

TUVALU

Submission to the UNHRC in conducting the Universal Periodic Review

Submission of the Jehovah's Witnesses in Tuvalu July 2008

Introduction

1. This report is the submission of the Congregation of Jehovah's Witnesses in Tuvalu ("JW") to the United Nations Human Rights Council, for consideration as a civil society report within the Universal Periodic Review mechanism. It has been prepared independently by members of our Congregation. In this submission, the TBC intends to provide factual information and a summary of its concerns relating to human rights in Tuvalu. Recommendations for improved protection of human rights are listed in the final section of this report.

History of Jehovah's Witnesses in Tuvalu

2. Jehovah's Witnesses are an international brotherhood.¹ Their primary functions are:
 - i To worship Jehovah, the only true God² and to worship Him alone³; and
 - ii To do His will, particularly in these last days of the present system of things, namely the preaching of the good news about the coming of God's Kingdom government, under Jesus Christ, not about Christ's birth or his resurrection⁴.
3. The first Jehovah's Witnesses in Tuvalu received the good news about the Kingdom from a Tuvaluan brother, Tofiga Foua, during visits to Fiji. Those people came to Funafuti and formed a group, and began carrying out the Congregation's activities. On 9 March, 1983, the Congregation was registered as a religious body pursuant to statute. In 1984, a missionary couple, G.W. Jackson and wife Jenny, were assigned to Tuvalu from Australia.
4. There are presently 52 Jehovah's Witnesses across Tuvalu. We have members on Funafuti, Nanumaga, Niutao, Vaitupu and Nukufetau. We have interested people on

¹ Isaiah 43:10, 11; Hebrew 12:1; Revelation 1:5; Mathew 23:8

² John 17:3

³ Exodus 20:1-5

⁴ Mathews 24:14; 28:19, 20; Acts 1:8

all the other islands; those whom we have preached to while they were on Funafuti. The Congregation would like to expand its work to all the outer islands.

5. The primary functions of the Jehovah's Witnesses, both in Tuvalu and throughout the Earth, are:
 - i to make known that Jehovah is the only true God⁵ and to promote his worship;
 - ii to preach the good news about God's Kingdom Government and what it will do as a warning to all peoples before the end comes.⁶

Our Preaching Work in Tuvalu

6. In our preaching activities, we respect the freedom of others to decline to listen to us. Like our God, Jehovah, we do not force anybody to listen to us.⁷
7. Freedom of belief, expression and association is guaranteed in the Constitution. We commend the inclusion of a Bill of Rights in Tuvalu's Constitution and observe that, generally, Tuvalu is a peaceful and devout nation with respect for human rights.
8. On the capital, Funafuti, we have not encountered any interference in spreading the word. However, some island authorities have banned our preaching work on their islands by resolution. We consider this to be a breach of freedom of belief and expression guaranteed under the Constitution.
9. The resolutions banning our preaching work have been implemented and enforced by local councils and Government agencies such as the police force. The Tuvalu Congregation notes with concern that the central Government does not seem to be taking any measures to address the growing problem of religious intolerance and discrimination on the outer islands. The rights of minority religious groups are neglected.
10. In September 2005, our brothers were distributing tracts on the need to "keep on the watch" based on Matthew chapter 24. On Nui and Nanumea islands, our brothers were approached by police officers who ordered them to stop their work, saying it was not lawful. At Nukufetau, our brothers were approached by officials of the local council who told them that our work was forbidden on the island.

⁵ Psalm 83:18

⁶ Mathew 24:14

⁷ 2 Corinthians 3:17

11. In mid-2006 on Nanumaga, after the High Court ruled that the Nanumaga community's ban on new religions was not unlawful,⁸ the island authority prohibited our public preaching work. We are now unable to preach in Nanumaga in any setting, even to existing members, as a result of the ruling.
12. The Congregation is disheartened by the lack of supervision from central Government on the outer islands. Restrictions on fundamental freedoms such as freedom of belief are being tolerated and overlooked. We urge the Government of Tuvalu to condemn all forms of religious discrimination and to work to raise the awareness of governing authorities on the outer islands as to the importance of respecting human rights.

