



General Assembly

Distr.: General
11 August 2021

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Thirty-ninth session
1–12 November 2021

National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Samoa

* The present document is being issued without formal editing.



I. Introduction

1. Samoa is a small island developing state (SIDS) in the Pacific with a population of less than 200,000 people. Our long term vision is for an improved quality of life for all Samoans. This is underpinned by our Christian values and our unique Samoan culture and traditions (*fa'asamoa*). The *fa'asamoa* is a unique way of life that ensures we take collective responsibility for each other, our 'aiga or families,' our villages and country guided by the *matai* system. Human rights are underpinned by core values of respect, dignity, equality and security for everyone and likewise the *fa'asamoa* holds core values that guide social interaction such as respect, dignity, love, protection, and service, which mutually reinforce human rights.¹ Ensuring the complementarity of our *fa'asamoa* and Christian values with human rights, is vital to our efforts for the promotion, respect of, protection and fulfillment of all human rights and fundamental freedoms in Samoa.

2. The continuing devastating impacts of climate change and the recent health crises of the measles epidemic and COVID19 pandemic, have challenged our resolve as a people with the reversal of some of our hard-fought progress in pursuit of sustainable growth, social progress and environmental sustainability. We have used the Universal Periodic Review (UPR) process to continuously assess progress, identify ongoing challenges and recognize opportunities for dedicated action to ensure positive outcomes. More importantly, the UPR is an opportunity to further promote a rights based approach through strengthening effective stakeholder engagement and enhancing awareness. Adopting a human rights approach to the implementation of the SDGs and other international and regional obligations has a pronounced strategic fit and alignment of reporting obligations.

3. Samoa's Report focuses on the progress made and challenges faced in implementing the 94 accepted recommendations, including progress on some of the 35 noted from Samoa's second UPR presented in May 2016. A snapshot of new and emerging issues that were not featured in the last UPR but are current were raised during the national consultations and are reflected herein.

II. Report preparation and rights based approach

4. Samoa's report preparation was led by the National Mechanism for the Implementation, Reporting and Follow-up (NMIRF) Taskforce ("Taskforce") established by Cabinet decision in 2016. The establishment of the NMIRF allowed for more consistent and wider stakeholder engagement, utilizing the sector wide approach and aligning the different reporting processes.

Data collection

5. A web application designed to help Samoa guide implementation and reporting on human rights obligations called SADATA helped develop a national implementation plan by clustering recommendations, identifying implementation gaps and regularly collecting data through the related consultations. SADATA was recently upgraded to include the SDGs and the Strategy for the Development of Samoa (SDS).

6. This report was also informed by the data and information from related national reports presented since 2016².

Wide and meaningful consultations

7. The Taskforce utilized different opportunities³ to discuss the UPR and its recommendations through related policy, sector plan and international obligation consultations. The national consultations for Samoa's Second VNR Report on SDG implementation (VNR2 report) in 2019 and 2020 provided important input. These allowed discussions with youth, children, parliamentarians, village representatives in Upolu and Savaii, CSO, private sector, academia, media and persons with disabilities to name a few.

8. The Taskforce during the preparation for the UPR met monthly and included joint meetings with the SDG Taskforce. A dedicated UPR presentation and consultation was held with female candidates for the 2021 General Elections. The National Policy Coordination Committee (NPCC) discussed the review during its meeting on 17th June, 2021 just as they had done for VNR2 report in 2020. This Committee consists of all heads of Government Ministries and State Owned Enterprises, and it was the first time for the Committee to discuss the UPR and related issues.

9. In addition to the multiple consultations with different stakeholders, the Taskforce led by the Chair, CEO Ministry of Foreign Affairs and Trade⁴ organized in collaboration with the NHRI, a dedicated Civil Society Organisations (CSOs) Forum in April 2021. This was a change in approach, as the Forum was for all the local NGOs that made submissions for Samoa's UPR. The CSO Forum was followed by one-on-one consultations with the UN Resident Team, the NHRI, and the NGOs that submitted individual/joint reports. The consultations was a first, and a welcomed approach. It allowed the Taskforce to hear directly from the NGOs their issues and concerns. More importantly, it established a meaningful dialogue. The Chair committed to submit all concerns and recommendations shared, to the relevant government ministries and corporations. The stakeholders and 2016 UPR recommendations formed the basis of a frank two-day dialogue for Government officials. The taskforce will organize another session with the stakeholders to provide feedback on the issues raised for this UPR.

10. Samoa's approach to the current review prioritized strengthened meaningful stakeholder engagement as their participation in shaping policies and programmes, including the review of our efforts, is central to a rights-based approach.

III. Strengthening Samoa's human rights framework

A. Constitutional and legislative framework⁵

11. The Constitution of the Independent State of Samoa (1960) is the supreme law of the land. Part II sets out the fundamental rights recognized by Samoa including the right to life, right to personal liberty, freedom from inhumane treatment, freedom from forced labour, right to a fair trial, rights concerning criminal law, freedom of religion, rights concerning religious instruction, rights regarding freedom of speech, assembly, association, movement and residence, rights regarding property and freedom from discriminatory legislation. Part II of the Constitution also provides for remedies for enforcement of fundamental rights described.

12. Article 15 of the Constitution states that all persons are equal before the law and there is to be no discrimination on the basis of descent, language, sex, religion, political or other opinion, social origin, place of birth or family status. Any Act, regulation, notice or exercise of executive or administrative power by the State, which expressly or in practical application is found to be discriminatory, can be declared unlawful and void by the Supreme Court.

13. In terms of protection of customary land rights⁶, the constitution under Article 102 guarantees non-alienation of customary land. The Leasing and Licensing of Customary Land Act 1965 makes reference to the constitutional protection of customary land under Article 102 and in section 4(4) of that Act⁷. Thus, the protection of customary land rights for Samoan communities under our laws are well protected.

Review of the Family Laws of Samoa

14. In 2016 Samoa reported that a total of 11 laws have been reformed. These help achieve compliance with international obligations particularly for key Human Rights Conventions such as CEDAW and CRC. Our efforts continue with the Samoa Law Reform Commission's Family Laws Review Project (FLR Project) which will focus on the 6 core Family Laws. ⁸The consultations on the project began in 2019, and will be an important opportunity to address some of the few remaining issues from the recommendations that are

not already or sufficiently covered under existing legislation. For example there are currently relevant provisions in the Family Safety Act 2013 and Family Court Act 2014 to provide for anonymity and protection of those who make complaints of family violence. However, further considerations will be part of the FLR Project. The principles of relevant international law on rights of women, children, persons with disabilities or other vulnerable groups will also be considered to inform relevant parts of the FLR Project.

The Labour and Employment Relations Amendment Bill

15. The Labour Employment Relations Act 2013⁹ provides for empowering gender equality in the workforce. Further reviews to LERA ensures compliance with international obligations. The current Amendment Bill proposes a grievance mechanism, which includes those pertaining to sexual harassment. In addition, amendments are also made concerning the use of gender neutral terms. The Bill seeks to propose an amendment to section 20 of the LERA to provide for definition for ‘discrimination’, which applies equally to men and women. The Bill also proposes to amend section 51 with regard to employment of children, increasing the minimum age of employment from 15 to 16 years for light employment¹⁰.

