



SAMOA'S SECOND UNIVERSAL PERIODIC REVIEW

**Submission by Samoa's
National Human Rights Institution
21 September 2015**

Central Bank Building, Level 5, PO Box 3036, Apia, Samoa. Telephone: (685) 25 394 Fax: (685) 21 862
Email: info@ombudsman.gov.ws | **Website:** www.ombudsman.gov.ws

Foreword

Samoa's efforts to protect and promote human rights will be reviewed by governments globally when Samoa participates in its second Universal Periodic Review (UPR) at the United Nations (UN) Human Rights Council in November 2015.

As the Ombudsman of Samoa and head of Samoa's National Human Rights Institution (NHRI) I welcome the opportunity to participate in this important global process. It provides Samoa with the opportunity to be recognised for its achievements in progressing the realisation of human rights nationally and it allows the international community to advise and assist us where further efforts to protect and promote human rights are required.

Respecting and protecting the human rights of all Samoans is an integral foundation to ensure sustainable and inclusive development for all. And it is intrinsically linked to the traditional principles of Fa'a Samoa that guide our lives here.

Samoa has much to be commended for since the last UPR. In particular, it has established Samoa's NHRI within my Office and the NHRI presented its first State of Human Rights Report (SHRR) to the Samoan Parliament on 30 June 2015. This is a clear reflection of the importance placed by the Government of Samoa on human rights. Further examples of Samoa's progress on protecting human rights include signing the Convention on the Rights of Persons with Disabilities in September 2014, and enforcing a 10% quota for female parliamentarians in the 2016 election.

However, as always there is more work to be done and it is the NHRI's role to ensure that Samoa protects the human rights of all Samoans at all times. This shadow report seeks to highlight to the HRC and international community the areas the NHRI views as being the most important priorities for Samoa to address in its further efforts to promote and protect the human rights of all Samoans.



Maiava Iulai Toma

Ombudsman of Samoa and Head of NHRI

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1 Introduction

1. This submission was prepared by the Office of the Ombudsman, Samoa's National Human Rights Institution (NHRI).¹ It provides information to the United Nations Human Rights Council (the Council) regarding the promotion and protection of human rights in Samoa for the second cycle of the Universal Periodic Review (UPR).
2. The submission will provide the Council with a snapshot of the scope of Samoa's human rights obligations and the national human rights framework, as well as focus on human rights issues which were discussed in the NHRI's first State of Human Rights Report (SHRR).² These issues include human rights issues for vulnerable populations such as **women, children, people with disabilities (PWD's)** and **prisoners**; as well as the rights to **health** and **freedom of religion** in Samoa.

2 Background

2.1 Scope of international obligations

3. Samoa has ratified four core human rights treaties.³ The Samoan Government has signed but is yet to ratify the *International Convention on the Rights of People with Disabilities* (CRPD).⁴
4. Given the limited capacity and resources of Samoa as a Small Island Developing State, the NHRI believes that the Samoan Government should prioritise signing and ratifying the following key instruments between the second and third cycles of the UPR.

Recommendation 1: That the Samoan Government should prioritise signing and ratifying:

- **The Convention Against Torture (CAT).**
- **The Optional Protocol on the Convention Against Torture (OPCAT)⁵.**

¹ The Office of the Ombudsman became Samoa's NHRI in 2013 via the enactment of the *Ombudsman (Komesina o Sulufaiga) Act 2013*. Section 33 of the Act outlines the powers and functions of the NHRI. One such function includes the power to 'monitor and promote compliance with international and domestic human rights law including...providing information to the international human rights system, including the Human Rights Council and its mechanisms and the human rights treaty monitoring bodies'.

² The NHRI is required to submit a report on the status of human rights in Samoa to the Samoan Parliament by 31 June each year; *Ombudsman (Komesina o Sulufaiga) Act 2013*, s 40. A copy of the NHRI's first SHRR can be found at <http://www.ombudsman.gov.ws/>.

³ Samoa ratified the *Convention on the Rights of the Child* (CRC) on 29 November 1994 with one reservation under Article 28(1)(a) relating to the provision of free primary education. It ratified the *Convention on the Protection of All Persons from Enforced Disappearance* (CED) on 27 November 2012 without reservation. It acceded to the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) on 25 September 1992 without reservation—the first Pacific island to do so. It acceded to the *International Covenant on Civil and Political Rights* (ICCPR) on 15 February 2008 without reservation.

⁴ Samoa signed the Convention on the Rights of Persons with Disabilities on 24 September 2014.

- **The Optional Protocol for the International Covenant on Civil and Political Rights.⁶**
- **The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).⁷**
- **The Optional Protocol to the Convention on the Rights of the Child (CRC) on a communications procedure.⁸**
- **The Optional Protocol to the CRPD.⁹**

Recommendation 2: That the Samoan Government ratify and implement the CRPD.

2.2 National framework

2.2.1 Establishment of the NHRI

5. One of the key developments in the protection and promotion of human rights in Samoa since the first cycle of the UPR is the establishment of the Office of the Ombudsman as Samoa's NHRI. The Samoan Government should be commended for enacting legislation which provides the NHRI with a broad human rights protection mandate, in accordance with the Paris Principles.¹⁰
6. Since its inception in 2013, the NHRI has collected data via community consultations and focus groups, as well as via the NHRI's Human Rights Survey 2014-15 (the Survey) which provided the NHRI with a valuable snapshot of the state of human rights in Samoa. The NHRI submitted the SHRR to the Samoan Parliament, published its first Detention Centres Inspections Report, and has recently submitted its first submission to a human rights treaty body, the *Committee on the Rights of the Child*, for Samoa's second to fourth CRC periodic review.¹¹ These reports contained a number of recommendations to the Samoan Government on how to ensure compliance with its international human rights obligations.

⁵ The NHRI has the mandate to inspect places of detention of Samoa and inspected all of Samoa's places of detention in January 2015. The Office report can be read at <http://www.ombudsman.gov.ws/>. The NHRI already has the powers, functions and capacity to act as the Torture Prevention Mechanism for Samoa. Accession to OPCAT would therefore be a straightforward process.

⁶ Opened for signature 19 December 1966, United Nations, *Treaty Series*, vol. 999, p. 171.

⁷ Opened for signature 6 October 1999, United Nations, *Treaty Series*, vol 2131, p 83.

⁸ Opened for signature 28 February 2012, the UNTS number has yet to be determined for this record. The official text can be found at <https://treaties.un.org/doc/Publication/UNTS/No%20Volume/27531/A-27531-0800000280309665.pdf> [accessed 15 September 2015]

⁹ Opened for signature 30 March 2007, United Nations, *Treaty Series*, vol 2518 p 283.

¹⁰ See Part IV of the *Ombudsman (Komesina o Sulufaiga) Act 2013* which outlines the mandate for the NHRI.

¹¹ See publications tab at <http://www.ombudsman.gov.ws>.

