



Convention on the Rights of the Child

Distr.: General
31 March 2020

Original: English

Committee on the Rights of the Child

Concluding observations on the combined second to fifth periodic reports of Tuvalu*

I. Introduction

1. The Committee considered the combined second to fifth periodic reports of Tuvalu (CRC/C/TUV/2-5) at its 2463rd and 2464th meetings, held on 3 March 2020, and adopted the present concluding observations at its 2470th meeting, held on 6 March 2020.

2. The Committee welcomes the submission of the combined second to fifth periodic reports of the State party and the written replies to the list of issues (CRC/C/TUV/RQ/2-5), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the accession of the State party to the Convention on the Rights of Persons with Disabilities and the ratification of the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182). The Committee also notes with appreciation the legislative, institutional and policy measures taken to implement the Convention, in particular the enactment of the Family Protection and Domestic Violence Act (2014) and the Marriage (Amendment) Act No. 10 (2015) that raised the minimum age for marriage to 18. It further welcomes the progress made in reducing child mortality.

III. Main areas of concern and recommendations

4. The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention throughout the process of implementing the 2030 Agenda for Sustainable Development. It also urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.

A. General measures of implementation (arts. 4, 42 and 44 (6))

The Committee's previous recommendations

5. The Committee recommends that the State party take all measures necessary to address the recommendations contained in its previous recommendations adopted in

* Adopted by the Committee at its eighty-fourth extraordinary session (2–6 March 2020).



2013 (CRC/C/TUV/CO/1) that have not been implemented or not sufficiently implemented and, in particular, those related to legislation (para. 9); comprehensive policy and strategy (para. 11); coordination (para. 13); allocation of resources (para. 14); data collection (para. 16); freedom of thought, conscience and religion (para. 32); family environment (para. 42); adoption (para. 45); adolescent health (para. 52); and standard of living (para. 58).

Legislation

6. The Committee welcomes the ongoing constitutional review process as a means of ensuring compliance with the principles and provisions of the Convention. It is concerned, however, about the delays in the adoption of draft bills concerning children and the insufficient steps taken to harmonize its legislative framework with the Convention.

7. **The Committee recommends that the State party continue taking measures to:**

- (a) **Ensure that the provisions of its Constitution fully comply with the principles of the Convention, in particular non-discrimination;**
- (b) **Expedite the enactment of the child welfare and protection bill;**
- (c) **Review its legislative framework to ensure its compliance with the Convention.**

Comprehensive policy and strategy

8. **The Committee reiterates its previous recommendation (CRC/C/TUV/CO/1, para. 11) that the State party develop a comprehensive policy on children that applies to all children under 18 years of age and encompasses all areas covered by the Convention. It also encourages the State party to develop a strategy and action plan for its effective implementation, which is supported by sufficient human, technical and financial resources.**

Coordination

9. **The Committee recommends that the State party further strengthen the status, mandate and human, technical and financial resources of the National Advisory Committee for Children's Rights in order to enable it to effectively coordinate, monitor and evaluate national policies and programmes relating to children's rights.**

Allocation of resources

10. **While welcoming the adoption of the *Falekaupule* (authorization of the budget) Amendment Act 2014, which allows women to participate and vote in the approval stages of the budgets for local government councils, the Committee recommends, with reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, that the State party:**

- (a) **Increase the budget allocations for the implementation of all legislation, policies, plans and programmes in favour of children in all relevant sectors, with priority given to the areas of health care, education and social protection;**
- (b) **Use a child-rights approach in the budgeting processes and include specific indicators and a tracking system to monitor and evaluate the allocation and use of resources for children;**
- (c) **Further strengthen transparent and participatory budgeting processes in which civil society, the public and children can participate effectively.**

Data collection

11. **While noting that some data on education is available, the Committee reiterates its previous recommendations (CRC/C/TUV/CO/1, para. 16) and, with reference to its general comment No. 5 (2003) on general measures of implementation of the Convention, recommends that the State party:**

(a) **Expediently create an integrated and comprehensive data-collection and management system, covering all areas of the Convention, with disaggregated data, in order to facilitate analysis of the situation of all children;**

(b) **Ensure that the data and indicators are shared among ministries, civil society organizations and development partners and are used effectively for the formulation, monitoring and evaluation of policies, programmes and projects for the implementation of the Convention;**

