



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

Distr.: General
7 August 2009

Original: English

ADVANCE UNEDITED VERSION

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

Forty-fourth session

20 July - 7 August 2009

**Draft concluding observations of the Committee on the Elimination of
Discrimination against Women**

Tuvalu

1. The Committee considered the combined initial and second reports of Tuvalu (CEDAW/C/TUV/2) at its 897th and 898th meetings, on 29 July 2009 (see CEDAW/C/SR.897 and 898). The Committee's list of issues and questions is contained in CEDAW/C/TUV/Q/2 and the responses by the State party are contained in CEDAW/C/TUV/Q/2/Add.1.

Introduction

2. The Committee commends the State party for its ratification of the Convention without reservations. It expresses its appreciation to the State party for the quality and frankness of its combined initial and second reports, but it regrets the delay in its submission. It also appreciates that the report followed the Committee's former guidelines for preparation of initial reports, including reference to the Committee's general recommendations, and was prepared in a broad-based consultative process with the participation of government bodies and non-governmental organizations.

3. The Committee commends the State party for its high-level delegation, headed by the Minister of Home Affairs, and expresses its appreciation for the open and constructive dialogue that took place between the delegation and members of the Committee. The Committee also expresses its appreciation to the State party for the written replies to the list of issues and questions raised by its pre-session working group, and for the introductory statement and further clarifications provided in response to the questions posed orally by the Committee.

4. The Committee notes the State party's recognition of the important role played by non-governmental organizations, which assist it in its efforts to eliminate all forms of discrimination against women.

5. The Committee takes note of the fact that the State party is very vulnerable to environmental threats, including coastal erosion and rising sea levels as a result of climate change, as well as national disasters and it also notes its particular geographical situation which poses restrictions on movement and communication.

Positive aspects

6. The Committee notes with appreciation that women and gender development is reflected in the current National Strategic Development Plan Te Kakeega II 2005-2015 (TK II). The Committee also welcomes the Revised Tuvalu National Women's Policy of 2006 and the medium term Corporate Plan 2007-2009 for its implementation.

7. The Committee welcomes the creation of the Department of Women's Affairs (DWA), established within the Ministry of Home Affairs, and the establishment of the National Coordinating Committee (NCC) for women comprised of senior officials from key Government Ministries, Departments and non-governmental partners, namely the Tuvalu National Council of Women (TNCW) and the Tuvalu Association of NGOs (TANGO).

8. The Committee commends the State party for its achievements in the field of education, in particular the provision of free and universal primary education, as provided for in its "Education for Life" programme, as well as the achievement of high literacy rates.

Principal areas of concern and recommendations

9. The Committee recalls the State party's obligation to systematically and continuously implement all the provisions of the Convention, and views the concerns and recommendations identified in the present concluding observations as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding observations to all relevant ministries, to the Parliament and to the judiciary, so as to ensure their full implementation.

Parliament

10. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government and it invites the State party to encourage its Parliament in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and the Government's next reporting process under the Convention.

Status of the Convention

11. The Committee is concerned that, although the Convention was ratified in 1999, it has not yet been fully incorporated into domestic legislation, in particular because according to the report, international conventions need to be incorporated into national law before they can be enforced through the national legal system; this position was emphasized in the cases of

Anderson v R Crim Case No 5 of 2003 and *Teburoro v Pou & Attorney-General* (2005) High Court Appeal Case 17/03 where the court adopted a reserved approach in applying the Convention and the Convention on the Rights of the Child domestically unless the Convention has been included in domestic legislation.

12. The Committee urges The State party to proceed without delay with the full incorporation of the Convention into its domestic legal system.

Definition of equality

13. While noting that section 27 (1) of the 1986 Constitution of The State party contains an anti-discrimination clause, the Committee notes with concern that it does not include sex as a prohibited ground, thereby allowing for lawful discrimination on the grounds of sex or gender. The Committee is further concerned that neither the Constitution, nor other appropriate legislation embodies the principle of equality between women and men, nor contains a definition of discrimination against women, in accordance with article 1 of the Convention, covering both direct and indirect discrimination and extending to acts of both public and private actors in accordance with article 2.

