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## U.S. Department of State

### Tuvalu Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

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#### TUVALU

Tuvalu, with about 10,000 primarily Polynesian people, occupies a land area of 26 square kilometers on 9 atolls in the central South Pacific. It became independent from the United Kingdom in 1978 and is a member of the Commonwealth of Nations. Its Constitution provides for a Westminster-style parliamentary democracy. Tuvalu's Head of State is the British Queen, represented by the Governor General who must be a Tuvaluan citizen. The judiciary is independent.

A 32-member police constabulary, the only security force, is responsible to and effectively controlled by civilian authority.

The primarily subsistence economy relies mainly on coconuts, taro, and fishing. Tuvalu depends heavily on foreign aid, mainly from Australia, New Zealand, Japan, and Taiwan. Remittances from Tuvaluans working abroad as well as the sale of postage stamps and of fishing licenses to foreign vessels provide additional foreign exchange. Tuvalu's isolation and meager natural resources limit the prospects for economic development.

Tuvaluan society is egalitarian, democratic, and respectful of human rights. Social behavior, as determined by custom and tradition, however, is considered as important as the law and is ensured by village elders. There were no reports of specific human rights abuses. However, in the traditional culture of the islands, women occupy a subordinate role, with limits on their job opportunities, although recently there has been a substantial effort to accord women equality in employment and decisionmaking.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

There were no reports of politically motivated or other extrajudicial killings.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids torture and inhuman or degrading punishment, and there were no reported instances of such practices. Local hereditary elders exercise considerable traditional authority--including the seldom invoked right to inflict corporal punishment for infringing customary rules--which can be at odds with the national law.

Prison facilities in this tiny island nation with a population of less than 11,000 consist of several holding cells at the back of the police station. There have been no serious crimes within the memory of local officials. It is rare for a prisoner to spend as long as a week in a cell; more commonly, a person is incarcerated overnight because of drunkenness. While prison conditions are somewhat Spartan as regards food and sanitation, the level of complaints seems to be minimal or nonexistent. Since there are no local human rights groups, the question of prison monitoring by them has not arisen. Visits by church groups and family members are permitted.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and it is free of governmental interference.

The judicial system consists of the higher courts, namely, the Privy Council, the Court of Appeal, and the High Court; and the lower courts, i.e., those of the senior and resident magistrates, the island courts, and the land courts. The Chief Justice, who is also Chief Justice of Nauru, sits on the High Court about once a year.

The right to a fair public trial is ensured by law and observed in practice. The Constitution provides that accused persons must be informed of the nature of the offenses with which they are charged and be provided the time and facilities required to prepare a defense. An independent people's lawyer is ensured by statute. The services of this public defender are available to all Tuvaluans free of charge. The right to confront witnesses, present evidence, and appeal convictions is provided by law. Procedural safeguards are based on English common law.

There were no reports of political prisoners.

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Government adheres in practice to the legal protection of privacy of the home. It does not arbitrarily intrude into the private life of the individual.

### **Section 2 Respect for Civil Liberties, Including:**

#### a. Freedom of Speech and Press

The Government respects in practice freedom of speech and press. The one radio station is under government control.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and there are no significant restrictions in practice.

#### c. Freedom of Religion

The Constitution provides for separation of church and state, and imposes no restrictions on freedom of religion. The Government respects these provisions.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens are free to travel within the country and abroad. The Government does not restrict repatriation.

The Government cooperates with the United Nations High Commissioner for Refugees and other humanitarian organizations in assisting refugees. No person in recent memory has applied for refugee status, and the Government has not formulated a formal policy regarding refugees, asylees, or first asylum.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

The people freely and directly elect a 12-member unicameral Parliament whose normal term is 4 years. Each of Tuvalu's nine atolls is administered by a six-person council, also elected by universal suffrage to 4-year terms. The minimum voting age is 18 years.

The Cabinet consists of the Prime Minister, elected by secret ballot from among the Members of Parliament, and up to four other ministers, appointed and removed from office by the Governor General with the advice of the Prime Minister. The Prime Minister may appoint or dismiss the Governor General on behalf of the British Monarch. There are no formal political parties. The Prime Minister may be removed from office by a parliamentary vote of no confidence. In 1996 the then incumbent Prime Minister was removed by a vote of no confidence.

For cultural reasons, women are underrepresented in politics. The Parliament has one female member, who is a member of the Cabinet.

### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

There have been no reported allegations of human rights violations by the Government and no known requests for investigations. While no known barriers block their establishment, there are no local nongovernmental organizations that concern themselves with human rights. Tuvalu is not a member of the United Nations.

### **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

The Constitution prohibits discrimination on the basis of race, creed, sex, or national origin, and the Government generally respects these prohibitions. However, the traditional culture has limited women's job opportunities.

#### Women

Violence against women is rare. If wife beating occurs, it is infrequent and has not become a source of societal concern.

Women increasingly hold positions in the health and education sectors, and also are more active politically.

#### Children

The Government is committed to children's human rights and welfare and provides commensurate funding for children's welfare within the context of the total resources available to the State. There are no reports of child abuse.

#### People With Disabilities

Although there are no mandated accessibility provisions for the disabled, there are no known reports of discrimination in employment, education, or provision of other state services.

### **Section 6 Worker Rights**

#### a. The Right of Association

Workers are free to organize unions and choose their own labor representatives, but most of the population lacks permanent employment and is engaged in subsistence activity. The law provides for the right to strike, but no strike has ever been recorded.

In the public sector, civil servants, teachers, and nurses--who total less than 1,000 employees--are grouped into associations which do not presently have the status of unions. The only registered trade union, the Tuvalu Seamen's Union, has about 600 members, who work on foreign merchant vessels. Unions may affiliate with international bodies. The Seamen's Union is a member of the International Transportation Workers' Federation.

#### b. The Right to Organize and Bargain Collectively

The Industrial Relations Code (1978) provides for conciliation, arbitration, and settlement procedures in cases of labor disputes. Although there are provisions for collective bargaining, the practice in the private sector is for wages to be set by employers. For both the private and public sectors, the legal procedures for resolving labor disputes are seldom used; instead, the two sides normally engage in

nonconfrontational deliberations in the local multipurpose meeting hall.

Tuvalu is not a member of the International Labor Organization.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The Tuvalu Employment Ordinance (1978) prohibits forced or compulsory labor, including by children, and there have been no reports of either being practiced.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Employment Law prohibits children under the age of 14 from working. Education is compulsory for children from 6 through 13 years of age. The Law also prohibits children under 15 years of age from industrial employment or work on any ship and stipulates that children under the age of 18 years are not allowed to enter into formal contracts, including work contracts. Children are rarely employed outside the traditional economy.

The Government prohibits forced and bonded labor by children and enforces this prohibition effectively (see Section 6.c.).

#### e. Acceptable Conditions of Work

The modest minimum wage, set administratively by the Government, is sufficient to allow a worker and family in the wage economy to maintain a decent standard of living. The present minimum wage in the public (government) sector is \$0.73 (\$A1.00) per hour. This rate applies regardless of sex and age. In most cases, the private sector adopts the same minimum wage rate.

The Labor Office may specify the days and hours of work for workers in various industries. The workday by law is set at 8 hours. The majority of workers are outside the wage economy. The law provides for rudimentary health and safety standards. It requires employers to provide an adequate potable water supply, basic sanitary arrangements, and medical care. Specific provisions of the law provide for the protection of female workers. The Ministry of Labor, Works, and Communications is responsible for the enforcement of these regulations, but it is able to provide only minimum enforcement.

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