

**Universal Periodic Review**  
**(16<sup>th</sup> session, spring 2013, from 22 April – 3 May 2013)**  
**Contribution of UNESCO**

(The countries to be reviewed are, in this order: Turkmenistan, Burkina Faso, Cape Verde, Colombia, Uzbekistan, Tuvalu, Germany, Djibouti, Canada, Bangladesh, Russian Federation, Azerbaijan, Cameroon, and Cuba. Each submission should refer to one country only)

**Tuvalu**

**I. BACROUND AND FRAMEWORK**

**1. Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO**

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not state party to Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Not state party to Convention			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Not state party to Convention			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Not state party to Convention			Right to take part in cultural life

## II. Promotion and protection of human rights on the ground

### Right to education

#### Normative Framework:

2. Constitutional framework: Tuvalu has a constitutional monarchy. The British monarch is the titular head of state and represented by a Tuvaluan governor general.<sup>1</sup> The 1978 Constitution of Tuvalu<sup>2</sup> includes human rights guarantees but not specifically the right to education.

3. Article 11 provides that “Every person in Tuvalu is entitled, whatever his race, place of origin, political opinions, colour, religious beliefs or lack of religious beliefs, or sex, to the following fundamental rights and freedoms”, such as freedom of belief, and freedom from discrimination. Article 23 regarding freedom of belief stipulates that: “(2) ... freedom of belief includes ... (c) freedom, either alone or with others, to show and to spread, both in public and in private, a religion or belief, in worship, teaching, practice and observance.” It adds that: “(3) A religious community is entitled, at its own expense: (a) to establish and maintain places of education; and (b) subject to the maintenance of any minimum prescribed educational standards, to manage any place of education that it wholly maintains; and (c) subject to subsection (4), to provide religious instruction for members of the community in the course of any education that it provides (4) Except with his consent, no-one attending a place of education shall be required (a) to receive religious instruction; or (b) to take part in or attend a religious ceremony or observance, if the instruction, ceremony or observance relates to a religion or belief other than his own.”

4. Article 27 regarding freedom from discrimination sets that: “(1) In this section, discrimination refers to the treatment of different people in different ways wholly or mainly because of their different races; or places of origin; or political opinions; or colours; or religious beliefs or lack of religious beliefs.” It adds that: “(2) Subject to the provisions of this Part, (...) no-one shall be treated in a discriminatory manner.”

5. Legislative framework: The Education Ordinance of 1976<sup>3</sup>: Section 3 provides that “the Minister may make such arrangements as he considers necessary to ensure that educational and training opportunities are provided for children according to their age, aptitude and ability, and for adults.” Section 19 provides pupils with the right not to take part in religious education or ceremonies at a public school. It is also stipulated that “(2) Teachers shall not be compelled to give or be present at religious instruction or any act of religious worship if to do so would be against the dictates of their consciences. (3) If a parent of any pupil requests that such pupil be wholly or partly excused from attending religious instruction or any act of religious worship in a school the pupil shall be excused such attendance wholly or partly as the case may be.”

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<sup>1</sup>[http://www.pacii.org/tv/legis/consol\\_act/cot277/](http://www.pacii.org/tv/legis/consol_act/cot277/),[http://www.tuvaluislands.com/gov\\_info.htm](http://www.tuvaluislands.com/gov_info.htm)  
(Accessed 30 September 2010)

<sup>2</sup> <http://www.tuvalu-legislation.tv/tuvalu/DATA/PRIN/1990-001/ConstitutionofTuvalu.pdf>

<sup>3</sup> <http://www.tuvalu-legislation.tv/tuvalu/DATA/PRIN/1990-038/EducationAct.pdf> (Accessed 30 September 2010)

6. Corporal punishment is regulated by the Ordinance in its Section 29, which sets that “No teacher, other than a head-teacher, shall administer corporal punishment to any pupil.”

7. Section 30, regarding compulsory education, provides that:

- “(1) The Minister may by order provide, either generally or in respect of the whole or part of any 1 or more islands and subject to such exemption as shall be specified, that the parent of every child of a specified age or ages shall secure the regular education of his child at a registered non-Government, local government or Government school.
- (2) Every parent who neglects to obey such an order, or without sufficient cause ceases to do so, shall be liable to a fine of \$5 and to a fine of \$1 for each day on which the offence continues after conviction therefore.”