Crimes Amendment Bill

16. The Crimes Amendment Bill finalized by the Office of the Attorney General (OAG) in October 2020 is to be submitted to Cabinet for approval. This Bill proposes to amend the Crimes Act to increase penalties and imprisonment terms related to smuggling in migrants, trafficking in people and dealing in people for sexual exploitation or engaged in forced labor. The Bill also proposes to:

- (a) separate and criminalize child abuse material under a new stand-alone provision which shall capture both online and offline activity;
- (b) broaden the current provision of solicitation of children and insert new offences to expressly criminalize grooming or procuring a person under 18, and using an electronic system to engage in sexual activity with a person under 18;
- (c) broaden the current provision of cyber-bullying;
- (d) criminalize the non-consensual sharing of intimate material using an electronic system; and
- (e) ensure the new proposed offences and those involving an electronic system¹¹ are included under the extraterritorial jurisdiction for offences with transnational aspects.

Marriage Ordinance 1961

17. Since the 2016 UPR, the legal minimum age of marriage is now equal for girls and boys complying with CRC. The Immigration Act 2020 included consequential amendments¹² made to Section 9 of the Marriage Ordinance 1961 to amend the minimum age for marriage from 16 to 18 for a male. Section 10 was also amended to replace 19 years with 21 years for a male with regards to consent to marriage of minors.

Child Care and Protection Bill

18. While still in Bill form since the last report, wider consultations on the Bill to address the continuous emerging issues for the protection of children have been done. The Bill is currently being vetted by OAG before submission to Cabinet for approval. The Bill provides for the well-being and protection of children and to make provision for assistance to children in need of care and protection in a manner consistent with international conventions and standards, Christian principles and cultural values. The key objective of the Bill is to promote well-being of children and protect them from all forms of violence, abuse,¹³ neglect and exploitation. Importantly, the Bill will provide for a mechanism ensuring proper reporting, and timely response and referral to relevant service providers.

B. National institutions and policies¹⁴

NMIRF Taskforce

19. The NMIRF Taskforce established by Cabinet decision in 2016, chaired by MFAT is an inter-ministerial committee responsible for the implementation of its international obligations on human rights, for coordinating the drafting of the national reports to the treaty bodies and organizing country visits by the Human Rights Council's special procedures. The Taskforce is comprised of CEOs of the key Government Ministries with mandates on human rights implementation and reporting¹⁵. The membership has grown since its establishment given the ongoing work of the Taskforce.

20. Since the Second UPR in 2016, the Taskforce together with the SDG Taskforce developed a roadmap for review and reporting on the Human Rights Conventions/processes with the SDGs and Samoa's sustainable development sectors. This ensured consistent stakeholder engagement throughout the UPR cycle utilizing the different opportunities presented by the related consultations.

21. The Taskforce has been instrumental in preparations for CEDAW and SDG reporting, hosting the Special working group and in ratifying UNCAT and UNCAC. The work of the NMIRF continues to be supported by the now upgraded SADATA.

22. Samoa endorsed and launched with the Pacific in 2020 the Pacific Principles of Practice for the NMIRFs.

NHRI

23. Samoa's NHRI in 2016 became the first in the Pacific region to be awarded an 'A' Status from GANHRI. Since establishment, the NHRI has prepared six National State of Human Rights Reports. These reports provided important opportunities for national and community dialogue especially for action to address the protection of human rights.

24. The 2019 NHRI report assessed actions undertaken by the Government to address recommendations from the NHRI Human Rights reports for 2015–2017 inclusive. This independent annual assessment is crucial for continuous dialogue on HR issues.

25. The findings of the 2019 NHRI report¹⁶ highlights that:

“...a lot of progress has been made and various human rights issues depicted in the NHRI State of the Human Rights Report recommendations, have been addressed. However, there is still work to be done to ensure the full enjoyment by Samoans of their rights.”

26. The NHRI assessment, gave Samoa a 'B' which by their categorization means the recommendations they have provided have been implemented by the Government to a reasonable and sufficient extent. In terms of adequate support for the NHRI, the issues of limited human resource capacity and finances is an ongoing concern for a SIDS like Samoa and across the public and the private sector including NGOs. While the NHRI has added an additional permanent senior staff since our last report and saw a slight increase in its budget in 2020/21 compared to 2016/17; Government continues to assess other means of providing support through partnerships and close collaboration. These resource constraints though have not hampered the successful delivery of the mandate of the NHRI.

SDG taskforce

27. Samoa established a SDG taskforce in 2016 which coordinates the implementation follow up and reporting of the SDGs. It is also chaired by MFAT and the membership includes the leads for the related sectors representing the three sustainable development dimensions¹⁷. Extended Membership also allows for participation of NGOs, the 14 Sector coordinators and the UN. Samoa's commitment to a people centred and human rights approach to sustainable development, is key to the pursuit for the socio-economic wellbeing of our people. All SDGs are aligned with our human rights obligations to allow for better integration into the 14 different sector plans of the strategy for development of Samoa. This ensures alignment of our priorities to the available resources.

National Policy Coordinating Committee and others

28. We also recognize the growing importance of the role of the NPCC and significance of the newly established CEDAW/CRC/CRPD Committee, the Samoa Integrity Organisation Network (SION) co-led by NHRI and Samoa Audit Office, and the Coordinating Committee for UNCAC. SION and the UNCAC Coordinating Committee will be key to the assurance of integrity, and to prevent and control corruption and related improprieties or irregularities.

Key National Policies

29. The MWCSD recently launched 6 National policies and the Community Sector Plan that are key to the work on all human rights conventions. These policies are:

- Samoa National Policy on Gender Equality and Rights of Women and Girls 2021-31, which builds on the work of the last gender equality policy.
- Samoa National Policy on Family Safety: Elimination of Family Violence 2021-31: brings together the human rights treaties and SDGs. The key focus is on elimination of violence especially against women and girls.
- Samoa National Policy on Inclusive Governance 2021-31 is linked directly to governance at the national and village level being inclusive of all members of the community.
- Samoa National Policy for Persons with Disability 2021-31 is critical to strengthened efforts to promote inclusiveness, a rights based approach and implementation of the CPRD.
- Samoa National Policy on Community Economic Development 2021-31 promotes greater economic opportunities for vulnerable individuals and families.
- Samoa National Policy on Child Care and Protection 2020-30 is linked directly to the Child Care and Protection Bill and sets the scene for improving the enabling environment to address a number of issues related to the protection of the rights of the child.

30. The *Community Development Sector Plan 2021-26* promotes family and community safety particularly in sexual violence and ensuring resilience of communities to disasters and climate change. It also includes improvement in infrastructure and economic empowerment of the most vulnerable in the community.

31. These updated policies and the sector plan underwent wide stakeholder consultations and took into account the recommendations from the treaty bodies and UPR.

