

Tuvalu

Mid-term Implementation Assessment



UPR-INFO.ORG
PROMOTING AND STRENGTHENING THE UNIVERSAL PERIODIC REVIEW



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also more specifically to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC).

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are willing to follow and implement their commitments: civil society should monitor the implementation of the recommendations that States should implement.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 5 December 2011



Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/tuvalu>

We invite the reader to consult that webpage since all recommendations, all stakeholders reports and the unedited comments as well can be found at that very internet address.

4 NGOs were contacted. Both the Permanent Mission to the UN in Geneva and the State were contacted. No domestic NHRI does exist.

2 NGOs responded to our enquiry. The State under Review did not respond to our enquiry.

IRI: 1 recommendation is not implemented, 1 recommendation is partially implemented, and 2 recommendations are fully implemented. No answer was received for 47 out of 51 recommendations.

2. Feedbacks on recommendations

Recommendation n°25: *Participate in discussions in the Council, scheduled for March 2009, on the relationship between human rights and climate change, in order to send a strong message to the parties to the United Nations Framework Convention on Climate Change on the importance of reaching an effective and workable global agreement on climate change mitigation and adaptation.* (Recommended by Maldives)

IRI: not implemented

Earth Justice response:

Having limited resources for its international representation, Tuvalu is mainly represented in New York, where it actively participates in the activities of the Pacific Small Islands Developing States and its focus on climate change. Therefore it did not attend the Human Rights Council session, but did support the outcome in New York.



Recommendation n°26: *Continue to engage with the international community, particularly the major emitting countries of the developed world, many of whom are States members of the Council, working with them in order to protect the human rights of Tuvaluans by securing significant global reductions in greenhouse gas emissions.* (Recommended by Maldives)

IRI: *fully implemented*

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Recommendation n°40: *Continue to play an active role in promoting international cooperation to combat climate change.* (Recommended by Philippines)

IRI: *fully implemented*

Earth Justice response:

Tuvalu is one of the places on earth that is most vulnerable to the effects of global warming. The threat of sea level rise may bring complete disaster to the 10,000 Tuvaluans residing on nine extremely low-lying coral atolls.

In an October 2010 interview, Tuvalu's Prime Minister Maatia Toafa noted that the nation has already experienced many serious impacts of climate change, including coastal erosion, coral bleaching, severe weather, and water salinization that has made agricultural activities more difficult. On September 28, 2011, the nation declared a state of emergency because of serious water shortages due to continuing drought conditions and the low capacity of operable desalination units.

Tuvalu's then Prime Minister Apisai Ielemia played an active role in the climate negotiations in Copenhagen in 2009. But at the end of the negotiation, he said he would not sign a climate change agreement that did not meet his demand on limiting global temperature rises.

Tuvalu and other small island states have been pushing for global temperature rises to be kept below 1.5 degrees above pre-industrial levels, as well as commitments from countries such as China and India, which claim "developing" status while operating extensive polluting manufacturing industries and high technology industries that rival the western world.

In December 2009, Prime Minister Ielemia noted that the small island states were coming under extreme pressure to accept a conference target of 2 degrees, and stated: "We have nowhere to run to because our islands are tiny, we just have to prepare ourselves individually, family wise so that they know what to do when a cyclone comes in or a hurricane blows because there is nothing else we can do. There is no mountain we can climb up, there is no other inland where we can run to like in your big countries."

Since taking office in 2010, Tuvalu's Prime Minister Maatia Toafa has continued along the same line, pledging to "follow the same path" of advocacy for strong international climate change mitigation and adaptation measures.



Recommendation n°29: *Reform the Penal Code to cover offences such as sexual abuse against minors and to eliminate corporal punishment.* (Recommended by Mexico)

IRI: *not implemented*

Global Initiative to End All Corporal Punishments of Children response:

Laws are being harmonised with human rights standards and during UPR Government stated corporal punishment would be addressed but we have no evidence of progress towards prohibition.

Recommendation n°46: *Step up efforts on raising the awareness of the population of the impact of climate change and involve the population more in the decision-making process in mitigating and adapting to the consequences of such changes.* (Recommended by Switzerland)

IRI: *partially implemented*

Earth Justice response:

Due to environmental degradation impacting everyday life, the issue of climate change is very present in Tuvalu. However, a recent survey in Funafuti, Tuvalu, indicated that many citizens do not believe that the impacts of climate change may force them to migrate. The government still has room for improvement when it comes to distributing information on climate science predictions, as well as in involving citizens in issues of mitigation and adaptation.



Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted both the delegate who represented the State at the UPR and the Permanent Mission to the UN in Geneva or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we consider positive feedbacks from the latter.

A. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, communication is split up among recommendations we think it belongs to. Since such a task opens the way of misinterpretation, we strongly encourage using the Excel sheet.

If the stakeholder does not clearly mention neither the recommendation was “fully implemented” nor “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

While we do not mention recommendations which were not addressed, they can be accessed on the follow-up webpage.



B. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show both disputed and agreed recommendations.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is noted as 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review says the recommendation has been fully implemented and a stakeholder says it has been partially implemented, score is 0.75.

Then the score is transformed into an implementation level, according to the table hereafter:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

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