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COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Tuvalu and welcome the constructive engagement of the Government during the 30th session of the UPR Working Group in May 2018.

As the final outcome report on the review of Tuvalu has been recently adopted by the Human Rights Council at its 39th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office has prepared for the review of Tuvalu - the Compilation of UN information and the Summary of Stakeholders' submissions - which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have also considered the statements and recommendations made by 38 delegations, the presentation and responses made by the delegation of Tuvalu and the actions taken by the Government to implement the 68 recommendations it had accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues and appear in the Annex to this letter.

I commend Tuvalu's efforts towards the recovery and rebuilding of the country, following the adverse impacts of the 2008 global economic crisis and the severe effects of climate change and tropical cyclones, through its national strategy for sustainable development and the identification of 12 national measures designed to promote and protect human rights and to ensure that international norms and standards are reflected in national laws, policies, regulations and practices.

I welcome the recognition by the government of the adverse impact of climate change on the full and effective enjoyment by Tuvaluans of their rights and the fact that Tuvalu has extended a standing invitation to all thematic special procedures.

I welcome the current constitutional review conducted through a participatory approach and set to include gender and disability as a non-discrimination ground. I urge the Government of Tuvalu to seize this to strengthen protection of human rights and fundamental freedoms, including Economic, Social and Cultural Rights under the Bill of Rights and give effect to these rights by incorporating a specific provision with regard to their application and enforcement.

J.

H.E. Mr. The Right Honourable Enele Sosene Sopoaga,
Prime Minister of the Government of Tuvalu
Tuvalu



I also welcome the fact that Tuvalu has developed and adopted several national legislations, strategies and policies in key areas, including the National Action Plan on Human Rights 2016-2020. I call on the government of Tuvalu to strengthen their efforts and coordination to turn those strategies, policies and implementation plans into concrete results in line with international human rights standards, in particular in the areas contained in the annex, and for the purposes of preparing Tuvalu's fourth UPR cycle through allocation of sufficient budget and close consultation with stakeholders, including civil society organizations.

I commend Tuvalu for the steps taken for the establishment of a national human rights institution, including the adoption of the National Human Rights Institution Act by the Parliament in December 2017. My Regional Office based in Suva, Fiji, remains committed to provide you with further support to fulfil your obligations under international human rights norms and standards.

I encourage the Government of Tuvalu to establish a national mechanism for comprehensive reporting and follow up in relation to international human rights recommendations and treaty obligations. Such a mechanism should possess capacity to engage with international human rights mechanisms, coordinate among the government departments, consult with the national human rights institution and civil society organisations and manage information to track the implementation of the recommendations of the international human rights mechanisms. I strongly recommend the use of the practical guide that my Office released in 2016 on this topic and which is available at: [http://www.ohchr.org/Documents/Publications/HR PUB 16 1 NMRF PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

Please be informed that I will be sharing my advice with all Member States as they go through the third cycle with a view to assisting them in implementing the UPR recommendations early on, following the review. An important measure that can contribute positively to the follow up of the UPR recommendations is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. I encourage Tuvalu to submit a mid-term report for the follow-up of the third cycle of the review, by 2020.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals"*.

I look forward to discussing with you ways in which my Office may assist Tuvalu to take action in the areas I have identified in this letter and its Annex.

Please accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratification the core international human rights instruments, including the International Covenant on Civil and Political Rights and its Optional Protocols, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on Elimination all Forms of racial Discrimination, the International Covenant on the Rights of Migrant Workers and Their Families and the ILO convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

National human rights framework

- Establishment of the National Human Rights Institution in compliance with the Paris Principles.
- Establishment of a national mechanism for reporting and follow-up in order to ensure constructive engagement with international human rights mechanisms.
- Allocation of sufficient financial and human resources to fully implement the National human Rights Action plan 2016-2020.

A. Cross cutting issues

Equality and Non-discrimination

- Acceleration of efforts to incorporate into its legislation, at all levels including at the constitutional level, provisions that prohibit discrimination based on sex, gender and disability;
- Integration of 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 healthcare professionals and other service providers;

Right to development

- Proceeding with the implementation of the National Strategy for Sustainable Development;
- Strengthening the gender equality prospective in sustainable development policies;

Environmental issues

- Implementation of policies and programmes aiming at the mitigation of the effects of the climate change, taking into consideration a focus on human rights;
- Promotion of the international sphere the right to a healthy environment and the fight against climate change;

- Assessment on 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 the view to supporting victims and building their resilience to such disasters;
- Redoubling 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;

Administration of justice, including impunity and the rule of law

- Strengthening the Office of the People's Lawyer with the necessary financial, human and technical resources to enable effective representation of those in need of legal aid.

Fundamental freedoms and participation in public and political life

- Taking 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;
- Ensuring a meaningful participation of all the citizens of Tuvalu dispersed in the Archipelago in the ongoing process of constitutional revision.

B. Economic, Social and Cultural Rights

Right to an adequate standard of living

- Taking the necessary measures to modernize Tuvalu's maritime infrastructure, with a view to creating better jobs in the formal sector;
- Strengthening programs to promote employment and assistance to vulnerable groups, in efforts to eradicate poverty and social exclusion;
- Development of initiatives in order to guarantee access to water and sanitation for all.

Right to health

- Improvement of health-care infrastructure, access to emergency obstetric care, midwife training, and resources devoted to maternal health;
- Continuing 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 centers on the outer islands.

Right to education

- Redoubling efforts to increase the quality of education and guarantee the right to education for all, without exclusion;
- Stepping up the efforts to improve education infrastructure, in particular basic sanitary facilities.



C. Rights of specific persons or groups

Women

- Prioritization of 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 perpetrators are brought to account;
- Implementation of the measures identified in the Tuvalu Human Rights National Action Plan to address violence against women, including through community education, police training and stronger recording processes;
- Reform of the Penal Code to criminalize marital rape and continue to address customs and social patterns that perpetuate discrimination against women and girls;
- Ensuring universal access to sexual and reproductive health services for all women and girls;
- Working toward the implementation of the women, peace and security agenda in order to guarantee effective participation of women in all aspects of decision making;
- Ensuring 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 genders;
- Ensuring efficient follow-up to the recommendations given by the Committee on the Elimination of Discrimination against Women;

Children

- Adoption of a comprehensive child policy based on the principles and provisions of the Convention on the Rights of the Child;
- Adoption of public policies aiming at the eradication of violence against children, including legal measures to prohibit corporal punishment both in school and family;
- Criminalization of child pornography and ensuring the law criminally prohibits: procuring, offering, providing, obtaining or using children for prostitution and/or the production of pornography, or other illicit activities; as well as prohibits the distribution, dissemination, sale and possession of child pornography;
- Strengthening the capacity of the Tuvalu Police Force and Attorney General's Office in applying child-sensitive justice procedures;
- Continuing 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;



Persons with disabilities

- Taking all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
- Exploring all appropriate options to advance the rights of persons with disabilities, building on existing platforms and with appropriate assistance from the international community.