United Nations CEDAW/C/TUV/CO/5-6

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined fifth and sixth periodic reports of Tuvalu*

1. The Committee considered the combined fifth and sixth periodic reports of Tuvalu (CEDAW/C/TUV/5-6) on 9 April 2025 at its Pacific technical cooperation session, held from 7 to 11 April in Suva, and adopted the present concluding observations at its ninety-first session.

A. Introduction

2. The Committee appreciates the submission by the State Party of its combined fifth and sixth periodic reports, which were prepared in response to the list of issues prior to reporting (CEDAW/C/TUV/QPR/5-6). It also welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the country exchange.

3. The Committee commends the State Party on its high-level delegation, which was headed by the Prime Minister of Tuvalu, Feleti Penitala Teo, and Tausaga Teo, and included representatives of the Office of the Prime Minister, the Office of the Attorney General, the Ministry of Home Affairs, Climate Change and Environment, the Ministry of Education, Human Resources and Development, the Ministry of Health and Social Welfare and the Gender Affairs Department, as well as the High Commissioner to the Fiji Islands, Eselealofa Apinelu, and other representatives of the Tuvalu High Commission in Suva and the Permanent Mission of Tuvalu to the United Nations.

B. Positive aspects

4. The Committee welcomes the progress achieved since its consideration in 2015 of the State Party's combined third and fourth periodic reports (CEDAW/C/TUV/3-4) in undertaking legislative reforms, including the adoption of the following:

(a) The Labour and Employment Relations Act (2017), which introduced protections against workplace discrimination;

* Adopted by the Committee at its ninety-first session (16 June–4 July 2025).

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(b) Amendments in 2017 to the legal definition of "human rights" in the Leadership Code Act to include customary international law and the rights of women, children and persons with disabilities;

(c) Amendments in 2015 to the Marriage Act to raise the minimum age for marriage from 16 to 18 years.

5. The Committee welcomes the State Party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption and establishment of the following:

(a) The Tuvalu National Gender Equity Policy (2024);

(b) The Tuvalu Coastal Adaptation Project (2024), which integrates a gender perspective into adaptation strategies and was renewed for a second phase;

(c) The Gender Equality and Social Inclusion Information Hub(2023);

(d) The Gender Based Violence Task Force (2023);

(e) The National Climate Change Policy 2021–2030 (Te Vaka Fenua o Tuvalu) (2021), which has gender equality and social inclusion at its core;

(f) The National Human Rights Action Plan (2016–2020) (2016), which highlights the need for increased representation of women in high government positions and decision-making roles;

(g) General Administrative Order (2016), which includes provisions prohibiting sexual harassment in the public service.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State Party in 2019 ratified the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization.

C. Sustainable Development Goals

7. **The Committee welcomes international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of mainstreaming the principles of equality and non-discrimination throughout all 17 Goals. It urges the State Party to recognize women as the driving force of sustainable development and to adopt relevant policies to that effect, especially with respect to Goal 13 on climate change.**

D. Parliament

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see A/65/38, part two, annex VI). It invites the Parliament of Tuvalu, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

E. Principal areas of concern and recommendations

Current context in the State Party

9. The Committee acknowledges that climate change represents an existential threat to the people, territory and culture of Tuvalu, disproportionately affecting women and girls in the State Party, and that addressing it requires the strengthening of multilateralism, the global rules-based order, the rule of law, the international human rights framework and justice systems, which are integral to gender equality globally.

Visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations

10. The Committee notes with concern:

(a) That the ratification of the Optional Protocol is contingent upon securing additional resources and complying with existing commitments before undertaking further obligations;

(b) The lack of awareness within the Government and among the judiciary, civil society and the population at large of the Convention, the Committee's jurisprudence under the Optional Protocol and the Committee's general recommendations.

11. **The Committee recommends that the State Party:**

(a) **Overcome any obstacles preventing the ratification of the Optional Protocol;**

(b) **Widely disseminate the Convention, the Optional Protocol thereto, the Committee's general recommendations and the present concluding observations promptly among the judiciary, law enforcement, traditional and religious leaders and civil society.**

Extraterritorial State obligations under the Convention

12. The Committee commends the State Party for its role as founder and Co-Chair of the Commission of Small Island States on Climate Change and International Law and for its 2022 request for an advisory opinion of the International Tribunal for the Law of the Sea on the protection and preservation of the marine environment. The Committee also commends the State Party for its role in the adoption of General Assembly resolution 77/276 on 29 March 2023 requesting an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change. However, it notes with concern:

(a) The conspicuous absence of references to the Convention and the Committee's general recommendations in the State Party's supranational litigation, particularly the invisibility of the Convention in the State Party's oral and written submissions before the International Tribunal for the Law of the Sea and the International Court of Justice, which constitutes a missed opportunity to highlight the role of Tuvaluan women in climate control and the disproportionate impact of climate change on women and girls;

(b) That, despite the participation of high-level women officials in the State Party's supranational litigation, the State Party lacks a strong strategy for ensuring the involvement of Tuvaluan women, including those in the outer islands, in its global leadership on climate change and its contributions to the work of the International Law Commission on sea-level rise and statehood.