8. This Ordinance also contains provisions regarding fees (Article 33), grants and scholarships (Articles 5 and 6), non-government schools (Part IV) and teachers (Part VI).

9. The Education (Compulsory Education) Order 1984: According to the Educational Order, a minimum of ten years compulsory education has been provided for all Tuvaluans between the ages of 6 and 15. Indeed, section 3 (1) (a) of the Educational (Compulsory Education) Order 1984<sup>4</sup> had been amended and now reads “commencing at the beginning of the school year during which he or she reaches the age of six years.” Education is therefore compulsory for all children aged 6 to 15 years old, instead of 7 to 15 years old.<sup>5</sup>

#### Policy measures:

10. Education officials in Tuvalu adopted the Education for Life (EFL) program in 1993, hoping that a more accessible and standardized system of education would boost the island nation's economic development. “The main thrust of EFL program is to provide compulsory quality education necessary for the development, achievement, and sustenance of Tuvalu’s overall objectives. The program puts special emphasis on equal access to education by all Tuvaluans, and the encouragement of parental and community participation and support for education infrastructure and activities – wherever possible through the development of appropriate functions and educational responsibilities and ownership.”<sup>6</sup>

11. Free and compulsory education: In Tuvalu, education is compulsory for all children aged 6 to 15 years old (Section 3 of the Education (Compulsory Education) Order 1984).

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<sup>4</sup>[http://tuvalu-legislation.tv/cms/images/LEGISLATION/SUBORDINATE/1984/1984-0014/EducationCompulsoryEducationOrder\\_1.pdf](http://tuvalu-legislation.tv/cms/images/LEGISLATION/SUBORDINATE/1984/1984-0014/EducationCompulsoryEducationOrder_1.pdf) (Accessed 29 September 2010)

<sup>5</sup> National Report Submitted for the Universal Periodic Review (UPR) in Accordance with paragraph 15 (A) of the annex to Human Rights Council Resolution 5/1, 12 September 2008, p. 7  
<http://www.upr-epu.com/files/62/NR.pdf> (Accessed 29 September 2010)

<sup>6</sup> Education For All 2000 Assessment Country Report, Part III – Prospectives,  
[http://www.unesco.org/education/wef/countryreports/tuvalu/rapport\\_3.html](http://www.unesco.org/education/wef/countryreports/tuvalu/rapport_3.html) (Accessed 29 September 2010)

12. Moreover, Section 30 of the Ordinance of 1976 provides that:

“(1) The Minister may by order provide...that the parent of every child of a specified age or ages shall secure the regular education of his child at a registered non-Government, local government or Government school.

(2) Every parent who neglects to obey such an order, or without sufficient cause ceases to do so, shall be liable to a fine of \$5 and to a fine of \$1 for each day on which the offence continues after conviction therefore.”

13. Section 33 of the Ordinance of 1976 stipulates that:

“(1) The Minister may charge fees for tuition or board and lodging at any Government school or institution and may prescribe fees for tuition, board and lodging at non-Government schools in receipt of a grant (5): Provided that the Minister may, in his discretion, pay or remit in whole or in part any such fees in any particular case.

(2) The parent of a pupil shall be liable for all fees due in respect of such pupil at a school or institution whether the pupil was enrolled by the parent or some other person.

(3) All fees due from a parent under the foregoing subsections shall be recoverable by or on behalf of the Minister as a civil debt in a court of competent jurisdiction.”