14. The Committee urges the State party to give central importance to the Convention as the basis for the elimination of all forms of discrimination against women and the achievement of gender equality. It recommends that the State party amend section 27 (1) of the Constitution and incorporate fully and without delay into the Constitution or other appropriate legislation, the principle of equality between women and men as well as a prohibition of discrimination on the basis of sex in line with the definition of article 1 of the Convention, and extending to acts of discrimination by public and private actors, in accordance with article 2. The Committee further recommends the enactment of effective legislation to enforce the prohibition of discrimination. The Committee notes in this regard the State party's commitments at the universal periodic review (A/HRC/10/84, para. 68).

Discriminatory laws

15. While noting that the Government is planning as outlined in National Strategic Development Plan Te Kakeega II 2005 – 2015 to carry out a progressive review of its laws, the Committee is concerned that sex-discriminatory laws and provisions continue to exist in several pieces of legislation, including 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. The Committee is further concerned that section 27 (3) (d) of the Constitution allows discrimination in areas such as adoption, marriage, divorce, burial and land etc. The Committee takes note of the statement by the delegation that the legislative review, including possible amendments, should be done in close consultation with the people and it notes with satisfaction that the State party is planning a national consultation with all stakeholders and island communities in 2010 for this purpose.

16. The Committee calls upon the State party to conduct a holistic review of its legislation and to set and adhere to a clear timetable for completion of such legislative review, so as to achieve compliance with the Convention and the Committee's general recommendations, and to amend or repeal all discriminatory legislation, such as those governing land ownership, and close any legislative gaps. It encourages the State party to

generate the political will necessary to undertake these reforms and to raise the awareness of legislators on the need to ensure de jure and de facto equality for women.

Visibility of the Convention

17. While noting the translation of the Convention into Tuvaluan, the publication of a manual for island magistrates in English and Tuvaluan and some efforts undertaken to raise awareness of the Convention throughout the State party, including in partnership with non-governmental organizations and the international community, the Committee is concerned that there is inadequate knowledge of the rights of women included in the Convention, its concept of substantive gender equality and the Committee's general recommendations, in society in general, including among all branches of the Government and the judiciary at all levels. The Committee is also concerned at women's lack of knowledge of their rights and their lack of access to justice and ability to obtain redress in the courts, including due to lack of legal assistance and practical difficulties in accessing courts. The Committee is further concerned that the Office of the People's Lawyer which is the main agency providing legal aid, is extremely limited in terms of financial and human resources.

18. The Committee encourages the State party to widely disseminate and raise awareness about the Convention and other legislation in both English and Tuvaluan, in particular the meaning and scope of direct and indirect discrimination, and formal and substantive equality of women. The Committee urges the State party to take all appropriate measures to ensure that the Convention is sufficiently known and applied by all branches of Government as a framework for all laws, court decisions and policies on gender equality and the advancement of women. The Committee invites the State party to enhance women's awareness of their rights through legal literacy programmes, expand legal assistance to women wishing to bring claims of discrimination or enforce their rights to equality and ensure that women have access to the courts on equal terms with men. The Committee calls upon the State party 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, so as to establish firmly in the country a legal culture supportive of women's equality and non-discrimination. It further urges the State party to ensure that information on the Convention is provided to women through the use of all appropriate measures, including the media, such as radio and the internet, as well as oral tradition, to ensure that such information reaches all areas of the country, including the outer islands. It also urges the State party to ensure that the Office of the People's Lawyer is sustainable and has adequate human and financial resources to effectively service the needs of the public in all parts of the country, including the outer islands.

International development aid

19. The Committee notes that the State party has very limited financial resources and recognizes its position as a recipient of international financial and technical aid and it is concerned that its national development plans, policies and programmes may not in all cases adequately promote and protect women's rights.

20. The Committee invites the State party to ensure that all national development plans, policies and programmes explicitly promote women's empowerment and the practical realization of the principle of equality of women and men, using the normative framework

of the Convention. It recommends that gender equality should always be among the funding priorities put forward in the context of negotiations with possible international donors and invites the State party to seek innovative sources of funding and assistance for the promotion of gender equality.

Legal complaints mechanisms

21. The Committee is strongly concerned at the fact that the judiciary does not provide sufficient guarantees to women in accessing justice which is limited by customary laws, local and geographical barriers, lack of information about their rights or lack of assistance, and do not allow women to bring cases before national courts. The Committee is also concerned that The State party lacks a comprehensive and effective system to receive complaints and it regrets the lack of data on complaints filed by women and their outcome.