13. **The Committee recommends that the State Party:**

(a) **Include references to the Convention and the Committee's general recommendations in its supranational litigation;**

(b) **Develop a strategy to engage Tuvaluan women, including scientists, policymakers, advocates, traditional leaders and the next generation of law students, in its international litigation.**

Constitutional and legislative framework and definition of discrimination against women

14. The Committee notes with interest the 2023 constitutional amendments, which include a new definition of statehood that provides that the State of Tuvalu shall remain in perpetuity, notwithstanding the impacts of climate change or other causes resulting in loss to the physical territory of Tuvalu. In addition, discrimination based on sex and disability are prohibited. However, it notes with concern that the State Party:

(a) Lacks a constitutional definition of discrimination against women that encompasses direct and indirect discrimination and de facto and de jure equality, and that that article 27 (3) of the Constitution allows broad exemptions from equal treatment when it comes to non-citizens and with respect to issues related to marriage, divorce, burial, land or any matter related to "the personal law, beliefs or customs of any person or group";

(b) Retains discriminatory provisions, some of them dating to the colonial era, including in the Penal Code, the Native Lands Act, the Marriage Act, the Tuvalu Lands Code, the Falekaupule Act, the Employment Act and the Passports Act;

(c) Has not established formal mechanisms for the full and equal participation and consultation of women, including younger women and women from the outer islands, in the revision of the Constitution, an endeavour that will have a profound impact on the future of Tuvalu;

(d) Maintains the use of male pronouns in its Constitution and laws, which may reinforce gender bias in governance;

(e) Lacks measures to ensure that constitutional protections for women and girls supersede traditional norms and customs, as the test of reasonability set forth in article 15.5 of its Constitution allows for a court to consider traditional standards, values and practices in determining whether a law or act is "reasonably justifiable in a democratic society".

15. **The Committee recommends that the State Party:**

(a) **Develop a definition of discrimination against women that encompasses direct and indirect discrimination, de facto and de jure equality and intersecting forms of discrimination in the public and private spheres in accordance with articles 1 and 2 of the Convention, as well as with article 2 (e), which addresses the accountability of State Parties and non-State Parties such as private actors and businesses, and align article 27 (3) of the Constitution with the Convention;**

(b) **Conduct a comprehensive review of legislation to identify and remove discriminatory and outdated provisions that are incompatible with the Convention;**

(c) **Develop effective mechanisms to ensure the equal and inclusive representation of women, including younger women and women from the outer islands, in the interpretation of constitutional guarantees of equality under the law, and involve women in the constitutional design of the State, including in**

those issues related to the separation of powers, as it relates to the vision of Tuvalu regarding existence in perpetuity;

(d) **Conduct a review of the Constitution and legislation to strengthen gender-inclusive provisions where necessary;**

(e) **Ensure that constitutional guarantees of equality supersede any contrary traditional norms and customs; leverage collective spaces such as the national forum with traditional leaders and the upcoming 2025 National Forum on Shared Leadership to foster discussions on upholding women's and girls' rights under parallel legal systems; conduct trainings to harmonize the Constitution (including article 15.5) with the Convention; and ensure that Constitutional and legislative frameworks are interpreted so that traditional standards are reconciled with the Convention.**

16. The Committee notes the launch in 2021 of the Te Ataeao Nei Project (Future Now Project), an initiative to create a digital twin (i.e. a virtual representation) of Tuvalu as a response to climate change and rising sea levels. With the launch of the first-ever digital State, Tuvalu has the potential to pioneer best practices regarding digital space and to provide stronger protections in potentially high-risk areas. However, the Committee is concerned that the State Party has not developed a human rights and accountability framework for its digital State-building, nor has it integrated a gender perspective into the process.

17. **The Committee recommends that the State Party:**

(a) **Protect the right to self-determination of the Tuvaluan people, including women and girls, and the sovereignty of the State with respect to the metaverse and ensure that the involvement of all private contractors and enterprises in the development of the State's digital twin abide by the Guiding Principles on Business and Human Rights;**

(b) **Develop a framework for digital governance and cybersecurity that protects the rights of women and girls, including their right to privacy;**

(c) **Ensure that women and girls are at the forefront in shaping the new digital landscape; incorporate a gender perspective into its digital framework; and make the Convention, and the Committee's general recommendations and concluding observations available in the State Party's digital twin;**

(d) **Implement safeguards to protect the rights to freedom of association, expression and speech and media freedom in the metaverse.**

Women's access to justice

18. The Committee notes that women head key government institutions such as the Office of the Attorney General and the Auditor General, and that they make up 53 per cent of magistrates. However, it notes with concern:

(a) Women's limited access to justice due to the scarcity of courts, prosecutors' offices and judicial officers to deal with complaints brought by them, including women with disabilities, particularly in the outer islands, where no judges, prosecutors or legal practitioners are permanently stationed;

(b) That there is a need to increase references to the legal authority of the Convention and transnational human rights obligations in judgments and court proceedings in the State Party;

(c) The absence of an effective legal aid and public defence system and the lack of information on how existing institutions and mechanisms, such as court circuits, the Court Registrar or the People's Lawyer, ensure women's access to justice;

(d) The need for comprehensive capacity-building for the judiciary and law enforcement on women's rights, gender-sensitive due process rights in investigations, and fair trial methods;

(e) The impact of gender bias and patriarchal and sexist attitudes in the judiciary;

(f) The lack of domestic implementation of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);

(g) The need for guardrails to protect women against arbitrary detention and prosecution;

(h) The lack of judicial remedies available to women and girls in the digital State.