Strategy for the Development of Samoa and Samoa 2040

32. The finalization of the new Strategy for the Development of Samoa (SDS) 2021-2025 is delayed but maintains the cross cutting elements of gender, climate change and disaster risk management. The opportunity to progress social inclusion and strengthen social protection is reflected in the current draft SDS. The recently launched Samoa 2040 strategy recognizes that the maintenance of peace, security, and inclusivity is critical for Samoa's sustainable development aspirations, and thus the need to improve education, social protection and, awareness raising.

National Security Policy and others

33. Samoa launched its first National Security Policy in 2018 which has an expanded definition of security covering not only border security and transnational crimes but also climate change and human security. The policy identifies domestic and gender based violence and health security, as key national security concerns and priorities. Its implementation is closely aligned to the 2020 Climate Change Policy and efforts to promote human rights through dedicated actions highlighted in the relevant sector plans such as Community, Environment, Health, Education and Law and Justice.

Interagency Essential Services Guide

34. Samoa's first Interagency Essential Services Guide launched in January 2021 in both Samoan and English, facilitates the survivor based approach for Gender Based Violence and Child Protection, and provide referral guidelines, standards and practical procedures for all relevant stakeholders. The guide is key to strengthening responses to Gender Based Violence and Child Protection and enhancing coordination with some of the active NGOs and communities on the issue.

35. These institutions and policies were introduced or strengthened since our Second UPR. They respond directly to the recommendations and are also important institutions with a human rights mandate or guiding documents that complement the legislations in place and creates an enabling environment in our human rights implementation efforts.

C. Awareness raising and training¹⁸

36. There have been several awareness programs conducted by the government, human rights stakeholders as well as international partners. The annual NHRI reports, the District Development Plans (DDP), The Women In Leadership program, the EU-UN Spotlight initiative as well as the Samoa Disability Partnership Programme are some of the main programmes. The recent VNR2 process raised awareness on human rights related issues through awareness and training programmes over the past years.

37. The communities, churches, private sector and NGOs are encouraged to participate in these training and awareness raising efforts to allow for a transformational shift in some of the negative perceptions towards the acceptance of human rights and ending domestic violence. The MWCS, MPPCS, MJCA including the different sectors continue to conduct outreach programs in the villages in collaboration with NGOs or international partners to promote further understanding.

38. Law enforcement officials continue to undertake training for example, Samoa lawyers and Police officers participated in training in 2019 hosted by PILON¹⁹ in relation to 'Quality Evidence without Re-Victimisation: Promoting Special Measures for Vulnerable SGBV Complainants'. MJCA, Police and JAWS²⁰ Media Association have finalised a Court Reporting Guide to recognise the rights of the media in reporting court proceedings and to improve the quality of court reporting to inform the public accurately. The training was helpful for Police and court registrars and in safeguarding the rights of victims (especially children). The NHRI and Police continue to provide Basic Human Rights Education for police recruits; and Human Rights education is covered in the Social Studies Curricula for both Primary and Secondary schools.

39. The public consultations stage for the FLR Project allowed for greater advocacy and human rights promotion, through the review. MCIL has also conducted up to three awareness programs each financial year in line with their budget targets. Awareness includes education on fundamental principles such as right to organize/freedom of association, prohibition of discrimination in occupation and employment, and equal remuneration.

D. Acceptance of international norms and treaty obligations²¹

40. Samoa adheres to the United Nations Charter and the Universal Declaration on Human Rights and is party to six²² of the nine core human rights conventions. Samoa has also ratified all three CRC optional protocols. Since our last report Samoa ratified CRPD and acceded to UNCAT. Samoa though not a party to all core Human Rights conventions have already incorporated the key principles into national laws. Government is actively considering these conventions for possible accession in the near future. With the recent ratifications, Samoa has thus fully implemented 13 out of the 15 recommendations for ratification/accession we had supported. We also fully implemented 4 and partially implemented 20 of the 30 noted recommendations for this section.

41. Other UN Human Rights and related treaties Samoa is party to include the Rome Statute of the International Criminal Court (ICC), the eight fundamental conventions of the International Labour Organization (ILO)²³, and in 2018 Acceded to the Convention Against Corruption. The government continues its assessment of the remaining HR conventions.

42. The drafts for the ICCPR, CRPD and CED reports are now being finalised. Consultations have begun for the UNCAT report. The plan is to have all reports finalised and submitted by first quarter of 2022. The current UPR process is used to consider pending reports.

43. Finally Samoa has a standing open invitation to all United Nations Special Procedures mandate holders, which will continue. Since the last report, we received the Visit by the Working Group on Discrimination Against Women in Law and in Practice in 2017 and awaiting a visit by Special Rapporteur on Right to Development once borders open.

IV. Further implementation of recommendations

A. Civil and political rights

1. Conditions of detention and prohibition of slavery and trafficking²⁴

44. Article 7 of the Constitution of Samoa calls for Freedom from inhuman treatment – stating that “*No person shall be subjected to torture or to inhuman or degrading treatment or punishment.*” Ratifying UNCAT is consistent with our constitution and based on our conviction that torture can never be tolerated under any circumstances. Implementing UNCAT will further support our continuous efforts to meet SDG 16, and improve the administration of justice, promote effective law enforcement and produce safer and well managed prisons. The Prisons and Corrections Act 2013 includes reference to the United Nations Standard Minimum Rules for the Treatment of Prisoners as a guiding principle.

45. The new Tanumalala prison is a key improvement in prison facilities. It consists of separate cellblocks for male and females, one for custody, and a facility to hold high-risk detainees, a medical clinic, as well as a chapel. There is adequate ventilation, lighting, and sanitation. There is basic provision for food, water and sanitation. Prisoners and detainees can submit complaints to judicial authorities and request investigation on issues. Monitoring visits by independent human rights observers, including the NHRI and judiciary are allowed. Despite all the progress, independent reports indicate there are areas for improvement.

46. Training for law enforcement officials included workshops during the visit in 2017 of the Convention against Torture Initiative (CTI). In 2019 police representative attended the CTI Global Seminar on Cooperation and Innovation on criminal investigation and law enforcement practices held in Denmark. Last year (2020), Fiji Police Force partnered with Samoa Police for a five-day training to enhance access to justice for arrested and detained persons, and prevent torture in police custody.

47. In addition to the Crimes Act amendments increasing penalties and imprisonment terms related to smuggling in migrants, trafficking in people and dealing in people for sexual exploitation. Samoa has a multi-agency Transnational Crimes Unit, a National Security policy and Guidelines for the Management of the Transnational Crimes of Trafficking and Smuggling. These contribute significantly to advancing Samoa’s counter trafficking agenda.

48. MPMC has hosted workshops and attended training in collaboration with Pacific Immigration Development Community (PIDC) Secretariat tackling human trafficking and people smuggling in the Pacific Islands; these are considered key areas of security concern under the National Security Policy.

2. Domestic violence²⁵

49. Samoa continues to look at comprehensive measures to prevent and address domestic violence including reviews of relevant legislation such as family laws; updated policies and ensure a whole of society approach to addressing the issues of domestic violence, particularly violence against women and children. The new policies include a national framework on prevention, early intervention and response, and guidelines for all service providers (government and NGOs) reporting and responding to incidences, and ensuring the best response for survivors and their children.

