

**GOVERNMENT OF TUVALU**



**TUVALU STATEMENT**

**To be delivered by**

**His Excellency Aunese Makoi Simati,  
Ambassador**

**At The 39<sup>th</sup> Session of the Human Right Council  
(Adoption of the UPR Outcome of Tuvalu)**

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**Geneva**

**(Check Against Delivery)**

## **1. SALUTATIONS**

Thank YOU Mr President, Honorable Council Members, Excellencies, distinguished representatives, a very good morning/afternoon to you all.

Mr President, thank you for this opportunity to present Tuvalu's responses and updates to the questions raised to our Third Universal Periodic Review submission.

Firstly Tuvalu extends its great appreciation to the Council and Members of the Troika and Secretariat for their continued good work in this undertaking. We sincerely appreciate your support and counsel throughout the entire process; and would like to thank the many member States and Civil Society for sharing their thoughts for future advancements. We are also very appreciative of the support in kind, technical and financial, from our partners to our HR pursuits, and their understanding of the many challenges Tuvalu face with regards these noble endeavours.

Tuvalu remain committed towards meaningful engagement with the international community in these UPR processes and we are fully committed to the noble values of the Universal Declarations of Human Rights.

Our starting point and our fervent goal has always been to build a strong and progressive Tuvalu where our citizens enjoy meaningful and happy lives in a safe environment and a fair and inclusive society.

As long as our many words are put into action, the UPR process remains an effective mechanism to ensuring the promotion and protection of human rights for one and all.

## **2. CLIMATE CHANGE CHALLENGES TO HUMAN RIGHT PURSUITS**

In all of Tuvalu's UPR reports, the unfolding climate change and sea-level rise are highlighted as detrimental to the enjoyment and pursuit of our fundamental human rights; as a people and as a sovereign State. Increasingly these challenges caused by human activities, from external sources are simply beyond our capability to cope internally; and severely compromise our fundamental rights not only for sustainable development but for mere existence.

Tuvalu is pursuing two significant initiatives related to climate change, namely:

*(a) Pacific Islands Climate Change Insurance Facility;*

*(b) UN General Assembly Resolution to give Protection to People Displaced by the impacts of Climate Change.*

These Resolutions acknowledge the fact that under the *1951 Refugee Convention* these persons impacted by climate change are not defined as refugees; as they are not fleeing conflict or persecution (although this may be the case in certain circumstances).

We note with serious concern that the current aggregate effect of NDCs are not sufficient to bring us on a pathway towards the long term goal of holding the increase in the global average temperature to well below 2 deg celcius above pre-industrial levels and pursuing efforts to limit it to 1.5 deg C. These are existential issues for Tuvalu.

### 3. SUBSTANTIVE UPDATES TO RECOMMENDATIONS

Mr. President

At the Session of the Working Group in May of this year, the Government of Tuvalu received 127 recommendations to its report

After great deliberation, the Government of Tuvalu accepted 78 recommendations and noted 49 recommendations.

The 49 recommendations as listed in the Addendum will be pursued in due course within the capacity and resource capabilities of Tuvalu

Fifteen 15 out of the 49 recommendations are noted by the Government of Tuvalu but it needs considerable review and consultations as these appear on face value to conflict and contradict to some of the long held cultural and traditional values as well as our Christian principles which are foundational to our Constitution.

**Mr. President, let me now highlight some clarification, achievements and new development since our report in May of this year.**

#### *3.1 CIVIL AND POLITICAL RIGHTS*

In 2017 Parliament passed the National Human Rights Institution Act, aimed at providing relevant mechanism to ensure the full promotion and protection of fundamental freedoms of all. The Act aims at allowing access to a government system that will address abuse of human rights and fundamental freedoms.

The Office of the Chief Ombudsman prominently include strict adherence to, and administration and enforcement of, the Leadership Code Act, and offer public service training in good governance where necessary.

The current Constitutional Review has completed the second phase of the Review and are aiming for a completion date in 2019. The Review has included gender and persons with disability issues to the non-discrimination clauses of the Constitution.