19. **The Committee recommends that the State Party:**

(a) **Remove barriers to access to justice for women and girls, particularly those in outer islands, by increasing the regular presence of the judiciary and deploying mobile legal aid clinics that are culturally sensitive, and improve access to justice for women with disabilities by ensuring the provision of procedural and age-appropriate accommodation and sign language interpretation in legal proceedings;**

(b) **Continue to promote the appointment of women judges at all levels of the judiciary;**

(c) **Establish a comprehensive legal aid system that is responsive to the needs of women and track its effectiveness;**

(d) **Provide regular and mandatory capacity-building on women's human rights as well as on a gender-sensitive, victim-centred and trauma-informed justice system;**

(e) **Build on good practices such as the national forum with traditional leaders to address cultural barriers that discourage women from accessing justice;**

(f) **Develop action plans to implement the Nelson Mandela Rules and the Bangkok Rules;**

(g) **Take immediate steps to protect women against arbitrary detention and prosecution and to guarantee their right to a fair trial;**

(h) **Provide judicial remedies to women and girls in the metaverse and ensure that the digital State serves as a transformative tool for empowering women and promoting their access to justice.**

National machinery for the advancement of women

20. The Committee notes that the statement of 21 priorities for the new Government of Tuvalu, issued following the 2024 national general elections, refers to the inclusion of women. However, it notes with concern:

(a) The lack of gender mainstreaming and of an intersectional perspective across all its policies and programmes and the lack of monitoring and evaluation mechanisms for gender-related policies;

(b) The insufficient financial, technical and human resources for the Gender Affairs Department to effectively deliver on its broad mandate;

(c) The lack of information on the work of the national coordination committee established in 2014 to monitor the implementation of the Convention and promote gender equality;

(d) The lack of mechanisms to ensure that the digital sphere does not replicate and amplify pre-existing inequalities and gender biases in the State Party.

21. **The Committee recommends that the State Party:**

(a) **Mainstream gender and intersectionality across all its policies and programmes, ensure regular monitoring and evaluation of gender-related policies and apply gender-responsive budgeting;**

(b) **Provide adequate human, technical and financial resources so that the Gender Affairs Department is able to effectively deliver on its broad mandate;**

(c) **Establish an effective mechanism for the implementation of the concluding observations of the United Nations human rights treaty bodies and involve organizations promoting women's rights and gender equality in the work of the mechanism, with consideration given to the four key capacities of a national mechanism for reporting and follow-up, namely engagement, coordination, consultation and information management;**

(d) **While developing a digital-State portal, ensure that the metaverse does not replicate existing gender inequalities and biases.**

National human rights institution

22. The Committee notes the issuance of the National Human Rights Institution of Tuvalu Act (2017). However, it notes with concern that the State Party has not yet established a national human rights institution pursuant to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles; see General Assembly resolution 48/134, annex).

23. **The Committee recommends that the State Party expedite the establishment of an independent national human rights institution in line with the Paris Principles and provide it with adequate human, technical and financial resources and a strong mandate to protect and promote women's rights and gender equality, ensuring that it is accessible to all women and girls, including women with disabilities and women in outer islands.**

Temporary special measures

24. The Committee notes that a discussion on temporary special measures took place during the parliamentarians' dialogue on gender equality but remains concerned by the strong resistance to temporary special measures.

25. **The Committee recommends that the State Party:**

(a) **Build on collective spaces such as the National Forum on Shared Leadership and the national forum with traditional leaders to raise awareness about the non-discriminatory nature and the importance of temporary special measures as a tool to achieve substantive equality of women and men;**

(b) **Adopt temporary special measures, such as quotas, the preferential recruitment and promotion of women and gender-responsive public procurement, with time-bound targets, to accelerate the achievement of substantive equality of women and men in all areas under the Convention where women are underrepresented or disadvantaged, including in new technologies.**

Gender stereotypes

26. The Committee notes the alignment between traditional Tuvaluan values such as *aava* (respect) and *alofa* (deep concern and affection) and the Convention, and it also acknowledges that cultural norms differ from island to island. However, it notes with concern the persistence of gender stereotypes and patriarchal attitudes that discriminate against women and girls and hinder the full enjoyment of their rights.

27. **The Committee recommends that the State Party build on knowledge-sharing and collective values to devise a national narrative and strategy on the equality of women, men, girls and boys at all levels of society and on the need to eliminate patriarchal attitudes and gender stereotypes and ensure that responsibilities are shared equally by women and men in the family and in society, including in community-based spaces and religious and canonical spaces, and provide sufficient resources for its implementation and monitoring.**

Harmful practices

28. The Committee notes with concern reports of non-consensual sterilizations performed on women and girls with disabilities, often at the request of their families.