50. The 2017 Samoa Family Safety Study and the 2018 NHRI public inquiry into family violence put the spotlight on the issue with the alarming findings from these reports. Since their release, there has been an increase in awareness campaigns and training for law enforcement officers and NGOs as part of the response. Under the EU-UN Spotlight initiative for example, MJCA and the Law and Justice Sector using the Reach Model for prevention measures, took services to isolated villages sharing valuable information on protection orders, available helplines, police and court processes, victim support contacts and others. The Court also highlighted the maintenance service available with financial support for domestic violence victims.

51. Samoa continues to support Districts, Villages and faith based led initiatives looking at the root causes and consequences of family violence. Ending Violence is a key component of the DDP program which was rolled out in 2017 and as of January 2020, 48 out of 49 districts have these plans. The DDP provides the opportunity for community leaders to discuss the issues and most importantly, determine what their role is in eliminating violence. In early 2021 MWCSO with government and NGO partners delivered an awareness programme on gender based violence and alcohol abuse to over 8,500 participants within 200 plus villages across all of Samoa. This was part of the Government of Samoa COVID response.

B. Economic social and cultural rights

1. Right to an adequate standard of living²⁶

52. The Government's strategy for sustainable development targets an "Improved Quality of Life for all" and incorporates the needs of the most vulnerable groups across the 4 priority pillars and 14 sector plans. The principle of leaving no one behind and a human rights approach to sustainable development is key to pursuing the people's economic, social and cultural rights, through our sustainable development initiatives.

53. Government's efforts to ensure all Samoans can enjoy prosperous and fulfilling lives have been progressive. Decades of significant investment and improvement in building resilient and inclusive infrastructure have helped with the near universal access of the population to basic services and creating more and better opportunities particularly for the vulnerable populations. While overall improvement in quality and affordability of some of the basic services have shown improvement, vulnerability to natural disasters, external shocks and the current COVID-19 situation have brought serious setbacks to the developments to date.

54. Disasters often lead to a downturn in the trajectory of socioeconomic development and exacerbate poverty. Thus, *social protection systems* and *access to affordable basic and essential services* help prevent and reduce the impacts and provide a safety net for the vulnerable. There is still difficulty in properly capturing Samoa's social protection coverage and expenditure given the limited availability of data. Samoa is currently working on addressing this through efforts to strengthen social protection measures in place, in collaboration with the UN system. A draft social protection policy is being finalised and will be the basis of appropriate strategic development. We also recognize that the extended family (aiga) and village system in the fa'aSamoa remains an important aspect of social protection, which is central to Samoa's social structure and way of life.

55. Limited fiscal space makes it a challenge to provide comprehensive basic and essential services and social protection coverage in a SIDS like Samoa. Despite these

challenges, there is overall, high level of access to basic services such as improved drinking water sources and sanitation facilities. Government and development partners' extensive investment in water and sanitation infrastructure and services over the past 20 years has resulted in exceedingly high levels of population access to clean water (97%) and sanitation (97%).

2. Right to health²⁷

56. The COVID-19 pandemic in 2020 started while we were at the cusp of the measles epidemic that took 83 young lives. While still COVID19 free, the pandemic has had a marked impact on our people and their livelihoods causing a slowdown in our efforts towards sustainable development.

57. The VNR2 Report highlighted that for Samoa there is universal access to health care with a comprehensive network of highly subsidized public health facilities and services including overseas medical treatment for complicated health care not available in Samoa. Health care at public health facilities is fee free for children up to 12 years, antenatal mothers, pensioners and for persons with disabilities, mental illness, and chronic disease. The biggest health challenge for Samoa remains the high levels of premature deaths, illnesses and increasingly, disabilities from NCDs. Results for communicable diseases were generally positive with overall declining incidence and rates for HIV, Tuberculosis and Hepatitis B.

58. Sexual Reproductive health remains a priority for the health sector. There is improvement in access to sexual and reproductive health-care services for women. In 2018, the Samoa Family Health Association which provides public sexual reproductive health-care services opened new branches improving reproductive health access particularly for the youth and rural communities. All public health facilities in Samoa provide family planning services, delivered by providers trained in family planning service delivery, and have planning guidelines available. There are ongoing programs to schools and villages that discuss family planning, safe sex practices, Sexual Reproductive Health issues, teenage pregnancy, sexual reproductive health and rights, STIs and contraceptives. Free mobile clinics in villages and rural communities across Samoa are also available.

59. Sexual reproductive health is integrated across the respective curricula for social science, Health and Physical Education (HPE) and the science subjects in primary and secondary schools, that is supported with teacher training and supplementary resources.

3. Right to education²⁸

60. The right to education is aligned to our implementation of SDG 4, ensuring inclusive and equitable quality education for all. Our SDG implementation report highlighted that overall, through compulsory and fee free primary and secondary education, there has been increased access to primary and secondary schools. For primary level in particular, there is universal access (100%), for secondary level, 72% enrolment. The inclusiveness of the education system is improving with increasing levels of persons with disability accessing mainstream education. There is a reported increase in transition to and enrolment in Post School Education and Training Programs (PSET). Some of the concerns include the significant decrease in the numbers of males attending school at senior secondary level and the large gap between the higher achieving females over males across all levels. The Education Act 2009 and several inter-agency programs to address child vendors ensures compulsory access of every child to education. Discussions on extending the School Fee Grant Scheme (SSFSGS) to Early Childhood Education (ECE) are also underway.

61. The Education Amendment Act 2019 changed the 'compulsory school aged child' to be from 4 to 16 years old. The Education Act supports the rights of a female student to education and does not discriminate against a female student being pregnant. This is also covered by the National Safe Schools Policy, which aims to provide a positive learning environment for all and addresses bullying in schools.

62. Government invests heavily, with the support of its development partners in the provision of affordable tertiary and TVET education in Samoa. Current TVET is introduced in primary schools through HPE and Visual Arts from years 1 to 8. At the secondary level,

the majority of government schools and private schools offer at least 4 suites of TVET courses with some schools offering at least 7 TVET subjects. MESC also has in place a National Schools Technical and Vocational Education Training Policy 2018-2023. This policy addresses the concerns related to students' dropout rates. In 2021 the Ministry launched a TVET resourcing initiative whereby MESC procured TVET resources for secondary schools.

C. Rights of specific persons

1. Women²⁹

63. Compared to 30 years ago, women's advances in managerial positions and professional occupations have increased significantly including representation in parliament. Current statistics show women outperform their male counterparts academically, and there are increasing numbers of women occupying leadership roles in the public sector, private sector, judiciary and civil society organisations. Access to basic services have improved including to sexual and reproductive health services. Samoa's commitment to the elimination of discrimination against women and implementing SDG 5 have been a priority since Samoa ratified CEDAW in 1992. While much progress had been made in the past 30 years, with multiple law reforms, new policies and country wide awareness programmes and interventions; more still needs to be done. There is recognition that women and girls can be agents of change and will be an important part of the transformational equation for the SDGs and also for the protection of the human rights of all.