(c) **Strengthen its technical cooperation with, among others, the United Nations Children's Fund (UNICEF) and development partners, and take into account the report of the Office of the United Nations High Commissioner for Human Rights (OHCHR), entitled *Human Rights Indicators: a Guide to Measurement and Implementation*, when defining, collecting and disseminating statistical information.**

Independent monitoring

12. **The Committee welcomes the legislative measures taken to establish the Office of the Ombudsman as the national human rights institution. Recalling its general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party take the measures necessary to ensure that the Office of the Ombudsman complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by allocating the necessary human, technical and financial resources for it to effectively fulfil its mandate, including receiving, investigating and addressing complaints by or on behalf of children in a child-friendly and sensitive manner.**

Dissemination, awareness-raising and training

13. While noting that some training and awareness-raising programmes have been conducted within the education sector, the Committee is concerned about the insufficient awareness of children's rights and of the Convention among the general public and professionals working for and with children in all sectors. It remains concerned that the Convention is still perceived by some of the public as an instrument to diminish the authority of parents.

14. **The Committee recommends that the State party:**

(a) **Strengthen awareness-raising programmes, including campaigns, and efforts to ensure that the provisions and principles of the Convention are widely recognized and understood, and ensure that children, parents, island communities and traditional, religious and community leaders play a key role in such initiatives throughout the country, including in the outer islands;**

(b) **Provide adequate and systematic training on children's rights and on the Convention to the professionals working for and with children, including parliamentarians and those working in the areas of education, health, social protection and justice.**

B. Definition of the child (art. 1)

15. While welcoming the adoption of the Marriage (Amendment) Act 2016 that raised the minimum age for marriage to 18, the Committee recommends that the State party incorporate a definition of the child, in line with the Convention, into its legislation and policies.

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

16. The Committee is concerned about:

(a) The prevalence of discriminatory provisions in the State party's legislation despite the Committee's previous recommendations (CRC/C/TUV/CO/1, para. 24), in particular the Tuvalu Lands Code 1962 and the Native Lands Act 1956, which discriminate against women and girls in relation to land inheritance rights and child custody, as well as the Penal Code 1965, which criminalizes consensual sexual activity between boys;

(b) The persistent de facto discrimination against, among others, girls, children with disabilities and children living in the outer islands, especially with regard to access to education, health care and services, and development.

17. Taking note of target 10.3 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) **Use the constitutional review process to ensure that the Constitution provides protection from discrimination on all prohibited grounds, including gender, disability, birth and other status, in line with article 2 of the Convention;**

(b) **Amend its discriminatory laws, in particular the Tuvalu Lands Code 1962, the Native Lands Act 1956 and the Penal Code 1965, and enact anti-discrimination legislation;**

(c) **Develop policies and awareness-raising measures to address the root causes of de facto discrimination, including against girls, children with disabilities and children living in the outer islands.**

Best interests of the child

18. While welcoming the recognition of the principle of the best interests of the child in the Labour and Employment Relations Act 2017 and the child welfare and protection bill, the Committee is concerned that this principle is not sufficiently incorporated into all legislation, policies and programmes that are relevant to and have an impact on children, and is not fully implemented in decisions affecting children, including in the family, schools, the community and administrative and judicial proceedings.

19. Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party ensure that:

(a) **The principle of the best interests of the child is incorporated in all legislation, policies, programmes and projects that are relevant to and have an impact on children;**

(b) **The right of the child to have his or her best interests taken as a primary consideration is fully respected in the family, schools, the community and administrative and judicial proceedings, and that procedures and criteria are developed in order to ensure that the best interests of the child are properly assessed when a decision with regard to a child is made.**

Respect for the views of the child

20. While noting the policy measures taken to provide the youth with opportunities to express their views on issues that affect them, the Committee is concerned that:

(a) Children cannot participate in the *Falekaupule* meetings where decisions relating to education and health are made;

(b) Owing to traditional customs that hinder respect for the views of the child, children remain excluded from decision-making processes that affect them, including in the family, community and schools.