22. The Committee urges the State party to set up a complaints system to ensure that women have effective access to justice. The Committee recommends that the State party take all appropriate measures to ensure that the judiciary complies with the provisions of the Convention and the State party's obligations under the Convention. The State party is also encouraged to collect data on the number of complaints filed by women, classification of the types of complaints received, as well as information on their outcome, and to provide such information in its next periodic report.

National machinery for the advancement of women

23. The Committee is concerned that the Department of Women's Affairs and the National Co-ordinating Committee on Women do not have the institutional authority, capacity and resources to effectively promote implementation of the Convention and coordination of the use of gender mainstreaming across all sectors and levels of Government, including in rural and remote areas. It is further concerned that such inadequacies could prevent them from effectively carrying out their mandates and to further increase their reliance on non-governmental organizations for the implementation of the Convention. The Committee is also concerned at the lack of assessments undertaken on the impact of measures taken, including the initial Tuvalu National Women's Policy from 1999.

24. The Committee calls upon the State party expeditiously to strengthen the national machinery, namely the Department of Women's Affairs and the National Co-ordinating Committee on Women¹, by providing it with the necessary authority, decision-making power and adequate human, financial and technical resources that are necessary for it to coordinate and work effectively for the promotion of gender equality and gender mainstreaming. It also requests the State party to strengthen its impact assessments of measures taken so as to ensure that such measures achieve their goals and targets.

Temporary special measures

25. While noting the existence of a provision in section 27 (3) (f) of the Constitution which allows for the adoption of temporary special measures "for the advancement of any person or

¹ Alternatively; "to establish a national machinery for the advancement of women, both vertically and horizontally".

any group”, the Committee is concerned that the Government has no current plans to engage special measures provisions and that the Government is of the view that giving special consideration to women would in fact be a form of discrimination against men.

26. The Committee encourages the State party to reconsider its position in respect of the application of temporary special measures and to familiarize all relevant officials with the concept of temporary special measures described in article 4, paragraph 1, of the Convention as interpreted in the Committee’s general recommendation 25. The Committee recommends that the State party consider applying temporary special measures in various forms in areas where women are underrepresented or disadvantaged and allocate additional resources where needed to accelerate the advancement of women. The Committee also recommends that the State party include in its legislation specific provisions on the application of temporary special measures that encourage their use in both the public and private sectors.

Cultural practices and stereotypes

27. The Committee recognizes the rich culture and tradition of the State party and its importance in daily life and notes that some gender sensitivity training aimed at raising awareness and understanding of the Convention has been conducted in the capital and outer islands. However, the Committee expresses its concern at the persistence of adverse norms, practices and traditions as well as patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life, especially in the outer islands. The Committee is concerned that such customs and practices perpetuate discrimination against women and girls, and that they are reflected in women’s disadvantageous and unequal status in many areas, including in education and public life and decision-making, and the persistence of violence against women and that, thus far, the State party has not taken sustained and systematic action to modify or eliminate stereotypes and negative traditional values and practices.

28. The Committee invites the State party to view culture and tradition as dynamic aspects of the country’s life and social fabric and therefore subject to change. It urges the State party to put in place without delay a comprehensive strategy, including legislation, to modify or eliminate cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include awareness-raising efforts targeting women and men at all levels of society, including chiefs, island leaders and pastors, and be undertaken in collaboration with civil society and women’s organizations. The Committee encourages the State party to use innovative measures that target young people and adults to strengthen understanding of the equality of women and men, and to work through the educational system, both formal and informal, as well as with the mass media so as to enhance a positive and non-stereotypical portrayal of women. It also requests the State party to put in place monitoring mechanisms and to regularly assess progress made towards the achievement of established goals in this respect. The State party is encouraged to carry out studies on this subject, including in the outer islands, use the findings to conduct informed interventions, and to seek assistance, if needed, from the international community for this purpose.

Violence against women

29. While noting the development by the police of a 'no drop' policy on cases of violence against women and the successful passage of the first reading of the 2009 Police Powers and Duties Bill that recognizes the existence of domestic violence and gives express powers for police involvement, the Committee expresses its serious concern at the persistence of violence against women, including domestic violence, and at the lack of information about its extent and prevalence. The Committee is particularly concerned that such violence would appear to be socially legitimized and accompanied by a culture of silence and impunity, that cases of violence are thus underreported and if reported, most cases would be withdrawn by the victims when they reach the courts. The Committee is also concerned at reports of traditional apologies and encouraged acceptance of such apologies as resolution for offences committed against the victims. The Committee is further concerned at the lack of a comprehensive legal framework to address all forms of violence against women, including domestic violence, and that judicial recourse for victims, enforcement measures, victim services and protection are insufficient, including lack of shelters and counselling and other services. The Committee is also concerned at the persistence of discrimination against women as a root cause of such violence.