14. Financing of Education: Jointly with its key development partners, Tuvalu has adopted five benchmark indicators to ensure prudent fiscal and debt management, maintenance of fiscal reserves, and sufficient resource allocations to the health and education sectors.<sup>7</sup>

15. To provide quality education in primary schools, huge financial assistance has been secured from overseas donors such as the French Government, European Union, Japan and Canada in relation to Tuvalu principal donors namely Australia and New Zealand<sup>8</sup>

16. Early Childhood: In Tuvalu, caring for younger members of the family has always been, and still is, the major role of older members of the family or the community in general (aunts and grandparents). Tuvalu through its educational programs has reinforced and emphasized the importance of their roles and contributions in caring for their children. Awareness programs for parents have been reinforced through the Basic Education Life Skills (BELS), especially its Community Support component, where parents are made more aware of their particular roles at home.<sup>9</sup>

17. Children from three to five years including children with disabilities, have equal access to a program of pre-school education which will, in time, be linked to the Primary sector. Participation in this program is on a voluntary basis through seventeen Government grant added pre-schools.<sup>10</sup>

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<sup>7</sup> [http://www.adb.org/Documents/Fact\\_Sheets/TUV.pdf](http://www.adb.org/Documents/Fact_Sheets/TUV.pdf) (Accessed 29 September 2010)

<sup>8</sup> Education For All 2000 Assessment Country Report, Part III – Prospectives, op. cit.

<sup>9</sup> Education For All 2000 Assessment Country Report, Part III – Prospectives, op. cit.

<sup>10</sup> Ibid.

18. Primary Education: Primary school enrolments increased by 7.3% in 2007.<sup>11</sup>
19. Secondary Education: At the end of primary education, all students are required by law to go into the Junior Secondary School to complete their basic education. Before the implementation of the EFA program in 1990, there was very high competition for placement at the National Secondary School. Most children did not complete their basic education up to Form 4 level. In 2000, all children who had reached Form 2 in Primary Schools continued to Form 3 and 4 in the Secondary School to complete their basic education.
20. At the end of Form 4, students sit for an examination at the end of the year and those who pass proceed on to Senior Secondary Education whilst the rest who fail are given another chance to repeat Form 4.<sup>12</sup>
21. Higher Education<sup>13</sup>: Plans for a Technical Education Centre that will offer training in carpentry, engineering, plumbing, and secretarial work were launched. This new centre would be the third institution of higher education in Tuvalu; the University of South Pacific Extension Centre and Tuvalu Maritime<sup>14</sup>. The Asian Development Bank (ADB) is close to completion of upgrading the training facilities of the Tuvalu Maritime Training Institute. This will enable the Institute to remain accredited with the International Maritime Organization and improve the quality of education and training.<sup>15</sup>
22. Adult Education/Lifelong learning: In 2000, the Government was planning on developing an adult education network through the establishment of adult education centres and through the provision of basic adult learning resources. The Tuvalu Technical Education Centre, that will offer training in carpentry, engineering, plumbing, and secretarial work were also launched. It will provide opportunities for mature age men and women in the main urban centre and on the outer islands to learn useful trades as required for the betterment of their lives, especially in the rural area. This centre will provide avenues and opportunities to youths to enhance their skills in their respective area of interest.

### Inclusive Education

23. Children with disabilities: There are very few disabled children in Tuvalu. The Red Cross has been mandated for the education of these students. On every island, there is a Red Cross Association that carries out the work required for one or two students who belong to this category. The Government supports the Red Cross in its training activities particularly the training of the handicapped.<sup>16</sup>
24. Gender equality: Women are being trained in micro enterprise and small medium term business development and marketing. These trainings are being funded by the Secretariat of the Pacific Community and the Commonwealth Secretariat. The trainings are being done at

<sup>11</sup> Government of Tuvalu, Biannual Statistical Report, June 2008, <http://paddle.usp.ac.fj/cgi-bin/paddle?e=d-010off-paddle--00-1--0---0-10-TX--4-----0-111--11-en-50---20-png--00-3-1-000--0-0-11-OutfZz-8-00&a=file&d=tuv005> (Accessed 29 September 2010)

<sup>12</sup> Ibid.

