

TUVALU: TURNING THE TIDE ON HUMAN RIGHTS AND THE CLIMATE CRISIS

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SUMMARY

This submission was prepared for the Universal Periodic Review (UPR) of Tuvalu on 8 November 2023. In it, Amnesty International evaluates the implementation of recommendations made to Tuvalu in its previous UPR, including in relation to gender equality, freedom of religion, the rights of people with disabilities, the right to health care, the rights of people of diverse sexual orientation and gender identity and the climate crisis.

It also assesses the national human rights framework with regard to treaty body ratification and the need to strengthen national institutions to protect human rights such as the Ombudsman's Office.

With regard to the human rights situation on the ground, Amnesty International raises concern about ensuring equality and non-discrimination in its Constitutional reforms and other legislative reviews. It ends with a set of recommendations to Tuvalu which, if implemented, would contribute to improving the human rights situation.

FOLLOW UP TO THE PREVIOUS REVIEW

1. Amnesty International welcomes the positive steps taken by the government of Tuvalu to implement the 78 out of 127 recommendations it had committed to at the last UPR session.¹
2. Tuvalu ratified the ILO Worst Forms of Child Labour Convention (No. 182) in 2019² and updated its nationally determined contributions (NDCs) on climate emissions in 2022.³
3. However, Tuvalu is yet to fulfil all of its commitments to ratify additional human rights treaties made at the last review, including but not limited to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)⁴ and the International Covenant on Economic, Social and Cultural Rights (CESCR).⁵
4. Implementation of previous recommendations to protect women from violence and discrimination, to protect the right to freedom of religion or belief in law and practice for national and ethnic minorities would be an important step towards improving the human rights situation in the country.
5. As a small island country, with a population of around 11,000 people, Tuvalu may require international co-operation and assistance from other countries to attain greater human rights protection especially to put in place adequate measures to support people to adapt to the impacts of the climate crisis and to provide support and remedy to people facing loss and damage.
6. Tuvalu's reporting under the Convention on the Elimination of Discrimination Against Women has been overdue since 2019.
7. Annex 1 is a matrix of recommendations from Tuvalu's last review. Of the accepted recommendations, implemented recommendations are highlighted in green, partly implemented are highlighted in yellow and not yet implemented highlighted in red. Tuvalu lacks comprehensive data and information to accurately assess the implementation of some of the recommendations.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

1. Tuvalu's Constitution includes a Bill of Rights which guarantees non-discrimination on the basis of race, place of origin, political opinions, colour, religious beliefs and sex. The Constitution does not mention gender identity or sexual orientation, and this remains challenging for the LGBTI community. In 2018 the Tuvalu Constitutional Review Project was created to review and update the Constitution; however, it is still ongoing with no proposed end date.
2. Tuvalu's Office of the Chief Ombudsman acts as the national human rights institution (NHRI). The Ombudsman is responsible for aligning national laws with international conventions per Tuvalu's National Strategy for Sustainable Development for 2016 to 2020.⁶ However, the Office of the Chief Ombudsman is not accredited as a national human rights institution (NHRI) under the Paris Principles.
3. Tuvalu's superior court under the Constitution is the High Court.
4. There are no political parties in Tuvalu; parliament members are independents who are required to represent the interests of their communities.
5. Access to justice for gender-based violence remains difficult for women as marital rape is not explicitly criminalised in the penal code.⁷ Abortion is also criminalized in all circumstances except where necessary to protect the woman's life. Penalties vary from 10 years to life imprisonment.⁸

THE HUMAN RIGHTS SITUATION ON THE GROUND

Freedom of religion, culture and belief

6. Tuvalu's Constitution prioritizes traditional standards, values and practices over the individual's right to freedom of religion, freedom of belief and freedom of peaceful assembly and association (Article 11.2).
7. The Religious Bodies Registration Act 2008 deems that a 'religious body' of 50 persons or more must register with the state and be approved by the Falekaupule (the community or village elders) from their island (Article 2).⁹ Failure to do so may result in prosecution. The Religious Organisation Restriction Act 2020 provides that where Tuvaluan values and culture are threatened, a community leaders may withdraw the approval of a religious organization (Section 4.4).¹⁰ While the Tuvalu Government seeks to promote religious tolerance, there are reports of ineffective communication for outer islands. Minority religions have successfully won cases in the court where local leaders have attempted to restrict religious activities.¹¹
8. In 2019, the UN Special Rapporteur in the field of cultural rights visited Tuvalu and made recommendations on protecting freedom of religion and non-discrimination, including by ratifying ICESCR and strengthening grounds for non-discrimination in Tuvalu's Constitution.¹²

