which lead to perpetuation of discrimination against women (Argentina); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	F12 Discrimination against women Affected persons: - women	Not implemented
Theme: F31 Children: definition; general principles; protection			
101.114 Prohibit corporal punishment for disciplining children both at home and in any other area of the society (Uruguay); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	F31 Children: definition; general principles; protection Affected persons: - children	Partly implemented
101.121 Continue to work towards the abolition of corporal punishment in all settings, and that awareness-raising campaigns about the negative impact of corporal punishment on the development of children are undertaken (Ireland); Source of position: A/HRC/39/8/Add.1 - Para. 3a	Noted	F31 Children: definition; general principles; protection Affected persons: - children	Partly implemented