



PALAIS DES NATIONS – 1211, GENEVA 10, SWITZERLAND

26 June 2024

Sir,

I have the honour to refer to the fourth cycle review of Tuvalu by the Universal Periodic Review (UPR) Working Group at its 44th session in November 2023. As the final outcome report on the review of Tuvalu was recently adopted by the Human Rights Council at its 55th session, I have taken note of the efforts of your Government to implement specific recommendations since the previous review.

A matrix of thematically clustered recommendations, starting with those supported by your Government, is available at OHCHR's website (<https://www.ohchr.org/en/hr-bodies/upr/tv-index>) and should be considered as part of this letter. The matrix indicates the recommending State and links each recommendation to relevant Sustainable Development Goals (SDGs).

In annex, I have also attached my Office's observations in light of the outcome of the fourth cycle of the UPR. In line with previous practice, I will be sending similar observations to all Member States once their fourth cycle UPR outcome is adopted by the Human Rights Council, with a view to follow-up action in close cooperation with national entities and other stakeholders.

I take this opportunity to draw your attention to the support available through the Voluntary Fund for UPR Implementation, which may be activated at the request and with the consent of a concerned State, along with tools such as the "UPR practical guidance" and the "UN good practices" repository on how the UPR process supports sustainable development, available at <https://www.ohchr.org/en/hr-bodies/upr/upr-main>, with a view to facilitating efforts to implement UPR recommendations in line with the SDGs.

Please accept, Sir, the assurances of my highest consideration.

Volker Türk

His Excellency
Mr. Paulson Panapa
Minister for Justice, Communication
and Foreign Affairs of Tuvalu



Observations in light of the outcome of the fourth cycle of the Universal Periodic Review

Noteworthy developments in Tuvalu include the 2023 constitutional review leading to the prohibition of discrimination on the grounds of sex and disability, the launch of the National Human Rights Action Plan, the provision of free public healthcare, and the repeal of provisions in the national legislation permitting corporal punishment for children in conflict with the law.

Given the particular challenges posed to Tuvalu as a small island developing State by the impacts of climate change, its active role nationally, regionally, and globally to address the causes of climate change and to promote climate adaptation and mitigation efforts are commendable, including through the National Climate Change Policy 2020–2030.

Tuvalu is strongly encouraged to take steps towards the ratification of all the outstanding core treaties with a view to establishing the framework for the fuller realization of human rights of its people. OHCHR stands ready to provide technical support in this effort if so requested.

Concern has been registered about discriminatory provisions in legislation, notably the Tuvalu Lands Code 1962 and the Native Lands Act 1956, which reportedly discriminate against women and girls regarding land inheritance rights and child custody. A review and reform of corresponding laws is thus urged to ensure their compatibility with the principle of non-discrimination enshrined in international human rights law, and particularly to ensure equal rights for women. Tuvalu is also encouraged to consider de-criminalizing consensual same-sex sexual relations and adopting policy and legal measures to combat related discrimination, with a view to safeguarding the rights of persons with diverse sexual orientations and gender identities.

Tuvalu is also encouraged to develop an implementation plan in follow up to the UPR outcome, in close consultation and cooperation with all stakeholders, in particular the parliament, the judiciary, local and regional governments, and civil society organizations. The matrix may be of use in the development of such an implementation plan. The Government is encouraged to explicitly link each UPR recommendation to corresponding recommendations from other international and regional human rights mechanisms and to the relevant SDG and its targets. This will, in turn, facilitate the creation of synergies between UPR implementation and SDG-related actions and reporting within the context of the Voluntary National Review (VNR).

The Government is further encouraged to establish a national mechanism for reporting and follow-up, with the aim of ensuring a coordinated and effective approach to reporting to international human rights mechanisms, and to implementing the recommendations, in line with the guidance provided by OHCHR following regional consultations and the High Commissioner's report to the Human Rights Council



(A/HRC/50/64). Tuvalu is encouraged to seek technical cooperation and capacity building support from the OHCHR Pacific Regional Office for the effective follow-up to the UPR outcome and the strengthening of its national mechanism for reporting and follow-up.

Further, an important measure that could positively contribute to follow-up action is voluntary mid-term UPR reporting. All Member States are encouraged to submit a voluntary mid-term UPR report in about two years after the adoption of the UPR outcome. In this regard, the Government of Tuvalu may wish to consider submitting a mid-term report on follow-up to the fourth cycle UPR recommendations by 2026, detailing both implementation efforts as well as challenges to implementation, including the possible need for technical or capacity-building assistance.

OHCHR
26 June 2024