30. The Committee urges the State party to give priority attention to the design and implementation of a comprehensive strategy to address all forms of violence against women, in conformity with general recommendation 19, and to prevent such violence, prosecute and punish offenders and provide services for victims. The Committee calls upon the State party to enact and implement a comprehensive legal framework that would encompass all types of violence against women, including domestic violence. The Committee also draws the attention of the State party to the Secretary-General's in-depth study on all forms of violence against women (A/61/122 and Add.1 and Add.1/Corr.1). It requests the State party to take steps to raise public awareness, including through media and education programmes, that all forms of violence against women, including domestic violence, are a form of discrimination under the Convention and thus unacceptable. The Committee calls upon the State party to ensure that women and girls who are victims of violence have access to immediate and effective means of redress and protection, including shelters. The Committee recommends the implementation of training for the judiciary and public officials, in particular law enforcement personnel and health-service providers, in order to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims. It further calls upon the State party to enhance its data-collection efforts and establish a monitoring and evaluation mechanism so as to regularly assess the impact and effectiveness of measures taken aimed at preventing and redressing violence against women. It invites the State party to seek international assistance in its efforts to put in place such a comprehensive response. It also recommends that the State party expeditiously enact the 2009 Police Powers and Duties Bill.

Sexual offences

31. The Committee expresses serious concern at a number of discriminatory provisions in the 1978 Penal Code (Cap 8). It is particularly concerned that under section 156 (5) of the Penal Code, any female person of or above the age of 15 years who with consent permits her grandfather, father, brother or son to have sexual intercourse with her, shall be guilty of a felony. The Committee is also concerned at discriminatory provisions concerning prosecution and sentencing and that sentences for all sexual offences designate maximum but not minimum sentences which could lead to low sentences for sexual offences that are not commensurate

with the gravity of the offence. The Committee is further concerned that marital rape is not prohibited under the Penal Code.

32. The Committee calls upon the State party to review and amend its legislative framework in respect of sexual offences to reflect the realities of sexual abuse experienced by women and to include marital rape as a specific offence. It calls upon the State party particularly to repeal section 156 (5) of the Penal Code whereby an incestuous sexual act is regarded as an offence both by the perpetrator and the victim of 15 years or above. It recommends that the State party consult widely with women's groups in its process of reform of laws and procedures relating to rape and sexual abuse and it encourages the State party to set a clear timeframe for the completion of such review.

Exploitation of prostitution and trafficking

33. The Committee is concerned at the lack of information and data about the prevalence of exploitation of prostitution and trafficking in the State party. It also notes that the report acknowledges the possibility of informal prostitution being present with the increasing number of sexually transmitted infections (STIs) and that increasing travel and transnational labour mobility may have a future impact on the prevalence of prostitution and trafficking.

34. The Committee requests the State party to present information and data in its next report about the prevalence of exploitation of prostitution and trafficking. The Committee encourages the State party to conduct studies and surveys for this purpose, including on the prevalence of informal prostitution, and to seek international assistance as required. The Committee also encourages the State party to rely on regional solidarity.

Participation in political and public life

35. While noting that the Constitution and electoral laws provide equal opportunities for men and women with regard to political participation, the Committee notes with concern that the State party has not had a female Member of Parliament since 1993, and that electoral practices appear to be an obstacle for women. It is also concerned at the low levels of participation of women in public and political life, especially at the highest levels of decision-making, local governance, including the decision-making bodies (Falekaupule) and island councils (Kaupules), the judiciary, the corporate sector and statutory boards, the international service, and in religious life. It is also concerned that prevailing social and cultural attitudes constitute barriers to women's full participation in all spheres of public life.