2.2.2 *Fa'asamoa* and human rights

7. It is important to understand the relationship between *fa'asamoa* (the Samoan way of life) and the international human rights system.
8. *Fa'asamoa* is a way of life that is distinctly unique to Samoa. It prescribes an all encompassing system of roles and responsibilities that spell out different relationships within the family and the community.
9. The traditional *fa'amatai* system (village councils) is central to the organisation of Samoan society. The authority of village councils has played a vital role in maintaining and preserving peace, harmony, security and stability through customary law and traditions, especially in rural areas where the majority of Samoans reside. The Government relies heavily on this system for the maintenance of law and order throughout Samoa.
10. Human rights are underpinned by the core values of universality, interdependence and indivisibility, equality and non-discrimination.¹² Similarly, the *Fa'asamoa* holds core values that guide social interaction such as respect, dignity, love, protection, and service. The NHRI believes that international human rights principles and the core values of *fa'asamoa* mutually reinforce each other.
11. When drafting the Constitution, Samoa's forefathers understood the relationship between *fa'asamoa* and human rights when it incorporated fundamental human rights into the Constitution.¹³ Yet, some Samoans view human rights as a foreign concept that does not have a place in Samoa. There is a misconception that human rights and *fa'asamoa* conflict rather than mutually reinforce each other. The reason for this seems to stem from the Samoan translation of 'human rights'. Some Samoans imply from the Samoan translation that 'human rights' means that individuals have the freedom to do anything they want without any limitations.

Recommendation 3: The Samoan Government, in collaboration with the NHRI, should conduct more human rights awareness activities in order to dispel misconceptions about human rights in Samoa.

¹² Universal Declaration of Human Rights (UDHR) UN General Assembly, Universal Declaration of Human Rights, 10 December 1948,

¹³ The *Constitution of the Independent State of Samoa 1960* (came into force 1 January 1962); see the right to life (Article 5); right to personal liberty (Article 6); right to freedom from inhumane treatment (Article 7); right to freedom from forced labour (Article 8); the right to a fair trial (Article 9); right to freedom of religion (Article 11,12); rights regarding freedom of speech, assembly, association, movement and residence (Article 13); and right to freedom from discriminatory legislation (Article 15). These rights correspond directly with rights enshrined in the UDHR, see the right to life (Article 3), freedom from inhumane treatment (Article 5), the right to a fair trial (Article 10), freedom of thought and religion (Article 18), rights regarding speech, assembly, association, movement and residence (Articles 20 and 13, respectively), and freedom from discriminatory legislation (Article 7).

3 Promotion and protection of human rights on the ground

3.1 Women

12. Samoa is to be commended for its efforts to advance the status of women and protect and promote their rights. Notably, Samoa will enforce a 10% quota for women parliamentarians during the 2016 election.¹⁴ However, the realisation of women's rights in Samoa remains a challenge and the NHRI would like to draw the Council's attention to: gender role stereotyping; women's unequal participation in political and economic life; and the high rates of violence against women.
13. Gender role stereotyping disadvantages women in many areas of life, particularly *nofotane*¹⁵, who tend to be the most disadvantaged.¹⁶ Further, Samoa ranks among the lowest in the world (131 out of 139) for women's political participation.¹⁷ Women are systematically excluded, starting from the village level where only 11% of *matais*¹⁸ are female.¹⁹ The NHRI believes that women's involvement in decision making must be addressed at both the village and national levels, and mutual strengthening may result in improved women's representation at both levels.²⁰ Further, access to employment for rural women must be addressed and they must be economically empowered.²¹

Recommendation 4: That the Samoan Government, in collaboration with the NHRI and relevant Non-Governmental Organisations (NGOs) raise awareness of gender role stereotyping and its effects on women, targeting both men and women at all levels of society.

Recommendation 5: That the Samoan Government, in consultation with the NHRI, investigate appropriate methods to increase women's participation in decision making within the village.

Recommendation 6: That the Samoan Government work with relevant NGOs to promote family-focused economic empowerment programmes, particularly in rural areas.

¹⁴ Constitutional Amendment Act 2013

¹⁵ A married woman who moves from the village of her birth to reside in her husband's village.

¹⁶ During the NHRI's SHRR focus group discussions with women and girls, the issue of *nofotane* status was most often raised related to abuse suffered at the hand of her husband or mother-in-law, for which no local remedy was available.

¹⁷ Since independence in 1962, women have remained below 10% of Samoa's parliamentarians.

¹⁸ Village chiefs.

¹⁹ Samoa Bureau of Statistics (SBS), Population and Housing Census 2011 Analytical Report (2011 Census) at 50

²⁰ The SHRR consultations indicated that women lack confidence in their decision making abilities. If women are encouraged to lead (or even be involved) at the village level they may be more confident to lead in other areas of society also.

²¹ In Samoa, there are approximately equal ratios of women in executive and middle management positions in the public sector and the proportion of women in formal employment (excluding manual labour) is almost equal to men. However, while there are positives for urban women, rural women lack the employment opportunities available to urban populations. Work opportunities for Samoan women are concentrated in the informal employment sector.

14. The Samoa Family Health and Safety Study found that 46.4% of women surveyed²² reported experiencing violence²³ by an intimate partner and 70% of women consider there to be some justification for domestic abuse.²⁴ According to the Survey, 39% of participants saw abuse against women and girls in their village in the past year.²⁵ Many Samoans believe *Fa'asamoa* and human rights conflict here, with *Fa'asamoa* permitting husbands to beat their wives.²⁶ The normalization of violence within the home must be addressed with all genders and ages. Samoa has taken measures to address this issue with the passage of the *Family Safety Act (FSA) 2013*²⁷, but there is limited public knowledge of this law and how to engage in the legal proceedings it entails.

Recommendation 7: That the Samoan Government work with village councils, relevant authorities and engaged NGOs to increase public awareness of the FSA and how to engage in its legal proceedings.

15. The Survey found that only 25% of participants who witnessed abuse against women and girls in their village in the past year reported it. The widely held belief that family differences, such as domestic violence, should be settled within the family, helps foster a 'culture of silence' on the issue within villages.²⁸ Further, there is a lack of protections for those who report domestic violence²⁹ – the FSA provides no protections for non-victims who report abuse, which may contribute to the low rates of reporting of domestic violence.

Recommendation 8: That the Samoan Government review the FSA for the inclusion of protections for persons who report incidence of violence, including sexual violence.

16. The lack of information and disaggregated statistical data regarding the prevalence of violence against women and its nature, extent and causes is a major concern and contributes to lack of enforcement activities.³⁰ The Samoan Government must take seriously the collection of statistical data on domestic and sexual violence disaggregated by sex, age, nationality and relationship between the victim and perpetrator.³¹

²² Aged 15 to 49.

²³ Physical, emotional and/or sexual.

²⁴ Including if she is unfaithful, does not do the housework well, or disobeys him; see Samoa Family Health and Safety Study (2007) available via the Secretariat of the Pacific Community, at [http://www.spc.int/hdp/index.php?option=com_docman&task=cat_view&gid=41&Itemid=44] accessed 9.9.15.

²⁵ The Survey did not distinguish between formal and informal methods of reporting.

²⁶ Village consultation and focus group data on file with the NHRI.

²⁷ Which provides for greater protection of families and the handling of domestic violence and related matters (*Family Safety Act 2013*, Part II (Protection Orders))

²⁸ See United Nations (UN) Committee on the Elimination of Discrimination against Women (CEDAW), *Concluding Observations of the Committee on the Elimination of Discrimination against Women: Samoa*, 7 August 2012, CEDAW/C/WSM/CO/4-5, available at [http://daccess-dds-ny.un.org/doc/ \[accessed 29 May 2015\].](http://daccess-dds-ny.un.org/doc/ [accessed 29 May 2015].)

²⁹ Village consultation and focus group data on file with the NHRI.

³⁰ It was particularly disconcerting that the data made available by the Domestic Violence Unit of the Ministry of Police was scant and insufficiently disaggregated. Despite several attempts from the Office we were unable to obtain any meaningfully disaggregated data on domestic violence from the Domestic Violence Unit. Instead, we opted to use data and insight from Samoa Victims Support Group on this issue, particularly considering they are most often used to resolve problems related to violence against women.

