



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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Concluding observations of the Committee on the Elimination of Discrimination against Women

Tuvalu

1. The Committee considered the combined initial and second report 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 report, but it regrets the delay in the report's submission. It also appreciates the fact that the report followed the Committee's former guidelines for the preparation of initial reports, including reference to the Committee's general recommendations, and that it was prepared through 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 for 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 are reflected in the National Strategic Development Plan Te Kakeega II 2005-2015. The Committee also welcomes implementation of the Revised Tuvalu National Women's Policy of 2006 and the medium-term Corporate Plan 2007-2009.

7. The Committee welcomes the creation of the Department of Women's Affairs within the Ministry of Home Affairs and the establishment of the National Coordinating Committee for women comprised of senior officials from key Government ministries, departments and non-governmental partners, including the Tuvalu National Council of Women and the Tuvalu Association of Non-Governmental Organizations.

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 through the Education for Life programme and 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. It 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 its 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, Parliament and the judiciary in order 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 and Attorney-General (2005)* (High Court Appeal Case 17/03), in which the court adopted a reserved approach in applying the Convention and the Convention on the Rights of the Child because the conventions had not been fully incorporated into 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 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 or contains a definition of discrimination against women in accordance with article 1 of the Convention, covering both direct and indirect discrimination, or extend 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 provided in article 1 of the Convention, that extends to acts of discrimination by public and private actors in accordance with article 2 of the Convention. 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 under the universal periodic review (see A/HRC/10/84, para. 68).

Discriminatory laws

15. While noting that the Government is planning to carry out a progressive review of its laws, as outlined in the National Strategic Development Plan Te Kakeega II 2005-2015, the Committee is concerned that sex-discriminatory laws and provisions continue to exist in several pieces of legislation, including in 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 landownership. The Committee takes note of the statement by the delegation that the legislative review, including possible amendments, should be carried out 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 a legislative review in order to achieve compliance with the Convention and the Committee's general recommendations. It calls on the State party to amend or repeal all discriminatory legislation, including the laws governing landownership, and to 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 about 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 about the rights of women included in the Convention, the concept of substantive gender equality defined in the Convention 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 by women's lack of knowledge about their rights and their lack of access to justice and the difficulties they face in obtaining 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 with regard to 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, in order 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 about the Convention is provided to women through the use of all appropriate means, including through the media, such as radio and the Internet, as well as by making use of oral traditions, to ensure that such information reaches all areas of the country, including the outer islands. It urges the State party to ensure that the Office of the People's Lawyer is maintained with adequate human and financial resources in order to effectively service the needs of the public in all parts of the country, including the outer islands.**

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. 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 by the fact that the judiciary does not provide guarantees of women's access to justice, which is limited by customary laws, local and geographical barriers, lack of information about their rights or lack of assistance, and that it does not allow women to bring cases before the national courts. The Committee is also concerned that the State party lacks a comprehensive and effective system for receiving 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. It encourages the State party to collect data on the number of complaints filed by women, the types of complaints received and their outcomes, and to include this 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 Coordinating Committee do not have the institutional authority, capacity and resources to effectively promote implementation of the Convention and coordinate 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 further increase their reliance on non-governmental organizations for the implementation of the Convention. The Committee is concerned by 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 to expeditiously strengthen the national machinery, namely the Department of Women's Affairs and the National Coordinating Committee,¹ by providing it with adequate human,

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

financial and technical resources and the authority and decision-making power 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 that allows for the adoption of temporary special measures “for the advancement of any person or any group”, the Committee is concerned that the Government has no plans to adopt special measures and that the Government is of the view that giving special consideration to women would in fact represent 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 No. 25. The Committee recommends that the State party consider applying temporary special measures in various forms in areas in which 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 traditions of the State party and their 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 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 as 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. This strategy 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, to enhance a positive and non-stereotypic 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 conduct studies on this subject, including in the outer islands, use the findings to carry out 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, which 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 that if reported, most cases are withdrawn by the victims when they reach the courts. The Committee is also concerned by reports of traditional apologies and encouraged acceptance of such apologies as a form of resolution for offences committed against the victims. The Committee is further concerned by the lack of a comprehensive legal framework for addressing all forms of violence against women, including domestic violence, and that judicial recourse for victims, enforcement measures, victim services and protection are insufficient owing to a lack of shelters, counselling and other services. The Committee is also concerned by 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 for addressing all forms of violence against women in conformity with general recommendation No. 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/Add.1 and Corr.1). It requests the State party to take steps to raise public awareness, including through the media and education programmes, that all forms of violence against women, including domestic violence, are a form of discrimination under the Convention and 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 in order to regularly assess the impact and effectiveness of measures 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 15 years of age or above who allows her grandfather, father, brother or son to have sexual intercourse with her shall be guilty of a felony. The Committee is also concerned by discriminatory provisions concerning prosecution and sentencing and by the fact that sentences for all sexual offences designate maximum but not minimum sentences, which could lead to light sentences for sexual offences that are not commensurate with the gravity of those offences. 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. In particular, it calls upon the State party to repeal section 156 (5) of the Penal Code, which considers an incestuous sexual act to be an offence committed by both the perpetrator and the victim if the victim is 15 years of age or above. It recommends that the State party consult widely with women's groups during its process of reform of laws and procedures relating to rape and sexual abuse and it encourages the State party to set a clear time frame for the completion of such a review.