Gender equality and ending violence against women

9. Tuvalu made efforts to prioritize women and girls in the National Strategy for Sustainable Development for 2016 to 2020 (unclear if this has been updated more recently). However, the impact of such strategies to strengthen equal access to economic empowerment and leadership, and to eliminate all forms of violence and discrimination against women and girls remains unclear.¹³
10. Tuvalu's Multiple Indicator Cluster Survey found that in 2019, 26% of women and girls aged between 15 to 49 years experienced sexual violence from their former husband/partner. It also found that 23.7% of men aged between 35 to 49 years believed it was justifiable to beat their wife if she argued with him.¹⁴
11. Since Tuvalu launched their Gender Strategy and Action Plan (GSAP) as part of their Coastal Adaption Project (TCAP) for 2017 to 2024, women in leadership positions have significantly increased and women have become more involved in the TCAP process. However, Tuvalu should further integrate women into policymaking and implementation, establish training on gender mainstreaming, and involve women in decisions where they are under-represented.¹⁵

People with disabilities

12. Persons with physical disabilities from birth are less likely to receive an education due to the lack of specialized education. Persons with disabilities are also less likely to gain employment or attend community events, as their accessibility is limited. People with psycho-social disabilities are further disadvantaged, as free basic healthcare does not extend to required specialist care.
13. According to the National Strategy for Sustainable Development for 2016 to 2020, Tuvalu's National Disability Coordinating Committee (TNDCC) was in the process of formulating a draft National Disability Policy.¹⁶ However there have been no reported updates on this.

Sexual orientation, gender identity, expression and sex characteristics

14. In 2019, the Equality and Justice Alliance (EJA) reported that there was substantial traditional recognition for third gender communities in Tuvalu due to historical societal and communal roles. However, discrimination has reportedly increased in recent years.¹⁷
15. Sections 153 and 155 of the Penal Code criminalise same-sex sexual activity. While there is no evidence that these provisions are actively enforced, they need to be repealed as a priority to ensure the wellbeing and safety of LGBTI people.
16. Tuvalu's Labour and Employment Relations Act of 2017 prohibits discrimination based on sexual orientation; however, there are no laws protecting people from discrimination on the basis of gender identity or expression

and sex characteristics, thus excluding transgender people from such protections.

Adequate health care

17. The World Bank provided a US\$15 million grant towards Tuvalu's National Health Strategic Plan for 2020 to 2024 to improve national health care services. This was to support Tuvalu's Health System Strengthening Project. Funds have been specifically directed to a new wing to the Princess Margaret Hospital (PMH) in Funafuti and to eleven other health clinics across the country (level of implementation of the grant is unclear). Tuvalu's Health System Strengthening Project proposes to establish a specialized noncommunicable disease (NCD) clinic in the PMH upgrade. However, outer islands with the highest rates of NCDs in the country, receive limited maintenance to their health facilities. Additionally, there is financial strain on Tuvalu's ability to fund the overseas medical treatment scheme for the treatment of severe NCD cases.¹⁸
18. While community outreach services are provided for outer islands, all doctors in Tuvalu are based at PMH. The eight outer islands have no doctors, while two islands lack health clinics. A further two islands do not have a midwife, while a third has a diploma level midwife. All islands have at least two nurses and rural healthcare workers, except for Niulakita Island which only has one nurse.¹⁹
19. In January 2023, 500 dignity kits worth US\$36,000 were distributed by UNFPA to women and girls in the worst drought affected islands; Nanumea, Nanumaga and Niutao Island, to maintain sexual and reproductive health and provide them with gender-based violence supplies; however human resources should be strengthened to ensure adequate access to sexual, reproductive and maternal health services.²⁰