³¹ Note 28 para. 23.

Recommendation 9: That the Samoan Government collects statistical data on domestic and sexual violence disaggregated by sex, age, region, and victim/perpetrator relationship, to be reported on a quarterly basis directly to NHRI.

3.2 Children

17. Progress on the protection of children's rights has been made in Samoa, including through the *Child Care and Protection Bill* currently before Parliament and the Child Labour Taskforce. However, the NHRI would like to draw the Council's attention to the following children's rights issues which present a particular problem in Samoa: misunderstanding about the rights of the child; access to education; child labour; and abuse, including sexual abuse and incest.
18. The NHRI's SHRR focus group consultations indicated widespread misconceptions about the human rights of Samoa's children. A commonly raised concern was that human rights give children the freedom to misbehave and disobey their parents.³²

Recommendation 10: That the Samoan Government collaborate with the NHRI and relevant NGOs to deliver a community education campaign to dispel the misconception about the rights of the child.

19. Samoa is on track to meet Millennium Development Goal 2 in achieving universal compulsory primary education with the national schooling participation rate for children aged 5-14 above 90% since 2005.³³ Primary and secondary education in Samoa is free under the Samoa School Fee Grant Scheme (SSFGS).

Recommendation 11: That the Samoan Government withdraws its current reservation under Article 28 of the CRC.

20. While the NHRI commends the introduction of the SSFGS, access to primary education is still restricted for some Samoan children as primary education cannot be said to be completely *free*. The grant scheme only covers tuition fees, books and stationary costs.³⁴ It is the incidental costs of education³⁵ that prevent some children from attending school, especially in rural areas.

Recommendation 12: That the Samoan Government assist in reducing the incidental costs of education so that primary education in Samoa can be completely free.

³² SHRR village focus group qualifying data, notes on file with the NHRI.

³³ <http://www.ws.undp.org/content/samoa/en/home/mdgoverview/overview/mdg2/> [accessed 2 September 2015]. See also s 4-5 of the *Education Act 2009* which ensures compulsory enrolment for children ages 5-14. Failure to enrol a child into school could result in the carer of the child receiving a maximum fine of \$5000 WST (\$1910 USD).

³⁴ The SSFGS is currently funded by the Australian and New Zealand governments. The Samoan government is making efforts to fund the SSFGS in its national budgets in the future.

³⁵ Such as uniforms, registration fees, transportation and lunches.

21. The Survey identified a common issue of children as street vendors. This prevents children from attending school and places a significant emotional and mental burden upon children.

Recommendation 13: That the Samoan Government ensure enforcement of the *Education Act 2009* to reduce the amount of school-aged children working as street vendors.

22. 34% of Survey respondents witnessed domestic abuse against a child in the past year.³⁶ In the NHRI's SHRR focus group discussions, participants often discussed the rights of parents to physically discipline a child in whatever form they choose.³⁷ The norm of hitting as a form of physical punishment in Samoa makes the line between discipline and abuse blurred. Children and parents often accept violent punishment, not realising it is abuse.
23. Sexual abuse and incest is condemned by both national law and within the *fa'asamoa*. Despite this, the NHRI is concerned that sexual abuse and incest are prevalent and there is a lack of information and statistical data on its nature, extent and causes. The issue of broader family reputation plays a role in underreporting, silencing the child victim and protecting the adult perpetrator. Further, young children are not aware of where to report child abuse or incest.³⁸

See Recommendations 7, 8 and 9

Recommendation 14: The NHRI should work with the Samoan Government to investigate and develop child-friendly reporting avenues for child abuse, sexual assault and incest.

3.3 Persons with Disabilities

24. The NHRI would like to draw the Council's attention to the following issues regarding the rights of PWDs which present a particular problem in Samoa: equal participation of PWDs in society; and physical, social and economic access for PWDs.
25. 60% of the Survey respondents considered PWDs to have the right to participation in society on an equal basis with others. However, there is a general lack of awareness of what equal participation constitutes and its implications for PWDs. For example, almost all participants felt PWDs should *not* marry.

Recommendation 15: That the Samoan Government conduct an awareness raising campaign throughout society, particularly at the family level and in rural areas, to foster respect for the rights and dignity of PWDs.

³⁶ The rate of abuse is likely higher as many Survey participants did not view physical discipline of children as child abuse.

³⁷ Physical discipline is seen as an effective method of discipline that has been used over the generations.

³⁸ SHRR schools survey qualifying data, notes on file with the NHRI.

26. While many of Samoa's laws and policies related to PWDs are in line with relevant international human rights law, Samoa has to make further efforts to implement these properly. In education, anecdotal evidence points to disabled children getting insufficient attention and poor treatment from teachers, resulting from low capability and training of teachers regarding students with disabilities.³⁹ In employment, only 2.4% of PWDs engage in paid work outside the home and 37.8% do not work.⁴⁰ For example, the Samoan Government's apprenticeship programmes currently make no effort to cater to the specific needs of PWDs.

Recommendation 16: That the Samoan Government sign and ratify ILO Convention 159 - Vocational Rehabilitation and Employment (Disabled Persons), 1983.

Recommendation 17: That the Samoan Government, in collaboration with the NHRI, develop workshops for teachers on PWDs and human rights, including strengthening inclusive education.

Recommendation 18: That the Samoan Government review the accessibility of their vocational training programmes and recommend how they can be made more inclusive.

3.4 Criminal Justice System

27. The NHRI welcomes recent developments in the criminal justice system including the establishment of an independent monitoring mechanism for places of detention⁴¹, the establishment of a Youth Court⁴², and a range of reforms enacted through the *Prisons and Corrections Act 2013*⁴³. In the course of its first program of inspections⁴⁴ the NHRI also commends the use within the penal system of traditional cultural values and the *Matai* (chief) system, resulting in a uniquely Samoan approach to prisoner management and rehabilitation.⁴⁵
28. However, there are substantial and grave concerns relating to the treatment and conditions within places of detention in Samoa. The most pressing issues relate to the lack of a system of categorization⁴⁶, children being housed with adults, overcrowding⁴⁷, serious failings in relation to water and food⁴⁸, health⁴⁹, the

³⁹ Survey and focus group qualifying data, notes on file with the NHRI.

⁴⁰ Adult Disability Identification Census 2002; supported by SHRR consultation and focus group qualifying data, notes on file with the NHRI.

⁴¹ The *Ombudsman Act 2013* established the Office as the NHRI and Section 33 (e) requires the NHRI 'to visit all public and, subject to section 48, private places of voluntary and involuntary confinement or detention'.

⁴² *Youth Offenders Act 2007*

⁴³ Including a defined induction process for detainees, medical treatment standards and a system of categorisation, amongst other provisions.

⁴⁴ Conducted in January 2015. The subsequent report entitled NHRI '*Detention Centre Inspections Report*', June 2015, can be found at www.ombudsman.gov.ws

⁴⁵ Note 44, p 6.

⁴⁶ On the day of the visit to Tafaigata it was noted that a disabled prisoner (blind) was housed together with other prisoners and prisoners with civil offences and/or minor criminal offences were housed together with other prisoners with serious criminal offences. Note 44, p 15.

⁴⁷ Note 44, p 11, The inspections found in excess of 30 detainees per cell measuring c. 3.5m x 5m in the main prison at Tafaigata. Some of the detainees in custody reported that they had not been allowed out of their cell for up to 2 months.

absence of a uniform induction process⁵⁰ (which includes a mental and general health assessment⁵¹), and other basic needs.