21. With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recalls its previous concluding observations (CRC/C/TUV/CO/1, para. 28) and recommends that the State party:

(a) **Ensure that children's views are not disregarded because of traditional customs, but rather given due consideration in all matters affecting them, including those relating to education and health;**

(b) **Ensure respect for the views of the child within the family, community and schools, as well as in the courts and all relevant administrative and other processes concerning them through, among others, adopting appropriate legislation, training professionals working with and for children, and raising the awareness of the public, especially traditional, religious and community leaders and parents.**

D. Civil rights and freedoms (arts. 7, 8, and 13–17)

Birth registration

22. The Committee is concerned about the low rates of birth registration, especially in the outer islands; the fees imposed on late registrations; the lack of effective measures to ensure the registration of the births of children of unmarried parents; and the low level of public awareness of the importance of birth registration.

23. **Taking note of target 16.9 of the Sustainable Development Goals, the Committee recommends that the State party intensify its efforts to ensure that all children in its territory, including the children of unmarried parents and children in the outer islands, have access to birth registration, including through setting up mobile registration units, abolishing all birth registration fees and raising awareness among the general public of the importance of birth registration.**

Freedom of thought, conscience and religion

24. **The Committee recalls its previous recommendations (CRC/C/TUV/CO/1, para. 32) and recommends that the State party use the ongoing constitutional review process to consider revising section 29 (4) of its Constitution, under which children’s exercise of their rights may be restricted if it is deemed divisive, unsettling or offensive to the people, or threatens the values and culture of Tuvalu.**

Right to privacy

25. While noting that under the law, a party to a court proceeding may file an application to withhold the identity of a child offender, the Committee is concerned about the lack of legislative or policy measures that categorically protect the privacy and identity of children involved in civil and criminal proceedings.

26. **The Committee recommends that the State party adopt the measures necessary to ensure that the privacy and identity of children involved in civil and criminal proceedings are protected, without being subject to application on a case-by-case basis.**

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Corporal punishment

27. According to the information given by the State party delegation during the constructive dialogue, the Committee notes with appreciation that following the amendments made to the Education Act and the Island Court Act, it is no longer legal to exercise corporal punishment in schools and as a form of criminal sentence. It also welcomes the awareness-raising programmes against corporal punishment, including campaigns, carried out in schools in Funafuti. However, the Committee is seriously concerned that corporal punishment remains legal in the home and in the community under article 226 (4) of the Penal Code.

28. **With reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to:**

(a) **Repeal article 226 (4) of its Penal Code and take the legislative and policy measures necessary to explicitly prohibit corporal punishment in all settings;**

(b) **Promote positive, non-violent and participatory forms of child-rearing and discipline, including by strengthening awareness-raising programmes and**

campaigns targeting children, parents, teachers and traditional, religious and community leaders.

Abuse and neglect

29. The Committee welcomes the enactment of the Family Protection and Domestic Violence Act 2014 that provides for child protection measures for all children under 18 years of age. It is concerned, however, about:

- (a) The lack of comprehensive data on cases of abuse and neglect of children, including domestic violence, despite its reportedly high prevalence in the State party;
- (b) The absence of effective mechanisms and clear reporting procedures in response to cases of abuse and neglect;
- (c) The lack of specialized social, psychological, medical and legal support and services for the rehabilitation and reintegration of child victims;
- (d) The insufficient capacity of law enforcement and judicial officials on handling cases of abuse and neglect of children, including domestic violence.

30. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:**

- (a) Develop a comprehensive policy and strategy for preventing and combating child abuse and neglect, including domestic violence, that includes awareness-raising and education programmes and campaigns;**
- (b) Collect data on child victims of abuse and neglect, including domestic violence, in the State party and undertake a comprehensive assessment of the extent, causes and nature of such violence;**
- (c) Establish effective mechanisms and clear reporting procedures in response to cases of abuse and neglect, including domestic violence, that are accessible for children, parents and professionals working with and for children;**
- (d) Ensure that children have access to child-friendly support and services, including specialized social, psychological, medical and legal support and services for their rehabilitation and reintegration;**
- (e) Provide systematic training for judges, prosecutors, police officers and social workers on how to prevent, monitor and address cases of child abuse and neglect, including domestic violence, in a child- and gender-sensitive manner.**

Sexual exploitation and abuse

31. The Committee welcomes the amendment of section 156 (5) of the Penal Code so that girls under 18 years of age can no longer be charged with the offence of incest when they are regarded as having consented to the act. However, it is seriously concerned that:

- (a) The law does not penalize all forms of sexual exploitation and abuse;
- (b) The law does not protect all children under 18 years of age from sexual exploitation and abuse;
- (c) The law does not penalize the sexual exploitation and abuse of boys;
- (d) The law does not provide for mandatory prosecution and minimum sentences for the sexual exploitation and abuse of children;
- (e) Child sexual abuse material and the exploitation of children online are still not prohibited by law and the cybercrime bill has not yet been adopted;
- (f) Child victims of sexual exploitation and abuse have limited access to justice, including owing to stigmatization and legal barriers, such as the legal requirement for corroboration before prosecution and for proof of resistance by the victim;
- (g) Specialized social, psychological, medical and legal support and services for girls and boys who are victims of sexual exploitation and abuse are not available.

