



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Tuvalu*

A. Purpose and general obligations (arts. 1–4)

1. Please provide:

(a) Information on the mechanisms used to ensure that persons with disabilities, through their representative organizations, including those on the outer islands, are involved in legislative and policy decision-making processes;

(b) An update on the constitutional review and any potential amendments, and measures taken to review legislation to ensure that it adheres to the Convention;

(c) An update on the status of the implementation of the draft Tuvalu national policy on disability, the national human rights action plan, the national youth policy and the national strategy on sustainable development, and provide information on whether outcomes achieved to date are addressing the issues raised in the 2018 Tuvalu Study on People with Disability;

(d) An update on whether the State party intends to ratify the Optional Protocol to the Convention;

(e) An update on how the State party is promoting the development of and providing support, including financial support, for the national organization of persons with disabilities and for outer island organizations of persons with disabilities.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

2. Please elaborate on measures taken to:

(a) Include disability among the prohibited grounds of discrimination in the Constitution and other legislation, and to amend terminology contained in existing laws that is not in line with the Convention;

(b) Ensure that the anti-discrimination framework encompasses all forms of discrimination on the basis of disability, including the denial of reasonable accommodation and intersectional discrimination.

Women with disabilities (art. 6)

3. Please explain how the Family Protection and Domestic Violence Act of 2014 and the national gender policy of Tuvalu effectively address the specific issues of women and girls

* Adopted by the pre-sessional working group at its sixteenth session (12–16 September 2022).



with disabilities, including the issues raised in the 2018 Tuvalu Study on People with Disability.

4. Please describe steps taken by the Gender Affairs Division to include women with disabilities in their programmes and planning and to ensure that organizations of women with disabilities participate in the development and implementation of programmes relating to gender equality, women's empowerment or other issues affecting all women and girls.

Children with disabilities (art. 7)

5. Please provide:

(a) Information on the work undertaken by the National Advisory Committee for Children's Rights to implement the rights under the Convention;

(b) Information on the legislative and policy measures to protect children with disabilities from discrimination;

(c) An update on the status of the Child Protection and Welfare Bill and indicate whether it incorporates rights under the Convention;

(d) An update on the national youth policy and describe how it includes young persons with disabilities.

6. Please describe:

(a) Measures adopted to ensure that the best interests of children with disabilities and the need to respect their evolving capacities are duly considered in mainstream policies;

(b) Specific mechanisms available to children with disabilities for expressing their views on all matters affecting them, with details of measures taken to ensure that their views are taken into consideration;

(c) Measures taken to collect data on the situation of children with disabilities.

Awareness-raising (art. 8)

7. Please clarify whether there are awareness-raising activities and campaigns, including on the outer islands, that specifically target families, local communities, villages, church and community leaders, and local support services, that are aimed at combating stigma, stereotypes, prejudices, harmful practices, deep-rooted cultural beliefs, negative attitudes, bullying, hate crimes and devaluing language against persons with disabilities, including those based on gender and age, in all areas of life.

Accessibility (art. 9)

8. Please provide information on:

(a) Measures taken to address the inaccessibility of buildings, facilities, transportation, information and communication technologies and services, including on all islands, and as acknowledged in the initial report, including the establishment of accessibility standards, the promotion of universal design and the development of relevant laws and policies for implementation and enforcement;

(b) The status of the draft building code and whether it is in line with the provisions of the Convention;

(c) Measures taken to amend the national information and communication technology policy of 2017 to ensure that accessibility issues are included.

Situations of risk and humanitarian emergencies (art. 11)

9. Please explain:

(a) How persons with disabilities are closely consulted and actively involved in decision-making and preparatory processes in disaster risk reduction efforts at the national and community levels, including on the outer islands;

(b) How persons with disabilities are included in the national climate change policy for the period 2012–2021 (known as *Te Kaniva*) and climate change mitigation plans, including in decision-making processes, and the design and implementation of strategies at the national level and in individual islands.

(c) How COVID-19 response and recovery plans included persons with disabilities.

Equal recognition before the law (art. 12)

10. Please provide information on:

(a) Measures taken to review and repeal legislation that restricts the full legal capacity of persons with disabilities on the basis of impairment, including in the Criminal Procedure Code and in section 15 (1) (b) of the Falekaupule Act;

(b) Measures taken to establish supported decision-making mechanisms and processes to ensure that people with disabilities can express their will and preference, and measures to promote awareness about supported decision-making within government, the judiciary, churches, communities and families.

