



Tuvalu

International Religious Freedom Report 2008

Released by the Bureau of Democracy, Human Rights, and Labor

The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion.

The Government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the Government during the period covered by this report. Traditional island councils interfered with the free practice of religion on some islands.

There were isolated reports of societal discrimination based on religious affiliation, belief, or practice, in particular on the northern island of Nanumanga.

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights.

Section I. Religious Demography

The country is an archipelago of 9 island groups with a total area of 10 square miles and a population of 9,700. The Church of Tuvalu, which has historic ties to the Congregational Church and other churches in Samoa, has the largest number of followers. Government estimates of religious affiliation as a percentage of the population include the Church of Tuvalu, 91 percent; Seventh-day Adventist, 3 percent; Baha'i, 3 percent; Jehovah's Witnesses, 2 percent; and Roman Catholic, 1 percent. There are also smaller numbers of Muslims, Baptists, and members of the Church of Jesus Christ of Latter-day Saints (Mormons). The Tuvalu Brethren Church, a new charismatic Protestant group, claims to have as many as 300 adherents, but this figure could not be independently confirmed.

All nine island groups have traditional chiefs, all of whom are members of the Church of Tuvalu. Most followers of other religious groups or denominations are found in Funafuti, the capital, with the exception of a relatively large proportion of followers of the Baha'i Faith on Nanumea Island.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion.

Although the Church of Tuvalu is by law the state church, this has few ramifications other than to afford it "the privilege of performing special services on major national events." The Constitution provides for separation of church and state. The preamble of the Constitution states the country is "an independent State based on Christian principles, the Rule of Law, and Tuvaluan custom and tradition." Government ceremonies at the national and island council levels, such as the opening of Parliament, often include Christian prayers and clergy. By law, any new religious group with more than 50 members must register; failure to register could result in prosecution.

Restrictions on Religious Freedom

The Government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the authorities during the period covered by this report.

At the end of the reporting period, the Tuvalu Court of Appeal had not met to hear an appeal by the Tuvalu Brethren Church against a 2005 High Court judgment upholding the right of traditional island elder councils to restrict the constitutional right to freedom of religion in cases where they contended it could threaten traditional mores and practices. The Brethren case is the first appeal of a High Court decision in Tuvalu's history as an independent nation, and the Court of Appeal has never been constituted since independence. According to the Constitution, the Court of Appeals has jurisdiction to determine appeals from decisions of the High Court, whether in the exercise of original jurisdiction or appellate jurisdiction.

In June 2006, despite a High Court injunction against such action, the Nanumanga council of elders passed a resolution which was implemented by the local government that dismissed without proper notice five council workers who were members of the Brethren Church. This was the result of an April 2006 council resolution that banned all new churches and threatened local civil servants with dismissal if they worshipped with the Brethren Church. Legal action instituted in October 2007 resulted in a judgment that the local government was liable for compensation to the dismissed workers.

In January 2006 the council of elders on the main island of Funafuti issued a resolution prohibiting the establishment or practice of "any new religion." The ban was primarily aimed at the Brethren Church. It forbids meetings and worship by members of the Brethren Church. The High Court issued a temporary injunction prohibiting any further actions against the Brethren Church and its missionary work. By the end of the reporting period, the matter had not yet to come to trial.

Missionaries practiced without restriction on some islands, but on other islands traditional island elder councils have issued formal and informal bans on proselytizing by representatives of religious groups that are not already established there.

There were no reports of religious prisoners or detainees in the country.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Section III. Societal Abuses and Discrimination

There were isolated reports of societal discrimination based on religious affiliation, belief, or practice in the case of the Brethren Church and other groups perceived as outside the mainstream on some outer islands, particularly on Nanumanga Island. In some cases, local traditional leaders discouraged groups from proselytizing or holding meetings, claiming that "new" religious groups may be disruptive to traditional societal structures.

Social discrimination, including acts and threats of violence, occurred against Brethren Church members on Nanumanga. Discrimination and threats prompted some Brethren Church members to leave Nanumanga for Funafuti.

Members of the Church of Tuvalu exert considerable influence in the social and political life of the country.

Section IV. U.S. Government Policy

Representatives of the U.S. Embassy in Fiji visited the country periodically and discussed religious freedom with the Government as part of the overall policy to promote human rights. Although the U.S. Government does not maintain a resident embassy in the country, the U.S. Ambassador to Fiji is also accredited to the Government. Embassy officials discussed with the Tuvalu People's Lawyer the status of legal cases surrounding the Brethren Church. Embassy officials also met with representatives of religious communities

and nongovernmental organizations (NGOs) that have an interest in religious freedom. Embassy officials met with representatives of the Brethren Church and other denominations in the country to hear their views on trends in religious tolerance and to encourage an open attitude to religious freedom. They also raised the issue of the Brethren Church with members of government, NGOs, and the office of the public defender, the Peoples' Lawyer.

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