29. **The Committee urges the State Party to eradicate the practice of nonconsensual sterilization of women and girls with disabilities, including those with intellectual and/or psychosocial disabilities, and ensure that no medical interventions are performed on them without their free, prior and informed consent.**

Gender-based violence against women

30. The Committee notes with concern:

(a) Statistical data that show that 44 per cent of women in Tuvalu have experienced intimate partner violence, but that only one in three survivors seeks help, mainly due to cultural stigma, a lack of access to specialized services and a lack of social awareness of the Family Protection and Domestic Violence Act (2014) and its legal protections, all of which contributes to the continuing social legitimization of gender-based violence against women within a significant portion of society;

(b) The absence of comprehensive legislation addressing all forms of gender-based violence and sexual harassment, and the failure to criminalize marital rape;

(c) The lack of adequate support services for women survivors of gender-based violence, including women with disabilities, rural women and women in outer islands;

(d) The limited involvement of women survivors and civil society organizations in developing legislation and policies to eradicate gender-based violence and mechanisms to protect free, voluntary and affirmative consent to sexual relations;

(e) The lack of mechanisms to protect and monitor the situation of women survivors of gender-based violence relocated from Tuvalu as part of the Australia-Tuvalu Falepili Union;

(f) The criminalization of incest victims from the age of 18;

(g) The need for greater attention to cyberviolence and technology-facilitated gender-based violence, including the non-consensual distribution of intimate images, online child grooming, “revenge porn”, deepfake and artificial intelligence-generated non-consensual pornography, gender-based cyberbullying and other cyberattacks targeting women in the digital State.

31. **The Committee recommends that the State Party:**

(a) **Urgently implement awareness campaigns to sensitize religious and traditional leaders, and the community at large, about the criminal nature of domestic violence, to challenge cultural norms and practices that legitimize it and to encourage the reporting of cases;**

(b) **Adopt comprehensive legislation addressing all forms of gender-based violence and sexual harassment in all settings, including intrafamily sexual abuse, and criminalize marital rape;**

(c) **Enhance legal and victim support services, increase funding for civil society organizations that provide them and ensure that they are accessible to women and girls with disabilities, rural women and women in outer islands;**

(d) **Develop mechanisms for the participation of survivors and all women’s organizations in the development of public policies to eradicate gender-based violence, and protect free, voluntary and affirmative consent in sexual relations;**

(e) **Ensure the protection of and monitor the situation of women survivors of gender-based violence relocated from the State Party under the Australia-Tuvalu Falepili Union;**

(f) **Repeal the criminalization of victims of incest and take all necessary measures to eradicate intrafamily sexual abuse against women and girls;**

(g) **Develop procedures and due diligence mechanisms in the digital-State portal and digital platforms to prevent all forms of technology-facilitated gender-based violence, including through regulations that explicitly penalize such offences, such as deepfake pornography and the non-consensual sharing of intimate images; set up mechanisms to hold social media platforms and online distributors accountable for failing to report, delete or block criminal content from their platforms; and ratify the United Nations Convention against Cybercrime; Strengthening International Cooperation for Combating Certain Crimes Committed by Means of Information and Communications Technology Systems and for the Sharing of Evidence in Electronic Form of Serious Crimes (2024).**

Trafficking and exploitation of prostitution

32. The Committee notes with concern:

(a) The absence of legislation on domestic trafficking, in particular in women and girls, with appropriate sentences;

(b) That the State Party has not adopted a national action plan on trafficking nor a plan for accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(c) The lack of continuous capacity-building for the Office of the Attorney General and law enforcement on the strict application of criminal law provisions on trafficking and on gender-responsive and victim-centred investigation and interrogation methods in trafficking cases;

(d) The lack of procedures for the early identification of and referral to appropriate services for trafficking victims, and that labour inspections are not conducted regularly in high-risk sectors of employment;

(e) The need for heightened awareness that cyberspace serves as a platform for cybercrimes and the targeting of trafficking victims and that social media platforms such as Facebook, Snapchat, WhatsApp and Xbox Live have also been used for recruitment, largely of women and children, through either direct messaging or "catfishing";

(f) The absence of measures to prevent and protect women and girls from trafficking in the implementation of work schemes under the Pacific Australia Labour Mobility scheme;

(g) That women in prostitution are criminalized in the State Party.

33. **The Committee recommends that the State Party:**

(a) **Adopt legislation specifically criminalizing domestic trafficking, including in women and girls, with appropriate sentences, and accede to the United Nations Convention against Transnational Organized Crime and its Protocols, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;**

(b) **Develop a national action plan on trafficking and allocate adequate human, technical and financial resources for its effective application across all islands;**

(c) **Provide regular and mandatory capacity-building to judges, prosecutors and law enforcement on the strict application of criminal law provisions on trafficking and gender-responsive and victim-centred investigation and interrogation methods in trafficking cases, and systematically collect disaggregated data on investigations, prosecutions and convictions in trafficking cases;**

(d) **Strengthen the early identification and referral of women and girl victims of trafficking to appropriate services and establish a programme for regular labour inspections in high-risk sectors of employment;**

(e) **Intensify efforts to combat cybercrimes related to trafficking of women and girls, adopt a strategy to address the recruitment of victims through cyberspace and social media and provide effective protection to victims;**