36. The Committee urges the State party to take all appropriate measures to increase the number of women in elected and appointed office at all levels including in the diplomatic service, so as to comply with article 7 of the Convention. The Committee encourages the State party to take concrete measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention, and the Committee's general recommendation 23, on women in political and public life, and 25, on temporary special measures, and to establish concrete goals and timetables so as to accelerate the increase in the representation of women in all spheres of public life. It also encourages the State party to implement awareness-raising campaigns, including on the purpose of temporary special measures as a necessary strategy to accelerate realization of women's de facto equality, such as quotas, and to highlight the importance to society as a whole of women's full and equal participation in leadership positions in all sectors and at all levels. The

Committee also urges the State party to take measures to empower women in the outer islands so that they can equally participate in island matters. The Committee recommends that the State party carefully monitor the effectiveness of measures taken and results achieved and it is encouraged to continue to use targets and quotas, as appropriate, in this respect.

Nationality

37. The Committee welcomes the information provided by the delegation that following a 2007 national amendment act, dual citizenship is now allowed. However, the Committee is concerned at information in the report suggesting there is a discriminatory provision in the Constitution affecting the transmission of citizenship by Tuvaluan women to their children on the basis of equality with men in certain circumstances.

38. The Committee requests the State party to amend without delay its legislation on nationality so as to bring it fully into compliance with article 9 of the Convention.

Education

39. The Committee welcomes the achievements in the field of education in the context of the “Education for Life” programme, including the achievement of the Millenium Development Goal 2 on universal primary education, and an adult literacy rate of 95 per cent, and it also notes the State party’s geographical constraints. However, the Committee is concerned at the marked difference in access to education between urban and rural or remote areas and that the principle of equality of women and men has not yet been incorporated at the higher levels of the education system, especially tertiary education. It is also concerned at the gender-specific fields of studies. While noting that there are no school dropouts, it is concerned at the lack of data on the so-called school “push outs” (students who did not pass the secondary entrance exam) due to the absence of an appropriate monitoring system. It is further concerned that corporal punishment continues to be lawful in schools under article 29 of the Education Act (1976) and article 226 of the Penal Code, although it is not regularly used.

40. The Committee recommends that the State party continue to strengthen its efforts under article 10 of the Convention in the implementation of its “Education for Life” programme so as to achieve equal access of all girls to all levels of education, including the higher levels. The Committee recommends that the State party take effective steps to encourage women to pursue tertiary education and choose non-traditional fields of study and also to set up and implement an appropriate system to monitor the school “push outs” and provide them with alternatives outside formal education, including vocational training. The Committee further recommends that the State party prohibit the use of corporal punishment in schools.

Employment

41. While welcoming recent positive changes reported by the delegation in respect of full pay during maternity leave and that unfavourable provisions in the Women’s Home Benefit Scheme have been repealed, the Committee expresses its concern at the discrimination faced by women in employment as reflected in the gender wage gap and occupational segregation.

42. **The Committee requests the State party to ensure equal opportunities for women in the labour market, in accordance with article 11 of the Convention. It also calls on the State party to strengthen and implement measures to protect women from discrimination and exploitation, and to take proactive measures to monitor and close the gender wage gap and apply the principle of equal remuneration and equal opportunities at work. The Committee recommends that the State party take effective steps to encourage women to choose non-traditional fields of employment, including the fishing industry which is an important household subsistence and commercial activity in the outer islands and the capital. The Committee notes that most statistics on employment are from 2002 and it calls on the State party to provide updated information, including data disaggregated by sex, in its next report.**

Health

43. While noting a number of achievements in the area of health, including 100 per cent access to professional midwifery services for pregnant women throughout the State party, and while recognizing geographical constraints, the Committee is concerned that particularly women in the outer islands experience difficulties in accessing affordable and appropriate health care. The Committee is especially concerned that outer islands health centres are only equipped to attend to normal deliveries and that this could have a serious impact on women when birth complications arise. The Committee is further concerned that abortion is a punishable offence under Tuvaluan law, which may lead women to seek unsafe, illegal abortions, with consequent risks to their life and health. Clandestine abortions are a major cause of maternal mortality and the Committee regrets the lack of information on maternal mortality rates. It is also concerned at the inadequacy of preventative health care, including in the area of sexual and reproductive health, and it is concerned at the reported decrease in the use of contraceptives and increase in the overall number of teenage pregnancies and STIs. The Committee is further concerned that there may not be adequate attention paid to all areas of health care, including mental health and services for those women who may need specialized care, such as disabled women and girls. The Committee also expresses concern at the prevalence of alcohol in The State party, as well as its negative consequences which may affect women.

