

[Home](#)[Issues & Press](#)[Travel & Business](#)[Youth & Education](#)[About State Department](#)

Tuvalu

Country Reports on Human Rights Practices - [2005](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 8, 2006

Tuvalu is a parliamentary democracy and British Commonwealth member with a population of approximately 11 thousand. The head of state, Queen Elizabeth II, is represented by the governor general, who must be a citizen of the country. There are no formal political parties. In 2002 citizens elected a 15-member unicameral parliament in free and fair elections. Parliament selects the prime minister. In October 2004 Parliament selected Maatia Toafa as prime minister to replace Saufatu Sopoanga, who lost a parliamentary vote of confidence. The civilian authorities generally maintained effective control of the police, the country's only security force.

The government generally respected the human rights of its citizens, and the law and judiciary generally provide effective means of addressing individual instances of abuse. The following human rights problems were reported:

- allegations of government corruption
- social and religious discrimination stemming from traditional customs and social patterns
- discrimination against women

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and there were no reports that government officials employed them.

Local hereditary elders exercise discretionary traditional punishment and disciplinary authority. This includes the right to inflict corporal punishment for infringing customary rules, which can be at odds with the national law. However, during the year there were no reports of such corporal punishment.

Prison and Detention Center Conditions

Prison conditions generally met international standards, and the government permitted regular visits by local church representatives. There were no visits by independent international human rights observers.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The Office of the Prime Minister oversees the country's only security force, the 73-member national police service. Most police were stationed on Funafuti Island, with one regular and one auxiliary officer serving on each of the other islands. The police generally were

regarded as professional and effective, although women's rights advocates criticized them as failing to take the issue of domestic violence seriously enough.

Senior officers investigate allegations of police abuse on a case-by-case basis, and the police commissioner reviews any proposed punishment. Corruption and impunity were not significant problems.

Arrest and Detention

The law permits arrests without warrants when an unlawful act is committed in the presence of a police officer; police estimated that approximately 80 percent of arrests were of this type. The police may hold a person arrested without a warrant for no more than 24 hours without a hearing before a magistrate. When a court issues an arrest warrant, the maximum permissible detention time before a hearing must be held is stated on the warrant and normally is one to two weeks.

There was a functioning system of bail. Arrested persons generally were promptly informed of the charges against them, although bureaucratic delays sometimes occurred (see section 1.e.). Detainees had prompt access to family members and to the people's lawyer (public defender); the country had no attorneys in private practice.

There were no reports of political detainees.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice.

There is a two-tier judicial system. Higher courts include the High Court, the Court of Appeal, and the Sovereign in Council (Privy Council) in the United Kingdom. Lower courts consist of senior and resident magistrates, the island courts, and the Land Court. An expatriate chief justice appointed by the governor general presides over the High Court, which generally sits twice a year.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Judges conduct trials and render verdicts; there are no juries. The accused must be informed of the nature of the offenses with which they are charged and provided the time and facilities required to prepare a defense. The people's lawyer (public defender) expressed concern that bureaucratic delays sometimes resulted in several months passing before an accused was informed of the charges. The law provides for a presumption of innocence and the right to confront witnesses, present evidence, and appeal convictions. Procedural safeguards are based on British common law. The services of the independent people's lawyer are available to all citizens without charge.

Political Prisoners

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, but the government occasionally limited these rights in practice.

There were no private, independent media. The Tuvalu Media Corporation (TMC), a public corporation, controlled the country's sole radio station and a monthly newsletter. The secretary to government serves as the chairman of the TMC board, and the prime minister's duties include nominal oversight of the TMC. In practice only 10 minutes of local news and information was broadcast daily; the remaining radio programming consisted of rebroadcasts of BBC programs. There was no television. Following previous criticism of government influence and self-censorship at the TMC, human rights activists reported that TMC coverage of political and human rights issues that was critical of the government, although still limited, increased during the year. Videotapes circulated freely and were widely available; however, pornography in all forms is illegal.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice; however, under an October High Court ruling, traditional village authorities may restrict this right in certain circumstances.

