



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

### List of issues and questions prior to the submission of the combined fifth and sixth periodic reports of Tuvalu\*

#### General

1. Please provide information and statistics, disaggregated by sex, age, nationality, disability, ethnicity, geographical location and socioeconomic background, on the current situation of women in the State party to enable monitoring of the implementation of the Convention. In accordance with the State party's obligations under articles 1 and 2 of the Convention, and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please indicate how the State party intends to improve the collection and analysis of data pertaining to the areas covered by the Convention, so as to support policymaking and programme development and to measure progress towards the implementation of the Convention and the promotion of substantive equality between women and men, including with regard to the specific areas covered in the present document.

#### Women's rights and gender equality in relation to the pandemic, recovery efforts and global crises

2. Please describe efforts made and mechanisms put in place to face the coronavirus disease (COVID-19) pandemic and its long-term impact, and ways to apply these in the State party's response to current and future crises, such as armed conflict, food insecurity and the energy crisis. Please provide information on strategies taken to ensure that gender equality and women's empowerment are fundamental requirements in addressing such crises and in elaborating adequate responses, such as policies, the scope of essential services, assistance programmes, recovery efforts and the application of the rule of law. Please also provide information on measures taken to ensure the equal and meaningful participation of women in these processes, and that such crises will not lead to a reversal of progress made in the protection and promotion of women's rights.

3. Please provide detailed information on the measures taken to ensure the equal and inclusive representation of women in all decision-making processes regarding the implementation of Sustainable Development Goals 5 and 13, and all decisions regarding possible climate-induced relocations and the measures taken towards the

\* Adopted by the pre-sessional working group on 1 June 2023.



preservation of documentary heritage and the conservation of cultural heritage. Please also indicate if the State party is developing a national action plan on women and peace and security, in line with Security Council resolution 1325 (2000) and subsequent resolutions, to foster women's role as important agents in driving resilient and peaceful societies nationally and regionally.

#### **Legal status and visibility of the Convention**

4. Recalling the Committee's previous recommendations from 2015, please clarify whether the Convention has been fully incorporated into its national legal order (para. 10).<sup>1</sup> Also in the light of the Committee's previous recommendations from 2009 (CEDAW/C/TUV/CO/2, para. 18), please provide updated information on efforts made:

(a) To widely disseminate and raise awareness about the Convention and other legislation in both English and Tuvaluan, in particular with regard to the meaning and scope of direct and indirect discrimination, and formal and substantive equality of women;

(b) To strengthen the level of familiarity with the Convention among all branches of Government and its usage as a framework for all laws, court decisions and policies on gender equality and the advancement of women;

(c) To ensure that the Convention and related domestic legislation are an integral part of the education and training of law enforcement and judicial officers, including judges, lawyers and prosecutors, in order to establish firmly in the country a legal culture supportive of women's equality and non-discrimination;

(d) To ensure that information about the Convention is provided to women through the use of all appropriate means, including through the media, such as radio and the Internet, as well as by making use of oral traditions, to ensure that such information reaches all areas of the country, including the outer islands;

(e) To ensure that the Office of the People's Lawyer is maintained with adequate human and financial resources in order to effectively service the needs of the public in all parts of the country, including the outer islands.

#### **Definition of discrimination and legislative and policy framework**

5. In view of the Committee's previous recommendations (para. 12), please provide information about the steps taken by the State party towards amending section 27 (1) of its Constitution as well as other appropriate legislation to incorporate fully and without delay the principle of equality between women and men, as well as a prohibition of discrimination on the basis of sex or gender, in line with the definition provided in article 1 of the Convention, that covers the public and private spheres, as well as intersecting forms of discrimination, in accordance with article 2 of the Convention. Furthermore, also in the light of the Committee's previous recommendations (para. 14), please indicate any steps taken to review and revise sex-discriminatory provisions that remain in the legislation, notably in the Constitution, the Penal Code of 1978, the Native Lands Act of 1956, the Marriage Act (Cap. 29), the Tuvalu Lands Code of 1962, the Falekaupule Act of 1997 and the Employment Act of 1966.

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<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations on the combined third and fourth periodic reports of the State party (CEDAW/C/TUV/CO/3-4).

**Optional Protocol**

6. Please provide the Committee with a timeline for the State party's ratification of the Optional Protocol to the Convention.

**National human rights institution**

7. Please indicate any progress made towards implementing the National Human Rights Institution Act and establishing a national human rights institution.

