



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

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**Committee on the Elimination of Discrimination  
against Women**

**Pre-session working group**

**Forty-fourth session**

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**Responses to the list of issues and questions with regard to  
the consideration of the combined initial and second  
periodic reports**

**Tuvalu\***

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\* The present report is being issued without formal editing.

**ADVANCE QUESTIONS RAISED BY THE UN CEDAW EXPERT COMMITTEE**  
**AND THE RESPONSES OF THE GOVERNMENT OF TUVALU.**

**Article 1 and 2**

- 1. The report states that international conventions needs to be incorporated into national law before they can be enforced through the national legal system, and that no law has yet been enacted to incorporate CEDAW. Please indicate whether the Convention intends to introduce legislative measures to incorporate the Convention in the national legislation.**

The Government of Tuvalu understands the importance of the Convention and its incorporation into the domestic laws of the country. However there needs to be proper consultations and meaningful participation of all stakeholders, especially the grassroots communities, to consider seriously the implications and how they can adapt to the changes and outcome that will take place.

Tuvalu is yet to conduct its national consultation on CEDAW and CRC. This will highly depend on the availability of funds. It is the intention of the Government of Tuvalu to first and foremost undertake this consultation, and then take necessary steps to introduce legislative measures into the existing laws.

- 2. Please provide detailed information regarding the status, impact and application of customary law in the domestic sphere, and indicate which law prevails if there is a conflict between customary law, national law and international human rights norms, including examples of any relevant court decisions.**

Customary law comprises the customs and usages, existing from time to time, of the natives of Tuvalu. Customary law have effect as part of the law of Tuvalu, except to the extent it is inconsistent with an Act or applied law published and subsidiary legislation made under an Act.

Customary law is recognized and enforced and may be pleaded in all courts excepts if in a particular case its recognition or enforcement would result, in the opinion of the court, in injustice and not in the public interest.

National law, applied law and subsidiary legislation made under any legislation prevail over customary laws.

The application of International human rights norms in Tuvalu is expressly provided for by the section 15 (c) of the Constitution of Tuvalu. However, the Court in the case of *Anderson v R* Crim Case No 5 of 2003 and *Teburoro v Pou & Attorney-General* (2005) High Court Appeal Case 17/03 adopted a reserved approach in applying CEDAW and CRC locally unless the convention has been domesticated by the Legislature. Therefore,

in case of inconsistency between customary and international right norms, the Court in its recent decisions is more likely to adopt the strict doctrine of non-enforceability of international law unless domestication and thus prefer customary law to the extent that it does not contradict any legislation, cause injustice and not in the public interest.

The above approach taken by the High Court in its recent decision is inconsistent with the approach the Court took in the case of Simona v R Crim Case No 1/02, where the Court used CRC in its final decision.

### **Definition of discrimination**

- 3. The report notes that the prohibition of discrimination enshrined in section 27 (1) of the Constitution does not include discrimination on the ground of sex and that the High Court has also held that “under the definition of discrimination in section 27, unequal treatment because of a person’s gender is not discrimination.” As Tuvalu has ratified the Convention without any reservation, please provide the Committee with updated information on any plans to amend the Constitution in order to include a prohibition of discrimination on the ground of sex as well as a definition of discrimination in line with article 1 of the Convention, which would cover both direct and indirect discrimination.**

The exclusion of the word 'sex' from section 27 of the Constitution was not intended to discriminate by gender. It was originally meant to protect the customary practices and norms that have been incorporated under the native lands act, the Tuvalu land code, and other legislations that were in existence before the current Constitution of Tuvalu was adopted.

Since the government of Tuvalu has ratified the CEDAW convention in 1999 the absence of the word 'sex' from the section 27 of the Constitution has been brought to the fore. This indicated that the particular section of the Constitution in question have been overtaken by the ratification of the CEDAW Convention and therefore some amendment needs to be incorporated to accounts for that recent development.

The Government of Tuvalu is currently considering amending section 27 (1) of the Constitution by the inclusion of the word 'sex' so as to eliminate any discrimination towards issues of employment, health, education, and so forth. The government also recognizes the importance of customary norms and practices that have been enshrined in the native lands act, the Tuvalu lands code and other legislations, and especially the difficulty in making any changes to the status quo. In this regard any proposed amendment to include the word 'sex' to section 27 (1) must be discussed thoroughly with the island communities.