32. **The Committee recommends that the State party:**

(a) **Amend its legislation to ensure that all boys and girls under 18 years of age are protected from all forms of sexual exploitation and abuse by law;**

(b) **Ensure that all forms of sexual exploitation and abuse perpetrated against children are criminalized and the perpetrators are duly prosecuted and punished with sanctions commensurate with the gravity of their crimes;**

(c) **Expedite the adoption of legislation prohibiting child sexual abuse material online;**

(d) **Combat the stigmatization of child victims, eliminate the legal barriers that prevent child victims of sexual exploitation and abuse from reporting incidents to the relevant authorities and ensure that there are accessible, confidential, child-friendly and effective reporting channels for such violations;**

(e) **Develop programmes and policies at the national and community levels for the prevention, recovery and social reintegration of child victims, ensuring they receive all the necessary social, psychological, medical and legal support they require.**

F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Family environment

33. **While noting the existence of some awareness-raising programmes on good parenting and child-rearing, the Committee recommends that the State party ensure continuous and systematic support, including in the outer islands, to parents and members of the extended family who provide care to children without parental care, including social and material support and information on the best forms of child-rearing practices and on the equal parental responsibilities of fathers and mothers.**

Children deprived of a family environment

34. **The Committee is concerned about the absence of effective child protection mechanisms to protect children deprived of a family environment who are placed in the care of the extended family, including in cases of abuse or neglect. It also notes with concern the absence of formal alternative care arrangements.**

35. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee recommends that the State party establish the effective child protection mechanisms necessary to protect children deprived of a family environment who are placed in the care of the extended family. It also recommends that the State party establish formal alternative care arrangements, including foster care.**

Adoption

36. **While noting the amendments made to the Adoption of Children Act, the Committee recalls its previous recommendations (CRC/C/TUV/CO/1, para. 46) and recommends that the State party:**

(a) **Revise the Tuvalu Lands Code, which permits the annulment of an adoption based on a child's behaviour;**

(b) **Revise the relevant legislation to protect the rights and best interests of the child and to bring adoption proceedings in line with the principles and provisions of the Convention;**

(c) **Conduct a study on the modalities and extent of the practice of customary adoptions by family members and inform the Committee about its findings in the next periodic report.**

G. Children with disabilities (art. 23)

37. The Committee welcomes the accession of the State party to the Convention on the Rights of Persons with Disabilities and the measures taken to develop a national disability policy. It is concerned, however, that the laws and policies regarding children do not sufficiently take into account the rights of children with disabilities. It is also concerned about the lack of information on the situation of children with disabilities and the insufficient progress made in ensuring their access to specialized health care and services and to inclusive education.

38. **With reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party, with the full and effective participation of children with disabilities, to:**

(a) **Harmonize national legislative and policy frameworks with the human rights model of disability to uphold the rights of children with disabilities, including by setting up a comprehensive strategy for the full inclusion of children with disabilities into society;**

(b) **Undertake a study on the situation of children with disabilities, including their access to services and support, and use the findings to inform the implementation of the Convention and its national legal and policy frameworks;**

(c) **Ensure access for children with disabilities, including those with intellectual and psychosocial disabilities, to inclusive education in mainstream schools, with adequately trained teachers and professionals to provide individual support to them;**

(d) **Provide support and services in the community to enable families to care for children with disabilities;**

(e) **Take measures to improve the accessibility of public buildings, facilities, services and transportation for children with disabilities to facilitate their inclusion in society on an equal basis with others;**

(f) **Undertake awareness-raising campaigns aimed at government officials, the public, traditional, religious and community leaders and families to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of such children.**

H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

Health and health services

39. While welcoming the decline in infant and under-5 mortality rates, the high coverage of pre- and postnatal health care for mothers and the efforts to deploy medical personnel on every island, the Committee remains concerned about the disparities in health services between Funafuti and the other islands and at the reliance on government-funded overseas treatment schemes, which leads to less budget funding being allocated to strengthening the State party's primary and preventive health-care system. The Committee is also concerned that anaemia is affecting 61 per cent of children under 5 years of age, alongside 29 per cent of pregnant women.