Recommendation 19: That the Samoan Government fully implement the *Prisons and Corrections Act 2013* and the recommendations contained within the NHRI's 'Detention Centre Inspections Report', June 2015, including addressing prison water supply, improving hygiene, classifying and separating prisoners, developing a standard induction process, and improving access to health care.

29. An additional area of concern is the lack of focus placed on education and rehabilitation within Samoa's detention centres. Where education or rehabilitation programs did exist they were not conducted regularly or uniformly.⁵²

Recommendation 20: That the Samoan Government develop and implement comprehensive educational and vocational training and rehabilitation programs for prisoners.

30. Advanced plans have been made to relocate the main prison at Tafaigata to Tanumalala⁵³ and development would have already commenced had it not been for a reported total lack of water supply at the new site. This immediately raises serious questions regarding the suitability of the new site for Samoa's main prison.

Recommendation 21: That the Samoan Government take a human rights based approach to the design and development of the new prison, involving the NHRI in the planning phases.

3.5 Health

31. The NHRI acknowledges the work of the Samoan Government in improving the overall health status for Samoa over the past decade.⁵⁴ The new Tupua Tamasese Meaole Hospital is a world class facility and the National Health Service's focus on primary health care and prevention in order to improve long term health outcomes is commendable.⁵⁵

⁴⁸ Serious water shortages were reported during the inspections, including a two month period where juveniles at Oloamanu Juvenile Detention Centre were unable to shower and had to survive on coconuts collected from the area. Note 44, p 21.

⁴⁹ Note 44, p 14. However, it has recently been reported to the NHRI that an on-site nurse will soon arrive at the main prison at Tafaigata. The NHRI will monitor developments in this area during its next set of inspections.

⁵⁰ Note 44, p 14.

⁵¹ During the inspections it was noted that a prisoner with mental health issues died whilst in prison. Reported at:

<http://www.samoabserver.ws/home/headlines/2710-boxing-day-tragedy-at-tafaigat>

⁵² Such as the computer laboratory at Oloamanu Juvenile Detention Centre which was only used when the donor (a Church) could be present and only by detainees who already had computer skills and were under the age of 18. Note 44, p 24.

⁵³ Widely reported in Samoa, including at <http://www.samoabserver.ws/home/headlines/13313-plan-for-new-prison-on-the-move-pm>

⁵⁴ World Health Organisation correspondence, 28 April 2015, located on file with the NHRI.

⁵⁵ National Health Service, About NHS: Our Vision, Mission and Values, available at: <http://www.nhs.gov.ws/index.php/about-the-dhb#OVMV>

32. From the Survey, three areas of concern relating to healthcare were identified: the affordability of health care⁵⁶; the accessibility of health care⁵⁷; and the quality of health care.⁵⁸

Recommendation 22: That the Samoan Government address quality issues and the accessibility gap for rural and remote areas, and Government to address the community's perception of affordability of health care through health literacy campaigns.

33. Sexual and reproductive health is a particular area of concern in Samoa, and a number of issues must be addressed at local and national levels: teenage pregnancy⁵⁹; the high prevalence of sexually transmitted infections (STIs)⁶⁰; availability of termination of pregnancy resulting from unlawful acts⁶¹; and the need for family planning and comprehensive sexuality education (CSE).⁶²

Recommendation 23: That the Samoan Government expand awareness raising programs for families to combat negative social and cultural attitudes towards teenage pregnancy;

Recommendation 24: That the Samoan Government, in consultation with the NHRI, launch public health campaigns around safe sex, in particular addressing acceptance of contraceptive use at political, religious and traditional leadership levels.

Recommendation 25: That the Samoan Government financially support NGOs working with victims of rape and incest.

Recommendation 26: That the Samoan Government implement CSE in accordance with United Nations Population Fund's Operational Guidance in order to empower young people to protect their health wellbeing and dignity.

Recommendation 27: That the Samoan Government consider the serious plight of, and viable medical options for, victims who fall pregnant from unlawful sexual acts.

⁵⁶ Only 25% of the Survey respondents found health care affordable - NHRI, *'State of Human Rights Report 2015'*, p 49.

⁵⁷ Less than a third of the Survey respondents could access their nearest medical facility within 30 minutes. Note 56.

⁵⁸ 60% of the Survey respondents found the quality of healthcare to be unsatisfactory and there was widespread concern regarding the availability of physicians. In the most recent survey conducted there were only 48 doctors and 185 nurses and midwives per 100,000 people. Note 56, p 50.

⁵⁹ The CEDAW Committee voiced serious concerns over the high rate of teenage pregnancies and the fact that existing sex education programs are insufficient in bringing attention to all aspects of prevention. According to the Ministry of Health the adolescent birth rate for 15-19 year olds is 39 births per 1000 women. Note 56, p 53.

⁶⁰ According to a 2008 survey, 32.8% of the population have at least one STI. Note 56, p 52.

⁶¹ The majority of Survey participants (60%) agreed there should be better access to birth control. Under the *Crimes Act 2013* abortion is still illegal and according to the Samoa Family Health Association 36 women sought unsafe abortions for unwanted pregnancies in 2014. Note 56, p 54.

⁶² In this regard, we commend the Samoa Family Health Association's UPR submission to the Council and ask that its recommendations for youth regarding access to family planning, contraceptives and termination of pregnancy be adopted and extended to women.

34. Living in a clean and healthy environment is fundamental to the good health and wellbeing of Samoans. A major issue in Samoa is the lack of a consistent and clean water supply, particularly in rural areas.⁶³

Recommendation 28: That the Samoan Government provide adequate and sustainable funding for the implementation of the Water for Life Sector Plan 2012-2016 and the National Sanitation Policy 2010 within the national budget.

3.6 Freedom of Religion

35. Restrictions on freedom of religion occur⁶⁴ despite strong constitutional protections⁶⁵. A prevailing attitude is that freedom of religion should be restricted to a choice between Christian denominations⁶⁶. A 2010 Government Commission of Inquiry⁶⁷ (COI) made clear that religious freedom belongs to the individual and not specific religion and any limitations would be undemocratic.

Recommendation 29: That the Samoan Government uphold the findings of the COI.

⁶³ During consultations with the NHRI, every village on Savaii, Manono and Apolima complained of water supply issues. Note 56, p 58.

⁶⁴, Note 56, p 60. The creation of new formal congregations is often banned and village leaders often only allow one church in a village.

⁶⁵ *Constitution of Samoa*, Article 11(1).

⁶⁶ A more detailed observation of prevailing attitudes can be found in Note 56, p 60

⁶⁷ COI, Commission of Inquiry Report 2010, on file at the NHRI.

ANNEX A: Compiled Recommendations

Recommendation 1: That the Samoan Government should prioritise signing and ratifying:

- The Convention Against Torture (CAT).
- The Optional Protocol on the Convention Against Torture (OPCAT).
- The Optional Protocol for the International Covenant on Civil and Political Rights (ICCPR).
- The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
- The Optional Protocol to the Convention on the Rights of the Child (CRC) on a communications procedure.
- The Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD).

Recommendation 2: That the Samoan Government ratify the CRPD into domestic legislation.

Recommendation 3: The Samoan Government, in collaboration with the NHRI, should conduct more human rights awareness activities in order to dispel misconceptions about human rights in Samoa.

Recommendation 4: That the Samoan Government, in collaboration with the NHRI and relevant Non-Governmental Organisations (NGOs) raise awareness of gender role stereotyping and its effects on women, targeting both men and women at all levels of society.

