

# Pride Guide | Tuvalu



The Australian Volunteers Program strives to provide a safe, supportive and equitable environment for LGBTIQ+ volunteers, approved accompanying dependents, partner organisations and all program staff. The Australian Volunteers Program has supported volunteers with diverse sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) in all program countries and has ongoing connections with community organisations in almost every country we work in.

Diverse SOGIESC program participants must be aware of the country context before undertaking an assignment. This guide is designed to introduce some key issues related to people with diverse SOGIESC and their participation in the program.

## If you are a volunteer with diverse SOGIESC, you will need to:

- Do your own research. You will be required to follow the local laws, even if you disagree with them.
- Understand what the local law says you can and can't do when in-country;
- Be aware of what the legal protections are for LGBTIQ+ people in your destinations;
- Consider whether or not you are comfortable living and working in a place where you may be discriminated against and unable to live as openly as you can in some parts of Australia.

## Language

Terminology may differ across urban and rural contexts, and across provinces or ethnic and cultural groups. Information sourced online can be outdated or inaccurate. For current and accurate information, please confirm with an appropriate diverse SOGIESC Civil Society Organisation (CSO) or ask your in-country team.

## Legal and policy context

Same-sex sexual acts are criminalised in Tuvalu with a maximum prison sentence of 14 years, and a maximum of 7 years for attempting to commit this crime. Indecent acts between males in public or private settings have a maximum sentence of 5 years imprisonment. However, laws against same-sex acts have not been enforced in recent years. Same-sex marriage and civil unions are not recognised by the State. In 2011, Tuvalu signed the United Nation's Joint Statement on Ending Acts of Violence and Related Human Rights Violations Based on Sexual Orientation and Gender Identity.

In 2013, Tuvalu voted in favour of the Asian and Pacific Ministerial Declaration on Population and Development. This declaration referenced several sexual orientation and gender identity (SOGI) issues, including violence and discrimination based on SOGI, and policy guidance notes. In a verbal statement, Tuvalu's delegates emphasised that the country had turned a new page in its efforts, placing value on the human rights of every individual in the region.<sup>1</sup> Yet, also in 2013 in its second Universal Periodic Review (UPR) cycle, Tuvalu rejected recommendations to repeal "buggery" and "gross indecency" provisions from its law. In 2018, in its third UPR cycle, Tuvalu 'noted' recommendations concerning decriminalisation of same-sex relations. In spite of some advances, discrimination and social stigma persists.

<sup>1</sup> UNDP, Pacific Multi-Country Mapping and Behavioural Study: HIV and STI Risk Vulnerability Among Key Populations - Tuvalu (Geneva: UNDP, 2016), 14.

## Discrimination

Some legal protections exist for people with diverse SOGIESC in Tuvalu. Discrimination in the workplace, termination of employment or discrimination in recruitment on the basis of one's gender, sex, sexual orientation and HIV/AIDS status is prohibited. There are no constitutional or broad protections, or protections against hate crimes or incitement to hatred on the basis of one's SOGIESC. There are no non-discrimination laws surrounding sex work.