Climate crisis and human rights

20. The Pacific Island region contributes less than 0.03% to global emissions, yet it is particularly at risk of the damaging impacts of climate change such as rising sea levels and increased severe weather events. Sitting less than five metres above sea level, Tuvalu is at high risk of coastal erosion, tidal surges, longer-lasting droughts and more frequent tropical cyclones.²¹
21. Since 2017, the Green Climate Fund (GCF) has provided financial assistance for Tuvalu Coastal Adaption Project (TCAP) to support environmental science and coastal engineering scholarships, training in shoreline monitoring and coastal planning, integrated learning about climate change in the primary school curriculum, coastal assessments, and training for outer-island government officers in ecosystem-based adaption coastal protection.²² TCAP's final report is expected to be released to the public in 2024 following two regional conferences to be held this year. The Australian government has also provided significant funds to strengthen Tuvalu's resilience to climate change.
22. In 2022, Tuvalu updated its NDCs, focusing on mitigation and promoting a zero-carbon development pathway by 2050. This is outlined in Tuvalu's Environmental and Social Management Plan (ESMP) 2021, developed as a management tool for TCAP.²³ Tuvalu has been a vocal advocate for the establishment of an international financial mechanism to support people suffering climate-induced loss and damage.
23. Tuvalu is looking at legal ways to preserve ownership of its maritime zones and recognition of the state, even if the island is fully submerged or uninhabitable as a result of the climate crisis. Any relocation plans must include adequate consultation with affected communities and be consistent with international human rights law and standards. Tuvalu may require and is entitled to international assistance and co-operation to support people facing loss and damage, including those who might need to relocate because their country is becoming uninhabitable due to climate change.

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Tuvalu to:

The national human rights framework

24. Accede to the remaining core human rights treaties and incorporate these into domestic law.
25. Seek NHRI accreditation for the office of the Chief Ombudsman in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).
26. Fulfill its existing obligations for treaty body reporting under CEDAW as a priority and ensure that future reports are submitted in a timely manner with appropriate civil society engagement and consultation.

Freedom of religion

27. Amend Article 3.1 in the Religious Bodies Registration Act 2008 and section 4.4 of the Religious Organisations Restriction Act 2020 to guarantee freedom of religion for all individuals.
28. Continue to promote communication of religious tolerance for outer islands and hold local leaders accountable for abuses against minority religious groups.

Violence against women and girls

29. Reform the Penal Code to criminalize marital rape and continue to promote awareness and training on gender-based violence.
30. Continue to raise societal awareness about the contents of the Family Protection and Domestic Violence Act of 2014 and develop a national action plan on the prevention of violence against women and girls.
31. Continue to integrate women into political leadership positions and ensure women are involved in policymaking and implementation.
32. Improve access to information and accessibility of sexual and reproductive health services and decriminalize abortion.

People with disabilities

33. Implement legislation to ensure that public spaces and services can accommodate people with disabilities.
34. Uphold and protect the right to education for all persons with disabilities by expanding education services and facilities and develop a separate curriculum for special needs students.
35. Improve availability and access to public health care for people with psycho-social disabilities.

Sexual orientation, gender identity and expression and sex characteristics

36. Revise the Penal code to include a gender-neutral definition of rape and decriminalize same-sex sexual activity.
37. Develop and adopt legal and administrative measures to investigate acts of discrimination, stigmatization, and violence against people because of their sexual orientation, gender identity and expression and sex characteristics and ensure that people are able to effectively access remedies when their rights are violated, including through criminal prosecutions, compensation, shelters, medical and psycho-social support.

Adequate health care

38. Strengthen human and financial resources of health-care services for people living on outer islands and direct budgetary allocations to the maintenance of health clinics on outer islands.
39. Improve access to emergency obstetric care, midwife training and resources devoted to maternal and reproductive healthcare for outer islands.
40. Provide midwives, nurses and rural health care workers on outer islands with specialized training in noncommunicable diseases (NCD) and provide outer island health clinics with the necessary equipment for treatment of NCDs.

Climate crisis and human rights

41. Continue to implement TCAPs climate change adaption policies to avoid or minimise impacts on the human rights of people in Tuvalu and regularly and publicly report on progress through the Environmental and Social Management Plan.
42. Conduct inclusive and participatory loss and damage needs assessments considering the adverse effect of climate change on the enjoyment of human rights and ensuring that individuals and groups most affected are fully able to participate.
43. Ensure any new fund received to address loss and damage can be accessed by most affected groups, including women, Indigenous peoples, people with disabilities and other marginalized groups, particularly those facing multiple and intersecting forms of discrimination.
44. Seek international co-operation and assistance on proposed plans such as international relocation with particular consideration given to the preservation of social, economic and cultural rights due to climate change and ensure such plans are consistent with international human rights laws and standards, including that indigenous people are able to maintain their collective identity and right to self-determination in a safe and adequate location that ensures all their human rights are guaranteed.

