

Universal Periodic Review (30th session, Apr-May 2018)
Contribution of UNESCO
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Tuvalu

I. Background and framework

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education 1960	Not a State Party to the Convention	Reservation to this Convention shall not be permitted		Right to education
Convention on Technical and Vocational Education 1989	Not a State Party to the Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	Not ratified			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	12/05/2017 Acceptance			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	Not ratified			Right to take part in cultural life

Right to education

II. Promotion and protection of human rights on the ground

1. The right to education is not enshrined in the **Constitution of Tuvalu of 1986**.¹ Education is regulated through the **Education Ordinance of 1976**. It spells out that the Minister can take necessary steps to ensure the provision of educational and training opportunities for children and adults. Compulsory education from six to

¹ <http://www.unesco.org/education/edurights/media/docs/0040d7a8e3aaa2a59dc4ccdb36fb2f96d68b9584.pdf>

sixteen years is regulated in the **Educational (Compulsory Education) Act of 1984, revised in 2008.**

2. In terms of reporting to UNESCO, Tuvalu has not submitted a report within the framework of the **9th (2016-2017) Consultation of Member States** on the measures taken to implement the UNESCO Recommendation against Discrimination in Education nor within the framework of the **8th (2011-2013) Consultation**. Tuvalu did also not report on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the **5th (2012-2013)** and the **6th (2016-2017) Consultations of Member States**.

Freedom of opinion and expression

➤ Constitutional and Legislative Framework:

3. The Tuvalu Constitution² 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”.
4. Defamation and libel remain criminal offenses under Article 19 of Tuvalu’s Criminal Code.³
5. There is no freedom of information law in the country.

➤ Implementation of Legislation:

6. The Tuvalu Media Department is the only media outlet in Tuvalu (TMD). The Department is currently managed by the Office of the Prime Minister and operates Tuvalu Radio, the only means of media in Tuvalu. It employs eight journalists.

➤ Safety of journalists:

7. UNESCO recorded no killing of journalists and media workers in Tuvalu between 2011 and 2017.

III. Recommendations

8. Below are the recommendations made within the framework of the 2nd cycle of the Working Group (16th session) on the Universal Periodic Review (July 2013):⁴

² http://www.tuvaluislands.com/const_tuvalu.htm

³ www.tuvalu-legislation.tv/tuvalu/DATA/PRIN/1990.../PenalCode.pdf

⁴ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/154/58/PDF/G1315458.pdf?OpenElement>

82.19. *Step up efforts in implementing the current national priorities, including the policy for youth and women advancement, Education Strategic Plan, Climate Change Adaptation Program and the National Sustainable Development Strategy.*

82.43. *Pass and implement its proposed legislation to prevent violence against women and adopt a strategy to properly tackle the unequal status of women in many areas including education, public life and decision-making.*

82.53. *Harmonize its Penal Code and legislation with the CRC in order to eradicate corporal punishment of children in schools and other settings.*

Review and specific recommendations

9. First, Tuvalu has not yet ratified UNESCO's Convention against Discrimination in Education.⁵ In the context of Sustainable Development Goal 4 on education,⁶ ratifying the Convention would provide Tuvalu with a supportive legal environment for all efforts made towards providing and ensuring "inclusive and equitable quality education and lifelong learning opportunities for all". In that respect, Tuvalu should be strongly encouraged to consider the ratification of UNESCO's Convention against Discrimination in Education and, if needed, to seek UNESCO's assistance in the process. Additionally, the national legal framework contains limited reference to the right to education. In the context of the new education agenda, Tuvalu should be recommended to adopt more comprehensive legal guarantees on the right to education, guaranteeing the fundamental right to education for all, without discrimination or exclusion.
10. Education-related recommendations made during the last UPR cycle included the implementation of national priorities in education, gender equality in education and ending corporal punishment in schools.
11. One recommendation concerned specifically the harmonization of the Penal Code and legislation to put an end to corporal punishment of children in schools. To date, corporal punishment is still lawful under Article 226 of the Penal Code as well as under Article 29 of the 1976 Education Act. The Penal Code gives teachers the right 'to administer reasonable punishment' to children whereas the Education Act makes corporal punishment lawful for the principal. During the last UPR cycle, Tuvalu reported that a review of the Education Act to integrate human rights concerns had been taking place and that the country was addressing corporal punishment, asking for support from the international community.⁷ Yet, no further action towards legislative changes by Tuvalu could be identified. Therefore, Tuvalu should be encouraged to bring its laws in line with the Convention on the Rights of the Child, prohibiting all forms of corporal punishment and to take into account General Comment No. 8 (2006) of the Committee on the Rights of the Child to protect children from corporal punishment. Furthermore, Tuvalu should be recommended to set up public awareness-

⁵ See <http://en.unesco.org/themes/right-to-education/convention-against-discrimination> and <http://en.unesco.org/themes/right-to-education/convention-against-discrimination/ratification>

⁶ See Education 2030 – Incheon Declaration and Framework for Action: <http://unesdoc.unesco.org/images/0024/002456/245656E.pdf>

⁷ Human Rights Council, Report of the Working Group on the Universal Periodic Review, Tuvalu, 5 July 2013, A/HRC/24/8, p 11

raising campaigns to inform about the negative impacts of corporal punishment and to promote alternative forms of discipline.