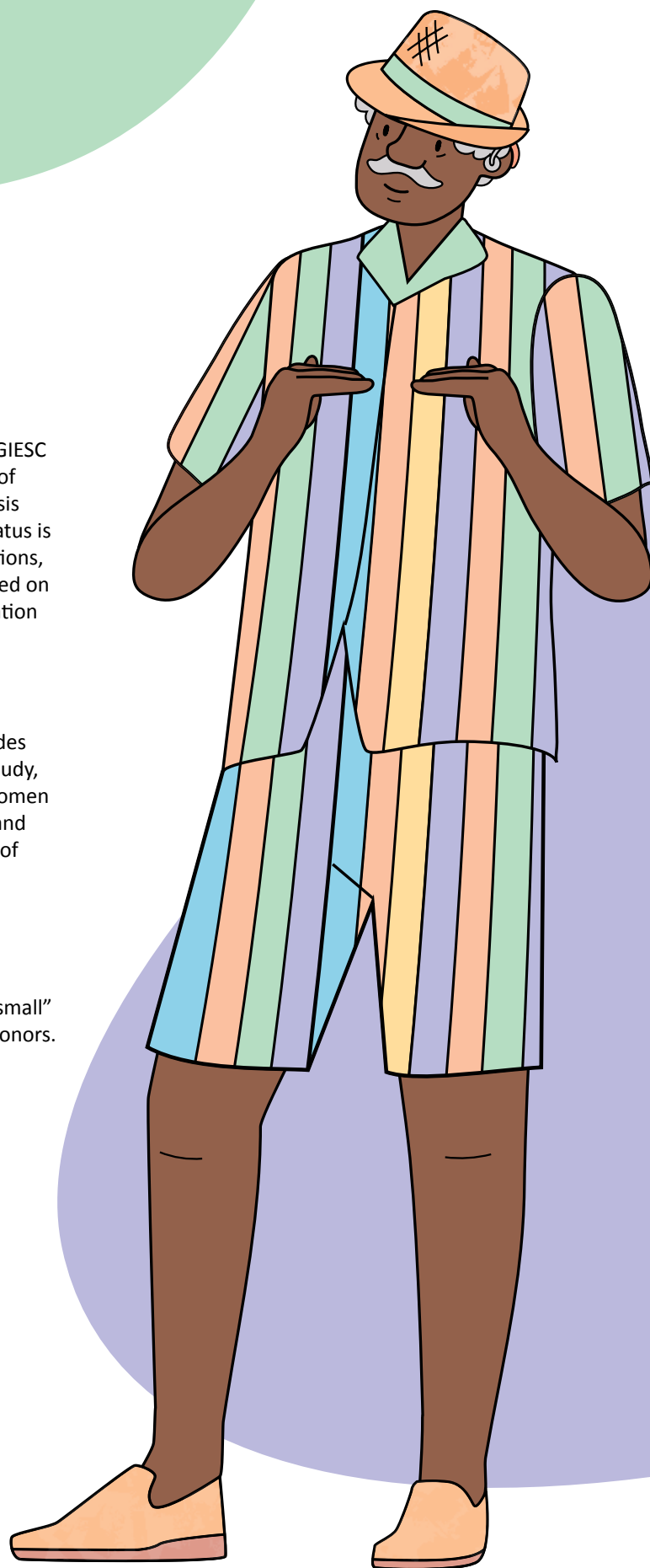
## Cultural and societal attitudes

There is little information on cultural and societal attitudes toward people with diverse SOGIESC in Tuvalu. In one study, men who have sex with men (MSM) and transgender women were reported to experience discriminatory behaviour and were stigmatised by other members of society because of their sexuality.

## Health and wellbeing

The healthcare system in Tuvalu is administered by the Ministry of Health. The healthcare sector is "extremely small" and largely funded through regional and international donors. There is only one hospital on the island, the Princess Margaret Hospital, located in the capital of Funafuti.

There are no private medical practices and pharmacies, but there are smaller government-run clinics. There is no information on the barriers diverse SOGIESC populations in Tuvalu may face when accessing or attempting to access healthcare. In 2014, there were only 11 people living with HIV in Tuvalu. There is no comprehensive sexuality education in Tuvalu that incorporates diverse SOGIESC themes.



<sup>2</sup> <https://www.pacificprime.com/country/australasia/tuvalu-health-insurance-pacific-prime/>

<sup>3</sup> Pacific Prime, "Tuvalu Health Insurance," accessed June 1, 2021, <https://www.pacificprime.com/country/australasia/tuvalu-health-insurance-pacific-prime/>.

<sup>4</sup> Pacific Prime, "Tuvalu Health Insurance," accessed June 1, 2021, <https://www.pacificprime.com/country/australasia/tuvalu-health-insurance-pacific-prime/>.