Recommendation 5: That the Samoan Government, in consultation with the NHRI, investigate appropriate methods to increase women's participation in decision making within the village.

Recommendation 6: That the Samoan Government work with relevant NGOs to promote family-focussed economic empowerment programmes, particularly in rural areas.

Recommendation 7: That the Samoan Government work with village councils, relevant authorities and engaged NGOs to increase public awareness of the FSA and how to engage in its legal proceedings.

Recommendation 8: That the Samoan Government review the FSA for the inclusion of protections for persons who report incidence of violence, including sexual violence.

Recommendation 9: That the Samoan Government collect statistical data on domestic and sexual violence disaggregated by sex, age, region, and victim/perpetrator relationship, to be reported on a quarterly basis directly to NHRI.

Recommendation 10: That the Samoan Government collaborate with the NHRI and relevant NGOs to deliver a community education campaign to dispel the misconception about the rights of the child.

Recommendation 11: That the Samoan Government withdraws its current reservation under Article 28 of the CRC.

Recommendation 12: That the Samoan Government assist in reducing the incidental costs of education so that primary education in Samoa can be completely free.

Recommendation 13: That the Samoan Government ensure enforcement of the *Education Act 2009* to reduce the amount of school-aged children working as street vendors.

Recommendation 14: The NHRI should work with the Samoan Government to investigate and develop child-friendly reporting avenues for child abuse, sexual assault and incest.

Recommendation 15: That the Samoan Government conduct an awareness raising campaign throughout society, particularly at the family level and in rural areas, to foster respect for the rights and dignity of PWDs.

Recommendation 16: That the Samoan Government sign and ratify ILO Convention 159 - Vocational Rehabilitation and Employment (Disabled Persons), 1983.

Recommendation 17: That the Samoan Government, in collaboration with the NHRI, develop workshops for teachers on PWDs and human rights, including strengthening inclusive education.

Recommendation 18: That the Samoan Government review the accessibility of their vocational training programmes and recommend how they can be made more inclusive.

Recommendation 19: That the Samoan Government fully implement the *Prisons and Corrections Act 2013* and the recommendations contained within the NHRI's 'Detention Centre Inspections Report', June 2015, including addressing prison water supply, improving hygiene, classifying and separating prisoners, developing a standard induction process, and improving access to health care.

Recommendation 20: That the Samoan Government develop and implement comprehensive educational and vocational training and rehabilitation programs for prisoners.

Recommendation 21: That the Samoan Government take a human rights based approach to the design and development of the new prison, involving the NHRI in the planning phases.

Recommendation 22: That the Samoan Government address quality issues and the accessibility gap for rural and remote areas, and Government to address the community's perception of affordability of health care through health literacy campaigns.

Recommendation 23: That the Samoan Government expand awareness raising programs for families to combat negative social and cultural attitudes towards teenage pregnancy;

Recommendation 24: That the Samoan Government, in consultation with the NHRI, launch public health campaigns around safe sex, in particular addressing acceptance of contraceptive use at political, religious and traditional leadership levels.

Recommendation 25: That the Samoan Government financially support NGOs working with victims of rape and incest.

Recommendation 26: That the Samoan Government implement CSE in accordance with United Nations Population Fund's Operational Guidance in order to empower young people to protect their health wellbeing and dignity.

Recommendation 27: That the Samoan Government consider the serious plight of, and viable medical options for, victims who fall pregnant from unlawful sexual acts.

Recommendation 28: That the Samoan Government provide adequate and sustainable funding for the implementation of the Water for Life Sector Plan 2012-2016 and the National Sanitation Policy 2010 within the national budget.

Recommendation 29: That the Samoan Government uphold the findings of the COI.

ANNEX B: Implementation status of first cycle UPR recommendations

Recommendation	Position	Implementation	Comments
Acceptance of international norms			
73.1.Consider, in a progressive manner and with the necessary technical assistance, the ratification of the principal outstanding international human rights instruments (Chile);	Supported	Partly implemented	Since the 2011 UPR Samoa has ratified the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and signed the Convention on the Rights of Persons with Disabilities (CRPD).
73.2.Consider ratifying international human rights conventions to which it is not yet a party (Nicaragua);	Supported	Partly implemented	See comment 73.1.
73.3.Consider ratifying, as soon as possible, fundamental international human rights instruments and their optional protocols to which Samoa is not yet a party (Brazil);	Supported	Partly implemented	See comment 73.1.
75.1.Accede to further international human rights treaties (Turkey);	Supported	Partly implemented	See comment 73.1.
73.4.Consider ratifying (Slovenia, United Kingdom), consider the possibility of ratifying (Argentina), consider signing and ratifying (Indonesia), consider the possibility of acceding to and/or ratifying (Ecuador) the International Convention on the Elimination of All Forms of Racial Discrimination (Slovenia, United Kingdom, Argentina, Indonesia, Ecuador);	Supported	Not implemented	
75.2.Sign and ratify the International Convention on the Elimination of All Forms of Racial Discrimination (Spain);	Supported	Not implemented	
73.9.Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Spain);	Supported	Implemented	See comment 73.1.
73.5.Consider ratifying (Slovenia), consider the possibility of ratifying (Argentina), consider signing and ratifying (Indonesia), consider the possibility of acceding to and/or ratifying (Ecuador) the International Covenant on Economic, Social and Cultural Rights (Slovenia,	Supported	Not implemented	

Recommendation	Position	Implementation	Comments
Argentina, Indonesia, Ecuador) and its Optional Protocol (Ecuador);			
73.6.Consider ratifying (Slovenia, United Kingdom), consider the possibility of ratifying (Argentina), consider signing and ratifying (Indonesia), consider the possibility of acceding to and/or ratifying (Ecuador), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Slovenia, Argentina, United Kingdom, Indonesia, Ecuador) and its Optional Protocol (United Kingdom, Ecuador);	Supported	Not implemented	
75.5.Become a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (New Zealand);	Supported	Not implemented	
75.6.Sign (Germany, Spain) and ratify (Germany, Spain, Maldives) the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Germany, Spain, Maldives) and its Optional Protocol (Germany, Maldives);	Supported	Not implemented	
73.7.Consider the possibility of ratifying the Convention on the Rights of Persons with Disabilities and, meanwhile, pursue efforts aimed at promoting the rights of persons with disabilities and their access to public places (Morocco);	Supported	Partly implemented	Since the 2011 UPR Samoa has signed the CRPD and made efforts to promote the rights of persons with disabilities (PWDs) and their access to public places. See report paras [24] – [26].
75.13.Ratify and implement the Convention on the Rights of Persons with Disabilities (New Zealand);	Supported (See para. 7 & 8 addendum p. 3)	Not implemented	Samoa has signed CRPD but has not yet ratified and fully implemented it.
75.14.Accede to the Convention on the Rights of Persons with Disabilities (Australia);	(See para. 7 & 8 addendum p. 3) Supported	Not implemented	See comment 75.13.
75.15.Ratify and implement the Convention on the Rights of Persons with Disabilities and ensure non-discrimination against persons with disabilities by, inter alia, developing specific legislation regarding the rights of persons with disabilities and providing adequate resources, including technical assistance, to the recently established Taskforce Committee (Thailand);	Supported (See para. 7 & 8 addendum p. 3)	Partly implemented	See comment 73.7.
75.16.Ratify the Convention on the Rights of Persons with Disabilities, fully incorporating the	Supported (See para.	Not implemented	See comment 75.13.