64. During the reporting period there has been significant effort to eliminate all forms of discrimination and violence against women, as highlighted in chapter III, A, B, C and chapter IV. A. 2 of this report. The FLR Project, the six new policies launched by the MWCSO, and enforcing the gender mainstreaming task under the Strategy for Development across all 14 sectors are key.

65. The Working Group on discrimination against women in law and in practice, (August 2017) noted: "Samoa has **made important strides** in developing a legal framework that abide by its own Constitution's bill of rights and comply with its international human rights obligations, particularly, over the past decade, with regard to the elimination of discrimination against women. The criminalization of domestic violence, the legal guarantee of equality between men and women in employment and the constitutional amendment for 10% women in parliament are important milestones".

66. Samoa was the first country in the Pacific region to receive an official visit by the Working Group which engaged in a constructive dialogue with a wide range of government and state representatives and other stakeholders, including civil society actors, health professionals, women's groups, academia, scholars, religious leaders, individual artists, and the UN country team. The Group visited the women's prison, a middle school, a health clinic, and observed a planning meeting among village councils and participated in a dialogue with members of a village council.

67. In the traditional context women are the 'malu o aiga' (protector of families) the 'auli male pae' (facilitator of peace and harmony – problem solver) and the 'ua faalanu ma'ave'ave (the rain that cleanses away the salty spray from the foliage – dilutes tensions). Women lead at every level of the social institutions within a family, village and community and are instrumental in bringing about change therein. Therefore the mutual understanding and partnerships between the State and our Village-Based systems of governance, is fundamental to the delivery of Government initiatives to strengthen gender responsive interventions to: eradicate violence from our homes, remove discrimination and stereotypical behaviour, foster positive environments for our children, empower our women and girls as well as ensuring that they are included in discussions pertinent to their wellbeing and personal development as equal Partners.

68. The DDP Programme, an outcome of community collaboration of all stakeholders ensures the communities take ownership of their own development. The development plans

are the basis for current and future development in the villages and districts enabling coherent support by the government and all stakeholders. As of January 2020, 98% of districts have completed plans which are vital to our human rights efforts in communities. Ending Violence is a key component of these district plans.

Employment

69. The LERA provides ways for empowering gender equality in the workforce and continued efforts to improve women's access to employment. The legislation also ensures equal remuneration for male and female employees for work of equal value. Additionally, the LERA Amendment Bill proposes to prohibit employers from discriminating against employees or applicants for a position on the grounds of race, ethnicity, colour, gender, religion, political opinion, sexual orientation, social origin, marital status, pregnancy, family responsibilities, real or perceived HIV status, disability and participation in the activities of a trade union.

70. The LERA provides protection from workplace harassment in private sector whereby an employee can be terminated for misconduct or abuse which includes sexual, physical, verbal or mental harassment of employees or employers. The LERA Amendment Bill proposes to introduce a grievance mechanism to address sexual harassment in the work place. The PSC Working Conditions underlines key principles to prohibit any harassment in public sector through its code of conduct. A definition of harassment in the Public Service Act, to provide legal certainty as to what constitutes harassment when assessing grievances filed by employees, was approved and a definition has been included in the draft amendments for the PSC Act 2004.

71. The MWCS and MCIL promote internship, apprenticeship and other activities to promote the economic empowerment of women. The "*Samoa Women Shaping Development Program*" assists with the economic empowerment of women through funding of entrepreneurial and business management training conducted by the Samoa Business Hub. Trainings build the basic financial literacy skills and knowledge of unemployed women and facilitate access to start up grants for micro businesses. In 2018, there was a 42 percent increase in the number of women trained with 138 micro businesses established.³⁰

Gender-based violence (GBV)

72. In addition to what was highlighted in earlier sections particularly on Domestic violence, there is better progress in recent years, in terms of more open discussions on the issue of violence, gender equality and social inclusion. A significant development is the Samoa Bureau of Statistics improved collection of sex disaggregated data including data on domestic and intimate partner violence for the first time in the DHS-MICS 2019 survey. Availability of data is crucial for efforts to focus the spotlight on the issue. The data confirm the two earlier studies on the need to scale up efforts to address GBV.

73. GBV has been identified as a national security priority and thus dedicated action to address it across the sector plans especially in the Community Development, Law and Justice and Health Sector plans and newly launched policies by MWCS are key. The National Sexual Reproductive Health Policy 2018-2023, also included GBV as a key component for SRHR and a significant determinant of SRH. In celebration of International Women's Day 2021, Government led a forum inclusive of women from communities, representatives of faith-based organizations and other stakeholders to discuss women and leadership, ending violence against women, and achieving gender equality. The forum was part of the ongoing nationwide Ending Violence Awareness program to continue the dialogue, and to promote a whole-of-society approach to address the issues of violence against women and girls. Samoa continues to participate in the global 16 Days of Activism every year from 25 November to 10 December, focusing on elimination of violence against women and girls.

74. A clear impact of the increased awareness programmes are the transformational changes. For example, some villages are introducing own measures such as fines for the perpetrators of violence in their village by-laws. Active engagement by youth and faith-

based organisations on the issue have increased, and the introduction of the Essential Services Guide is critical to the needed multi-sectorial and more coordinated response to the issue. The Lands Transport Authority work closely with MWCSD in having GBV awareness presentations to Construction companies. Part of their criteria for consultants hired, is that the consultants must provide GBV training on project-sites. This began with the Faleolo International Airport project, but now extended to the major development projects.

75. Samoa as the Chair for the PILON Sexual and GBV Group; has completed activities to assist and protect vulnerable victims of and witnesses to sexual and gender based violence offences. This includes a 2020 Model Provisions for amending Evidence Acts to incorporate special measures for vulnerable witnesses to SGBV offences. The General principle for obtaining best evidence from vulnerable witnesses in sexual and GBV matters was agreed to in 2019.

Participation of women in political and public life

76. The level of women participation in national governance and policy making is increasing although more rapidly in managerial positions than in parliament. In 2016 Samoa had its first female Deputy Prime Minister, and following the 2021 elections, Samoa now has its first female Prime Minister and has an increase in number of women in Cabinet including first female Minister of Finance. There has been a significant increase in activities promoting increased participation of women such as the DDP, Women In Leadership, IPPWS and all programmes related to preparation for 2021 elections encouraging women participation in elections.

77. More recent data from the MJCA confirm that there is an increase from 13% in 2015 to 22% in 2019 of women registered as matai title holders. In 2019, Samoa had appointed three more female judges, increasing the number from one to four; two as Supreme Court Judges and two as District Judges. There are also two Lands and Titles Court judges. Governance at the community level is by the village councils supported by other village level committees such as the women village committees.

78. The local government is represented by the Sui o le Nuu (Village male representative) and Sui o tamaitai (Village Women Representatives) who work closely with government on community development. In 2016, 121 out of 372 (32.5%) village representatives were women and in 2020 increased to 171 out of 390 (44%).

