

**Universal Periodic Review
(44th working group session)
Contribution of UNESCO to Compilation of UN information**

Tuvalu

I. RATIFICATION OF UNESCO CONVENTIONS

TITLE	Date of ratification, accession, acceptance or succession	Declarations/Reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's field of competence
Convention against Discrimination in Education (1960)	Not ratified			The right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Not ratified			The right freely to participate in the cultural life of the community
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Acceptance: 12/05/2017			The right freely to participate in the cultural life of the community
Convention on the Protection	Not ratified			The right freely to participate in the cultural life of the community

and Promotion of the Cultural Diversity of Cultural Expressions (2005)				
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II. REVIEW OF LEGISLATIVE, REGULATORY AND POLICY FRAMEWORKS AND IMPLEMENTATION

A. THE RIGHT TO EDUCATION

Legislative, regulatory and policy frameworks

1. Neither the Constitution nor the legislation guarantee the right to education. It was recommended in the last UPR to include this right in the Constitution (101.90).
2. The Compulsory Education Order¹ guarantees nine years of compulsory education, from seven to 15 years old. However, both this order and the Education Act² do not guarantee free education. Pre-primary education is neither compulsory nor free.
3. No recent law or policy in education has been identified.

Corporal punishment

4. In 2017, the Education Act was amended³ to remove the article that authorized corporal punishment. If this was a positive step, it did however not add a new provision explicitly prohibiting corporal punishment.

Climate displaced populations

5. Tuvalu is highly vulnerable to various climate risks, such as sea level rise and costal erosion. While schools are designed to withstand disasters, they often serve as community evacuation points when necessary, therefore creating a barrier to education.

Enrolment rates

6. The gross enrolment rates (GER)⁴ in Tuvalu were:
 - In pre-primary education, in 2021: 86% in total, 81% for girls and 91% for boys;
 - In primary education in 2021: 92% in total, 90% for girls and 93% for boys;

¹

<https://www.unesco.org/education/edurights/media/docs/2df4800cfcfd961a9b0c10573ad4ebe2f7c0e139.pdf>

² https://tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/1976/1976-0003/EducationAct_1.pdf

³

<https://www.unesco.org/education/edurights/media/docs/41db53cf6a51a7cc3fed0bc9f6fd84a3b08679fc.pdf>

⁴ UNESCO UIS data

- In secondary education in 2021: 74% in total, 76% for girls and 71% for boys;
- In tertiary education, data is unavailable.

Digital education

7. No information is available on digital education.

Discrimination in education (UNESCO consultations)

8. Tuvalu did not submit a report for the 9th and the 10th Consultation on the implementation of the Convention and the Recommendation against Discrimination in Education.

B. FREEDOM OF OPINION AND EXPRESSION AND THE RIGHT TO INFORMATION

Constitutional and legislative frameworks

9. The constitution of Tuvalu guarantees freedom of expression under section 24: "except with his consent no-one shall be hindered in the exercise of his freedom of expression". This includes the "freedom to hold opinions without interference" and the "freedom to receive [and to communicate] ideas and information without interference".⁵
10. Defamation remains a criminal offense under sections 184-191 (part 19) of the penal code of Tuvalu.⁶ according to Part 6, the term of imprisonment to which a person may be sentenced by a court in default of payment of a fine shall be such term as in the opinion of the court but shall not exceed 3 months.
11. There is no access to information law in the country.

Implementation of the law

12. The Tuvalu Media Department managed by the Office of the Prime Minister organizes public broadcasting, and currently operates the country's only radio station, Radio Tuvalu.

Safety of journalists

13. Since 2006, when systematic reporting began, UNESCO recording no killings of journalists and media workers in Tuvalu [as at 31 January 2023].

III. RECOMMENDATIONS

A. THE RIGHT TO EDUCATION

14. Tuvalu should be encouraged to:
 - i. Ratify the Convention against Discrimination in Education;

⁵ <https://www.gov.tv/tuvalu-constitution/>

⁶ https://tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/1965/1965-0007/PenalCode_1.pdf

- ii. Explicitly guarantee the right to education without discrimination in the legal framework;
- iii. Ensure that education is free for 12 years and enshrine the guarantee of free education in the legislation;
- iv. Guarantee at least one year of free and compulsory pre-primary education;
- v. Explicitly prohibit the use of corporal punishment in the legislation;
- vi. Ensure the monitoring of the education system and make the information available;
- vii. Submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Recommendation against Discrimination in Education;
- viii. Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education⁷ and Her Atlas.⁸

B. FREEDOM OF OPINION AND EXPRESSION AND THE RIGHT OT EDUCATION

- 15. Tuvalu is recommended to introduce an access to information law and an independent oversight institution in accordance with international standards.
- 16. Tuvalu is recommended to decriminalize defamation and place it within the civil code, in line with international standards.

C. RIGHT FREELY TO PARTICIPATE IN THE CULTURAL LIFE OF THE COMMUNITY (CULTURAL RIGHTS)

- 17. Tuvalu is 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). The UNESCO Culture Conventions promote access to and participation in cultural heritage and creative expressions 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 facilitate the participation of communities, practitioners, cultural actors and civil society organizations, as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young people and persons with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. THE RIGHT TO SHARE IN SCIENTIFIC ADVANCEMENT AND ITS BENEFITS

⁷ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

⁸ <https://en.unesco.org/education/girls-women-rights>

18. Tuvalu did not submit its National Report on the implementation of the Recommendation on Science and Scientific Researchers (2017) for the consultation period from 2017 to 2020. Therefore, Tuvalu is encouraged to report to UNESCO on its implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law, policy and practice paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, etc.) and human rights obligations related to the practice of science generally: the human rights related to access to and uses of scientific knowledge through education; the sharing of benefits of scientific progress and its applications; the principle of non-discrimination, requiring in this case active promotion of women and girls entering scientific careers; protection for the rights of human subjects of research; and promotion of the science society interface. Furthermore, Tuvalu is encouraged to expand input on issues covered by the 2017 Recommendation in its national report to the UPR to allow further discussions thereon at the Human Rights Council and the formulation of specific recommendations. Within this framework, Tuvalu is urged to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers and also to address the relevant dimensions of the right to science in its reporting on the impact of the COVID-19 pandemic and the assessment of responses thereto.