(f) **Monitor the recruitment of workers, in particular women, under the Pacific Australia Labour Mobility scheme;**

(g) **Decriminalize women in prostitution, implement measures to reduce the demand for prostitution and strengthen exit programmes for women who wish to leave prostitution.**

Equal participation in political and public life

34. The Committee notes that both high commissioners and all six first secretaries in the Ministry of Foreign Affairs are women and that women hold key positions in the climate change department, led by a woman permanent secretary. However, it notes with concern:

(a) That cultural norms and societal expectations limit women's participation in political life, that only one of the eight island councils (*kaupule*) is led by a woman president and that women account for only 17 per cent of *kaupule* membership;

(b) That the current composition of the 16-member Parliament of Tuvalu comprises no women parliamentarians;

(c) That women hold only 37 per cent of senior leadership positions in the Government, and that there are still no women in the Ministerial Cabinet or the State Council;

(d) Women's limited participation in strategic partnerships with other States and international organizations for the implementation of climate-induced relocations;

(e) The targeting of women public and political leaders, human rights defenders, politicians and journalists with online misinformation and disinformation campaigns;

(f) The lack of measures to address the risks of reliance on digital platforms, which could exacerbate the challenges women face with respect to political participation, and to ensure women's equal participation in the digital sphere.

35. **The Committee recommends that the State Party:**

(a) **Implement campaigns to counter cultural norms and address stereotypes that restrict women's political participation, especially in leadership positions, and increase women's participation in *kaupules*;**

(b) **Introduce temporary special measures, such as statutory quotas and a requirement for political parties to nominate equal numbers of women and men candidates on their electoral lists and at equal ranks, to increase women's representation in Parliament and in the *kaupules*, with a view to reaching parity;**

(c) **Promote understanding of the importance of women's equal representation in political and public life, including in traditional and local bodies, and establish parity quotas for women's equal representation in the Government, including at the ministerial level, and in the State Council;**

(d) **Increase the presence of women in decision-making on climate change mitigation strategies and climate-induced migration initiatives at all levels;**

(e) **Ensure that digital platforms do not spread misinformation and disinformation that can hinder women's political participation; develop a gender-sensitive strategy to prevent and investigate cases of misinformation and disinformation targeting women in the online space; and address the gender digital divide so that women can participate on an equal basis with men in the digital economy and the digital sphere.**

Women and peace and security

36. The Committee underscores that climate justice is a cornerstone of the women and peace and security agenda and cautions the State Party against promoting displacement as a solution to climate change and rising sea levels. It also notes that, in 2023, the State Party entered into the Australia-Tuvalu Falepili Union, which recognizes the existential threat posed by climate change and rising sea levels and provides a pathway for a set number of Tuvaluans annually to settle in Australia. However, the Committee notes with concern that the State Party has yet to consider women's representation and involvement in this settlement programme, and notes the lack of a national action plan on women and peace and security.

37. **The Committee recommends that the State Party develop a national action plan for the implementation of Security Council resolution 1325 (2000) and its nine other resolutions on women and peace and security and disseminate it to all communities and women in all the islands.**

Nationality

38. The Committee notes the removal of several discriminatory provisions from the Citizenship Act 2009. However, it notes with concern:

(a) Persistent practical barriers faced by Tuvaluan women in obtaining Tuvaluan nationality for their children born abroad;

(b) The burdensome and reportedly discriminatory application process for Tuvaluan women to obtain a passport;

(c) That potential large-scale migration from Tuvalu due to rising sea levels and climate change poses significant risks to Tuvaluan nationality for women, men, girls and boys, in legal terms and for their identity;

(d) The lack of measures to protect nationality rights in the digital State, including for women.

39. **The Committee recommends that the State Party:**

(a) **Review its administrative practices to eliminate any residual gender bias in nationality documentation and adjudication;**

(b) **Provide gender-responsive training to relevant public officials and ensure equal treatment of women and men in passport application procedures;**

(c) **Implement policies that ensure the right to nationality for women, girls and boys in large-scale migration situations;**

(d) **Develop a framework that protects women's nationality under the digital State and upholds equal rights for all Tuvaluans, regardless of birth circumstances, and streamline birth registration through digital mechanisms to guarantee the recognition of all children, including those born out of wedlock.**

Education

40. The Committee notes with concern:

(a) That the State Party has not incorporated mandatory disaster risk management and climate change instruction in its educational curriculum at all levels, which is particularly relevant in view of the existential risk that rising sea levels and climate change pose to Tuvalu;

(b) The low level of participation of girls in technical and vocational education, particularly in fields related to climate change;

(c) That the Education Act allows for discretion in school registration on the basis of the sex of students, which can reinforce gender disparities;

(d) Girls' lower enrolment rates in early childhood education, and that girls from low-income families are particularly affected by its costs;

(e) The expulsion of pregnant adolescent girls from schools, which limits their educational and future employment opportunities;

(f) The challenges faced by girls and women, including women and girls with disabilities, in obtaining menstrual hygiene products in schools;

(g) The limited access to education for women and girls with disabilities;

(h) The lack of measures to address cyberbullying, digital violence and artificial intelligence-driven deepfakes among adolescents and to ensure digital literacy among girls and women.