Recommendation	Position	Implementation	Comments
provisions of the Convention into its national legislation (Slovakia);	7 & 8 addendum p. 3)		
75.17.Sign and ratify the Convention on the Rights of Persons with Disabilities (Germany, Spain) and its Optional Protocol (Germany);	Supported (See para. 7 & 8 addendum p. 3)	Partly implemented	See comment 73.7.
73.8.Consider ratifying (Slovenia), consider the possibility of acceding to and/or ratifying (Ecuador) the Convention on the Rights of Persons with Disabilities (Slovenia, Ecuador) and its Optional Protocol (Ecuador);	Supported	Partly implemented	See comment 73.7.
75.18.Consider the possibility of ratifying (Argentina), consider signing and ratifying (Indonesia), consider the possibility of acceding to and/or ratifying (Ecuador) the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Argentina, Indonesia, Ecuador);	Supported (See para. 9 & 10, Addendum p. 3)	NHRI unable to comment	
75.21.Consider the possibility of incorporating progressively into its domestic legislation the provisions set out in the international instruments mentioned in paragraphs 73.4, 73.5, 73.6, 73.8, 75.7, 75.11 and 75.18, once it has proceeded to their ratification (Ecuador);	Noted	Partly implemented	
75.3.Sign (Germany, Spain), and ratify (Germany, Spain, Maldives) the International Covenant on Economic, Social and Cultural Rights (Germany, Spain, Maldives) and its Optional Protocol (Germany);	Supported	Not implemented	
75.19.Take further steps to promote the protection of human rights, such as becoming a party in a timely manner to the main international human rights instruments, including, inter alia, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, and by continuing to work to ensure the conformity of the domestic legal system with international human rights instruments (Japan);	Supported	Partly implemented	See comment 73.1. Samoa continues to make efforts to review its domestic legislation to improve compliance with international human rights instruments. For example, the Samoan Law Reform Commission is currently undertaking a review of the level of compliance of Samoa's legislation with its obligations under the Convention on the Elimination of Discrimination against

Recommendation	Position	Implementation	Comments
			Women (CEDAW).
75.20.Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Slovakia);	Supported	Not implemented	
73.10.Consider the possibility of acceding to the main universal human rights treaties to which Samoa is not a party, including the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities, by seeking, if need be, technical assistance from OHCHR (Algeria);	Supported	Partly implemented	See comment 73.1.
73.11.Consider signing and ratifying international instruments to which it is not a party, especially the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, and the Convention on the Rights of Persons with Disabilities (Costa Rica);	Supported	Partly implemented	See comment 73.1.
73.12.Consider ratification of other core human rights treaties, such as the International Covenant on Social, Economic and Cultural Rights and the Convention on the Rights of Persons with Disabilities (Philippines);	Supported	Partly implemented	See comment 73.1.
75.7.Consider ratifying (Slovenia), consider the possibility of ratifying (Argentina), consider the possibility of acceding to and/or ratifying (Ecuador) the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Slovenia, Argentina, Ecuador);	Supported (See para. 4 addendum p. 2)	NHRI unable to comment	
74.1.Ratify the Convention on the Elimination of All Forms of Discrimination against Women (Norway);	Supported	Implemented	
75.8.Lift the reservation made to article 28, paragraph 1 (a), of the Convention on the Rights of the Child	Noted	Not implemented	See report para [19].
75.8.Ratify the two current Optional Protocols thereto, on the involvement of children in armed conflict (2000) and on the sale of children, child prostitution and child pornography (2000) (Hungary);	Supported (See para. 5 addendum p. 2)	Not implemented	See report para [4].
75.9.Take the necessary measures to ensure the signature and ratification of the two Optional Protocols to the Convention on the Rights of the Child (Canada);	Supported (See para. 5 addendum p. 2)	Not implemented	See comment 75.8.

Recommendation	Position	Implementation	Comments
75.10. Sign the two Optional Protocols to the Convention on the Rights of the Child (Morocco);	Supported (See para. 5 addendum p. 2)	Not implemented	See comment 75.8.
75.11. Consider ratifying the two Optional Protocols to the Convention on the Rights of the Child (Slovenia, United Kingdom); consider the possibility of acceding to and/or ratifying the Optional Protocols of the Convention on the Rights of the Child (Ecuador);	Supported (See para. 5 addendum p. 2)	Not implemented	See comment 75.8.
75.12. Ratify the two Optional Protocols to the Convention on the Rights of the Child (Maldives);	Supported (See para. 5 addendum p. 2)	Not implemented	See comment 75.8.
76.1. Consider the possibility of acceding to and/or ratifying International Labour Organization Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries (Ecuador);	Noted	Not implemented	
Cooperation with treaty bodies			
73.27. Request assistance from OHCHR in preparing a common core document to streamline treaty reporting (Maldives);	Supported	NHRI unable to comment	
Cooperation with special procedures			
73.28. Issue a standing invitation to the United Nations special procedures (Slovenia); consider extending a standing invitation to the United Nations special procedures (Brazil);	Supported	NHRI unable to comment	
Cooperation with international with other international mechanisms and institutions			
73.26. Continue to seek technical cooperation and assistance from the international community, such as OHCHR and UNFPA, in relevant areas, particularly capacity-building for preparing its national reports under human rights conventions to which Samoa is a party (Thailand);	Supported	Implemented	
Constitutional and legislative framework			
75.29. Take appropriate measures to make the promotion of gender equality an explicit component of its national development plan and policies and to include in its Constitution or	Supported	Partly	Some measures to promote gender equality are included in

Recommendation	Position	Implementation	Comments
other appropriate domestic legislation a definition of discrimination against women (Brazil);	(See para. 19 Addendum p. 4)	implemented	the "Strategy for the Development of Samoa: 2012-2016". There is no law which currently includes a definition of discrimination against women. However, Article 15 of the <i>Constitution of the Independent State of Samoa 1960</i> makes all persons equal before the law and forbids discrimination on the grounds of sex by the laws or actions of the State. Further, the <i>Labour and Employment Relations Act 2013</i> defines "discrimination" (s2) and prohibits sex discrimination in employment (s19). See report paras [12] – [13].
76.4.Implement fully the recommendations of the Committee on the Elimination of Discrimination against Women, including by repealing discriminatory provisions in the family law (Slovenia);	Noted	Partly implemented	See comment 75.19.
75.30.Amend its national law to guarantee equality between men and women and ensure that customs and traditional practices cannot be used in law to discriminate against women (United Kingdom);	Noted	Partly implemented	See comment 75.29.
75.31.Introduce amendments to its domestic legislation and administrative regulations aimed at eradicating all forms of discrimination against women, children, persons with disabilities and, in general, all groups in vulnerable situations (Ecuador);	Noted	Partly implemented	See comment 75.19.
75.32.Introduce amendments to its domestic legislation and administrative regulations aimed at abolishing all forms of torture and other cruel, inhuman or degrading treatment or punishment (Ecuador);	Noted	Partly implemented	See report paras [27] – [30].
75.36.Review its legislation to bring the criminal responsibility of children in line with international standards (Costa Rica);	Supported (See para. 26&27 addendum p. 6)	Not implemented	See NHRI's submission to the 72 nd Session of the United Nations Committee on the Rights of the Child.