This particular matter is under discussion with the Attorney General's office and a national consultation with all stakeholders and island communities is being planned for 2010, depending on funding availability.

- 4. The report states that equality between men and women is not one of the fundamental rights and freedoms guaranteed in the Constitution. Section 27 (3) (d) of the Constitution allows discrimination in the area of adoption, marriage, divorce, burial and land amongst others (para .2). Is an amendment of the Constitution and a repeal of section 27 (3) (d) envisaged? Please provide the Committee with updated information on any plans to embody the principle of equality of women and men in the Constitution or in other appropriate legislation in line with article 2 paragraph (a) of the Convention.**

As in the case of section 27 (1) of the constitution, any amendment to section 27 (3) (d) will depend on the national consultation referred to under 3 above. The amendment of section 27 to include equality of women and men in the Constitution is also one of the areas that the national consultation will focus on, as stated above.

- 5. The report refers to a number of laws that contain direct or indirect discriminatory provisions against women, such as the Native Lands Act, the Marriage Act, the Tuvalu Lands Code, the Falekaupule Act 1997, and the Employment Act 1966. Furthermore, the report indicates that some traditional practices and customs further result in discrimination against women. Kindly**

**provide detailed information on the measures envisaged by the Government to amend or repeal such provisions, and to abolish or modify such customs and practices through legislation or other programmes, in line article 2 (f) of the Convention.**

It is envisaged that through the national consultation, the views and comments of the people will facilitate any government consideration of the provisions of these laws for possible amendments and abolishment or modification of customary practices.

The law of Tuvalu is currently under review. This review consolidates all the new legislations and amendments made to the existing laws over the past 10 years. This review is a vital tool for this national consultation. The national CEDAW committee is enable to fully review all provisions or laws which may affect the status of women in Tuvalu.

#### **Visibility of the Convention.**

- 6. The report recognized the importance of strengthening and building the capacity of the judiciary, especially at the lower courts, on gender and human rights issues and notes that strengthening the judiciary has been a priority of the government for some years (para.1.3). Please provide detailed information on training programmes, if any, in place or planned for judges, magistrates, lawyers and law enforcement officers on the Convention.**

A manual for island magistrate has been published. This manual describes in details the role of the judiciary in the legal system, civil, criminal and family jurisdiction of island court and the elements of some of the common offences in Tuvalu. The manual is written both in English and Tuvaluan. Training had also been conducted by the Office of the Senior Magistrate to Island Magistrates from the 8 island courts. However, no specific training on human rights or on the CEDAW has ever been conducted for the judicial level.

Legal and law enforcement officers have been involved in some of the human rights issues including CEDAW as part of the topics in trainings conducted by regional human rights organisations such as the Regional Rights Resource Team (RRRT) of the Secretariat of the Pacific Community (SPC) either within or outside Tuvalu. No specific training for CEDAW alone has been carried out for these officers.

### **Article 3**

#### **Plans of Action**

- 7. The report refers to the Revised Tuvalu National Women's Policy of 2006 and to the Corporate Plan 2007 – 2009 through which the policy will be implemented (para.40 and 42). Please elaborate on the concrete measures taken to implement the Plans, their expected results as well as results already achieved, reflecting, in**

**particular, the quarterly progress reports on the implementation of the Plans submitted by the Department of Women's Affairs to the Cabinet. Please also provide information on the financial and human resources made available for the implementation of the policy.**

The Department of Women Affairs is established within the Ministry of Home Affairs. A Director is responsible to the Permanent Secretary in the Ministry for a range of gender and development responsibilities including policy formulation, implementation and management. Three other staff members assist the Director. They are the Project Monitoring Officer, Information and Research Officer and a Women Development Officer. Funds are available under the National Recurrent Budget provide the means for the department to conduct and carry out its responsibilities which include personal emoluments, stationery and travel mainly to outer islands.

A major part of the budget is funded through donor funding to run its development programmes which aims to promote the development approach that recognizes and invest in the potential contribution of women and ultimately results in fair and equitable distribution of resources for all men, women, families and communities.