40. **With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of target 3.2 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Strengthen and expand its primary and preventive health-care system, and address disparities between the islands in access to quality health care and services, including by allocating sufficient financial resources and ensuring the availability of qualified health-care staff across the country;**

(b) **Strengthen measures to eliminate preventable infant and under-5 mortality and apply the OHCHR technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce**

and eliminate preventable mortality and morbidity of children under 5 years of age (see A/HRC/27/31);

(c) Undertake a study on the causes of anaemia among young children and pregnant women and, based on the findings, formulate and implement programmes to address the issue, and inform the Committee of the outcomes in the next periodic report;

(d) Seek financial and technical assistance from UNICEF and the World Health Organization, among others, in this regard.

Adolescent health

41. Recalling its previous recommendations (CRC/C/TUV/CO/1, para. 52) and with reference to its general comments No. 4 (2003) on adolescent health and development in the context of the Convention and No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee recommends that the State party:

(a) Undertake a comprehensive study to understand the nature and extent of adolescent health problems and, based on the findings, formulate and implement health policies and programmes for adolescents;

(b) Decriminalize abortion and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that their views are always heard and given due consideration as part of the decision-making process;

(c) Strengthen its programmes on sexual and reproductive health education and expand them across the country, targeting adolescent girls and boys, with special attention paid to preventing early pregnancy and sexually transmitted infections;

(d) Provide free, confidential and adolescent-responsive sexual and reproductive health services to all adolescents;

(e) Address the problem of children being overweight, including obesity, by raising public awareness of nutrition issues and healthy eating habits;

(f) Provide life-skills education to adolescents on preventing substance abuse, including tobacco and alcohol.

Impact of climate change on the rights of the child

42. While noting the measures taken to promote climate change resilience in the community and in schools, including disaster risk reduction and school safety initiatives, the Committee is deeply concerned about:

(a) The increasingly adverse impact of global climate change on the rights of the child, including the rights to life, survival and development; non-discrimination; education; health; adequate housing; and safe drinking water and sanitation;

(b) The contamination of underground water supplies owing to rising sea levels, which hinders access to safe drinking water and sanitation for children, including in schools;

(c) The insufficient inclusion of the rights of children, including those of children with disabilities, in policies and programmes on climate action, including climate-related disaster risk reduction, preparedness, response and recovery;

(d) The insufficient opportunities for children to effectively participate in discussions and decision-making related to climate action.

43. The Committee draws attention to target 13.2 of the Sustainable Development Goals, and recommends that the State party:

(a) Ensure that the special vulnerabilities and needs of children, as well as their views, are taken into account in developing policies and programmes addressing the issues of climate change and disaster risk management;

(b) Collect disaggregated data identifying the types of risk faced by children in the occurrence of a variety of disasters, in order to formulate international, regional and national policies, frameworks and agreements accordingly;

(c) **Strengthen the implementation of national policies for sustainable safe water supplies and sanitation, including the sustainable and integrated water and sanitation policy, with a view to increasing access to sufficient safe drinking water and providing adequate sanitation, including in the outer islands;**

(d) **Strengthen measures to increase children's awareness and preparedness for climate change and natural disasters, including by strengthening climate change education in schools across the country;**

(e) **Provide opportunities for children to effectively participate in discussions and decision-making related to climate action;**

(f) **Seek bilateral, multilateral, regional and international cooperation in implementing these recommendations.**

Standard of living

44. **Recalling its previous recommendations (CRC/C/TUV/CO/1, para. 58), the Committee draws attention to target 1.3 of the Sustainable Development Goals and recommends that the State party carry out a study to assess the situation of children living in poverty, with particular attention to those living on the outer islands and those living in elderly headed households, and based on the findings of the study formulate and implement poverty reduction programmes to address the issue.**

I. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

45. While welcoming the fact that the State party continues to provide compulsory free primary and secondary education, the Committee is concerned about:

(a) **Extra fees and hidden costs of education, such as school uniforms, lunch and transportation, continuing to keep some children from financially disadvantaged families from attending school;**

(b) **The deteriorating quality of education owing to poor school infrastructure, inadequate and outdated teaching and instructional methods and materials, and an insufficient number of qualified teachers;**

(c) **The lack of school re-entry policies for adolescent mothers;**

(d) **The limited provision of vocational training, including for school dropouts;**

(e) **The inadequate development of early childhood education and care.**

46. **Taking note of targets 4.2, 4.4, 4.5, 4.7 and 4.C of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Eliminate extra fees and hidden costs of education to ensure that children from financially disadvantaged families have access to education on an equal basis with others;**

(b) **Take all measures necessary to ensure access to quality education, including by upgrading the infrastructure of schools, conducting a review of teaching and instructional methods and materials with a view to increasing their quality and allocating sufficient resources to train qualified teachers, ensuring that they receive systematic and appropriate training to upgrade their teaching skills further through in-service training;**

(c) **Adopt and implement re-entry policies, enabling adolescent mothers to return to school after pregnancy;**

(d) **Strengthen and expand vocational training to enhance the skills of children, especially those who drop out of school;**

(e) **Allocate sufficient human, technical and financial resources for the development and expansion of early childhood education, based on a comprehensive and holistic policy of early childhood care and development.**

J. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

Children in situations of migration

47. Noting that international migration in the context of climate change and natural disasters may increasingly affect children, the Committee recommends that the State party consider developing legislation, policies and programmes governing the international migration of children that take into account the rights and needs of children.

Administration of child justice

48. The Committee welcomes the repeal of section 8 (8) of the Island Courts Act, which provided for the corporal punishment of child offenders, and notes that the draft child welfare and protection bill prohibits corporal punishment and the life imprisonment of children for any offence. It also notes the low number of cases in which children under 18 years of age have been formally charged with offences under the Penal Code, mainly owing to conflicts being addressed through community mediation. However, the Committee is concerned that cases of child offenders are dealt with in the general criminal justice system without the protections provided by the Convention, in particular articles 37 and 40. It is also concerned that the minimum age of criminal responsibility is still set at 10 years of age.

49. **With reference to its general comment No. 24 (2019) on children’s rights in the child justice system, the Committee urges the State party to:**

- (a) **Develop measures dealing with children in line with the Convention, in particular articles 37 and 40, and other relevant standards;**
- (b) **Provide systematic training for judges, prosecutors, police officers and other professionals on the provisions of the Convention;**
- (c) **Raise the minimum age of criminal responsibility to at least 14 years, in accordance with the Convention and international standards;**
- (d) **Expedite the coming into force of the child welfare and protection bill and enforce its child justice provisions that explicitly prohibit the corporal punishment and life imprisonment of child offenders;**
- (e) **Seek technical assistance from international, regional and bilateral partners, particularly UNICEF and OHCHR.**

K. Ratification of the Optional Protocols to the Convention

50. The Committee recommends that the State party, in order to further strengthen the fulfilment of children’s rights, ratify the Optional Protocols to the Convention on the involvement of children in armed conflict, on the sale of children, child prostitution and child pornography and on a communications procedure.

L. Ratification of international human rights instruments

51. The Committee recommends that the State party consider ratifying the following core human rights instruments to which it is not yet a party:

- (a) **The International Covenant on Civil and Political Rights;**
- (b) **The International Covenant on Economic, Social and Cultural Rights;**
- (c) **The Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment;**
- (d) **The International Convention for the Protection of All Persons from Enforced Disappearance;**
- (e) **The International Convention on the Elimination of All Forms of Racial Discrimination;**

(f) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

M. Cooperation with regional bodies

52. The Committee recommends that the State party cooperate, among others, with regional organizations such as the Pacific Community and the Pacific Islands Forum.

IV. Implementation and reporting

A. Follow-up and dissemination

53. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined second to fifth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

B. National mechanism for reporting and follow-up

54. The Committee recommends that the State party establish a standing government structure to coordinate and prepare reports to and engage with international and regional human rights mechanisms, and to coordinate and track national follow-up to and implementation of treaty obligations and the recommendations and decisions emanating from the mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the Office of the Ombudsman and civil society.

C. Next report

55. The Committee invites the State party to submit its combined sixth and seventh periodic reports by 21 October 2025 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

56. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.