44. **The Committee urges the State party to take concrete measures to enhance all aspects of health care for women in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health so as effectively to address the differential needs in the area of general health and specific health needs of women, including those with specialized needs. It calls upon the State party to ensure that preventative health care, especially sexual and reproductive health, is adequately addressed and to enhance access to such services by women in the outer islands. The Committee recommends that the State party review the laws relating to abortion with a view to removing punitive provisions imposed on women who undergo abortion, providing them with access to quality services for the management of complications arising from unsafe abortion and it requests the State party to provide information about maternal mortality rates in its next periodic report. It also requests the State party to strengthen and expand its efforts aimed at the prevention of teenage pregnancies and STIs by increasing knowledge about family planning, including contraceptives, and awareness of existing services. This should include the provision of comprehensive, youth-friendly sexual and reproductive health services, confidence-building programmes and age-appropriate sex education as part of the formal and informal education curricula, targeted at girls and**

boys and such programmes should take due account of traditions and physical barriers of women in rural areas.

HIV/AIDS

45. While noting the information provided on some initiatives undertaken to prevent and combat HIV/AIDS, the Committee is concerned at the lack of sex disaggregated data on infection in the State party and it is concerned that women and girls may be particularly susceptible to such infection due to gender-specific norms. The Committee is especially concerned that the persistence of unequal power relations between women and men and the inferior status of women and girls may hamper their ability to negotiate safe sexual practices and increase their vulnerability to infection.

46. The Committee recommends that the State party take effective measures to address the impact of HIV/AIDS on women and girls, as well as its social and family consequences. It urges the State party to enhance its focus on women's empowerment and to include clearly and visibly a gender perspective in its policies and programmes on HIV/AIDS and increase the role of men in all relevant measures. The State party is encouraged to undertake awareness-raising campaigns among Government personnel in prevention, protection, and maintenance of confidentiality in order to systemize and integrate approaches for multiple government sectors. The Committee recommends that the State party report on measures taken in this respect, obstacles encountered and results achieved in its next report.

Rural women

47. The Committee takes note of various development projects, programmes and measures initiated by the State party, including in the outer islands and remote areas. However, the Committee expresses its concern at the disadvantaged position of women in rural and remote areas which is characterized by discrimination in their access to education, health and employment and lack of participation in decision-making processes at the community level. It is also concerned that the various development projects may not always include a gender perspective. The Committee is further concerned that traditional female stereotypes are most prevalent in the rural communities. In addition, the Committee is concerned that land ownership in the State party is based on the communal family grouping Kaitasi and as a rule, land is inherited through male lineage. Furthermore, the Committee notes that the main purpose of the Falekaupule Trust Fund is to provide a source of funds for island development purposes and it is concerned that women are not sufficient aware of this Fund and how it could be used for their development.

48. The Committee calls upon the State party to take all appropriate measures to increase and strengthen the participation of women in designing and implementing local development plans, and pay special attention to the needs of rural women by ensuring that they participate in decision-making processes and have improved access to, inter alia, health, education and employment. Furthermore, the State party should ensure that development projects are only implemented after conducting gender impact assessments, involving rural women. In addition, the State party should take effective measures, including legislative measures, to ensure that men and women have equal access to land ownership. The Committee requests the State party to include in its next report the achievements of governmental constructive interventions and comprehensive data on the situation of rural

women in all areas covered by the Convention. The Committee encourages the State party to seek assistance from the international community in this respect.

Vulnerable groups of women

49. The Committee notes the statement in the report that there is no social response or political framework to address the problem of disability for women outside the family solidarity. It regrets the very limited information and statistics about vulnerable groups of women, including elderly women and women with disabilities, who often suffer from multiple forms of discrimination, especially with regard to access to education, employment and access to health care.

50. The Committee requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of vulnerable groups of women, including elderly women and women with disabilities, in all areas covered by the Convention, as well as information on specific programmes and achievements.

Family relations

51. The Committee is concerned that, according to section 20 of the Native Lands Act, custodial rights of a child born out of wedlock will automatically be given to the father if he accepts paternity once the child is two years old. The Committee is also concerned at reports of forced or arranged marriages, especially in the outer islands, and that the age of marriage is 16 years. The Committee is further concerned that the dissolution of marriage leaves women and children in a vulnerable situation particularly if the husband's earnings were the primary source of income for the family which is often the case and it is concerned at the failure of the State party to enforce maintenance orders and that some women are reportedly ashamed of asking for such maintenance.

