Country: Tuvalu

Protection of the Human Rights of older persons

*Autonomy and Independence*

**National legal framework**

1. What are the legal provisions?

Answers: General provisions on freedom under the constitution, none specific for elderly people right to autonomy and independence.

**Normative elements**

2. What are the key normative elements of the rights to autonomy and independence?

Provide reference to existing laws and standards where applicable

Answers: No specific elements

3. How should autonomy and independence be legally defined?

Answers: Older people should have the opportunity to make their own decisions in their homes, and how they live

**Implementation**

4. What are the policies and programmes adopted by your country to guarantee older person’s enjoyment of their right to autonomy and independence?

Answers: None specific. Social development policy cover general rights of welfare for elderly

5. What are the best practices and main challenges in adopting and implementing a normative framework to implement these rights?

Answers: none

**Equality and non-discrimination**

6. Which are the measures adopted to ensure equitable access by older persons to the enjoyment of the rights to autonomy and independence, paying special attention to groups in vulnerable situation?

Answers: General coverage under the Social Development Policy

**Participation**

7. The design and implementation of normative and political framework related to autonomy and independence included an effective and meaningful participation of older persons?

Answers: None at the moment

**Accountability**

8. What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress for denial of their right to autonomy and independence?

Answers: People’s Lawyer (Judicial), Police service, Family Protection Act – Protection against domestic violence in a form of physical abuse.

None specific to autonomy and independence.

*Long Term and Palliative Care*

**National Legal framework**

1. What are the legal provisions in your country that recognizes the right to long term and palliative care? Do they have a constitutional, legislative or executive foundation?

Answers: none

**Normative elements**

2. What are the key normative elements of the rights to long-term and palliative care? Please provide references to existing laws and standards where applicable.

Answers: none

3. How should long-term care and palliative care be legally defined?

Answers: Elders who are looked after by care-givers to take care of financial and medical resources of elderly people

**Implementation**

4. What are the policies and programmes adopted by your country to guarantee older person’s enjoyment of their right to long-term and palliative care?

Answers: None there are no specific policy for elderly

5. What are the best practices and main challenges in adopting and implementing a normative framework to implement these rights?

Answers: None (There is little palliative care available for people living with progressive illness such as cancer & multiple sclerosis. There are no care homes, residential care apart from the primary care hospital.)

**Equality and non-discrimination**

6. Which are the measures adopted to ensure equitable access by older persons to the enjoyment of the right to long-term and palliative care, paying special attention to those who are vulnerable or in vulnerable situation?

Answers: None

**Participation**

7. Does the design and implementation of normative and political framework related to long-term and palliative care include an effective and meaningful participation of older persons?

Answers: As above (6)

**Accountability**

8. What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress for denial of their right to long-term and palliative care?

**Answer:** The Peoples Lawyers Office is the only mechanisms available to the public and including older persons to complain and seek redress for denial of their right.