The constitution also states that the laws are to be based on Christian principles. Despite official tolerance, religious homogeneity (more than 90 percent of citizens are members of the Church of Tuvalu, a Congregationalist denomination) and traditional structures of communal life posed practical barriers to the introduction and spread of other religious beliefs. The law requires churches to register and they must have a minimum of 50 members to do so.

In 2003 the traditional island council of Nanumanga banned the introduction of additional religions to that island. The Tuvalu Brethren Church subsequently filed a complaint against the council after the council ordered church members to stop further proselytizing and some islanders attacked and injured church members and damaged church property. In October the High Court ruled against the church, stating that the constitution permits local traditional authorities to restrict the constitutional right to religious freedom in defense of traditional mores. The church's appeal of the High Court ruling was pending at year's end.

Societal Abuses and Discrimination

There was no known Jewish community, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not practice it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the government has not established a system for providing protection to refugees. The government maintained its general cooperation with the Office of the UN High Commissioner for Refugees and other humanitarian organizations, but the issue of assisting refugees and asylum seekers did not arise during the year.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

Citizens freely and directly elect a 15-member unicameral parliament with a normal term of 4 years. Each of the country's eight main islands is administered by a six-person council, also elected by universal suffrage to four-year terms. The minimum voting age is 18 years.

The most recent general elections, held in 2002, were free and fair. The newly elected Parliament elected Saufatu Sopoanga, a former civil servant, as prime minister. In August 2004 Sopoanga lost a parliamentary vote of confidence. Then-deputy prime minister Maatia Toafa acted as prime minister in a "caretaker" capacity until October 2004, when Parliament formally elected him prime minister.

There were no formal political parties; however, Parliament informally was divided between a faction that supported the Toafa government and a faction that did not.

Participation by women in government and politics was limited, largely due to traditional perceptions of women's role in society. There were no female members of Parliament or cabinet ministers, but the number of female senior civil servants increased during the year.

Government Corruption and Transparency

Laws against corruption are weak. There was a widespread public perception that the government lacked transparency and accountability, that public funds sometimes were mismanaged, and that government officials benefited unfairly from their positions.

The law provides for annual, public ministerial reports, but publication was spotty and often nonexistent. The Auditor General's Office, responsible for providing government oversight, was underfunded, lacked serious parliamentary support, and consequently continued to lack adequate staff and resources. During the year Parliament's Public Accounts Committee, chaired by the opposition, conducted its first interviews of all government department heads and permanent secretaries. Human rights advocates viewed that as a positive step toward transparency.

There is no law providing for public access to government information. In practice the government was somewhat cooperative in responding to individual requests for such information.

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

There were no local nongovernmental organizations concerned entirely with human rights, although there were no known barriers to their establishment. Some human rights advocates such as the National Council of Women operated under the aegis of the Tuvalu Association of Nongovernmental Organizations, which was composed primarily of religious organizations. The people's lawyer, who served as a public defender, also monitored sentencing, equality before the law, and human rights issues in general. This institution, which at times has been critical of the government, nonetheless was supported by the government, which frequently sought its advice. The few other local organizations involved in human rights issues generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, color, place of origin, religion, or political belief, and the government generally enforced these prohibitions. The National Council of Women urged the government to amend the law to specifically prohibit discrimination on the basis of gender, but no action was taken on this proposal during the year.

Women

Reports of violence against women were rare. Women's rights observers reported that it was not possible accurately to estimate the incidence of domestic violence, due to a lack of data. They also criticized the police for seeking to address violence against women using traditional and customary methods of reconciliation rather than criminal prosecution. Assault is a crime, but the law does not address domestic violence specifically, and it was not a source of broad societal debate. Rape is a crime punishable by a minimum sentence of five years' imprisonment; however, spousal rape is not included in the legal definition of this offense.

Prostitution and sex tourism are illegal and were not problems. The law does not prohibit sexual harassment specifically, but prohibits indecent behavior, which includes lewd touching. Sexual harassment was not a significant problem.

Although the constitution provides that its bill of rights provisions apply to all regardless of "race, place of origin, political opinions, color, religious beliefs or lack of religious beliefs, or sex," its provision on freedom from discrimination omits a specific reference to discrimination based on gender. Women's rights advocates cited this contradiction as denying women full constitutional rights and freedoms. The issue has not been tested in the courts.