41. **The Committee recommends that the State Party:**

(a) **Incorporate mandatory disaster risk management at all levels of education and ensure that students are educated on climate change on the basis of the best available scientific knowledge and the traditional knowledge of Indigenous Peoples and local knowledge systems, in accordance with the Paris Agreement;**

(b) **Encourage girls and women to choose non-traditional fields of education and career paths, including in science, technology, engineering and mathematics, and develop programmes to increase their participation in fields related to climate change;**

(c) **Amend the Education Act to include criteria that promote rather than hamper the registration of girls in school and remove any gender stereotypes from the school curriculum and learning materials by incorporating, inter alia, gender equality at all levels of education;**

(d) **Expand access to free or subsidized early childhood education for girls, particularly those from low-income families;**

(e) **Abolish the practice of expelling pregnant adolescent girls from school, ensure the reinsertion of young mothers into the formal education system and provide age-appropriate sexual and reproductive health education, including on responsible sexual behaviour, modern forms of contraception and sexually transmitted diseases, at all levels of education;**

(f) **Ensure adequate menstrual hygiene management, the free distribution of sanitary napkins, and adequate water, sanitation and hygiene facilities in all educational institutions, and ensure that they are disability-inclusive;**

(g) **Guarantee access to education for girls and women with disabilities by providing educational facilities that are accessible and equipped with the necessary learning materials and assistive devices, and provide reasonable accommodation by ensuring that distance learning platforms and materials are fully accessible to girls and women with disabilities and by recruiting teachers with disabilities;**

(h) **Address cyberbullying, digital violence and artificial intelligence-driven deepfakes among adolescents; ensure the availability of wireless Internet and community computer hubs; and integrate data privacy and digital ethics into education systems.**

Employment

42. The Committee notes with concern:

(a) The low labour force participation of women, their overrepresentation in informal employment and unpaid household work, and the lack of measures to ensure access to employment for women with disabilities;

(b) That the Employment Act precludes women from night work and work in mining, and that the Prisons Act restricts women to jobs deemed “suitable for women”;

(c) The persistent horizontal and vertical segregation in both the public and private sectors, reinforcing women’s concentration in traditional sectors such as clerical work, domestic services and handicraft production;

(d) That parental leave for men is limited to 10 days, whereas women receive 12 weeks;

(e) The lack of measures to ensure employment opportunities within the digital State for women.

43. **The Committee recommends that the State Party:**

(a) **Facilitate the transition of women from informal to formal employment; ensure that labour protection and social protection cover women in the informal economy and in unpaid work and self-employed women; and enhance access to employment by women with disabilities;**

(b) **Repeal all provisions, including in the Employment Act and the Prisons Act, that restrict women's access to certain occupations;**

(c) **Eliminate horizontal and vertical occupational segregation and promote women's employment in non-traditional sectors;**

(d) **Extend the period of paternal leave for men to promote the equal sharing of family responsibilities between women and men;**

(e) **Integrate traditionally women-dominated occupations, including handicrafts and domestic services, into the digital economy and digital sphere to preserve women's cultural heritage, and implement campaigns targeting boys and men to promote their participation in traditionally female-dominated sectors, thereby contributing to a less biased economic environment and digital State.**

Health

44. The Committee notes the significant reduction in maternal and infant mortality in the State Party. It nevertheless notes with concern:

(a) The short life expectancy of women (66 years), women's high obesity rates (71 per cent) and high anaemia rates among pregnant women (29 per cent) and children under 5 years of age (61per cent), according to health indicators;

(b) Geographic disparities in the provision of primary and preventive health services, particularly for women living in the outer islands, and that the dependence on Government-funded overseas treatment results in reduced budgetary allocations for the State Party's health system;

(c) The limited access by women, in particular adolescent girls and women with disabilities, to sexual and reproductive health services; the lack of gynaecological and obstetric services in outer islands; and the unavailability of free and affordable breast and cervical cancer detection and treatment in the State Party;

(d) The criminalization of abortion in the State Party, except in cases where the pregnant woman's life is at risk;

(e) The lack of a mental health strategy in the State Party, which is particularly important in view of the impact of climate change, which disproportionately affects women and girls;

(f) The lack of adequate provision for women's sexual and reproductive health rights within the digital State.

45. **The Committee recommends that the State Party:**

(a) **Develop gender-sensitive policies that enhance all aspects of healthcare for women and that improve their health indicators, including life expectancy;**

(b) **Strengthen and expand primary and preventive health services, particularly for the most frequent diseases; ensure that all women have affordable and, if necessary, free access to prevention, education, screening and**

treatment of breast and cervical cancer and to human papillomavirus vaccines; and ensure that overseas treatment does not decrease funding for the State Party's healthcare system;

(c) **Ensure that women have affordable access to sexual and reproductive health services and information, including with respect to family planning, safe abortion and post-abortion services and modern contraceptives, in particular in outer islands;**

(d) **Legalize abortion in cases of rape, incest, risk to the health or life of the pregnant woman and severe foetal impairment, and decriminalize it in all other cases, with a view to legalizing voluntary, safe and accessible abortion;**

(e) **Develop an intersectional and gender-responsive mental health policy that addresses the impact of climate change on women's mental health, and ensure that psychiatrists and psychologists are available and are deployed to all parts of the State Party, including outer islands;**