Exploitation of prostitution and trafficking

33. The Committee is concerned by 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 the existence of informal prostitution in view of the increasing number of sexually transmitted infections 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 include information and data in its next report on 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 by the low levels of participation of women in public and political life, especially at the highest levels of decision-making, local government, including the decision-making bodies (Falekaupule) and island councils (Kaupules), the judiciary, the corporate sector and statutory boards, the international civil 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, the Committee's general recommendation No. 23 on women in political and public life and general recommendation No. 25 on temporary special measures, and to establish concrete goals and timetables in order 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 introducing temporary special measures as a necessary strategy for accelerating 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 participate in island matters on an equal footing. The Committee recommends that the State party carefully monitor the effectiveness of measures taken and results achieved and encourages it to continue to use targets and quotas, where 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 by information provided in the report that suggests that there is a discriminatory provision in the Constitution affecting, in certain circumstances, the transmission of citizenship by Tuvaluan women to their children on the basis of equality with men.

38. The Committee requests the State party to amend without delay its legislation on nationality in order to bring it fully into line 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 Millennium 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 by the marked difference in access to education between urban and rural or remote areas and by the fact that the principle of equality of women and men has not yet been incorporated into the higher levels of the education system, especially in respect of tertiary education. It

is also concerned by the gender-specific fields of studies. While noting that there are no school dropouts, it is concerned at the lack of data on school “push outs” (students who did not pass the secondary entrance exam) owing 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 through implementation of its Education for Life programme in order to achieve the 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. It also recommends that it set up and implement an appropriate system to monitor 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 the repeal of unfavourable provisions in the Women’s Home Benefit Scheme, the Committee expresses its concern about the discrimination faced by women in employment, as reflected by 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 in 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 date 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 the provision of 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 women in particular in the outer islands experience difficulties in accessing affordable and appropriate health care. The Committee is especially concerned that outer islands health centres are equipped to attend only to normal deliveries and that this could have a serious impact on women in the event of birth complications. The Committee is further concerned that abortion is a punishable offence under Tuvaluan law, and that this prohibition 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 by the inadequacy of preventative health care, including in the area of sexual and reproductive health, and by the reported decrease in the use of contraceptives and increase in the overall number of teenage pregnancies and sexually transmitted infections. The Committee is further concerned that adequate attention may not be 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 about the prevalence of alcohol consumption in the State party and 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 No. 24 on women and health in order to effectively address differential needs in the area of general health and the specific health needs of women, including those with special needs. It calls upon the State party to ensure that preventative health care, especially sexual and reproductive health care, 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, and 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 sexually transmitted infections 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-care services, confidence-building programmes and age-appropriate sex education as part of the formal and informal education curricula, targeted at girls and boys. Such programmes should take due account of traditions and the physical barriers confronting 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 about 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 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, 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 respect of 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, in its next report, on measures taken in this respect, obstacles encountered and results achieved.

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 about the disadvantaged position of women in rural and remote areas, as characterized by discrimination in their access to education, health care 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 rural communities. In addition, the Committee is concerned that landownership 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 sufficiently 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 implemented only after gender impact assessments involving rural women have been conducted. In addition, the State party should take effective measures, including legislative measures, to ensure that men and women have equal access to landownership. The Committee requests the State party to include in its next report information on the achievement of constructive interventions by the Government 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 for addressing the problem of disability for women other than 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 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, the 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 of age. The Committee is also concerned by 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 are the primary source of income for the family — as is often the case — and it is concerned by the failure of the State party to enforce maintenance orders and by reports that some women are ashamed to ask for such maintenance.

52. The Committee urges the State party to complete its law reform in the area of family law in accordance with articles 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 have been provided in the areas of education, health and participation in political and public life, the Committee is concerned by the limited availability of data disaggregated by sex for other areas covered by 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 one of these areas is violence against women, including domestic violence, sexual offences and prostitution.

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 progress towards the realization of women's de facto equality, and draws its attention to general recommendation No. 9 in this regard. The Committee invites the State party to seek international assistance, as necessary, 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 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 Office of the United Nations High Commissioner for Refugees for this purpose. The Committee recommends that the State party ensure that a gender perspective is integrated in all sustainable development policies and plans.

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 the 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, entitled "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, namely, 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 paragraph 14 on the status of the Convention and paragraph 30 on violence against women above.

Technical assistance

64. The Committee recommends that the State party avail itself of technical assistance in the development and implementation of a comprehensive programme aimed at the implementation of the above recommendations as well as the Convention as a whole. The Committee expresses its willingness to continue its dialogue with the State party, including through a country visit by Committee members aimed at providing 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 the 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 United Nations Statistics Division

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.

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 that the State party respond to the concerns expressed in the present concluding observations in its next periodic report in accordance with 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.