**Access to justice**

8. Please describe efforts made to strengthen women's access to justice, notably by indicating any measures:

(a) To carry out information campaigns at school and for the general public to ensure that women and girls are aware of their rights, and on the importance of addressing violations of women's rights through judicial remedies;

(b) To make amendments to laws to ensure that customary legislation is in line with the Convention;

(c) To ensure that there is access to courts in all parts of the country;

(d) To ensure access to free and quality legal assistance for all women who need it, including by increasing the human and financial resources allocated to the Office of the People's Lawyer.

**National machinery for the advancement of women**

9. Recalling paragraph 18 of the Committee's previous concluding observations, please clarify whether the human, financial and technical resources allocated to the Gender Affairs Department have been sufficiently increased so as to allow it to effectively coordinate and work for the promotion of gender equality and gender mainstreaming in all policies and programmes across all sectors and levels of the Government, as well as for the full integration of a gender perspective into all legislation. Please also inform the Committee of the steps taken to coordinate and regularly assess gender equality policies and programmes as well as gender integration into legislation and to take remedial action where necessary. In addition, please update the Committee on the implementation of the Pacific Platform for Action on Gender Equality and Women's Human Rights 2018–2030 and the implementation of the Convention, specifically to strengthen women's leadership roles.

**Temporary special measures**

10. Please describe any steps taken to adopt and enforce legislative provisions on temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to increase the participation of women, particularly in public life, education and employment. Please also indicate in this regard whether such legislation is accompanied by awareness-raising measures targeted at the general public to foster an understanding of the rationale for and value of temporary special measures.

**Gender stereotypes**

11. In view of the Committee's previous recommendations (para. 20), please inform the Committee of steps taken to put in place a comprehensive strategy to eliminate patriarchal attitudes and gender stereotypes against women, including education and awareness-raising campaigns targeting women and men at all levels of society,

including chiefs, island leaders and religious leaders. Please also indicate the resources allocated to such a strategy. Please also clarify whether principles of non-discrimination and equality between women and men have been adequately integrated into educational 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. Furthermore, also in the light of the Committee's previous recommendations, please specify how innovative measures have been used to strengthen the understanding among children and adults of the principle of equality of women and men, and to work through the formal and informal educational system and the mass media to enhance positive and non-stereotypical portrayals of women. Please also inform the Committee of the efforts made to regularly assess the effectiveness of such measures and to take appropriate remedial action.

### **Gender-based violence against women**

12. Please indicate the resources allocated to the implementation of the Family Protection and Domestic Violence Act (2014), as well as the steps taken to explicitly criminalize marital rape and sexual harassment. Recalling the Committee's previous recommendations (para. 22), please clarify whether section 156 (5) of the Penal Code, which considers an incestuous sexual act to be an offence committed by both the perpetrator and the victim if the victim is 15 years of age or above, has been repealed. Please also clarify whether all other forms of sexual violence against women and girls have been fully criminalized in line with international standards. In addition, please indicate the steps taken and resources allocated to ensure that perpetrators of gender-based violence against women and girls are prosecuted and punished with sanctions commensurate to the gravity of their crimes. Specifically, in view of reports before the Committee according to which girls are sexually exploited by foreign fishermen and other seafarers, please indicate which safeguards the State party intends to put in place to prevent this and to ensure the prosecution of perpetrators.

13. In view of the 2021 findings by the Tuvalu Central Statistics Division, according to which 43.1 per cent of women aged 15 to 49 stated that they believe a husband to be justified in beating his wife in at least one situation, most commonly if the wife neglects the children (36.3 per cent) and if she goes out without telling him (14.9 per cent), and in view of 2019–2020 statistics, according to which 39.4 per cent of men and boys between the ages of 15 and 49 believe that a husband is justified in beating his wife in at least one situation, most commonly if the wife neglects the children (30.0 per cent) and if she argues with him (26.7 per cent), please inform the Committee about specific measures taken to dismantle such internalized acceptance of gender-based violence against women, including as part of the general measures taken to eliminate patriarchal attitudes and gender-based stereotypes. Please also describe measures taken to encourage women and girls to report all forms of gender-based violence and to protect them against stigmatization and reprisals.