<sup>13</sup> <http://education.stateuniversity.com/pages/1582/Tuvalu.html> (Accessed 29 September 2010)

<sup>14</sup> <http://pid.adb.org/pid/TaView.htm?projNo=32407&seqNo=02&typeCd=2> (Accessed 29 September 2010)

<sup>15</sup> [http://www.adb.org/Documents/Fact\\_Sheets/TUV.pdf](http://www.adb.org/Documents/Fact_Sheets/TUV.pdf) (Accessed 29 September 2010)

<sup>16</sup> Education For All 2000 Assessment Country Report, Part III – Prospectives, op. cit.

the Community Education Training Centre in Suva, Fiji.<sup>17</sup> The Community Education Training Centre (CETC) conducts an annual seven-month live-in training program for up to 40 women community workers. The training focuses on various skills and knowledge in community development using non-formal, practical, participatory methods of learning. It contributes to the SPC Social Resources Division mission to “maximize the development potential of pacific island people in health, culture and information and enhance the empowerment of women and young people”. It supports the corporate divisional goal of “empowered pacific island women, young people and strong cultural identities”.<sup>18</sup>

25. There are more initiatives for the education of women and girls than men that are taking place in rural areas. The project objectives are to contribute to improve the quality of life of rural women, their families and the community in which they live by means of an all-round empowerment that will make it possible to raise their educational, health and nutritional standards. This will relate to their ability to play their full role in production and community advancement generally.<sup>19</sup>

26. Teachers training: To secure a base of more qualified teachers, Tuvalu started sending residents who wished to become primary school teachers to international institutes of higher education.<sup>20</sup>

#### Content of Education

27. Health Education: The Government of Tuvalu wants to cooperate with other agencies to create workshops and seminars in the areas of Health (for example, HIV/AIDs, Family Planning, Nutrition, etc.), Environmental/Coastal control and other areas of importance and concern to the public of Tuvalu.<sup>21</sup> A survey from UNAIDS in June 2010<sup>22</sup>, has shown that Tuvalu is trying to develop a national multi-sectorial strategy to respond to HIV, by addressing target populations, different issues, such as HIV and poverty, Human rights protection, Involvement of people living with HIV, Stigma and discrimination, Gender empowerment and/or gender equality.

28. Education curriculum: A national strategy on school based system of student assessment has been developed.<sup>23</sup>

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<sup>17</sup> National Report Submitted in Accordance with paragraph 15 (A) of the annex to Human Rights Council Resolution 5/1, 12 September 2008, op. cit., p. 11

<sup>18</sup> <http://www.sidsnet.org/pacific/spc/cetc/index.html> (Accessed 29 September 2010)

<sup>19</sup> Education For All 2000 Assessment Country Report, Part III – Prospectives, op. cit.

<sup>20</sup> <http://education.stateuniversity.com/pages/1582/Tuvalu.html> (Accessed 29 September 2010)

<sup>21</sup> Education For All 2000 Assessment Country Report, Part III – Prospectives, op. cit.

<sup>22</sup> [http://data.unaids.org/pub/Report/2010/tuvalu\\_2010\\_ncpi\\_en.pdf](http://data.unaids.org/pub/Report/2010/tuvalu_2010_ncpi_en.pdf) (Accessed 29 September 2010)

<sup>23</sup> National Report Submitted in Accordance with paragraph 15 (A) of the annex to Human Rights Council Resolution 5/1, 12 September 2008, op. cit., para.62, p. 11..

Cooperation:

29. Tuvalu is not party to UNESCO's Convention against Discrimination in Education (CADE) and did not report to UNESCO for the Seventh Consultation on the measures taken for the implementation of the Recommendation against Discrimination in Education (covering the period 2000-2005).

30. Tuvalu is not party to UNESCO's 1989 Convention on Technical and Vocational Education.

**Right to take part in cultural life**

Achievements, challenges, best practices and constraints related to the implementation of the right to take part in cultural life<sup>24</sup>

31. Normative Framework: constitutional and legislative frameworks: The preamble of the Constitution of Tuvalu states that "The people of Tuvalu desire to constitute themselves as an independent State based on Christian principles, the Rule of Law, and Tuvaluan custom and tradition". Furthermore, out of the seven principles mentioned by the Constitution, five of them refer to culture and its importance to the lives of the people of Tuvalu.

32. The Institutional framework: Department of Culture under the Ministry of Home Affairs is in charge of culture programmes. In 1991, the Tuvalu National Cultural Council (TNCC) Act was passed with a view to establishing the TNCC composed of 11 members to be chaired by the Minister responsible for culture in order to develop a National Cultural Policy and enhance the cultural life of the people of Tuvalu. However, this Act has not been fully implemented due to the lack of resources and political will.