79. The proportion of women in managerial positions across Samoa increased from 36% in 2011 to 40% in 2016. Likewise, the proportion of women in government ministries and state-owned enterprises has also been increasing steadily over the past 20 years. In 2019 57% of CEO positions in the public sector are held by women. At management level, 60% of the positions are held by women. For CEO level in SOEs, increased significantly from 9.5% in 2001 to 40% in 2018. Proportion of women in SOE Boards increased from 20% in 2009 to 24% in 2018 and 28% in 2020.

2. Children³¹

80. Samoa ratified the Convention on the Rights of the Child (CRC) in 1994 and in 2016 it was the first Pacific island country to have submitted the instruments of ratification for the three Optional Protocols to the CRC. In the VNR2 Report, it highlighted that children's access to basic services such as education, health care, water and sanitation are high with results showing low prevalence of undernourishment, malnutrition including stunting and wasting compared to other Pacific Island nations. There are also positive trends in terms of the number of children with disability enrolling in schools. At primary school level for example there is a 40% increase in children with special needs or a disability between 2015 and 2019.

81. The 84th Session of the Committee of the Rights of the Child was held in Samoa in March 2020. The meeting saw the participation of around 100 children in the week-long meeting. There were also around 50 civil society representatives, more than 100 government representatives and around 68,000 webcasts views. The school children used the opportunity to dialogue with the CRC Committee and learned about human rights and

the Convention. They also engaged actively on different issues on rights of the child including topics of domestic violence, culture and their rights, information technology, climate change and right to health. A number of the children that were moderators at the event remained engaged and also participated as panelists for the high level event in the margins of the 75th UN General Assembly Side Event on ‘*Treaty Body Reform – Lessons from the 84th Extraordinary Outreach Session of the Committee on the Rights of the Child*’. They shared their experience, understanding on rights of the child and their thoughts on how to address children’s rights issues.

Violence against children

82. The Crimes Act 2013 provides protection of children from violence but in terms of latest developments, the Crimes Amendment Bill has been finalized with particular provision for measures to combat child abuse via online and electronic means. The Child Care and Protection Policy together with the Childcare Protection Bill are important developments in our efforts to respond and prevent child abuse at all levels. The Office of the Regulator is also developing the Child Sexual Abuse Material (CSAM) Policy a filter system to combat exploitation of children through the means of distributing and accessing CSAM on the internet.

83. The Teachers Act 2016 provides provision for teachers who breach professional standards or professional misconduct including abuse of students. This is now mandated and monitored by the Teachers Council who will impose penalties and have the powers to de-register teachers from the teaching service. Amendments to the Education Act 2019, has MESC enforcing its disciplinary action (immediate termination) of any teacher found to have physically, verbally and sexually abused a student. Ongoing awareness programs for teachers on professional conduct are provided through School Management and Organisational Manual. The MESC has 15 Support Advisors responsible for cohorts of schools. A key part of their job description is to provide this support to schools for teachers.

84. The National Safe School’s Policy incorporates provisions to protect impregnated students from expulsion, assures they are given full support by the school and family during pregnancy, as well as securing their return to school after child birth. This policy extends to include a prohibition of violence which may involve students bullying and more specifically cyber bullying, instances of sexual harassment or abuse, as well as removing stigmatization of learner pregnancy.

85. The newly launched Interagency Essential Services Guide is an important step in our efforts to protect children from violence. It will also allow for registration of all relevant specialized service providers.

86. A Review on whether it is appropriate in the context of Samoa to have a Sex Offender Registry and the project was launched in 2017. A Sex Offenders Registration Act 2017 is now in force in Samoa, with a sex offender registry in place. The Law and Justice Sector are in the process of securing an interactive management system, ‘Au’afa mau, which provides for data sharing between key sector players that will contribute to improved crime management systems to allow for more accountable, legitimate and responsive law and justice agencies. This is crucial for addressing violence against women and children.

87. The Crimes Act 2013 describing the offence of sodomy differentiates between age groups (of the victim and offender) to protect vulnerable children.

88. Sodomy offences are not actively enforced with regard to consensual sexual acts between adults. Since the Samoa Law Reform Commission consultation on the Crimes Ordinance 1961 there is also improved and open dialogue with the relevant stakeholders as this issue requires further consultation with the public.³²

Child labour

89. Government continues to engage children and families involved with MCIL, MPPCS and MWCSO to seek solutions including through the Child Vendors Programme. The Child Labour Taskforce³³ under MCIL works to address the issue on children vendors.

The taskforce has commissioned a follow up survey to provide the latest data to inform ongoing efforts.

90. The LERA Amendment Bill proposes to amend the minimum age for light employment and the Education Act 2009 Section 20 criminalises a person who arranged for a compulsory school-aged child to engage in street trading or to carry out other work of any kind, during school hours or at any time if the work would prevent or interfere with child's attendance at school, active participation in school activities or the child's educational development. Penalties for the breach of the law are also provided in these respective provisions. The Child Care Protection Bill proposes to prohibit child vending for any child under 16.

3. Persons with disabilities³⁴

91. Joining the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in September 2014 followed by ratification in December 2016 were important milestones that reflect Samoa's continuous dedication to respond to the needs of persons with disabilities. Samoa started with special educational programs for persons with disabilities in the 1970s. Nuanua O Le Alofa (NOLA), an NGO was established in 2001 by persons with disabilities for persons with disabilities as the national advocacy organisation for disability.

92. The Government works closely with NOLA which is also a member of the CRC/CEDAW/CRPD national committee that works on the implementation and reporting of the CRPD. Samoa aims to promote disability mainstreaming across all 14 economic, social, infrastructure and cross-cutting sectors. A number of important developments demonstrate progress in addressing the situation of persons with disabilities such as: the launch of the Samoa Disability Program now called the Samoa Disability Partnership Programme coordinated by the MWCSO and financially supported by Australia. It includes setting up of the Mobility Services Unit at the MOH; a UNCRPD comprehensive legislative review in 2016; the recently launched second National Disability Policy, a Disability Disaster Management Policy. The reviews of the National Building Code of Samoa, the LERA and the Electoral Act to ensure provisions were included for persons with disabilities were welcomed. To improve on policy and relevant interventions, data and statistics are crucial. Hence, the 2018 Samoa disability monograph was an important step forward to documenting the extent of disabilities and impact on people's lives, access to services and employment opportunities.

93. Inclusive education that enables the participation of all including persons with disabilities is a priority of the Government. An Inclusive Education Unit at the MESC and the Inclusive Education (IE) Policy for Students Living with Disability 2015 provide a framework to improve educational opportunities for children with disabilities. Teacher training have been conducted on the learning requirements for students living with disabilities. A growing number of children with disability are attending school including at tertiary institutions.

94. The current COVID-19 State of Emergency saw inclusion by government of sign language in all of the Prime Minister's daily media programme in partnership with NOLA. All MWCSO public communications, seminars and consultations require inclusion of sign language interpreter. This is an important step in ensuring inclusivity and also raised the importance and visibility of the issues of persons with disabilities. This has led to more government ministries coordinating COVID-19 to prioritise translation of information into accessible formats. Samoa's VNR2 report, and recently launched MWCSO policies were translated to braille.