Recommendation	Position	Implementation	Comments
73.14.Deepen the harmonization process of its internal norms in the light of the international human rights standards and commitments in order to guarantee equal rights between men and women in all areas of social life (Argentina);	Supported	Partly implemented	See comment 75.19.
<i>Institutions and policies</i>			
73.15.Pursue its efforts to establish a human rights commission in accordance with the Paris Principles before its next UPR in 2015 (Canada);	Supported	Implemented	
73.16.Establish at the earliest a national human rights institution compliant with the Paris Principles (France);	Supported	Implemented	
73.17.Consider the possibility of establishing a national human rights institution in accordance with the Paris Principles (Argentina);	Supported	Implemented	
73.18.Establish a national human rights institution in order to further strengthen its human rights policies (Thailand);	Supported	Implemented	
73.19.Establish a national human rights institution in compliance with the Paris Principles (Spain);	Supported	Implemented	
73.20.Expedite the establishment of a national human rights institution in compliance with the Paris Principles, while taking into account the characteristics of Samoa, including its culture, policies and legislation (Indonesia);	Supported	Implemented	
73.21.Establish an independent national human rights institution in compliance with the Paris Principles (South Africa);	Supported	Implemented	
73.22.Consider the establishment of a national human rights institution in accordance with the Paris Principles (Costa Rica);	Supported	Implemented	
73.23.Envisage the establishment of the national human rights institution in compliance with the Paris Principles (Morocco);	Supported	Implemented	
73.24.Continue to seriously consider setting up a national human rights institution (Philippines);	Supported	Implemented	
75.22.Finalize, with international technical and financial assistance, measures for the creation of a national human rights institution (Algeria);	Supported (See para. 14& 15 addendum p. 4)	Implemented	
75.24.Implement with high priority its intention to establish a mechanism to monitor human rights (New Zealand);	Supported (See para. 14& 15 addendum	Implemented	

Recommendation	Position	Implementation	Comments
	p. 4)		
74.7.Strengthen the institutional infrastructure for ensuring, promoting and protecting human rights (Ecuador);	Supported	Implemented	
75.23.Establish a national human rights institution and consider designating the national preventative mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Maldives);	Supported (See para. 14& 15 Addendum p. 4)	Partly implemented	
75.26.Consider establishing an independent body for the promotion and monitoring of the Convention on the Rights of the Child (Brazil);	Supported (See para. 16 Addendum p. 4)	Implemented	
75.25.Conduct a public awareness campaign to ensure public understanding of the role of the human rights monitoring mechanism (New Zealand);	Supported (See para. 14& 15 addendum p. 4)	Partly implemented	The NHRI conducts awareness-raising regarding its role.
75.27.Develop a national plan of action that provides a road map to ensure that international human rights commitments are reflected in domestic legislation (Maldives);	Supported (See para. 17 addendum p. 4)	Not implemented	Samoa does not currently have a national plan of action regarding the implementation of all international human rights instruments. However, Samoa has a number of processes and plans to address international treaties individually. For example, the National Disability Taskforce, led by the Ministry of Women, Community and Social Development (MWCSD), is assessing the steps required for Samoa to implement the CRPD. See also comment 75.19.
73.25.Continue its work for the realization of its priorities contained in chapter 6 of its national report (Nicaragua);	Supported	Implemented	See comment 75.19.

Recommendation	Position	Implementation	Comments
Human rights education and training			
73.30. Conduct awareness-raising activities to change socio-cultural practices and stereotypes that impinge on gender equality (Argentina);	Supported	Implemented	Samoa conducts a range of awareness-raising activities related to gender equality, led by MWCSO. The NHRI will also engage in these activities in its forward work program.
73.40. Seek to enhance its programmes on human rights education and training in schools and for public officials, in cooperation with the international community (Philippines);	Supported	Implemented	The NHRI is delivering a program of human rights education and training for public officials and is engaging with the Ministry of Education, Sport and Culture to include further human rights materials in the school curriculum.
Context, statistics budget, cooperation with civil society			
73.42. Involve civil society organizations in the follow-up to this review (United Kingdom).	Supported	Unable to comment	Defer to Samoa Umbrella for Non-Governmental Organisations' UPR submission.
74.29. Use the UPR process to better involve civil society for further promotion and protection of human rights in Samoa (Hungary);	Supported	Unable to comment	See comment 73.42.
Non-discrimination			
74.10. Further enhance national policies to promote the rights of women (Philippines);	Supported	Implemented	See report paras [12] – [16].
74.11. Design specific policies to improve the situation of women in Samoan society and political life (Spain);	Supported	Implemented	See report paras [12] – [13].
74.28. Enhance the rights of women regarding civic participation (Turkey);	Supported	Implemented	See comment 74.11.
75.28. Take measures to reduce gender imbalance in the legislative and executive branches of Government (Norway);	Supported (See para. 18 addendum p. 4)	Implemented	See comment 74.11.
74.27. Continue to guarantee freedom of religion and to ensure the preservation and promotion of the cultural characteristics and distinctness of "fa'asomoa" (Indonesia);	Supported	Partly implemented	See report paras [7] – [11] and [35].

Recommendation	Position	Implementation	Comments
74.2.Endorse and promote the National Policy for Women, which addresses issues of discrimination against women, and ensure the speedy enactment of the Family Safety Bill 2009 (Canada);	Supported	Implemented	See report paras [14] – [15].
74.8.Finalize the National Policy for Women within a reasonable time frame (Hungary);	Supported	Implemented	
74.3.Continue the process towards a speedy implementation of the Family Safety Bill, currently being considered, which will render effective the relevant provisions of the Convention on the Elimination of all Forms of Discrimination against Women and the Convention on the Rights of the Child relating to domestic violence issues (Chile);	Supported	Partly implemented	See comment 74.2.
76.5.Give men and women equal right of inheritance (Norway).	Noted	Not implemented	
74.30.Introduce necessary measures in the field of anti-discrimination and equal remuneration for men and women for work of equal value (Turkey);	Supported	Partially implemented	See comment 75.29.
75.38.Fulfil its commitment to equality and non-discrimination by repealing all legal provisions that criminalize sexual activity between consenting adults and investigate all cases of discrimination based on sexual orientation and gender identity (Canada);	Noted	Not implemented	
75.39.Repeal laws criminalizing relations between consenting adults of the same sex (France);	Noted	Not implemented	
75.40.Repeal all provisions which may be applied to criminalize sexual activity between consenting adults and adopt appropriate legislative measures to include sexual orientation and gender identity in equality and non-discrimination laws (Norway);	Noted	Not implemented	
75.41.Continue its reconsideration of laws that restrict the human rights of individuals based on sexual orientation or gender identity, and repeal all such laws (United States);	Noted	Not implemented	
75.42.Make public, upon its completion, the report of the Commission of Inquiry set up to investigate alleged violations of religious freedom (Ireland);	Supported (See para. 32, addendum p. 7)	Implemented	See report para [35].
75.43.Adopt domestic laws and administrative regulations aimed at eradicating all forms of discrimination against persons of foreign origin, members of ethnic or linguistic minorities, refugees, asylum-seekers and migrant workers, by ensuring the enjoyment of their fundamental rights, irrespective of their migration status (Ecuador).	Noted	Unable to comment	
Death penalty			
75.4.Confirm its commitment towards the abolition of the death penalty by ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, which abolishes the death penalty under all circumstances (France);	Supported	Not implemented	
Prohibition of torture and cruel, inhuman or degrading treatment			
75.35.Ensure that the Professional Standards Unit of the Police complete its investigations in a	Supported	Partly	The NHRI has a Memorandum

