



Tuvalu

CONSTITUTION (RECOGNITION OF TRADITIONAL STANDARDS, VALUES AND PRACTICES) AMENDMENT ACT 2010

**AN ACT TO AMEND THE CONSTITUTION OF TUVALU TO ENSURE
THAT THE EXERCISE OF CERTAIN CONSTITUTIONAL FREEDOMS
WHICH MAY BE DIVISIVE OR THREATEN TUVALUAN VALUES ARE
ALWAYS SUBJECT TO LAWS RECOGNISING TRADITIONAL
STANDARDS, VALUES AND PRACTICE.**

ENACTED BY THE PARLIAMENT OF TUVALU

Commencement [1 January 2011]

1 Short Title

This Act may be cited as the Constitution (Recognition of Traditional Standards, Values and Practices) Amendment Act 2010.

2 Commencement

This Act shall come into operation on such date as the Minister by notice appoints.

3 National Interest

This provisions set out in section 4 below are required in the national interest.

4 Purpose of the Act

The purpose of this Act is:

- (a) to protect the island communities of Tuvalu from the spread of religious beliefs which threaten the cohesiveness of island communities.
- (b) to provide the powers necessary to make laws to restrict the exercise of certain constitutional freedoms, where the exercise of those freedoms is inconsistent with a law, or an act done under law, which accords with the traditional standards, values and practices of the island communities of Tuvalu.
- (c) to provide legal recognition for the traditional practices of island communities to limit the establishment of religions on their islands.

5 Amendment of the Constitution of Tuvalu

The Constitution of Tuvalu is amended as follows:

- (a) At the beginning of section 12(2) of the Constitution of Tuvalu, delete the words:
“Notwithstanding anything contrary in any other law,”
- (b) At the beginning of section 12(2), insert the words:
“Except in relation to any act that is done under a valid law which accords with traditional standards, values and practices,”
- (c) Insert a new subsection 15(6):
“Notwithstanding subsection (5), any law, or any act done under a valid law, which accords with traditional standards, values and practices shall not contravene subsection (1) above, unless the relevant traditional standard, value or practice would be regarded by an ordinary modern citizen of Tuvalu as one which should be eliminated.”
- (d) In section 26(1), insert a new paragraph (b):
“section 29 (Protection of Tuvaluan values, etc.); and”
and renumber existing paragraphs (b) to (i);
- (e) In section 27(2), insert a new paragraph (b):
“section 29 (Protection of Tuvaluan values, etc.); and”
and renumber existing paragraphs (b) to (e);
- (f) In section 29(5), replace the existing text with the following text:
“Subject to section 15 (definition of “reasonably justifiable in a democratic society”) nothing contained in a law or done under a law shall be considered to be inconsistent with section 23 (freedom of belief); or section 24 (freedom of expression); or section 25 (freedom of assembly and association); or section 26 (freedom of movement); or

section 27 (freedom from discrimination) to the extent the law makes provision regulating or placing restrictions on any exercise of the right-

(a) to spread beliefs; or

(b) to communicate opinions, ideas and information;

if the exercise of that right may otherwise conflict with subsection (4).”