12. Regarding the status of women in education, according to national data, girls and boys attend primary school, secondary school and tertiary education in equal proportions with similar results.⁸ Yet, at the post-secondary and vocational training level, gender disparities exist as males and females are over-represented in certain training areas, males receiving mostly training in maritime occupations and females mostly in nursing and teaching. In addition, data disaggregated by age, sex and school of so-called push-outs (students not passing the secondary entry exam) is lacking.⁹ Tuvalu should be encouraged to provide career counselling for girls and women to encourage them to enrol in male-dominated areas of study. Furthermore, Tuvalu could be recommended to monitor school push-outs and to offer alternatives for girls outside formal education.

13. A lack of age-appropriate and gender-sensitive sexual and reproductive health education is one of the reasons for an increased risk of HIV/AIDS, sexually transmitted diseases and early pregnancy. Additionally, re-entry policies to school for girls after giving birth are lacking.¹⁰ Tuvalu should be encouraged to strengthen sexual and reproductive health education and to increase its efforts in facilitating young mothers' return to school by introducing policies ensuring that girls are not excluded from school due to their pregnancy. Furthermore, girls being particularly affected by inadequate education infrastructure and a lack of sanitation facilities,¹¹ Tuvalu could be recommended to improve sanitary facilities in schools and to ensure affordable school transport, especially for remote areas.

14. One area of recommendation concerned the implementation of national priorities in education. In that respect, it should be noted that Tuvalu attributed 25% of its total budget to education. Yet, Tuvalu's capacity does not suffice for all primary school graduates to continue in secondary schools, leading to the so-called push outs and a system of school continuation based on merit. The new national strategy for sustainable development 2016-2020 (Te Kakeega III) takes up the goals of Te Kakeega II which targeted teacher training, better equipped and maintained schools, a more consistent curriculum and the improvement of technical and vocational training. A priority for Te Kakeega III is also the adoption of uniform national certification equivalent to and recognized by other countries.¹² While welcoming Tuvalu's determination to introduce measures improving educational quality, Tuvalu should be

⁸ Ministry of Education, Youth and Sports, Education Department, 2015, Tuvalu, National EFA Review in Tuvalu

⁹ Committee on the Elimination of Discrimination against Women, Concluding observations on the combined third and fourth periodic reports of Tuvalu, 11 March 2015, CEDAW/C/TUV/CO/3-4, p 7

¹⁰ Committee on the Elimination of Discrimination against Women, Concluding observations on the combined third and fourth periodic reports of Tuvalu, 11 March 2015, CEDAW/C/TUV/CO/3-4, p 7, 9

¹¹ Committee on the Elimination of Discrimination against Women, Concluding observations on the combined third and fourth periodic reports of Tuvalu, 11 March 2015, CEDAW/C/TUV/CO/3-4, p 7

¹² Government of Tuvalu, 2016, Te Kakeega III National Strategy for Sustainable Development 2016-2020, pp 37

encouraged to continue its efforts regarding the implementation of national priorities in education.

➤ **Specific recommendations:**

1. Tuvalu should be strongly encouraged to ratify the UNESCO Convention against Discrimination in Education and to seek UNESCO's assistance in this process.
2. Tuvalu should be encouraged to reinforce the national legal framework relating to education, to ensure it is guaranteed as a right for all without discrimination, and to prohibit corporal punishment in line with the Convention on the Rights of the Child.
3. Tuvalu should be encouraged to introduce gender-sensitive measures in education, notably by promoting gender equality in terms of educational choices, by adopting re-entry policies for young mothers and by improving sanitary facilities.
4. Tuvalu should be encouraged to intensify its efforts to implement national priorities in education and to raise education quality.
5. Tuvalu should be encouraged to submit state reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
6. Tuvalu should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Global Database on the Right to Education.¹³

Freedom of opinion and expression

15. The Government is encouraged to begin the process to introduce a freedom of information law in accordance with international standards.
16. The Government is encouraged to decriminalize the defamation law and subsequently incorporate it fully into the civil code in accordance with international standards.

Cultural Rights

17. As a State Party to the Convention for the Safeguarding of the Intangible Cultural Heritage (2003),¹⁴ Tuvalu is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Tuvalu is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities),

¹³ <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/right-to-education/database/>

¹⁴ Periodic Report not available

and to ensure that equal opportunities are given to women and girls to address gender disparities.

18. Tuvalu is also encouraged to ratify the Convention concerning the Protection of the World Cultural and Natural Heritage (1972) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) as a means to promote access to and participation in creative expressions and as such contribute to implementing the right to take part in cultural life.

Freedom of scientific research and the right to benefit from scientific progress and its applications

19. **Tuvalu** has not submitted its National Report on the implementation of the **Recommendation on the Status of Scientific Researchers** (1974) for the **Second Consultation** covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002527/252798e.pdf>). Therefore **Tuvalu** is encouraged to report to UNESCO in future on any legislative or other steps undertaken by it to ensure the application of this international standard-setting instrument, paying particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in a spirit of autonomy, freedom of research, non-discrimination and respect for their human rights.