### III. Main areas of concern and recommendations

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

**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.

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

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 childrearing 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.
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Country Care Review:  
Tuvalu

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**Acronyms and Abbreviations:**

CEDAW  Convention on the Elimination of All Forms of Discrimination against Women  
CRC  Convention on the Rights of the Child/Committee on the Rights of the Child  
CRPD  Convention on the Rights of Persons with Disabilities  
ICCRP  International Covenant on Civil and Political Rights  
ICESCR  International Covenant on Economic, Social and Cultural Rights  
OPAC to CRC  Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict  
UN  United Nations  
UPR  Universal Periodic Review