14. Please inform the Committee about measures taken to ensure appropriate referrals of victims of gender-based violence against women, the availability of shelters and social housing and other necessary forms of socioeconomic support for women and girls leaving violent spouses or other relatives. Please provide updated information on the work of the counselling service established in 2018 under the mandate of the Gender Affairs Department of the Ministry of Health, Social Welfare and Gender Affairs and clarify the coordination with the counselling services provided by the Women's Crisis Centre. Please also provide information on mandatory training for judges and prosecutors on the strict application of legal provisions criminalizing violence against women and on training police officers on gender-sensitive procedures for assisting victims of violence. Furthermore, please

specify any steps taken towards setting up a data-collection mechanism on gender-based violence against women and girls in line with the Committee's recommendation in its previous concluding observations (para. 22 (g)).

### **Participation in political and public life**

15. In view of the Committee's previous recommendations (para. 24), please provide information about steps taken:

(a) To adopt targeted measures, including targeted training, capacity-building, gender-sensitive recruitment and temporary special measures, to increase the percentage of women with a view to reaching gender parity in appointed senior and management positions in the judiciary, the Government, including at the level of decision-making bodies (Falekaupule), and the public and foreign service;

(b) To provide training for women, including on the outer islands, on leadership and management skills, campaigning and constituency-building to prepare them as candidates and for positions in political life and the various areas of public administration; and to provide girls with an education towards empowerment, ensuring their awareness of their equal value in society, knowledge of their rights and preparedness to assume leadership roles;

(c) To conduct awareness-raising campaigns for politicians, journalists, teachers and community leaders, especially men, on temporary special measures as a necessary strategy for accelerating the realization of women's substantive equality, as well as to enhance the understanding that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the Convention. Please specifically indicate any measures taken by the State party to change existing structures for decision-making in each of the island councils (Kaupule).

### **Education**

16. Recalling the Committee's previous recommendations (para. 26), please indicate the measures taken to eliminate discrimination against pregnant girls in education, notably by discontinuing the policy of the State party's only public secondary school which stipulates that they should be expelled. Please also indicate whether any steps have been taken to specifically ensure that pregnant girls are retained in school and whether any study has been conducted to identify the root causes of early pregnancy. In addition, please describe any particular measures taken to dismantle gender stereotypes that constitute obstacles to girls' full access to education, notably the expectation to carry out household chores, as well as the resulting impact on girls' career choices. Please specifically provide updated information on transition rates of girls into secondary education and describe any measures to dismantle root causes that may impede their transition. Please clarify whether economic difficulties of families constitute obstacles for sending girls to school and whether any support is provided to these families. Please specify any steps taken towards setting up secondary schools throughout the country to avoid dependency on boarding schools, where, according to reports before the Committee, girls are more likely to experience bullying and where some parents are more hesitant to send their daughters, leading them to miss out on secondary education. Please outline measures taken to encourage girls to participate in non-traditional fields of study, including science, technology, engineering and mathematics and information and communications technology. Please also describe steps taken to increase the percentage of the budget allocated to education and to improve sanitation facilities at schools by providing separate bathrooms for girls, increasing the number of dormitories for girls and providing affordable school transport, especially in remote

areas. Furthermore, please provide an update on the gender and social inclusion study, which will inform the Tuvalu Education Sector Plan.

### **Employment**

17. In view of the lower labour force participation of women and their higher unemployment rate, in particular among younger women, please provide the Committee with updated information about taking appropriate remedial action. Please also provide the Committee with updated information on the implementation of the Labour and Employment Relations Act 2017, which prohibits direct and indirect discrimination on the basis of sex, and clarify whether it applies to all sectors. In addition, recalling the Committee's previous recommendations (para. 28), please indicate whether any steps have been taken towards ratification of the fundamental conventions of the International Labour Organization, in particular the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Equal Remuneration Convention, 1951 (No. 100); the Maternity Protection Convention (Revised), 1952 (No. 103); and the Workers with Family Responsibilities Convention, 1981 (No. 156). Furthermore, please clarify whether any temporary special measures have been adopted to eliminate both vertical and horizontal occupational segregation, in line with the Committee's previous recommendations (para. 28 (c)).