52. The Committee urges the State party to complete its law reform in the area of family law in accordance with article 15 and 16 of the Convention, within a specific time frame, and ensure that spouses have the same rights and responsibilities both during marriage and in the event of its dissolution. The Committee calls upon the State party to raise the minimum age of marriage to 18 years, It invites the State party to put in place adequate legislative and other measures, including the review and amendment of existing laws, to guarantee the enforcement of maintenance orders and to amend section 20 of the Native Lands Act concerning custody over children born out of wedlock.

Data collection and analysis

53. While noting that a statistical database and gender sensitive indicators have been developed in conjunction with key partners and that some statistics were provided in the areas of education, health and participation in political and public life, the Committee is concerned at the limited availability of data disaggregated by sex in other areas of the Convention, which are necessary for an accurate assessment of the situation of women and for informed, targeted policymaking and the systematic monitoring and evaluation of progress achieved, and trends over time, towards the realization of women's de facto equality in regard to all areas covered by the Convention. The Committee notes that such areas include violence against women, including domestic violence, sexual offences and prostitution etc.

54. The Committee calls upon the State party to continue to enhance the collection of comprehensive data disaggregated by sex and of measurable indicators to assess trends in the situation of women and of progress towards the realization of women's de facto equality, and calls its attention to general recommendation 9 in this regard. The Committee invites The State party, as necessary, to seek international assistance for the development of such data collection and analysis efforts, and to ensure that such efforts are based on the needs of users of data.

Disaster management and mitigation

55. While noting the vulnerability of the State party to serious environmental and climatic change, as noted in paragraph 5 above, and the risk of internal relocation within the State party or international displacement which would give rise to considerations of statelessness, the Committee is concerned that the State party does not have disaster management and mitigation plans in place to address the potential internal and/or international displacement.

56. The Committee recommends that the State party develop disaster management and mitigation plans in response to the potential displacement and/or statelessness arising from environmental and climatic change and that women, including women in the outer islands, be included throughout the planning processes and adoption of such strategies. The State party is encouraged to seek assistance from the United Nations High Commissioner for Refugees (UNHCR) for this purpose. The Committee recommends that the State party ensure that a gender perspective is integrated in all policies and plans of sustainable development.

Optional Protocol and amendment to article 20, paragraph 1

57. While noting the statement by the delegation that the State party will explore the possible adoption of the Optional Protocol to the Convention, the Committee calls upon the State party to sign and ratify the Optional Protocol and also invites the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

Preparation of next report

58. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in the preparation of its next report, as well as to consult with non-governmental organizations during that phase.

Beijing Declaration and Platform for Action

59. The Committee urges the State party, in its implementation of its obligations under the Convention, to fully utilize the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

Millennium Development Goals

60. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the

Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

Dissemination

61. The Committee requests the wide dissemination in the State party of the present concluding observations in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee recommends that the dissemination should include the local community level and the State party is encouraged to organize a series of meetings to discuss progress achieved in the implementation of these observations. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century".

Ratification of other treaties

62. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.² The Committee therefore encourages the Government of Tuvalu to consider ratifying the treaties to which it is not yet a party, that is, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

Follow-up to concluding observations

63. The Committee requests the State party to provide, within one year, written information on the steps undertaken to implement the recommendations contained in paragraphs 14 on the status of the Convention and 30 on violence against women above.

Technical assistance

The Committee recommends that the State party avail itself of technical assistance in the development and implementation of a comprehensive programme aimed at the

² The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

implementation of the above recommendations as well as the Convention as a whole. The Committee expresses its willingness to continue the dialogue with the State party, including through a country visit by Committee members to provide further guidance on the implementation of the above recommendations and the State party's obligations under the Convention. The Committee also calls upon the State party to strengthen further its cooperation with specialized agencies and programmes of the United Nations system, including the United Nations Development Programme, the United Nations Development Fund for Women, the United Nations Children's Fund, the United Nations Population Fund, the World Health Organization, the Office of the United Nations High Commissioner for Human Rights, and the Statistics Division and Division for the Advancement of Women in the Department of Economic and Social Affairs of the Secretariat.

Date of next report

65. The Committee requests The State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites The State party to submit its third periodic report, which was due in November 2008, and its fourth periodic report, which is due in November 2012, in a combined report in 2012.