Tuvalu envisaged that its accession to the Rome Statute will be realised before the next reporting cycle. We are also acceding to the Agreement on the Privileges and Immunities of the ICC after national formal process have been fulfilled.

Finally our cultural norms play a big part in our vibrant peaceful communities, attesting to the fact that the nexus between Human rights and cultural good practice are mutually reinforcing.

#### *3.2 CONVENTION ON RIGHTS OF PERSONS WITH DISABILITIES*

Tuvalu has ratified the Convention on the Rights of Persons with Disabilities in December, 2013. Tuvalu is progressively implementing its obligations under the Treaty.

### *3.3 CONVENTION ON RIGHT OF THE CHILD*

In March 2018 Tuvalu has submitted its combined 2nd, 3rd, 4th and 5th report to the UN CRC committee.

Tuvalu wishes to inform the Council that the Government of Tuvalu has approved the ratification of the two optional Protocol to CRC and the Government will soon communicate to the United Nation, the ratification of the said optional Protocols.

The Department of Education and the Office of the Attorney General together with the support UNICEF are drafting a Policy for all children in educational institutions in Tuvalu as well as a Child Protection and Welfare Bill.

Tuvalu have made amendments to other laws to comply with international commitments to the Convention on the Rights of the Child namely:

- (a) Section 39 of the Penal Code [Cap 10.20] which deal with offenders under the age of 16;
- (b) Prisons Act [Cap 20.28];
- (c) Education (Compulsory Education) Order 1984 [Cap 30.05.4]

### *3.4 CEDAW*

Tuvalu is currently working on its 5th national report on the Convention on the Elimination of all forms of Discrimination against Women. We thank the international community for the technical and financial assistance that has enabled successive compilation of the National CEDAW reports.

### *3.5 MONITORING AND REPORTING RESPONSIBILITIES*

Tuvalu has a Committee of Chief Executive Officers (Development Coordinating Committee) that monitors all development, social and financial issues of the Government and advise Cabinet on human rights and welfare of the citizens.

A new legal and coordination Department within the Ministry of Foreign Affairs, Trade, Tourism and Labor will monitor the international conventions that Tuvalu has ratified or acceded to.

Furthermore, Government of Tuvalu has endorsed and allocated a budget for the National Action Plan of Tuvalu for 2019 Estimates to provide financial assistance for the implementation of NAP on Human Rights.

Tuvalu has a National Advisory Committee for Children's Rights where it provides oversight, advise and coordination of the implementation of the CRC. A Tuvalu National Disability Coordinating Committee also have oversight and a coordination role to ensure the protection and full enjoyment of the human rights of persons with disabilities.

The said Committees consists of representatives from government ministries, non-government organisations, civil society, faith-based organisations, schools, educational institutions, regional organisations, students and Island Council.

The Government of Tuvalu currently have in a place a *Support Scheme for the Most Vulnerable Persons with Disability*. It provides financial assistance to persons with disabilities and is managed and administered by the Ministry of Home Affairs.

#### **4. TECHNICAL CHALLENGES AND NEEDS FOR HUMAN RIGHTS**

Mr. President, Tuvalu is a Small Island Developing States and a LDC with absorptive and capacity and technical constraints. It is no secret that collaborations with our development partners have proven valuable in implementing Human rights activities especially on holding nation-wide consultations, and targeted training and HR advocacy, in an island-nation of dispersed communities, across the span of the Pacific Ocean.

The Government and people of Tuvalu appreciates these partnerships and will still need the international community's continued technical and financial support for the implementation of Human rights activities.

#### **5. CONCLUSIONS**

In conclusion, Tuvalu takes its treaty obligations seriously. We will engage seriously with the relevant treaty bodies, to advance and review all recommendation or reservations where appropriate and welcome shared understanding and learning on implementing these human rights advances.

We should find agreements in implementing recommendations we differ on, or that are sensitive towards our culture and traditions and our strong Christian faith in the Almighty. Tuvalu mote Atua, Tuvalu for God, our national motto is the cornerstone of our Constitution, our Human Rights.

I thank you Mr. President

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