For the last 2 years, the Department activities were streamlined under the Gender Support Facility Project funded by UNDP. It was the only major project coordinated by the department apart from the CEDAW awareness programs funded by UNIFEM. In term of concrete measures taken to implement the Plan the Department of Women has it own

National Coordinating Committee (NCC), the government Development Coordinating Committee (DCC) and finally the Cabinet. The NCC is the department's governing board for the Plan and any other development project within Tuvalu. Its functions are:

- Co-ordinate the implementation of the National Policy.
- Co-ordinate the Plan
- Co-ordinate consultation missions to any project coming into the country.
- Monitor implementation and progress of any project.
- Select participants and resource persons to any in-country workshop in consultation with the project staff on Gender issues.

The NCC is supported by the Secretariat, which acts as the advisor, and this included a Crown Counsel from the AG's Office, the Director of Economic Planning, the Coordinator of the National Council of Women and is chaired by the Director of Women.

#### **Article 4**

##### **Temporary special measures**

- 8. In the report, it is acknowledged that there are several areas where the adoption of temporary special measures by the Government would be needed to accelerate the establishment of equality between men and women. Despite the provision of section 27 (3) (f) of the Constitution which allows the adoption of temporary**

**special measures, the Government has not yet adopted any such measures since the ratification of the Convention (para.4.2). Please provide information whether the Government has planned to adopt temporary special measures to accelerate de facto equality between men and women in line with article 4, paragraph 1 of the Convention and the general recommendation No.25.**

The government has no plans at the moment to engage the provisions of section 27 (3) (f) of the constitution. This is due to the view that by giving special consideration to women would in fact be a form of discrimination against men.

Tradition and culture are very important factors in the daily life of the people of Tuvalu. In fact the identity of Tuvalu is based and recognized by its tradition and culture only. To change the culture and customary norms is not an easy task that can be done overnight. In fact it is understood that culture does change throughout time. However, different elements of a culture do not change at the same rate. Some may change quickly others may change slowly. So in the case of gender equality, Tuvalu is require to consider this issue very careful and to initiate proper consultation as stated above with the participation of the people of Tuvalu..

The Falekaupule Act 1997 provided the mechanism for substantial reforms to the operations of local government. The Act aimed to devolve power and decentralize the administration of local government to the grassroots level. It also intended to improve

linkages between the local government and national government and encouraging wider participation on the part of communities.

The Falekaupule Act provides opportunities for women to participate in the quarterly Falekaupule meetings (Falekaupule Assembly) where all people of 18 years old and upward can take part and express themselves in such meetings. This provision alter the traditional and original practice of participation in traditional meeting, which had been predominantly hold by men over the past years.

## **Article 5**

### **Stereotypes and cultural practices**

**9. Throughout the report references is made to deep rooted traditional and customary social patterns, attitudes and stereotypical images on the role of women in the society. Please elaborate on the gender sensitivity training and CEDAW awareness raising programmes run by Government in the capital Funafuti as well in the outer islands. Please also indicate what concrete measures have been taken or planned to modify or change these cultural patterns of conduct of men and women in line with article 5 (a) of the Convention, as well as any progress achieved in their implementation.**

The gender sensitivity training that was conducted in the capital and the outer-islands was designed for a three days training programme targeting men and women. The overall purpose of this training was to bring about an attitudinal change in the participants. It focuses on self-reflection and personal attitudes of the individuals, as opposed to a heavy emphasis on substantive information on gender issues in their field of work.

The gender sensitivity training was aiming at raising awareness and understanding of the CEDAW Convention, and what its means for everyone: women, men and children. The training provide a basic outline of what CEDAW is and how it applies to daily life. The Department also conducted a one day consultation with stakeholders and co-ordinated the NCC Secretariat to review the Tuvaluan translated version of CEDAW. The Tuvalu version of CEDAW will help the people understand better in their own language.

The government is planning to conduct a research on Culture and Tradition and how they have change overtime since Human Rights was introduced.

### **Violence against women**

**10. The report notes that violence against women is common, but it is often not reported because it is usually perceived by both the general public and the police as a private family matter (para. 5.12). Please provide further information on any specific plans or action that the Government may be considering to sensitize**

**the police, the judiciary and the general public on the issue of violence against women. Please also provide information any specific measures taken to encourage women to report the violence committed against them, and elaborate on the “no drop” policy developed by the police and its impact (para. 1.4 and 1.5)**

There were certain concerns that the police force has insufficient powers to respond to and deal with family and domestic violence (FDV) matters. The Police Force is currently empowered to enter private premises for the purpose of investigating family and domestic violence offenses, but they are compelled to leave when asked to do so by the owner or occupier of the premises

In 2007 the government, through the department of women, provided a one week police sensitization workshop designed to address family and domestic violence issues with the adoption of a ‘no drop’ approach. Since then the police department had practiced and adopted the ‘no drop’ approach on domestic violence cases and further make amendment to their existing Police Act to empower them to involve in domestic dispute they come across.. Consultation of the new Police Bill is to be undertaken sometimes in May 2009.

