

**GOVERNMENT OF TUVALU**

**TUVALU STATEMENT**

**Delivered by**

**The Attorney General of Tuvalu**

**At the Fourth Universal Periodic Report to the UN Human Rights Council**

The President of the Human Rights Council

Commissioner of Human Rights

Excellencies

Ladies and Gentleman

It is indeed an honor to present Tuvalu’s Fourth Universal Periodic Review Report. Firstly, let me assure the Council of Tuvalu’s unwavering commitment to the noble values and principles of the UN as enshrined in its Charter, and the ensuing universal declarations on Human Rights. Tuvalu acknowledges that the UPR is a unique mechanism of the Human Rights Council that calls for each UN Member State to undergo a peer review of its human rights every four years. Acquainted to that, Tuvalu remains committed and joins in solidarity with other UN Members in the UPR process, as the country believes that it continues to be relevant and is an effective mechanism to ensuring the active promotion and protection of human rights in Tuvalu and globally

Let me with sincerity extend our governments apologies in the unavailability of a delegation to be before the Council to defend our report. Hurdles and challenges are various which we need not name or use as justification, however we are truly grateful of the opportunity to use virtual means to enable our voice to be heard.

I would also like to extend our Government’s great appreciation to the Council and UN Members for your continuing recognition of the special case of Tuvalu as a Small Island Developing State and Least Developed Country especially of our unique vulnerabilities to impacts of environmental degradation and climate change which continues to become progressively worse through the past years. Through the cause of the past third cycle of review, the Government also cannot ignore the economic and social crisis caused by the pandemic COVID- 19 which presents an unprecedented challenge to the world as a whole in terms of public health, economy, food systems etc. The UN has stood by us in our vulnerability to the impacts of environmental degradation and climate change and I appeal for this help to continue combined with our exposure to the effects of COVID-19.

**President**

Tuvalu believes that human rights are needed to protect and preserve every individuals humanity ensuring that every individual can live a life of dignity and life that is worth of human being. To achieve these desired results, as a responsible member of the United Nations, Tuvalu continues to call for constant dialogue, engagement and coordination among various stakeholders including the international community despite the challenges that come with it.

The preparation of this Fourth UPR demanded stakeholder inputs, like the past three Reviews, which were made through inclusive and consultative processes. This allowed for an opportunity to receive national feedbacks and updates in various areas such as laws, policies. The implementation of human rights norms and standards are not only driven from our international obligations to the human rights treaties that Tuvalu has ratified but also those that are articulated in Tuvalu’s Bill of Rights, as provided for under its Constitution and as aspired in the Tuvalu National Strategy for Sustainable Development 2021-2030 (Te Kete). The Te Kete visions a “A Peaceful, Resilient and Prosperous Tuvalu” which came at a time when Tuvalu was living through a shift of paradigm to the ‘new normal’ resulting from the COVID-19 pandemic.

The fourth cycle UPR that that has been delivered into your good hands endeavors to achieve an enabling engagement, conversation, and dialogue on a range of clustered themes and issues. It also places emphasis on the challenges and constraints that our vulnerable nation continues to face, which we would like to share with you to engage your attention in the realization of these challenges. While these challenges remain a reality, we are committed and to strategize our way forward for the promotion and protection of human rights with specific reference to the following themes:

1. **Human Rights Framework**
2. **Cross cutting issues**
3. **Civil and Political Rights**
4. **Economic, Social and Cultural Rights**
5. **Rights of Specific Groups**

**President**

Before summarizing the above, allow me to assert that the fundamental human rights of Tuvaluans as a people, and of Tuvalu as a sovereign State, is grossly challenged by Tuvalu’s unique vulnerabilities to external forces that are simply beyond our capability to cope.

Since our last UPR report, while the economic crisis continue to unfold adverse impact to far flung nations as my own, and while climate change and sea level rise progressively worsens in its impacts, events such as the Covid-19 pandemic and the frequent droughts have also prompted delay in the implementation of the agreed recommendations.

Unless the Human Rights Council and UN Members fully recognise these unique vulnerabilities of Tuvalu as a SIDS and LDC country, and that these are properly translated into urgent concrete actions to respond to climate change and other devasting events like the pandemic and drought, and actions on providing special SIDS windows of partnerships, our fundamental rights to sustainable development and to survival aspired at the national and international level will be severely compromised.

**Human Rights Framework**

*National framework*

President

At the national level, to complete the review of its Constitution, in its Parliament session in September, 2023, the new Constitution of Tuvalu was passed and came into force on 1st October, 2023. The Constitution maintains the full recognition of human rights under Part II: Bill of Rights and as the supreme law of the country, the protection and promotion of human rights and freedoms continue to be paramount.

