



Religion

Population

Area

- Christians : **94.4%**
- Agnostics : **3%**
- Baha'is : **2%**
- Others : **0.6%**

9,900

26 Km²

Legal framework on freedom of religion and actual application

The independent state of Tuvalu in the South Pacific is the fourth smallest country in the world.

Under the constitution, “no-one shall be hindered in the exercise of his freedom of belief”^[1] This includes the freedom to change belief and to proselytise. The exceptions to this rule are unusually wide-ranging in comparison with similar constitutions. The right may be limited by law for reasons of defence, public order, safety, morality and health, but also if their exercise is “divisive, unsettling or offensive” to the “rights or feelings” of other people. According to the preamble, Tuvalu is “an independent state based on Christian principles, the Rule of Law, and Tuvaluan custom and tradition”. The protection given to freedom of religion applies equally to the right not to have a particular religion.

Over 90 percent of the population are members of the Ekalesia Kelisiano Tuvalu (EKT), a Congregationalist Church. The EKT is the state Church and is entitled to perform special services at events of national importance. About 2 percent of the population are Baha'is and there are also small groups of Catholics, Seventh Day Adventists, Baptists, Muslims and Mormons. The nine islands have traditional chiefs who all follow the Congregational Christian Church of Tuvalu. The majority of members of other religious faiths reside in the capital, Funafuti.

Religious groups with adult members who represent not less than 2 percent of the population must register with the state and can be prosecuted for failing to do so. Approval of the traditional elder councils (falekaupule) is needed in order to register.

Under the Religious Organisation Restriction Act 2010,^[2] any religious group regardless of size must gain the approval of the falekaupule (elders assembly) of each island in order to conduct services there. Public religious worship by groups not approved by the elder councils is prohibited. The falekaupule may prevent religious groups from holding public

meetings if they are believed to threaten the “values or culture” of the island.^[3] Groups that gather for unauthorised religious meetings could be fined up to \$500 AUD,^[4] and individuals who participate in unauthorised activities risk fines of \$200 AUD. Although this Act may be unconstitutional, it has not yet been challenged in court. Under the Act, individuals and households may worship freely within their own “residences”.

Over the past decade, members of minority religions have successfully shown in the Tuvalu courts that their constitutional right to freedom of religion has been breached or that they have been discriminated against on account of their religion.^[5] In the last few years, it has been reported that on some islands religious groups other than the EKT have met opposition from the traditional elders councils and have had to leave the island; on other islands missionaries have proselytised without restrictions.^[6]

Religious minorities on the main island of Funafuti said they did not face any restrictions on their constitutional rights. It is reported that religious groups also exist without official approval and without hindrance on the outer islands.^[7] The EKT exercises significant influence on the social and political life of Tuvalu, but traditional culture and the EKT are so closely aligned that it can be hard to say whether such influence is religious or cultural.

Under the constitution, a religious community is entitled to establish, maintain and manage places of education. Religious education may be provided in schools, but there is no requirement to religious education classes or take part in worship if the student belongs to another religion. Leaders from some minority religious groups have said that students have sometimes been forced to attend EKT events.^[8]

Incidents

It was reported that on 7th May 2016 a Jehovah’s Witness family was evicted from Vaitupu because the father refused to contribute to building an EKT church.^[9]

Prospects for freedom of religion

There is nothing to indicate change in the foreseeable future.

Endnotes / Sources

[1] Tuvalu’s Constitution of 1986 Subsequently amended, [constituteproject.org, https://www.constitute-project.org/constitution/Tuvalu_1986.pdf?lang=en](https://www.constitute-project.org/constitution/Tuvalu_1986.pdf?lang=en), (accessed 17th February 2018).

[2] Religious Organisation Restriction Act 2010, International Labour Organization, http://ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=89619&p_count=96232, (accessed 11th March 2018).

[3] Ibid

[4] Tuvalu has its own currency, the Tuvaluan dollar (TVD), but the Australian dollar (AUD) has legal tender in the country. See ‘Tuvalu’, The Commonwealth, <http://thecommonwealth.org/our-member-countries/tuvalu>, (accessed 11th March 2018).

[5] High Court of Tuvalu, *Teonea v Pule o Kaupule of Nanumaga* [2009] TVCA2; Court of Appeal Civil Appeal No.1 of 2005 (4th November 2009); *Konelio and Others v Kaupule of Nanumaga* [2010] TVHC9; Case13 of 2008 (23rd March 2010), Pacific Islands Legal Institute, <http://www.paclii.org/tv/cases/TVHC/2010/9.html>, (accessed 17th February 2018).

[6] Bureau of Democracy, Human Rights and Labor, 'Tuvalu', International Religious Freedom Report for 2016, U.S. Department of State, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dliid=268776>, (accessed 17th February 2018).

[7] Bureau of Democracy ...op.cit.

[8] Ibid

[9] Ibid