The practice of the ‘no drop policy’ had not been very effective since its commencement because of the low or zero level of report on domestic violence dispute by women themselves.

Once the Police Bill has become an Act of Parliament, it is expected that there will be a major improvement in the achievement of the “no drop “ policy.

**11. Please clarify whether domestic violence is expressly prohibited in law. If this is not the case, please provide information on legislative provision under which violence against women is currently prosecuted and punished and indicated whether there are any plans to adopt specific legislation on domestic violence and to criminalize all acts of violence against women including marital rape and sexual harassment.**

**Domestic violence is not an expressed offence in the Tuvalu Penal Code and common assault under the Penal Code had been the common charge put forth for violence against women in the domestic setting. There are few cases of incident involving violence against women, which contemplate charge of indecent assault.**

**As stated above there is a very low level of actual reporting cases of domestic violence against women and as a result, less attention had been given to these types of violence against women.**

**Tuvalu supports the criminalization of all acts of violence against women. No plan has yet been put in place to adopt specific legislation for domestic violence and any other violence against women, which are not properly addressed in the Tuvalu Penal**

**Code. Tuvalu stand ready to consider this and eliminate any form of violence against women.**

**12. The report states that under section 156 (5) of the Penal Code, any female person of or above the age 15 years who with consent permits her grandfather, father, brother or son to have sexual intercourse with her, shall be guilty of felony (para. 2.11). Please also indicate whether this section has been applied by the court and with what effect. Please also indicate whether any measures have been taken or envisaged to repeal this provision in order not to consider these women, in particular underage women, as criminal offenders.**

The Court had never applied section 156(5) of the Penal Code as there is hardly any reported case of this nature. No measures have been taken as of now to repeal section 156(5).

Tuvalu stand ready to consider this in the future.

## **Article 6**

### **Exploitation of prostitution**

**13. The report states that “girls and young women who indulge in sexual promiscuity are likely to face “disciplinary” action in the form of physical abuse from brothers, male cousins and even parents.” Please indicate how widespread this practice is and how the law enforcement authorities address such physical abuse perpetrated against girls and young women. The report also states that prostitution is not evidently seen in Tuvalu and it not considered a problem because there are no official reports on the issue (paras. 6.4 and 6.5), but further indicates that with the increasing travel and transnational labour mobility, as well as the increasing number of sexually transmitted diseases, there may be a possibility of informal prostitution be present in the country. Please indicate whether there are plans to carry out research on the exploitation of prostitution in Tuvalu and on the situation of women practicing prostitution. What efforts are being undertaken to promote changes in the prevailing attitude towards women and girls in prostitution?**

Sexual promiscuity exists in all societies, including Tuvalu. How this is handle in the society depends on the norms and practices acceptable to that society. In the case of Tuvalu, physical abuse from brothers is not the norm. It is the parents and elders of the family who are responsible to provide advice and sanctions on any issues of sexual promiscuity on the part of the female member of the family. There are of course, incidences where the brother overstepped his authority and resulting in the abuse of the young women of the family.

Prostitution is not expressly prohibited under the laws of Tuvalu. It is the administration of the trade by a person or operation of brothel by a person and live off such trade is an offence under the law. There are no official reports of people involving in this trade.

There are past incidence of one or two cases that suggest prostitution might exist at a certain level. ,Since the issue of prostitution is now brought to the fore, Tuvalu will take necessary steps to conduct a research on the identification of the existence of prostitution and the probable violence face by women involved in this trade.. The research will be conducted by the Department of Women and the Division of Community Affairs; once financial and technical assistance are available .

## **Article 7 and 8**

### **Political participation and participation in public life**

**14. The report recognizes that stereotypical traditional roles of men and women affect their involvement in formal decision making processes, including political participation. Please provide more information on the “Women in Politic” programmes and any other measures taken or envisaged to promote women’s participation in political and public decision making positions such as the civil service, public administration and membership in public councils and boards, including those aimed at empowering women themselves (paras. 4.4. and 4.5).**

The government has provided Leadership training for Women Leaders in an attempt to encourage them to take leadership roles in their respective responsibilities. This was done in November, 2008 and it was further extended to Potential Young Women Leaders with the aim of empowering them for their future leadership careers.