95. There are still gaps in legislation to be addressed based on recommendations from the Samoa Law Reform review and reports by NHRI, and these can be further considered during the current FLR Project. Dialogue with NOLA in the process of this review was very positive and they also presented issues they wanted the Government to look closely at. This was discussed by government officials as part of the UPR consultations, with plans to report back to NOLA and all shareholders on their concerns and recommendations.

D. Cross cutting issues

1. Human rights and climate change³⁵

96. Integrating the SDGs into the Strategy for the Development of Samoa (SDS) ensures that their implementation is suitably contextualized and is part and parcel of the overall national planning, budgeting, and accountability processes. It also ensures that no one is left behind. All SDGs including SDG13 on climate action are aligned to the sector plans which are key to their implementation. Climate change remains a crosscutting issue for our sustainable development agenda and one of our national security priorities.

97. Samoa continues to strengthen its adaptive capacity, early warning systems and disaster risk planning and response to address the impacts of CC including longterm effects across the sectors. The human rights approach is in the extensive engagement of our communities, NGOs, women, persons with disabilities, youth, children, private sector, and all stakeholders in our climate resilience building efforts. In our recently submitted Second Nationally Determined Contributions (NDC), Samoa has increased its ambition by including an economy-wide emissions reduction target, and sector-specific emissions reduction target in the energy, waste and AFOLU³⁶ sectors. The NDC Implementation Roadmap and NDC Investment Plan also includes adaptation targets and gender responsive considerations in the form of guidelines for promoting gender and social inclusion.

98. The National Environment Sector Plan (NESP) integrates gender and vulnerable groups needs in all related strategies. Samoa also has a "Gender in Disaster Risk Management Policy" which focuses on gender equity where women are involved across all phases of Disaster Risk Management (DRM). There is a similar policy for persons with disabilities. To complement national plans there are 94 Community/Village Disaster and Climate Management Response Plans and 41 Community Integrated Management Plans that are key to building resilience. These plans are developed in close consultation with communities and offer the opportunity to communities to take ownership of and be involved in adaptation and mitigation solutions. Communities are also receiving training on DRM.

99. The Climate Change Policy 2020 promotes synergies identified under the other environmental conventions and assist with the inter-linkages with other related regional and international obligations such as gender equality, oceans and the implementation of the Sustainable Development Goals (SDGs). The policy promotes a coordinated approach and will help ensure the interlinkages of HR and climate change and their consideration across all development sectors.

100. Climate resilience has been mainstreamed across all sectors including having it as part of the school curriculum from ECE to secondary level including a Disaster and Energy Climate Change course at the National University Samoa, with certificates on sustainable energy and climate change and disaster risk management. Climate change, is taught through the social science subjects, social studies, and science under its environment strand.

V. New and emerging issues

Increasing health security threats

101. In November 2019, Samoa declared its first ever public health State of Emergency (SOE) following a wide scale measles outbreak. The SOE lasted six weeks with significant impact on the population and the health care system. There were 5,700 measles cases and 83 measles-related deaths, the majority of whom were children under the age of 5. This also led to a contraction of economic activities with the GDP for December 2019 Quarter declining by 3.7% making it the first negative growth recorded over 18 months. Samoa was still recovering from the measles outbreak when it had to respond to the COVID-19 pandemic threat in January 2020.

102. The measles epidemic in 2019 was devastating for Samoa. The experience taught government important lessons and led to the decision by Parliament for compulsory

vaccination for all children and a requirement for all students' enrolment. The epidemic also showed the effectiveness of partnership if properly coordinated, with the successful two day mass vaccination campaign resulting in the now 95% coverage achieving herd immunity in Samoa. The recovery plan for measles informed our response to the COVID19. It also pushed the urgency of addressing some of the capacity gaps in health system, which included psychosocial services and mental health support. The MOH in the current Samoa Health Sector Plan 2020-2030 recognises that mental health is an emerging challenge and must be addressed.

103. The COVID 19 response for Samoa included community outreach on preventative measures as well as on GBV. There is also significant impact on our key industry such as tourism and people's livelihoods. The COVID 19 situation and the measles epidemic highlight the added risks of health security threats on people, the socio-economic situation and human rights protection efforts in Samoa.

Advancement in ICT

104. Samoa has a free press and there are continuing efforts to ensure access to public information. However, with the growing users of social media and the advance changes of technology, the government continues to look at how to ensure it can keep up with the technological changes and still ensure protection of everyone's rights.

Elderly

105. Compared to the other vulnerable groups the elderly was highlighted to be needing more dedicated attention in the policies and planning during the UPR consultations.

Constitution and legal framework

106. There has been much debate and discussion around the enactment of three Acts³⁷ that have substantive implications for legal pluralism and effect a judicial restructure. These are issues that continue to be a matter for national discussion and deliberation in moving forward. However, the new Acts do not affect remedies sought by a person for the enforcement and recognition of his or her fundamental rights as an individual, which are still protected under Part II of the Constitution.

107. The recent events following Samoa's general elections in 2021 has clearly demonstrated the need for effective constitutional law reform given ongoing debate³⁸ on the interpretation of Samoa's Constitution. All matters related to the implementation of the ICCPR and the rule of law.

108. Samoa recognizes that there is work to be done to strengthen the legal framework and address any issues that may imply uncertainty in application of the rule of law. Despite recent events, Samoa remains peaceful and all public services remain in place. A new government is now in place led by the first female Prime Minister for Samoa.

VI. Challenges and support

Better coordination

109. Samoa is not short of plans, policies and legislation to guide HR implementation. Neither is Samoa short of willing and well-meaning development partners both external and national to support national efforts. Decades of investments into building institutional systems and capacities has helped with overall strengthening of development systems that have aided our development progress. The challenge now is to improve the execution and delivery of the plans, policies and systems in a coherent and effective manner, taking into account a human rights approach.

Limited capacity

110. The issues of limited human resource capacity is an ongoing concern for a SIDS like Samoa especially when looking at implementation, data analysis and management.

Reporting burden and treaty body engagement

111. For Samoa the information captured in SADATA, shows 551 recommendations from UPR, CRC and CEDAW reports. We also have another additional 200 for the recommendations from NHRI reports, Samoa Law Reform Commission and the Working Group on Discrimination against Women in Law and Practice. This is the challenge.

112. Thus, we need to carefully assess our capacity to implement additional conventions. The example of the 84th Session of CRC meeting in the region and virtual presentations should be considered closely to address challenges with engagement with Treaty bodies.

External shocks

113. While Samoa may have graduated from LDC to lower middle-income status, it will not graduate from being a SIDS. The inherent vulnerabilities to impacts of climate change will continue to challenge our SDG and human rights implementation efforts. The current health crisis adds to the uphill battle in ensuring we meet the promise for an improved quality of life for all Samoans.

Support

114. Samoa welcomes support for capacity building and legal expertise to assist the needed legislative compliance reviews for reporting and implementation of HR treaties. The discussions of the recent Review of the United Nations Human Rights Treaty Body System had important recommendations that can be explored to support our efforts.