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
<i>Theme: A12 Acceptance of international norms</i>			
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

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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)
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

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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.
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)

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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)
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.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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.
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

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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.
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

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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
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			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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
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			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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
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

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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			
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

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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
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

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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
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

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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)			
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

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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
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.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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
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			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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			
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

¹ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Tuvalu, 2-28 September 2018, UN Doc. A/HRC/39/8 and its addendum A/HRC/39/8/Add.1

² A/HRC/39/8/Add.1-Para 2, recommendation 101.30 (United Kingdom of Great Britain and Northern Ireland)

- ³ A/HRC/39/8/Add.1-Para 2, recommendations 101.69 (Haiti), 101.70 (Costa Rica), 101.71 (Cuba)
- ⁴ A/HRC/39/8/Add.1-Para 2, recommendations 101.14 (Ukraine), 101.24 (Uruguay)
- ⁵ A/HRC/39/8/Add.1-Para 2, recommendation 101.1 (Ghana)
- ⁶ Government of Tuvalu, 'Te Kakeega III: National Strategy for Sustainable Development 2016-2020', March 2016, <https://www.adb.org/sites/default/files/linked-documents/cobp-tuv-2017-2019-ld-02.pdf> page 73.
- ⁷ See Tuvalu's Penal Code https://tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/1965/1965-0007/PenalCode_1.pdf, Part XVI.
- ⁸ See Tuvalu's Penal Code https://tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/1965/1965-0007/PenalCode_1.pdf, ss150-152.
- ⁹ See Tuvalu's Religious Bodies Registration Act, https://tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/1947/1947-0003/ReligiousBodiesRegistrationAct_1.pdf
- ¹⁰ See Tuvalu's Religious Bodies Registration Act, https://tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/2010/2010-0007/ReligiousOrganisationsRestrictionAct_1.pdf
- ¹¹ United Nations Office of the High Commissioner for Human Rights, 'Visit to Tuvalu: Report of the Special Rapporteur in the field of Cultural Rights', 24 December 2020, UN Doc. A/HRC/46/34/Add.1
- ¹² A/HRC/46/34/Add.1
- ¹³ Government of Tuvalu, 'Te Kakeega III: National Strategy for Sustainable Development 2016-2020', March 2016, <https://www.adb.org/sites/default/files/linked-documents/cobp-tuv-2017-2019-ld-02.pdf> p.20
- ¹⁴ Government of Tuvalu, 'Tuvalu Multiple Indicator Cluster Survey 2019-2020: Survey Findings Report', July 2021, <https://washdata.org/sites/default/files/2022-02/Tuvalu%202019-20%20MICS-sm.pdf> p.26
- ¹⁵ United Nations Development Programme, 'Tuvalu Coastal Adaption Project Empowering Women and Girls', 21 December 2021, <https://www.undp.org/pacific/news/tuvalu-coastal-adaptation-project-empowering-women-and-girls#:~:text=Women%20have%20facilitated%20some%20of,government%2C%20NGO%20and%20community%20representatives.>
- ¹⁶ Government of Tuvalu, 'Te Kakeega III: National Strategy for Sustainable Development 2016-2020', March 2016, <https://www.adb.org/sites/default/files/linked-documents/cobp-tuv-2017-2019-ld-02.pdf>
- ¹⁷ https://www.pgaction.org/pdf/Opportunities_for_women_and_LGBTI_rights_Pacific.pdf p.49
- ¹⁸ Government of Tuvalu, 'Tuvalu's Health System Strengthening Project: Preliminary Environment and Social Management Plan', February 2022, available at https://tuvalu-data.sprep.org/system/files/TV%20HSSP%20ESMP_Final%281%29.pdf
- ¹⁹ Government of Tuvalu, 'Tuvalu's Health System Strengthening Project: Preliminary Environment and Social Management Plan', February 2022, available at https://tuvalu-data.sprep.org/system/files/TV%20HSSP%20ESMP_Final%281%29.pdf
- ²⁰ United Nations Population Fund (UNFPA), 'Tuvalu's drought affected women and girls receive \$51,00AUD worth of essential sexual and reproductive health and GBV supplies' 16 January 2023, <https://pacific.unfpa.org/en/news/tuvalu-drought-affected-women-and-girls-receive-aud-51000-worth-essential-sexual-and#:~:text=Tuvalu's%20Drought-affected%20Women%20and%20Girls%20Receive%20AUD%2051%2C000-worth,and%20Learn%20Tuvalu%2C%20on%2013%20January%202022%2C%20Funafuti>
- ²¹ IPCC, "Climate Change 2022: Impacts, Adaptation and Vulnerability", Working Group II Contribution to the Sixth Assessment Report: Chapter 15 - Small Islands, February 2022, [ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_Chapter15.pdf](https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_Chapter15.pdf)
- ²² Government of Tuvalu, 'Tuvalu Coastal Adaption Project', 2018, <https://tcap.tv/timeline>
- ²³ Government of Tuvalu, 'Tuvalu Coastal Adaption Project', 2018, <https://tcap.tv/timeline>