The government has also adopted the UN Habitat Training Manual for Local Elected Leaders (LEL) as its flagship for capacity building at the local government level. The manual has twelve competencies and its delivery started in 2008 to the local councils, traditional leaders, women and other potential leaders in each island community. A continuation of the LEL training to the island communities is expected to take place in May/June 2009.

Radio Programs of government aimed at empowering women continues on a weekly basis to encourage women listeners to take their leadership roles when the opportunity arise.

**15. Throughout the report references is made to the fact that the women's absence in the Falekaupule meeting prevents full participation of women in decision making process at local level. Please indicate what measures, if any, have been taken to advance women's participation in Falekaupule meetings and their representation in Island Kaupule and to promote changes in the general attitude**

**discouraging women in participating in those meeting and standing for election to Island Kaupules, including those aimed at promoting women's awareness of these opportunities.**

The Falekaupule Act 1997 provided the mechanism for substantial reforms at the local government level. One of the most significant and historical aspect of the reform is the official recognition of traditional governance (chiefs and elders) whereby the chiefs and elders are directly responsible for managing island affairs together with the locally elected leaders.

The Falekaupule Act provides opportunities for women to participate in the quarterly Falekaupule meetings prompted by their local government under the Falekaupule Act 1997. From observations, women are slowly taking advantages of this opportunity and are participating in the decision making process of their island community. There is definitely an increasing trend of women's participation not only in local government elections but also in the various development committees in the Kaupule (formerly known as the Council)

The momentum for this positive trend started in 1999 but it was not until 2001 that a significant increase in women being selected at an average of 2 women to partake in decision making at the Kaupule committee level, while the remaining three islands (Funafuti, Nanumaga and Nui) did not elect any women to their committees. Lately in 2003, the women participation at the committee level has further improved when most

councils have one or two women committee members except one council. The involvement of women in the different committees shows that women's input to development at the local government level is increasing.

In the last council election held in 2006 four women were elected as council members. Two women were elected to the Nukufetau council and one each to the Niutao and Nukulaelae councils. This is the first time that a number of women have been elected to the local councils. This is an encouraging trend in increasing women's representation in the decision making realm at the local government level.

The Falekaupule era provides for people empowerment whereby, through the mandated Annual Falekaupule Assembly, all community residents of legal age and regardless of sex can participate in community planning and decision making while providing them the avenue through which they can air their grievances and other concerns of common interest, thus, institutionalizing democracy at the grassroots level.

**16. Taking into account the Committee's general recommendation 23 on women in public life, please indicate whether the government intends to issue directives, establish quotas, or take any other specific measures to increase the representation of women at senior level of government, the judiciary, and in international (paras. 8.4, 11.8).**

1. The Government has not identified the need for temporary measures in the Public Service. This is because Women representation at senior level continues to increase compared with the last 5 years. Key positions in the Public Service, including Attorney General, Secretary of Personnel and Training, Clerk to Parliament, Director of Education, Director of Meteorological are all held by women. There is an increase in the number of females involved in medical and legal professions.

## **Article 10**

### **Education**

- 17. Please elaborate on the steps taken or considered to modify gender stereotyped through gender-sensitive school curricula, encouraging women to pursue tertiary levels of education and to choose non-traditional fields of study (para. 10.29 and 10.30).**

1. It has been the intention of the Education Department to make Science subjects compulsory for all students taking TSC (Form 5) and PSSC level (Form 6) studies at Motufoua Secondary School in order to encourage female students to take up science and science – based tertiary level courses, hence

addressing the problems related to the gender imbalances in the fields traditionally favoured by male students.

2. The Department is in the process of reviewing Motufoua's curriculum including its implementation policies to mainline them with its strategic plan which should see the enforcement of its intentions to make science compulsory at upper secondary level nationwide.