### **Health**

18. In the light of the Committee's previous recommendations (para. 30), please indicate the steps taken towards decriminalizing abortion in all cases and legalizing it at least in cases of rape, incest, risk to the life or health of the pregnant woman or girl, or severe fetal impairment, ensuring that women and girls have access to legal and safe abortion and adequate post-abortion care. Please also provide updated information on the provision of comprehensive and age-appropriate sexual and reproductive health and rights education, including a focus on consent, co-responsibility, responsible sexual behaviour, the prevention of early pregnancy and sexually transmitted diseases at all levels and in all fields of education as well as targeting adults outside of the education sector. Please also clarify whether free access to modern contraceptive methods, as well as confidential family planning at the community level, is provided, including for those living on the outer islands. Please provide updated statistical data on the rate of HIV and other sexually transmitted diseases, disaggregated by sex and age, and provide updated information on whether people living with HIV have access to antiretroviral treatment. Please also indicate the steps taken towards ensuring that obstetric health services for women, including prenatal and postnatal services, are available throughout the territory of the State party, including on the outer islands. Lastly, please provide updated data on the maternal mortality rate.

### **Economic empowerment**

19. Please provide the Committee with detailed information about lending practices in the State party and women's access to credit, as well as steps taken for women to engage in income-generating activities, start their own businesses and access markets, by providing them with financial services, including fintech, low interest rate microcredit, start-up and scale-up funds, venture capital and social security benefits for the informal sector. Please clarify whether any discriminatory laws are in place that may impede women's access to credit. Please also provide the Committee with detailed information on social protection policies in place from which women who are in economic difficulties can benefit and the extent to which such policies are gender-sensitive. Please also inform the Committee about efforts made to ensure that women's rights and gender equality are always among the funding priorities put

forward in the context of negotiations with potential international donors and that women are equally included in these negotiations.

### **Climate change and disaster risk reduction**

20. In view of the Committee's previous recommendations (para. 32), please inform the Committee about the steps taken to develop disaster management and mitigation plans in response to potential displacement and/or statelessness arising from environmental and climate change and to ensure that women, including those living on the outer islands, are included and are equally represented in planning and decision-making processes concerning their adoption.

21. Please indicate the measures and resources allocated to ensure that women are equally represented and that a comprehensive gender perspective is integrated into all sustainable development policies, as well as into disaster risk reduction, post-disaster management and climate change policies, in order to prevent risks to which women are often particularly exposed during disaster response and recovery, notably higher rates of sexual and gender-based violence, limited representation in decision-making, lack of employment opportunities, an increase in unpaid domestic and care work, and limited access to resources and opportunities.

### **Disadvantaged groups of women**

22. Please provide detailed information, including disaggregated data, on specific programmes and achievements with regard to the situation of female heads of households, widows, older women, women with disabilities, adolescent mothers and other disadvantaged groups of women.

### **Marriage and family relations**

23. Please clarify whether child marriage is criminalized under the State party's legislation. In addition, in the light of the Committee's previous recommendations (para. 34), please inform the Committee about the steps taken to amend or repeal all discriminatory provisions in the Native Lands Act and the Tuvalu Lands Code:

(a) To ensure that women have equal rights to land ownership and land inheritance;

(b) To eliminate discriminatory customs and traditional practices that affect the full enjoyment of women's land and inheritance rights, including by ensuring that local customary leaders and magistrates in the Lands Court are trained to uphold women's land rights at the community level;

(c) To amend section 20 of the Native Lands Act concerning custody of children born out of wedlock in favour of the mother, bearing in mind the welfare and best interests of the child;

(d) To complete its legal reform in the area of family law within a specific time frame, and ensure that both spouses have equal rights and responsibilities during marriage and in the event of its dissolution, in line with article 16 of the Convention and the Committee's general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution.

### **Data collection and analysis**

24. In view of the Committee's previous recommendations (para. 36), please inform the Committee about the steps taken and resources allocated to implement systems of collection, analysis and dissemination of data disaggregated by sex, age, disability, race, ethnicity, geographic location and socioeconomic background and to use

measurable indicators to assess trends in the situation of women and the progress achieved in the realization of substantive equality of women in all areas covered by the Convention, in line with the Committee's general recommendation No. 9 (1989) on statistical data concerning the situation of women. Please also describe the steps taken to develop gender-sensitive indicators that could be used in the formulation, implementation, monitoring, evaluation and, when necessary, review of gender equality policies.

**Additional information**

25. Please provide any additional information deemed relevant with regard to legislative, policy, administrative and any other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the previous periodic reports in February 2015. Such measures may include recent laws, developments, plans, programmes and ratifications of human rights instruments, as well as any other information that the State party considers relevant. Please note that, further to the issues raised in the present document, the State party will be expected, during the dialogue, to respond to additional questions relating to areas covered by the Convention.

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