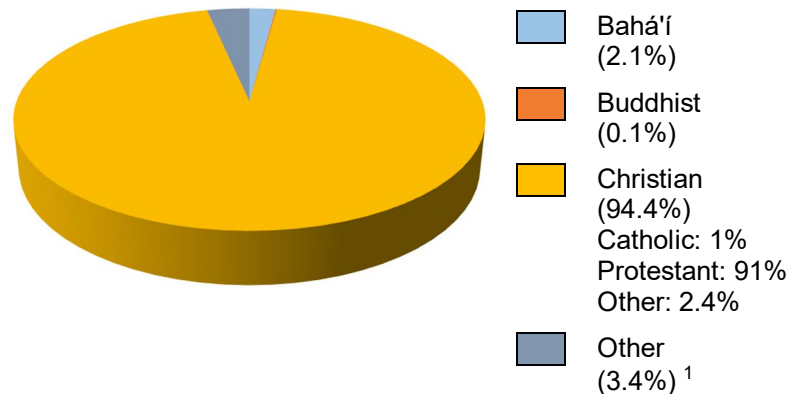
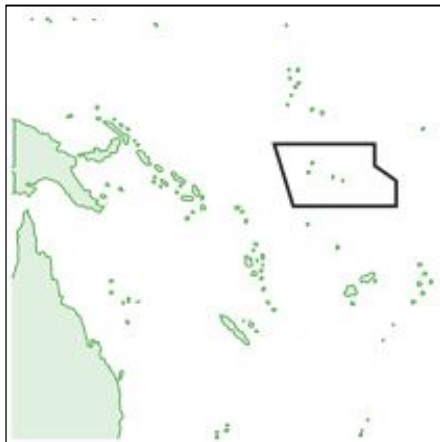


TUVALU



Area: 26 km ²	Population: 10,800	Political system: Democracy	Major Language(s): Tuvaluan, English
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Legal framework on freedom of religion and actual application

The independent state of Tuvalu is made up of nine coral atolls and land islands in the South Pacific. Formerly known as the Ellice Islands, the country won independence from the United Kingdom in 1978. The constitutional monarchy separated from the Gilbert Islands following a referendum in 1975 and ranks as the fourth smallest country in the world.

Of the estimated 10,800 citizens in Tuvalu, the Congregational Christian Church of Tuvalu has the most members with approximately 94 percent of the population. The Bureau of Democracy, Human Rights and Labour on International Religious Freedom Report in Tuvalu estimates that 1.4 percent of the population belong to the Seventh-day Adventist Church, and one percent observes the Baha'i Faith. There are small populations of Baptists, Muslims and members of The Church of Jesus Christ of Latter-day Saints.² The nine islands' chiefs follow the Congregational Christian Church of Tuvalu and the majority of members of other religious faiths reside in the capital, Funafuti.

Tuvalu's constitution includes a Bill of Rights which protects the freedom of religion. There is no state religion but the state is largely based on Christian principles, the Rule of Law, and Tuvaluan traditions. The constitution does provide for a separation of Church and state but the influence of Christianity is clear. Prayers are said at the official opening of parliament and religious groups with more than 50 members are required to register and can be prosecuted for failing to do so. Traditional councils have also discouraged several minority religious groups from public meetings, yet the government resisted pressures from such traditional groups and adhered to constitutional commitments.

Under the Religious Organisation Restriction Act, passed in August 2010, religious groups must not only register their organisation but gain permission from traditional elder councils known as falekaupule to conduct services on any island³. The falekaupule are allowed by law to deny approval to religious groups should it be determined that they "directly threaten the values and culture of the island community."⁴ The act states that any groups that gather for unauthorised religious meetings could be fined up to US \$500, and any individual who participates in any

unauthorised activities risks being fined up to US \$200. Some observers have noted that the law appears contrary to the constitution, though no-one has legally challenged the act yet.

The government maintained the people's right to practise religion publically despite pressure from traditional groups. Jehovah's Witnesses and other unapproved groups continued to meet at their places of worship without opposition.

Incidents

Despite no reports of acts of oppression of religious groups made during the time under review, a history of discrimination against the Brethren Church exists. In 2009, the Tuvalu Court of Appeal ruled in favour of an appeal made by the Tuvalu Brethren Church against a 2005 High Court judgement. The judgement had upheld the ability of traditional island councils to limit the right of religious freedom if and when moral order was at risk. The court reversed the ruling and declared the banning of the Tuvalu Brethren Church to be unconstitutional. In spite of this ruling, Pastor Teonea, whom the ban was aimed at after he converted 40 of Nanumaga's 800 citizens, has not been allowed to travel to the island.

Prospects for freedom of religion

No changes are foreseen for the near future.

¹http://www.thearda.com/internationalData/countries/Country_229_1.asp

² <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

³ http://www.tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/2010/2010-0007/ReligiousOrganisationsRestrictionAct_1.pdf

⁴ http://www.paclii.org/tv/legis/consol_act/cot277/