Recommendation	Position	Implementation	Comments
timely fashion, and that it expand police training to address concerns about abuse by police (United States);	(See para. 25 addendum p. 6)	implemented	of Understanding which provides for its oversight of the Police's Professional Standards Unit. It is currently in the process of establishing a Special Investigations Unit to directly investigate complaints against the Police. The NHRI is also involved in police training programs to improve understanding of human rights among the Police.
Conditions of detention			
74.12.Provide members of its police force with training on human rights and improve inmate conditions in detention facilities (Canada);	Supported	Implemented	See comment 75.35. See report paras [6], [24] – [30].
74.13.Address improving the conditions in its penitentiary facilities as outlined in the Government's Law and Justice Sector Plan (Slovakia);	Supported	Implemented	See report paras [6], [24] – [30].
75.33.Carry out additional prison facility improvements, and invite independent human rights observers to monitor conditions within the prisons (United States);	Supported (See para. 22 addendum p. 5)	Implemented	See comment 74.13.
75.34.Circulate and implement the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) as part of its Law and Justice Sector Plan and seek appropriate assistance from OHCHR and the United Nations Office on Drugs and Crime in its implementation (Thailand);	Supported (See para. 24, Addendum p. 4)	Not implemented	
Administration of justice & fair trial			
74.25.Improve equal access to justice, including legal assistance and information and education about legal and human rights, to those who cannot afford private representation (Canada);	Supported	Partly implemented	Legal aid is provided through Samoa's Court system. A <i>Community Law Centre Bill</i> is currently before Parliament.
74.26.Enhance its investigation of complaints of abuse by police (United States);	Supported	Implemented	See comment 75.35.
Right to health			
73.29.Implement fully the recommendations of the Committee on the Elimination of	Supported	Partly	See report paras [12] – [16],

Recommendation	Position	Implementation	Comments
Discrimination against Women, including by increasing efforts to improve the provision of sexual and reproductive health services so as to reduce maternal morbidity and prevent teenage pregnancies (Slovenia);		implemented	[33]. Unable to comment on maternal morbidity.
73.37.Significantly promote sexual education, in particular oriented towards adolescent girls and boys, paying special attention to the prevention of early pregnancy and to the control of sexually transmitted diseases and HIV/AIDS (Mexico);	Supported	Not implemented	See report [33] and also see the Samoa Family Health Association's UPR submission.
Right to education			
73.38.Redouble efforts to promote universal education and ensure compliance with legislation on compulsory education (New Zealand);	Supported	Partly implemented	See report paras [19] – [21].
73.39.Take further measures to ensure that all children enjoy their right to a free and compulsory primary education (Morocco);	Supported	Partly implemented	See comment 73.38.
Gender-based violence			
73.13.Enact the Family Safety Bill without delay (New Zealand);	Supported	Implemented	See comment 74.2.
73.31.Further enhance measures against violence against women and children, including by ensuring appropriate assistance to victims and active detection efforts by law enforcement authorities (Japan);	Supported	Partly implemented	See report paras [14] – [16], [22] – [23].
73.32.Immediately criminalize rape within marriage (Norway);	Supported	Implemented	s.49(4) of <i>Crimes Act 2013</i> .
73.33.Enact a comprehensive anti-trafficking law and make proactive efforts to identify and assist trafficking victims (United States);	Supported	Not implemented	
74.14.Develop efficient and transparent mechanisms to prevent violence, particularly against women, girls and boys, and ensure that these mechanisms have the necessary capacity and resources to tackle this issue (Mexico);	Supported	Partly implemented	See comment 73.31.
74.15.Prioritize legislation on women's rights and domestic violence, and implement domestic policies aimed at eliminating violence against women (Australia);	Supported	Partly implemented	See report paras [14] – [16].
74.16.Amend its domestic law to criminalize domestic violence (United Kingdom);	Supported	Implemented	See comment 74.2.
74.17.Conduct additional campaigns to elevate public awareness about domestic violence, similar to the country's 2009 Say No to Rape campaign (United States);	Supported	Implemented	Samoa has conducted a number of public awareness campaigns about domestic

Recommendation	Position	Implementation	Comments
			violence.
74.18.Implement policies to ensure the promotion of the rights of women and children, specifically with regard to combating domestic violence and ending discrimination against women (South Africa);	Supported	Partly implemented	See report paras [12] – [23].
Children: definition, general principles, protection			
74.20.Implement fully the recommendations of the Committee on the Rights of the Child, including by taking measures to address the issue of child labour, prohibiting corporal punishment, and raising the minimum age of criminal responsibility to an internationally acceptable level (Slovenia);	Supported	Partly implemented	See report paras [17] – [23]. See comment 75.36.
74.21.Ban corporal punishment as a disciplinary measure in schools and in homes, and conduct awareness campaigns so as to reduce the scope of such action (Norway);	Supported	Partly implemented	Corporal punishment is banned in schools by s.23 of the <i>Education Act 2009</i> . See report paras [22] – [23].
74.22.Design policies which strengthen the rights of the child, and in that regard, sensitize the population to end corporal punishment and child labour (Spain);	Supported	Partly implemented	See comment 74.20.
74.23.Address the elimination of child labour in the ongoing 1972 Labour and Employment Act review (Slovakia);	Supported	Partly implemented	Child labour is regulated through s.51 of the <i>Labour and Employment Relations Act 2013</i> and ss.20-21 of the <i>Education Act 2009</i> . Further restrictions on child labour are included in the <i>Child Care and Protection Bill</i> currently before Parliament. See report para [21].
75.37.Equalize the legal minimum age of marriage for girls and boys (Norway);	Supported	Not implemented	This is sought to be addressed through the <i>Child Care and Protection Bill</i> , currently before Parliament.
Children: protection against exploitation			
74.19.Adopt and implement appropriate, efficient policy to address the sexual exploitation of children (Slovakia);	Supported	Partly implemented	See comment 75.37.
74.24.Continue and intensify the fight against social scourges, with a focus on reducing domestic violence and juvenile delinquency (Algeria);	Supported	Partly implemented	

Recommendation	Position	Implementation	Comments
Juvenile Justice			
76.2.Welcome an amendment to its Juvenile Justice Law and set the minimum age of criminal responsibility at 16 years of age (Turkey);	Noted	Not implemented	See comment 75.36.
76.3.Raise the minimum age of criminal responsibility in compliance with international standards (Slovakia);	Noted	Not implemented	See comment 75.36.
Persons with disabilities: definition, general principles			
74.4.Consider elaborating norms relating to persons with disabilities (Chile);	Supported	Partly implemented	This is part of the ongoing work of the National Disability Taskforce, led by MWCSD. See report paras [24] – [26].
74.5.Continue harmonizing its national legislation in line with commitments assumed at the international level (Nicaragua);	Supported	Partly implemented	See comment 74.4.
74.6.Give high priority to the work of the National Disabilities Taskforce (New Zealand);	Supported	Implemented	
74.9.Fully implement the National Policy for Persons with Disabilities (Australia);	Supported	Partly implemented	See comment 74.4.
Persons with disabilities: accessibility, mobility			
73.34.Support the work of organizations devoted to promoting accessibility and the rights of persons with disabilities (Mexico);	Supported	Partly implemented	See comment 74.4.
74.31.Implement inclusion measures that ensure access for people with disabilities to better employment opportunities (Costa Rica);	Supported	Partly implemented	See comment 74.4.
Right to development – general measures of implementation			
73.35.Continue implementing strategies and plans for national socio-economic development (Cuba);	Supported	Implemented	
73.41.Continue its leading international efforts to tackle global warming, including by reminding developed countries and major emitting States of their obligation to help promote and protect human rights in Samoa by reducing greenhouse gas emissions to safe levels (Maldives);	Supported	Implemented	