The law generally treats men and women equally, but there remained some areas in which the law contributed to an unequal status for women. For example, the land inheritance rights of the Lands Code are based in part on customary practices. If survivors cannot agree on the settlement of an estate, the law specifically provides for sons to inherit a greater share of property than daughters. However, the law allows appeal of such property distributions.

In practice women held a subordinate societal position, constrained both by law in some areas and by traditional customary practices. Nonetheless, women increasingly held positions in the health and education sectors and were more active politically. In the wage economy, men held most higher-paying positions, while women held the clear majority of lower-paying clerical and retail positions.

Children

Government funding for children's welfare was reasonable within the context of its total available resources. Education was free, compulsory, and universal for children through age 13. Primary school enrollment rates were 87 percent for boys and 88 percent for girls, according to the Asian Development Bank. However, only about one-third of secondary-school-age children (ages 15-19) attended school. The attendance rate for girls at the secondary school level was approximately 10 percent higher than that for boys overall, and approximately 40 percent higher in the last 2 years of secondary school. Students competed for academic scholarships to attend universities overseas or participated in vocational training focusing on subsistence farming and maritime training for men and computer or other business training for women. The government provided free medical care for children through age 18.

There were no reports of child abuse.

Trafficking in Persons

The law prohibits procurement of persons within and across borders for purposes of prostitution, but it does not mention or prohibit trafficking specifically. However, there were no reports that persons were trafficked to, from, or within the country.

Persons with Disabilities

There were no known reports of discrimination against persons with disabilities in employment, education, or the provision of other state services. However, supplementary state services to address the special needs of persons with disabilities were limited. There are no mandated accessibility provisions for persons with disabilities.

Section 6 Worker Rights

a. The Right of Association

The law provides for the right of association. Workers were free to organize unions and choose their own labor representatives, but most of the population lacked permanent employment and was engaged in subsistence activity.

Public sector employees such as civil servants, teachers, and nurses were members of professional associations that did not have union status. The only registered trade union, the Tuvalu Seamen's Union, had approximately 1,090 members, who worked on foreign merchant vessels.

b. The Right to Organize and Bargain Collectively

The law provides for conciliation, arbitration, and settlement procedures in cases of labor disputes. Although there are provisions for collective bargaining, in practice the few individual private sector employers set their own wage scales. Both the private and public sectors generally used nonconfrontational deliberations to resolve labor disputes.

The law provides for the right to strike, but no strike has ever taken place.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children under age 14 from working in the formal labor market. The law also prohibits children under age 15 from industrial employment or work on any ship and stipulates that children under age 18 are not allowed to enter into formal contracts, including work contracts. Children rarely were employed outside the traditional economy of subsistence farming and fishing.

e. Acceptable Conditions of Work

The minimum wage, set by the government, was barely sufficient to allow a worker and family in the wage economy to maintain a decent standard of living. The biweekly minimum wage in the public sector was \$98 (A\$130), regardless of sex and age. In most cases the private sector adopted the same minimum wage rate.

The Ministry of Labor may specify the days and hours of work for workers in various industries. The law sets the workday at eight hours. The majority of workers were outside the wage economy, which was primarily on the main island.

The law provides for rudimentary health and safety standards. It requires employers to provide an adequate potable water supply, basic sanitary facilities, and medical care. The Ministry of Labor is responsible for the enforcement of these regulations, but in practice it provided only minimum enforcement.

Workers can remove themselves from work situations that endanger health or safety without jeopardy to their jobs; the law also protects legal foreign workers.

[Updates](#) | [Frequent Questions](#) | [Contact Us](#) | [Email this Page](#) | [Subject Index](#) | [Search](#)

The Office of Electronic Information, Bureau of Public Affairs, manages this site as a portal for information from the U.S. State Department. External links to other Internet sites should not be construed as an endorsement of the views or privacy policies contained therein.

[FOIA](#) | [Privacy Notice](#) | [Copyright Information](#) | [Other U.S. Government Information](#)