Education

13. We value secular education to the extent that it may provide opportunities for employment and subsistence until the end of the present system of things. More important though, is to be able to read and write in order to serve our God, Jehovah, more fully. Of central importance to the Witnesses is spiritual education, which is delivered in all Congregations throughout the world.⁹
14. There is one Government-run secondary school in Tuvalu and it operates as a boarding school on one of the central islands. The religious education classes are taught by EKT Pastors; there is no set curriculum and so, necessarily, the classes can be comprised solely of teaching of EKT doctrine. The school also holds religious services several times each week, all conducted by EKT Pastors.
15. Section 19 of the Education Ordinance is very clear regarding religious instruction in schools:
 - (1) All non-Government and Local Government schools shall include religious instruction in their curricula.
 - (2) Teachers shall not be compelled to give or be present at religious instruction or any act of religious worship if to do so would be against the dictates of their consciences.
 - (3) If a parent of any pupil requests that such pupil be wholly or partly excused from attending religious instruction or any act of religious worship in a school the pupil shall be excused such attendance wholly or partly as the case may be.

16. The Constitution of Tuvalu supports this principle as a fundamental right:

⁸ *Mase Teonea v Kaupule of Nanumaga and Pule Kaupule of Nanumaga* [2005] TVHC 2 (11 October 2005).

⁹ Isaiah 48:17, 18; John 8:31-33

- (4) Except with his consent, no-one attending a place of education shall be required —
 - (a) to receive religious instruction; or
 - (b) to take part in or attend a religious ceremony or observance, if the instruction, ceremony or observance relates to a religion or belief other than his own.¹⁰

17. Throughout the preceding four years, the parents of pupils at Motufoua secondary school have requested numerous times that their children be excused from attending religious studies and services. The Congregation has been dismayed to find that, despite such requests, the school is continually forcing our students to attend religious studies and services conducted by the EKT chaplain, against the wishes of their parents. We consider this to be an unjustified breach of the rights guaranteed to us under the Constitution and the Education Ordinance.
18. The Congregation has brought this matter to the attention of the Ministry of Education several times in the preceding four years. To date, we have not received an official response from Government, and the practices at the school have not changed.

Discrimination in public employment and provision of services

19. On one occasion, several JW youths applied for employment at the National Bank of Tuvalu (a public corporation) during a recruiting drive. Each of them was overlooked. Information from Bank employees suggests that the reason they were rejected, was their membership in the Congregation of Jehovah's Witnesses. The Congregation has written to the responsible Minister, but has received no reply to date.
20. We have had some problems in the past with the central hospital because of our stand on blood transfusion and refusal of certain medications. Witnesses believe that the Bible is clear on this issue.¹¹ A positive development has been the establishment of a Hospital Liaison Committee which deals with doctors and hospital staff involved in caring for our sick people. We have been able to communicate with the hospital and to suggest alternatives to blood transfusion.
21. During the preparation for the recent EKT Church biannual meeting at Nukufetau, one of our sisters was summoned before the island assembly and scolded for not participating in the preparation work. She had previously explained that she could not involve herself in such preparations because of her belief in a different faith. The

¹⁰ Section 23(4) of the Constitution of Tuvalu.

¹¹ Acts 15:29

falekaupule ruled that she and any member of her immediate family would not be employed in projects sponsored by the local authorities or central Government. Further, to the Congregation's great concern, she has been banned from using community water cisterns and other facilities.

Recommendations

22. The Congregation of Jehovah's Witnesses in Tuvalu is not asking for special treatment or favour from Government. We simply ask that the rights guaranteed under the country's Constitution and other laws be applied with equality for all Tuvaluans.

23. We believe that respect for freedom of belief, expression and association are fundamental in creating a society that is for the benefit and development of all people. To this end, we ask for the Government to take concrete steps towards improving the present situation with regard to religious freedom, particularly on the outer islands.

24. The following measures are suggested:

- i Convene the Court of Appeal as soon as possible, so that a final determination may be made as to the extent of traditional authorities' power to curtail the exercise of fundamental rights and freedoms.
- ii Amend the *Falekaupule Act* so that the relationship between the Bill of Rights in the Constitution, and the customary authority of the *Falekaupule* is more clearly defined and understood.
- iii Condemn all instances of discrimination against minority religious denominations. The police force, the Attorney General and the Ministry of Home Affairs are urged to take leadership in addressing the growing concerns relating to restrictions on religious freedoms in Tuvalu.
- iv Implement training and awareness-raising throughout traditional island assemblies and local councils on the role and importance of protecting human rights as part of good governance.

25. The Tuvalu Congregation of Jehovah's Witnesses extends its appreciation to the Human Rights Council for the opportunity to submit this report, and is grateful for the Council's consideration of our submissions.

Submit to: uprsubmissions@ohchr.org