The ‘Te Kete’ is the Government of Tuvalu’s National Strategic Plan 2020 -2030 that focuses on sustainable development, poverty reduction, and improving the quality of life for all Tuvaluans. Overall, this truly demonstrates the country’s commitments to promoting and protecting human rights as an integral part of its development agenda. It recognizes the importance of inclusive and sustainable development that leaves no one behind and ensures that all individuals in Tuvalu can enjoy their fundamental rights and freedoms.

Mr President

The Government of Tuvalu has not established a formal National Mechanism for Monitoring, Reporting and Follow-Up (NMMRF) since the last reporting cycle. It is however a work in progress that the government and our UPR Ad-hoc working group are considering establishing, given other competing priorities and allocation of resources needed.

Moreover, the Chief Ombudsman is the National Human Rights Institution and has the functions and powers of an NHRI to implement Tuvalu’s human rights obligations, particularly to hearing complaints on the violation of the rights of its citizens.

The resignation of the recent Chief Ombudsman has had implications on the functionality of the Institution. However, the Government is progressively realising the need to have the Office fully fledged and is a work in progress.

*International Framework*

The Government in consideration of acceding to any international human rights conventions, require widespread awareness raising and a consultative process to gather the views of the general public. This is an important aspect in Tuvalu’s context before the Government decides on endorsing ratification of such conventions.

Although Tuvalu is a party to only three human rights conventions, the government is incrementally realising the importance of other human rights conventions such as the International Convention on Civil and Political Rights and International Convention on Economic, Social and Cultural Rights.

*Cross Cutting Issues*

The Government of Tuvalu in terms of equality and non-discrimination, recognises the full realisation of all human rights and fundamental freedoms for all persons without discrimination of any kind. This is evident with the passage of the 2023 Constitution that provides among others, for the prohibition of discrimination on the basis of sex and disability.

*Environmental issues*

Tuvalu faces challenges to its natural environment exacerbated by climate change, coastal erosion, salt water intrusion and increasing vector and water borne diseases due to sea-level rise as a major threat. In Tuvalu’s efforts to adapt and build resilience, a lot of work is in progress nationally, regionally and internationally at the political and technical (official) level to advocate for Tuvalu’s firm stance to mitigate the devastating impacts of climate change.

Tuvalu **WILL continue to** fight in ensuring that climate change and its impacts on the lives of the international community is fully recognised and realised. There are no other options, and no alternate plans, **WE WILL strive** for our survival and place in our home - Tuvalu.

*Administration of justice and the rule of law*

Tuvalu being an independent constitutional monarchy that underpins a democratic governance system, continues to uphold the administration of justice and the rule of law. The strength of administration of justice and the rule of law in Tuvalu is founded in the laws and the implementation processes of democratic governance. Institutions are available for the public to access justice in terms of legal representation, auditing oversight and judicial court services.

*Rights of specific groups*

Tuvalu has over the years been trying to progressively achieve its CEDAW and CRC obligations, considerate that both CEDAW and CRC are tools that could help women and children in Tuvalu bring change to their daily lives and valuable in opposing the effects of discrimination, violence, poverty, lack of legal protection along with the denial of inheritance and property rights. Significant and progressive developments have taken place and the embedded attitude and perception against women and children are slowly changing positively making them more equal and safer.

Being a party to the CRPD, Tuvalu over the years continues to progressively implement its obligations under the Convention. Non-discrimination on the grounds of disability is now enshrined in the new Constitution 2023. This will pave the way for other initiatives that Tuvalu will endeavor to undertake for the protection of rights of persons with disabilities.

Mr **President**

In our efforts to implement our human rights obligations, the reality of the challenges that come with it cannot be ignored. Several of the challenges we have encountered and continue to face include:

1. Impacts of climate change;
2. COVID-19 pandemic;
3. lack of technical and specialist expertise;
4. lack of opportunities;

(c) lack of resources;

(d) securing of durable and genuine partnerships;

(e) frequency of droughts; and

(f) remoteness of Tuvalu

Tuvalu knows for a fact that it cannot do this alone and therefore it calls upon the international community to join in solidarity to adapt, mitigate and build resilience in our endeavor to promote, protect and respect human rights amidst the many challenges exacerbated by climate change.

**Conclusion**

To conclude, I thank you Mr. President and also wish to extend my sincere gratitude to those delegations that have provided invaluable comments to our National Report. The Government of Tuvalu calls on the international community to provide technical and financial assistance with regards to the implementation of its human rights commitments and in particular in the field of climate change.

Genuine and meaningful partnership is crucial in the promotion and protection of human rights in the context of Tuvalu. We continue to lobby for the United Nations to establish more presence in Tuvalu before the next reporting cycle. The Government of Tuvalu would like to thank development partners for the assistance rendered towards the fulfilment of its international human rights obligations and most importantly the implementation of its national development priorities.

Fafetai lasi. Tuvalu mo te Atua.