33. Policy measures: A Draft National Cultural Policy of Tuvalu was initiated in the 1980s but has not been finalized. It should provide a normative framework and a basis for joining UNESCO Conventions in the field of culture once formally endorsed by the Government of Tuvalu.

34. Work with civil society: The authority of traditional leaders remains strong on the islands of Tuvalu. Traditional leaders have influence on the local governance through Kaupule (Island Council) and Falekaupule (Council of Traditional Chiefs) which constitute a traditional governance system that complement a modern system of democracy. The Falekaupule Act passed in 1999 includes provisions on the protection, preservation and promotion of traditions and indigenous cultures. Falekaupule has been supportive to the enhancement of cultural life of the people of Tuvalu and the finalization of National Culture Policy of Tuvalu. In addition, there are several NGOs working in heritage preservation and handicraft development in Tuvalu.

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<sup>24</sup> SPC (2011) ; Tuvalu Cultural Mapping, Planning and Policy Report

### 3. Freedom of opinion and expression

#### Achievements, best practices, challenges and constraints

35. Legislative framework: The Tuvalu Constitution<sup>25</sup> guarantees the freedom of expression under Article 24: “*Except with his consent no-one shall be hindered in the exercise of his freedom of expression.*” Within freedom of expression, the article includes the freedom to “*receive ideas and information without interference and freedom to communicate ideas and information without interference*”.
36. Defamation and libel remains a criminal offense under Part XIX of Tuvalu’s criminal code<sup>26</sup>.
37. There is no freedom of information law in the country.  
Media self-regulation
38. Media self-regulatory mechanisms are not developed in the country. The state owns the only radio station, newspaper, and television station.
39. Safety of journalists: UNESCO recorded no killing of journalists and media workers in Tuvalu between 2008 and 2011 and the journalists are able to work in a free environment in the country

### III. RECOMMENDATIONS

#### **Right to education**

40. Tuvalu should be encouraged to ratify the 1960 Convention against Discrimination in Education.
41. UNESCO has recently launched the 8th Consultation on the measures taken for the implementation of the Convention and Recommendation against Discrimination in Education (covering the period 2006-2011), the results of this Consultation will be submitted to UNESCO’s governing bodies at the end of 2013. Tuvalu has not yet reported to UNESCO on the Recommendation and is now strongly encouraged to submit a report.
42. Tuvalu could be encouraged to enshrine the right to education in its Constitution.
43. Tuvalu could be encouraged to adopt further measures (e.g. special laws) which aim to combat discrimination in education, protect minority groups, and promote gender equality.

#### **Right to take part in cultural life**

44. Tuvalu is encouraged to finalize the Draft National Cultural Policy and obtain endorsement of the Government of Tuvalu.

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<sup>25</sup> [http://www.tuvalu.islands.com/const\\_tuvalu.htm](http://www.tuvalu.islands.com/const_tuvalu.htm)

<sup>26</sup> [www.tuvalu-legislation.tv/tuvalu/DATA/PRIN/1990.../PenalCode.pdf](http://www.tuvalu-legislation.tv/tuvalu/DATA/PRIN/1990.../PenalCode.pdf)

45. Tuvalu is encouraged to plan and organize national consultations on the UNESCO Conventions in culture and in particular on the 1972 World Heritage Convention, the 2003 Intangible Cultural Heritage Convention, and the 2005 Convention for the Protection and Promotion of the Diversity of Cultural Expressions with the assistance of UNESCO with a view to accelerating national process towards joining the above instruments.

#### **Freedom of opinion and expression**

46. The Government is encouraged to decriminalize the defamation law and subsequently incorporate it into the civil code in accordance with international standards.

47. The Government is encouraged to begin the process to introduce a freedom of information law to enable public information to be accessed easily and freely by the public in accordance with international standards.

48. UNESCO recommends strengthening capacity in the field of journalism standards and ethics to develop the media self-regulatory mechanism both for media professionals and policy-makers

#### **The right to enjoy the benefits of scientific progress and its applications (REBSP)**

49. The Government of Tuvalu is encouraged to report to UNESCO within the framework of the on-going consultation with Member States on the monitoring of the implementation of the 1974 Recommendation on the Status of Scientific Researchers.