



info sheet Human Rights

HOW STATES COMMIT TO HUMAN RIGHTS CONVENTIONS

States can commit to Human Rights conventions in many ways. The process involves different actions by States which include:

1. signing up to international human rights treaties
2. ratifying or accession to international human rights treaties
3. making reservations and understandings
4. domesticating international human rights treaties that forms part of the national laws.

SIGNING UP TO INTERNATIONAL HUMAN RIGHTS TREATIES

When Samoa signs up to an international human rights treaty it means that it endorses to be a party to that treaty. It does not mean however that it will be bound or signing up does not create a legal binding obligation on Samoa. It simply means that Samoa is demonstrating intent to examine the treaty and consider ratification.

RATIFYING OR ACCESSION TO INTERNATIONAL HUMAN RIGHTS TREATIES

Once Samoa has signed up to a treaty and decides to ratify or accede to an international human rights treaty, this means that it will be bound by the terms of the treaty under international law. Both ratification and accession lead to a State being bound - the only difference between the two is that when Samoa ratifies a treaty it first signs up to it followed by ratification. If Samoa accedes to a treaty a signing up is not required and Samoa is immediately bound.

Being bound to a treaty means that Samoa must ensure that its local laws are compliant with treaty provisions and must also report to and will be scrutinized by UN Human Rights bodies. Failure to comply with treaty obligations is a breach of international law.

MAKING RESERVATIONS AND UNDERSTANDINGS

Reservations and understandings are statements made by Samoa which limits some of its obligations under treaty provisions. Samoa has made reservations to some of the treaties including the Convention on the Rights of a Child.

DOMESTICATING INTERNATIONAL HUMAN RIGHTS TREATIES

After ratifying a treaty, Samoa either enacts new laws that take into account treaty provisions or directly adopts treaty provisions verbatim and incorporate into existing laws. The process in Samoa is that, after ratifying a treaty a legislative compliance reviewed is carried out to identify gaps in the law before legislative changes are made.