Access to justice (art. 13)

11. Please provide information on measures taken by the State party to:

(a) Develop capacity and technical expertise to ensure access to justice for persons with disabilities on an equal basis with others, and to train the judiciary, legal professionals, the police and other stakeholders in working with people with disabilities who come in contact with the justice system;

(b) Provide access to free legal advice and legal aid to people with disabilities, including on the outer islands;

(c) Provide procedural and gender- and age-appropriate accommodations, such as access to alternative means of communication and court support assistants throughout legal processes;

(d) Ensure access, including physical access, to justice facilities.

Liberty and security of person (art. 14)

12. Please provide information on the measures taken to:

(a) Review and repeal any legislation, including the Mental Treatment Act, and eliminate policies and practices allowing for the deprivation of liberty of persons with disabilities on the basis of impairment, in particular persons with psychosocial and/or intellectual disabilities;

(b) Develop capacity and technical expertise to establish non-coercive, community-based mental health support services, including on the outer islands, and to counteract the need for family members to request that the police imprison people with disabilities, in particular people with psychosocial disabilities;

(c) Collect disaggregated data on persons with psychosocial and/or intellectual disabilities detained in mental health facilities.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

13. Please provide information on measures to document and prevent the use of restrictive practices, such as seclusion and chemical, physical and mechanical restraints in prisons, mental health wings and other places of detention, including detention in family homes.

Freedom from exploitation, violence and abuse (art. 16)

14. Please provide information on:

(a) The impact of the Family Protection and Domestic Violence Act of 2014 and of policy outcome 5 of the national gender policy in preventing and responding to gender-based violence experienced by women and girls with disabilities;

(b) The impact of the Child Protection and Welfare Bill, the policy for the protection of all children in educational institutions in Tuvalu and the national youth policy in preventing and responding to exploitation, violence and abuse, including corporal punishment against children with disabilities;

(c) Measures to prevent, respond to and protect against exploitation, violence and abuse of persons with disabilities, including measures to establish gender and age-appropriate monitoring and reporting mechanisms and to provide recovery, rehabilitation and protection services;

(d) Data collected on the prevalence of violence and abuse against persons with disabilities, including women, children and older persons with disabilities, and specific data on the number of women and girls with disabilities who experience gender-based violence, including sexual harassment;

(e) The mechanisms for women and girls with disabilities to report gender-based violence and to access victim support services.

Protecting the integrity of the person (art. 17)

15. Please provide information on legislative and policy measures to ensure that persons with disabilities are protected from forced treatment or forced medical interventions, including in relation to mental health treatment, and sexual and reproductive health interventions, including forced sterilization and abortion.

Living independently and being included in the community (art. 19)

16. Please provide information on initiatives taken by the State party to ensure that persons with disabilities are assisted with in-home support and personal assistance, including skills training for family members, and other community support services to enable inclusion in the community and to prevent isolation and segregation from the community.

17. Please specify the measures taken to ensure that village life, facilities and activities on all islands are accessible and responsive to the needs of people with disabilities.

Personal mobility (art. 20)

18. Please inform the Committee on measures taken to address the challenges in providing assistive devices, including suitable wheelchairs, prosthetics, glasses, crutches, commodes, hearing aids and other essential equipment, including to those on the outer islands.

19. Please provide information about training related to the use and maintenance of mobility aids and assistive devices.

Freedom of expression and opinion, and access to information (art. 21)

20. Please explain the measures taken to:

(a) Formally recognize sign language within Tuvalu, to promote sign language training and to increase the number of sign language interpreters, including on the outer islands;

(b) Increase the use and provision of accessible formats of communication, including augmentative and alternative communication, Braille and Easy Read;

(c) Ensure that information intended for the general public is provided in accessible formats and technologies;

(d) Promote freedom of expression and access to information for persons with disabilities.

Respect for home and the family (art. 23)

21. Please provide information on measures taken to:

(a) Provide gender and age-appropriate information to persons with disabilities about their right to marry and form a family, and education about parenthood, reproduction and family planning;

(b) Provide early and comprehensive information, services and support to children with disabilities and their families to prevent concealment, abandonment and neglect;

(c) Ensure that parents with disabilities are provided with child-rearing support so that their children remain in their care rather than being placed with other family members.

22. Please provide information on legislation that prevents the right to marry, parent and form a family for persons with disabilities, and on community-awareness measures about the right to marry for persons with disabilities.