- Form 1 – 4 compulsory subjects
- Form 5 students are given their choices to choose

3. At Fetuvalu Secondary School, Science and Mathematics are compulsory subjects up to Form 6 level hence encouraging more female students to take up science and science related career-paths, traditionally dominated by male students

**18. The report points out that by law, both girls and boys enjoy the same to primary and secondary school (para. 10.4, and 10.14). Please provide updated information on the percentage of girls of school going age in both the capital and outer islands, enrolled to primary and secondary school.**

1. Updated figures to tables 17 and 19(a) on pages 59 and 61 (Tuvalu CEDAW draft No 4) for the years 2006, 2007 and 2008 are yet to be compiled.

2. The updated figures for the same periods for table 19 (b) on page 61 follow:

Table 19 (b)Fetuvalu Secondary School (Fetuvalu High School is not correct)

Year	Form3			Form 4			Form 5			Form 6			TOTAL		
	M	F	T	M	F	T	M	F	T	M	F	T	M	F	T33
2006	32	24	56	22	22	44	25	27	52	3	9	12	82	82	164
2007	19	21	40	31	23	54	20	21	41	19	21	40	99	86	175
2008	33	24	57	24	25	49	26	21	47	7	5	12	90	75	165
2009	30	27	57	33	20	53	18	29	47	12	15	27	93	91	184

For a time (1993- 2003) and inline with the principles supporting equal opportunity in Education for All, children of Tuvalu advocated by the Education For Life program which was adopted by the Tuvalu government in 1989, entry to secondary education was compulsory. The programs mandated that all children who completed primary education progress to Motufoua secondary school after completing their primary education. By 2003 the government realized that providing secondary education fro all primary school leavers was beyond its means and decided to reintroduce an entrance examination to allow only the academic capable students to proceed to secondary level.

**Table 6: Secondary School Enrolment**

Year	Motufoua Secondary School	Fetuvalu Secondary School
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	<b>Students</b>	<b>Teachers</b>	<b>TPR</b>	<b>Students</b>	<b>Teachers</b>	<b>TPR</b>
1996	425	25	17.0	193	9	21.4
1997	485	24	20.2	135	10	13.5
1998	497	25	19.9	265	11	24.1
1999	525	29	18.1	-	-	-
2000	513	30	17.1	-	-	-
2001	558	32	17.4	-	-	-
2002	458	37	12.4	-	-	-
2003	480	41	11.7	99	8	12.4
2004	432	41	10.5	168	11	15.3
2005	453	40	11.3	???	???	???
2006	456	38	12.0	178	16	11.1
2007	453	40	11.3			
2008	462	40	11.5			

Since 2003 admittance to Motufoua Secodary school is restricted to students who pass the National Year Eight Examination, with no restriction on sex, religion or any other consideration. Fetuvalu Secondary on the other hand continues to admit students who

have completed primary education of all ages, with no discrimination on any grounds which are inconsistent with provisions of the constitution of the country

Those students who failed the exam are allowed to repeat and re-sit the exam on their island until they reached the compulsory education age of 15.

## **Article 11**

### **Employment**

**19. The report states that vertical segregation of women and men is prevalent in the labour market, with women dominating clerical and related work (para. 11.6 and 11.8). Please provide information on any measures taken or envisaged to address vertical segregation in the labour market, both in the public and private employment sectors, and to facilitate the access of women with higher education to work and salary levels corresponding to their qualifications.**

So far there are no special measures taken to address the vertical segregation of women and men in the labour market. This is noted and government will consider addressing this matter in the future. However, employment opportunities are equally available to men and women and the selection process is based on merit only.

In term of higher education, scholarships are also selected on merit only and so far there are more women offered scholarships to study at the tertiary level.

Employment salaries do correspond to qualifications irrespective of whether a man or woman is employed.

**20. The report notes that the possibility offered to women through Women’s Home Benefit Scheme may, in reality, push women to resign from their work and to use their pension savings to meet the family’s immediate financial needs, at the expense of their work and pension benefits in the long run (para. 11.14). Please provide information on any measures aimed at discouraging this practice. Kindly also indicate whether any pension or retirement benefits are available for women working in the informal sector.**

An amendment had been made in the Provident Fund Policy to allow women to withdraw their provident fund when they resign at the age of 35 and above. During consultations with all communities on the CEDAW Convention, the majority prefer the Women’s Home Benefit Scheme to be as it is and allow more flexibility to women when they can withdraw their provident fund if and when they resign in order to migrate or to look after their family.