VII. Conclusion

115. With the 129 recommendations provided Samoa has tried to respond to ALL³⁹, with 49% fully implemented⁴⁰, 47% partially⁴¹ implemented with the rest pending action. All recommendations continue to be part of the ongoing reviews of the Family Laws where relevant, existing policies and of the ongoing review of the UPR process through the NMIRF and SDG taskforces.

116. There is a healthy debate around human rights issues with enhanced awareness of the issues involved as well as questions particularly when issues are not properly contextualized and interpreted.

117. Universally we are in trying, unprecedented times. The circumstances the world is facing due to the COVID-19 pandemic have tested the very mettle of our nations and governments beyond any limits that we have known in our lifetime. As we respond to the ongoing threats of climate change, COVID19 and any other shocks that will come, Samoa commits to ensuring that we do so while still promoting the respect of, protection and fulfillment of all human rights and fundamental freedoms in Samoa.

Notes

¹ State of Human Rights Report 2015, Ombudsman & National Human Rights Institution, 2015: 17–18.

² Country Report on 6th Periodic Review Report on the Convention on the Elimination of All Forms of Discrimination against Women 2017, Report of the Special Procedures Working Group on the issue of Discrimination against Women in Law in Practice in 2017, Samoa National Human Rights Institution Report 2019 and 2020, Samoa Beijing +25 National Report 2019, the Women in

- Leadership Samoa 2020 and the 2nd Voluntary National Review (VNR) on SDG implementation 2020.
- ³ Mock session, preparations, and presentation of Samoa's 6th report on CEDAW in 2018; the Review and consideration process for accession/ratification of UNCAC (2018) and UNCAT (2019); the 84th extraordinary session of the Convention on the Rights of the Child held March 2020 also in Samoa; the 2021 consultations of the Community Sector Plan in Upolu and Savaii; the Convention on the Rights of Persons with Disabilities Report 2016; National Gender Equality Policy 2021-2031, and the Samoa National Policy on Community Economic Development 2021-2031.
- ⁴ MFAT.
- ⁵ Recommendations 95.16, 95.50, 95.18, 95.19, 95.21, 95.22, 95.20, 95.47, 95.82 but also responds to several recommendations across the different themes under Section IV of this report including noted recommendations 96.31, 96.35, 96.36, 96.37.
- ⁶ 95.82.
- ⁷ Section 4 (4) states that nothing in the Act may be construed or implied to permit alienation or disposition of customary land in a manner prohibited by Article 102 of the Constitution. Article 102 can only be amended by a public referendum where 2/3 of the valid votes cast support such amendments to be made to Article 102 by virtue of the proviso of Article 109.
- ⁸ Infants Ordinance 1961; Marriage Ordinance 1961; Divorce and Matrimonial Causes Ordinance 1961; Maintenance and Affiliation Act 1967; Family Safety Act 2013 and the Family Court Act 2014.
- ⁹ LERA.
- ¹⁰ Light work that is not likely to be harmful to the child's health, their attendance of school and their ability to participate in school training.
- ¹¹ Including solicitation of children.
- ¹² Refer to section 72(1) of the Immigration Act 2020.
- ¹³ The forms of abuse highlighted in the Bill includes physical, emotional and sexual.
- ¹⁴ Recommendations 95.36, 95.24–95.28, 95.34.
- ¹⁵ Ministry of Women, Community and Social Development (MWCSD), Ministry of Justice and Courts Administration (MJCA), Office of the Attorney General (OAG), Ministry of Police, Prisons and Correction Services (MPPCS), Ministry of Health (MOH), Ministry of the Prime Minister and Cabinet (MPMC), Public Service Commission (PSC), Ministry of Education, Sports and Culture (MESC) recently also added Samoa Law Reform Commission (SLRC), Ministry of Commerce, Industry and Labour (MCIL), Ministry of Communication and Information Technology (MCIT), Office of the Clerk of the Legislative Assembly (OCLA), Office of the Electoral Commissioner (OEC), Ministry of Natural Resources and Environment (MNRE) and Ministry of Finance (MOF). Consultative members are Samoa Bureau of Statistic (SBS), NHRI and reps from CSO and private sector – SUNGO and Chamber of Commerce. The UN Resident Coordinator is also invited to the Taskforce meetings.
- ¹⁶ State of Human Rights Report 2019.
- ¹⁷ Ministries of Finance (MOF), Natural Resources and Environment (MNRE) and Women Community and Social Development (MWCSD). Other members Samoa Bureau of Statistics (SBS) and Ministry of Prime Minister and Cabinet (MPMC) and Auditor General serves as an observer.
- ¹⁸ Recommendations 95.81, 95.30, 95.29, 95.31, 95.46.
- ¹⁹ Pacific Islands Law Officers Network.
- ²⁰ Journalist Association of (Western) Samoa.
- ²¹ Recommendations 95.1–95.10, 95.11–95.15, 95.37, 95.38, 95.91, 96.1–96.30.
- ²² CEDAW, CRC, CRPD, UNCAT, CED and ICCPR.
- ²³ Forced or Compulsory Labour Convention 1930, Freedom of Association and Protection of the Right to Organise Convention, 1948, Equal Remuneration Convention, 1951, Discrimination (Employment and Occupation) Convention, 1958, Minimum Age Convention, 1973, Worst Forms of Child Labour Convention, 1999, Right to Organize and Collective Bargaining Convention, 1948, Abolition of Forced Labour Convention, 1957, Maritime Labour Convention, 2006, Tripartite Consultation, 1976 (No. 144).
- ²⁴ Recommendations 95.71 and 95.58.
- ²⁵ Recommendations 95.48, 95.60, 95.49, 95.51.
- ²⁶ Recommendations 95.89, 95.33, 95.72.
- ²⁷ Recommendations 95.74, 95.75.
- ²⁸ Recommendations 95.76–95.80.
- ²⁹ Recommendations 95.41, 95.34, 95.39, 95.23, 95.43, 95.42, 95.17, 95.45, 95.44, 95.40, 95.62, 95.55, 95.69, 95.52, 95.57, 95.54, 95.63, 95.65, 95.59, 95.32, 95.73, 96.37.
- ³⁰ Beijing Plus 25 Samoa National Report 2019.
- ³¹ Recommendations 95.53, 95.56, 95.61, 95.64, 95.66, 95.67, 95.68, 95.70, 96.38.
- ³² Recommendations 96.32, 96.33, 96.34, 96.35.
- ³³ Samoa Victim Support Group (SVSG), Police (MPPCS), MESC, MWCSD and MCIL, Samoa

- Chamber of Commerce and Industry (SCCI), and Samoa Workers Congress (SWC).
- ³⁴ Recommendation 95.1–95.10, 95.35, 95.39, 96.2.
- ³⁵ Recommendations 95.83– 95.90.
- ³⁶ Agriculture, Forestry and Other Land Use.
- ³⁷ Constitution Amendment Act 2020, Land and Titles 2020 Act and Judicature Act 2020.
- ³⁸ With international opinions weighing in.
- ³⁹ Both supported and noted recommendations, with responses to each available in an action matrix.
- ⁴⁰ Including noted recommendations.
- ⁴¹ Have taken steps to implement recommendations with more work to be done.
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