(f) **Ensure women's sexual and reproductive health rights within the digital State.**

Economic empowerment of women

46. The Committee commends the State Party for eliminating legal barriers to women's access to bank loans, mortgages and financial credit. However, it notes with concern:

(a) Persistent traditional and cultural norms hindering the equal participation of women, especially Indigenous and rural women, in social and economic life;

(b) The absence of government-supported microfinance or entrepreneurship programmes targeting women, especially in outer islands, as well as the lack of gender-disaggregated data on women's access to financial services and social benefits;

(c) The lack of policies to promote the participation of women in recreational activities, cultural life and sports, including traditionally male-dominated sports;

(d) The lack of legal recognition and protection of women's intergenerational cultural heritage and traditional knowledge.

47. **The Committee recommends that the State Party:**

(a) **Remove all remaining legal, societal and cultural barriers to women's equal participation in social and economic life;**

(b) **Develop the electronic economy, mobile money and financial technology (fintech) schemes and entrepreneurship and financial literacy programmes for women; partner with financial institutions to introduce gender-responsive electronic commerce and credit policies, including low-interest loans without collateral; encourage the development of mobile and digital banking tools to reach women with limited mobility or infrastructure access; and collect gender-disaggregated data on women's access to financial services and social benefits;**

(c) **Promote the participation of women and girls in cultural life and in recreational and professional sports, including in outer islands and in traditionally male-dominated sports, as well as in leadership roles in sports; enhance funding for and investment in women-dominated sports; train more women in sports-related managements skills; and ensure that women in sports enjoy economic autonomy, financial well-being and a healthy living;**

(d) **Legally recognize and protect women's cultural heritage and traditional knowledge, and implement the Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge of the World Intellectual Property Organization.**

Climate change and disaster risk reduction

48. The Committee underscores the inextricable link between the environment and women's human rights and also underscores that the State Party's obligations under the Convention demand active climate action, compliance with the State Party's duties to the future and the ensuring of intergenerational equity. The Committee notes with concern:

(a) The need to solidify the State Party's leadership on the global stage in strengthening the implementation of international law and State accountability for greenhouse gas emissions and the need to involve women in the implementation of article 4 of the Paris Agreement, in which States Parties are called upon to use their highest ambition to make meaningful, successively progressive contributions to the overall temperature goal of 1.5°C above pre-industrial levels;

(b) The lack of domestic implementation of the United Nations Convention on the Law of the Sea to prevent and address transboundary harm caused by climate change and rising sea levels and of the provisions of the United Nations Framework Convention on Climate Change and the Paris Agreement regarding effective and progressive action against the urgent threat of climate change on the basis of the best available science and regarding protection of the rights to food, water and a clean environment as part of women's and girls' rights in the context of climate change;

(c) The need for a domestic strategy so that Tuvalu is able to comply with its shared due diligence obligations to conduct environmental impact assessments and nationally determined contributions and to engage more women in climate adaptation and mitigation, including younger women, who are most likely to be affected by a climate crisis;

(d) The lack of mechanisms to ensure that women and girls, including those with disabilities and those in rural areas, are involved in decision-making related to climate change, disaster risk management, climate finance and cultural heritage preservation;

(e) The absence of gender-responsive and disability-inclusive early warning mechanisms, including in the Tuvalu Meteorological Service, and accessible evacuation centres;

(f) The lack of disaggregated data on women who have resettled in Australia under the Australia-Tuvalu Falepili Union and of information on relocation procedures for women with disabilities and other women facing intersecting forms of discrimination who wish to relocate;

(g) The need to raise awareness about the extraterritorial application of human rights in cases of transboundary harm provoked by climate change and the need to domesticate the recent views adopted by the Human Rights Committee in *Teitiota v. New Zealand* (communication No. 2728/2016).

49. **The Committee recommends that the State Party:**

(a) **Solidify its leadership at the international and regional levels to combat climate change and rising sea levels, and implement the best available science principle in the sustained reduction of greenhouse gas emissions in a national action plan on women and peace and security;**

(b) **Implement at the domestic level the advisory opinion of the International Tribunal for the Law of the Sea that addresses transboundary harm and human rights violations stemming from climate change and rising sea levels; take effective and progressive action against the urgent threat of climate change; ensure compliance with the Paris Agreement; and address the rights to food, water and a clean environment as human rights, especially in relation to women's and girls' rights in the context of climate change;**

(c) **Develop a domestic strategy to comply with its shared due diligence obligations to undertake environmental impact assessments and nationally determined contributions in line with the Committee's general recommendation 37 (2018), and develop a domestic strategy to promote the engagement of women in climate adaptation and mitigation;**

(d) **Ensure that women and girls, including those with disabilities and those in rural areas, are equally represented in decision-making related to disaster risk management and climate finance, including in the Strengthening the Tuvalu Survival Fund project, the project for ecosystem-based adaptation for improved livelihoods in Tuvalu and the climate-proof housing project, as well as in cultural heritage preservation, environmental impact assessments and efforts of the State Party to lead globally on these issues;**