Education (art. 24)

23. Please update the Committee on measures taken to:

(a) Implement the Tuvalu Education Sector Plan III in relation to inclusive education, including the development of an inclusive education policy and framework;

(b) Revise the Education Act and education policies to ensure they are in line with the Convention;

(c) Train more education personnel to implement inclusive education and to contribute to awareness-raising for students, education personnel and parents so as to address negative attitudes, stigma and bullying in schools, and promote the rights of children with disabilities to fully participate in school;

(d) Work collaboratively with the Fusi Alofa Association to plan for the transition of its students to mainstream schools with appropriate support.

24. Please provide data on the number of students with disabilities that are in mainstream schools, the number in segregated education and the number of school-age children with disabilities who do not attend school.

Health (art. 25)

25. Please provide an update on measures to ensure that persons with disabilities have access to affordable, accessible, high-quality health services, including non-coercive community-based mental health services and sexual and reproductive health services.

Habilitation and rehabilitation (art. 26)

26. Please provide an update on measures taken to address the lack of habilitation and rehabilitation support services, and on whether the Ministry of Health has considered working collaboratively with the Fusi Alofa Association on the provision of assistive devices, medication and rehabilitation, as noted in the 2018 Tuvalu Study on People with Disability.

Work and employment (art. 27)

27. Please update the Committee on measures taken to:

(a) Revise the 2017 Labour and Employment Relations Act to include the denial of reasonable accommodation in its definition of discrimination, to ensure people with disabilities receive equal remuneration for work of equal value and to ensure protection against harassment;

(b) Consider affirmative action programmes to increase employment opportunities in the civil service, as outlined in the national human rights action plan;

(c) Respond to the specific disadvantages experienced by women with disabilities in gaining and retaining employment.

28. Please provide information on the work of persons with disabilities in the informal economy, and on measures taken to protect workers in the informal economy or to enable their free transition from the informal to the formal economy.

Adequate standard of living and social protection (art. 28)

29. Please provide an update on:

(a) Policy responses to the hardship issues faced by people with disabilities, in particular women, children and older persons with disabilities living on the outer islands, as identified in the 2017 Hardship Survey and the 2018 Tuvalu Study on People with Disability;

(b) Steps taken to ensure safe access to clean water, sanitation and hygiene, including for women and girls with disabilities;

(c) Measures taken to provide accessible housing and disability-inclusive social protection programmes.

Participation in political and public life (art. 29)

30. Please provide information on measures to:

(a) Repeal sections 92 (1) (b) and 95 (1) (b) of the Constitution, which restrict the rights of persons with disabilities to be registered as electors based on their being certified as “insane” or of “unsound mind”;

(b) Ensure the right of all persons with disabilities to vote independently by secret ballot;

(c) Promote the meaningful participation of all persons with disabilities in political and public life, including in standing for elections and holding public office.

Participation in cultural life, recreation, leisure and sport (art. 30)

31. Please explain the measures taken to ensure that persons with disabilities participate in cultural activities, develop their artistic potential and participate on an equal basis with others in sports, and in recreational and leisure activities, in particular noting the results of the 2018 Tuvalu Study on People with Disability;

32. Please outline any plans to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

33. Please provide information on measures taken to:

(a) Enhance the data-collection framework to coordinate and disseminate statistical analysis and data collection across all government ministries and departments, and to ensure data disaggregation by a range of factors, such as sex, gender, age, disability, geographic location and other characteristics relevant in the national context;

(b) Include the Washington Group short set of questions on functioning in the national census;

(c) Ensure close consultation with, and the active involvement of, persons with disabilities through their representative organizations in the development and implementation of the data-collection framework, and in the monitoring of data.

International cooperation (art. 32)

34. Please explain the extent to which persons with disabilities and their representative organizations are engaged in international cooperation agreements, projects and programmes, in particular those related to the implementation of the 2030 Agenda for Sustainable Development.

National implementation and monitoring (art. 33)

35. Please provide information on:

(a) How the Tuvalu National Disability Coordinating Committee, as the focal point for the Convention, provides advice on the design and implementation of laws, policies and activities for disability inclusion;

(b) The membership of the Tuvalu National Disability Coordinating Committee and the number of positions held by persons with disabilities, including women with disabilities, in the Committee leadership;

(c) Measures taken to operationalize the national human rights institution, and provide information on the status of its accreditation under the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(d) Measures taken to ensure the full participation of persons with disabilities through their representative organizations in the implementation and monitoring process of the Convention.