## **Article 12**

## **Health**

**21. The report indicates a decrease in the use of contraceptives and an increase in the overall number of teenage pregnancies and sexually transmitted infections. Furthermore, the report notes that young people living in outer islands have more limited access to sexual health information than those living in the capital. Please elaborate on measures taken or envisaged to ensure access by women and adolescent girls to reproductive/sexual health education programmes and services as well as to safe and reliable contraceptive methods (paras 12.10, 12.11, 12.17 and 12.18). Please also indicate whether any cultural attitudes based on gender prevent women and adolescent girls from refusing sex or insisting on safe and responsible sex practices and what measures have been taken to promote changes in these attitudes.**

Outer Island nurses organize training workshop on Adolescent Reproductive Health to youth group on a weekly basis. This workshop is held once a week when they have time. Apart from that weekly activities Tuvalu Family Health Association (TuFHA) and the Tuvalu Red Cross organise outreach programmes at an interval of 2 s– 3 programs in a year targeting youth on Life Skill Training.

Clinic or hospital in outer island provided contraceptives advice and safe sex equipments free of charge to women at the outer islands. If cases become more

complicated, they are normally referred as soon as possible to the main island where the main hospital is located, at the expense of government.

Presently in Tuvalu, most young people and women have developed their understanding of their rights and are more capable these days to refuse forceful intercourse and even aware of the use of safe sex methods compare to women over the past 10 years.

Training and advocacy programmes set forth by the Department of Women Affairs and NGO such as TUFHA (Tuvalu Family Health Association ) and TUNAC (Tuvalu National Aids Committee) and even Churches, had played a role in changing the attitude of parents in forcing their daughters to marry without their consents and more importantly, developing women's confidence in standing against sexual violence.

On the whole, changing of attitude and positive outlook is a challenge, but given time, they will fully acknowledge the commitment and participation of young people and parents in Health development programmes and allow them to be effective partners in health development issues.

However, a lot more could have been achieved, if there were sufficient funds under the Life Skill Training Project and a full time staff in the Health Department who is fully responsible for Adolescent Reproductive Health (ARH) programme. Continuation of

ARH program was not possible due to staff shortage. In February this year a new staff has been recruited as a Health Development Coordinator who will be dealing with ARH programme.

**22. According to the report, abortion is a criminal offence in Tuvalu but that there are some situation in which the court would accept an adequate defend to a charge of abortion, for example if it is necessary to preserve the health of the mother (para. 12.12) Please provide information on how many women has had recourse to abortion in the last four years, any court proceedings initiated against women or health care personnel on the basis of charges of illegal abortion and their outcome. Please also elaborate on any plans to amend legislation to remove punitive provisions imposed on women who undergo abortion, in line with Committee's General Recommendation No. 24.**

In the last four years there were no reported case of abortion to either to the Police or to the hospital and no court proceeding initiated against women or healthcare personnel procuring abortion.

The Government will consider a review of the Penal Code in the near future.

### **Article 13**

**23. The statistics attached to the report show that a great majority of loans approved by the Development Bank of Tuvalu were granted to men and that the loans granted to women were generally smaller than those granted to men (para. 13.8). Please provide information on any strategies aimed at promoting de facto access of women to the financial assistance through this bank.**

Government in its commitment to women and gender development, promote gender equity and to expand the role of women in development as Key Policy Objectives on Gender in the National Strategic Plans “Te Kakeega II 2005 – 2015”. In terms of priorities and strategies, Government also identified the need to :

- Provide women with small business and entrepreneurial training
- Bank Agents stationed on all outer-island for easy access to bank services
- Continuous Business Awareness Program through Radio Tuvalu

Lending policy of the Bank does not discriminate against women. Recently the bank has provided more flexibility for women to access loans by making it easier for women to secure their loans through other assets other than lands.

**24. According to the report, there is a concern that women would be more vulnerable to poverty due to their traditional roles in the society (para.**

**13.11). Please provide information on strategies the Government may be contemplating to address this problem.**

Poverty alleviation is a major policy of Government. In terms of women the following areas are being implemented at the grassroots level:

- Gender Awareness Training on all the islands and continuous radio program on Gender issues.
- Small Credit Schemes (Island Councils –Kaupule, Tuvalu National Council of Women)
- Provident Fund Loan scheme
- Free medical services and public health awareness
- Free education for Primary School pupils (class 1 – form 2)
- Price control on imported basic food (flour, rice and biscuits)
- Water tank project (per household)
- Elderly scheme benefit for men and women of 70 years and over
- Working schemes in New Zealand - Fruit pickers
- Physical Infrastructure development.
- Agriculture and Fisheries development