(e) **In consultation with women with disabilities, develop gender-responsive and disability-inclusive disaster risk reduction policies, early warning systems, including for the Tuvalu Meteorological Service, and accessible evacuation centres;**

(f) **Systematically compile data on the number of women that have been relocated under the Australia-Tuvalu Falepili Union, disaggregated by age, ethnicity and disability status;**

(g) **Raise awareness about the extraterritorial application of human rights in cases of transboundary harm provoked by climate change and domesticate the recent views adopted by the Human Rights Committee in *Teitiota v. New Zealand* (communication No. 2728/2016), particularly concerning the applicability of the non-refoulement principle in the context of both climate change and sea-level rise.**

Women with disabilities

50. The Committee notes with concern:

(a) The prevalence of the medical model of disability in the State Party, including for purposes of identification and certification (mild, medium and severe) of disabilities, and that the State Party retains colonial-era laws that refer to persons with disabilities, including women and girls, as "imbeciles", "idiots" and of "unsound mind";

(b) The lack of a plan for addressing the conclusions of the 2018 *Tuvalu Study on People with Disability* of the Australian Department of Foreign Affairs and Trade and the Pacific Women Shaping Pacific Development programme;

(c) Reports that women with intellectual and/or psychosocial disabilities have been placed in prisons along with persons convicted of crimes;

(d) The absence of capacity-building programmes on leadership skills for women and girls with disabilities;

(e) That the State Party has made no provision for the inclusion of women and girls with disabilities in the development of its digital twin.

51. **The Committee recommends that the State Party:**

(a) **Adopt the human rights model of disability and ensure that it is applied in an intersectional manner, and repeal all legislation that uses outdated and derogatory language in relation to persons with disabilities, including women and girls with disabilities;**

(b) **In close consultation with women with disabilities, develop a plan of action for addressing the conclusions of the 2018 *Tuvalu Study on People with Disability*;**

(c) **Refrain from imprisoning persons, including women and girls, on the basis of disability and immediately release those imprisoned on such basis;**

(d) **Implement leadership programmes for women and girls with disabilities and promote their participation in political life and decision-making at all levels;**

(e) **Ensure that women and girls with disabilities meaningfully participate in shaping the new digital landscape and that all aspects of the digital State are disability-inclusive.**

Marriage and family relations

52. The Committee notes with concern:

(a) Discriminatory laws and practices regarding land ownership and inheritance that favour male heirs, and the persistence of legal and cultural obstacles to women's equal rights in marriage and family relations, including in relation to child custody and adoption;

(b) The criminalization of same-sex relations;

(c) The persistence of the practice of child marriage, and societal pressure on women to consent to a proposed marriage, thus restraining the possibility of separating from their husbands and filing for divorce;

(d) The lack of mechanisms for the protection of women's equal rights in marriage and family relations in the digital space.

53. **The Committee recommends that the State Party:**

(a) **Repeal all discriminatory laws and overcome cultural barriers restricting women's access to land ownership and inheritance, as well as discriminatory provisions in marriage and family relations;**

(b) **Decriminalize consensual same-sex relations between adults;**

(c) **Strictly enforce the legal minimum age of marriage of 18 years, without exception; destigmatize women who separate from and divorce their husbands, and protect women seeking divorce from reprisals; raise awareness about the criminal nature of child and forced marriage; and strengthen women's autonomy in marital decisions;**

(d) **Increase the protection of women's equal rights in marriage and family relations in the digital space by establishing a centralized, accessible online repository for civil rights information that specifically addresses women's rights; provide online divorce resources; and ensure compliance with the legal age of marriage through digital monitoring.**

Data collection and analysis

54. The Committee notes with concern the lack of sex-disaggregated data collection in many areas relevant to the implementation of the Convention.

55. **The Committee recommends that the State Party develop a system for the collection of comprehensive, sex-disaggregated, intersectional and disability-inclusive data covering all areas under the Convention and include such data in its next periodic report.**

Optional Protocol to the Convention and amendment to article 20 (1) of the Convention

56. **The Committee encourages the State Party to ratify, as soon as possible, the Optional Protocol to the Convention and to accept the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

Beijing Declaration and Platform for Action

57. **In view of the thirtieth anniversary of the Beijing Declaration and Platform for Action, the Committee calls upon the State Party to reaffirm its implementation and to re-evaluate the realization of the rights enshrined in the Convention in order to achieve substantive equality between women and men.**

Dissemination

58. **The Committee requests the State Party to ensure the timely dissemination of the present concluding observations, in the official languages of the State Party, to all State institutions, including the traditional governing authority on each of the islands of Tuvalu (the *Falekaupule*), as well as to traditional and religious leaders and civil society, in particular women's organizations.**

Ratification of other treaties

59. **The Committee encourages the State Party to ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a Party.**

Follow-up to the concluding observations

60. **The Committee requests the State Party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 15 (e), 31 (f), 49 (a) and (b) and 51 (c) above.**

Preparation of the next report

61. **The Committee will establish and communicate the due date of the seventh periodic report of the State Party in line with a future clear and regularized schedule for reporting by States Parties (see General Assembly resolution 79/165, para. 6) and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State Party. The next periodic report should cover the entire period up to the time of its submission.**

62. **The Committee requests the State Party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines**

on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).