**Article 14**

**Rural women**

**25. The report states that women lack knowledge on the Falekaupule Trust Fund and on how it could be used for their development (para 14.11). Please provide information on strategies of the Government to enhance women's participation in the elaboration and implementation of island development planning, in particular through the Fund.**

Government encouraged the involvement of women in rural development. The Ministry of Home Affairs had conducted awareness workshops on the Falekaupule Trust Fund on all the outer-Islands last year and women were also involved. The Secretariat of the Trust Fund also had time during the Women's Leaders meeting last year in November, 2008 to brief them on the Fund and as well as radio program for public information on the Fund.

**26. The report notes that there is a need to develop the skills and knowledge of women in the Outer Islands in order to enable them to start their micro businesses. The report also notes that only few women participated in the training projects referred to in para. 14.3, and that it was apparently due to the fact that needs of women had not been taken into account in planning and implementation of projects. Please indicate whether any other such**

**training projects have been implemented, what steps have been taken to enhance women's participation in those projects, and what have their impact to the empowerment of rural women (para. 14.3 and 14.10).**

- a. All Outer-island Community Workers (female) who works with the Island Councils (Kaupule) have been trained at the Community Education Training Centre in Fiji in various field such as Management, Basic Accounting with the idea that they work directly with Women communities and organisations on all islands in assisting them with their development projects.
  
- b. The government will be introducing a project called Strengthening of Local Governance – Phase Two (SLG II) aimed at the improvement of the grassroot participatory project planning and budgeting geared for women and youth, within this year. This will allow women to be taken into account in the planning and implementation of projects. This project will also include a research into identification of the reasons why women are not fully participating in the decision making process at the local and the national levels.

## **Article 15**

**27. The report indicates that land ownership in Tuvalu is based on communal family grouping called the Kaitasi and that as a rule; land is inherited through the male lineage. The report further states that it has been suggested that men and women would have equal rights to Kaitasi land (paras. 9 and 10 in pp.10 and 11). Please provide information on what measures have been taken to implement this suggestion in practice.**

The cultural trait of Kaitasi remains the common practice of land ownership in some parts of Tuvalu. The tradition inheritance through the male lineage establish with a purpose by our ancestors. This set up does not exclude the daughter from asking or receiving something from his or her parents.

Nowadays, parents' awareness on human rights has increased rapidly compared to a period of 10 years ago, not only in these late generation but also with the old generation. Therefore in practice, daughter still can ask or receive either a land or other property from her parents. In fact, the reality of current situation is that land is actually inherited both through the male and female lines.

No particular measures had been taken but the trend of attitudes of the people these days tend to put that suggestion into practice. Human rights advocacy and trainings over the past few years plays an important role in this shift of attitudes.

## Article 16

### Family relations

**28. The report reveals some discriminatory provision in the Custody of Children Act and the Native Lands Act regarding custody of children aged two and above born outside wedlock, whereby the father has an automatic right to custody if he accepts paternity. Please provide information on measures envisaged by the Government to repeal or amend these provisions so that the same rights would be granted both women and men with regard to custody of children.**

As we have stated earlier, the laws of Tuvalu are currently under review, which is the consolidation of all the new legislation and amendments made to the existing laws for the past 10 years. Once this review is finalized, the Government will then review the law for discriminatory provisions and take necessary steps to comply with its obligation under these conventions. These steps include national consultation with stakeholders.

**29. According to the report, the dissolution of a marriage leaves women and children in a vulnerable situation particularly if the husband's earnings were the primary source of income for the family. The report also states that since 2002, no case regarding enforcement of maintenance support has been registered, although this possibility exists (paras. 16.11 and 16.12.). Please**

**provide information on the rules regarding enforcement of maintenance and on any measures taken or envisaged to provide information to women about that possibility. Please also provide information on any gender differences in the economic consequences of dissolution of marriage and indicate whether any specific measures have been taken or envisaged to improve the situation of women in a case of dissolution of marriage.**

**Optional Protocol and Amendment to article 20, paragraph 1**

**30. Please indicate any progress made with respect to accession to the Optional Protocol to the Convention. Please also describe progress towards acceptance of the amendment to article 20, paragraph 1, of the Convention.**

Government is considering its position to the Optional Protocol

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