



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Fifty-second session

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List of issues and questions with regard to the consideration of periodic reports

Samoa

The pre-session working group considered the combined fourth and fifth periodic reports of Samoa (CEDAW/C/WSM/4-5).

General

1. The report mentions in the introduction that non-governmental organization partners and community networks have contributed to the process of the preparation of the report. Please provide further information on the nature and extent of the involvement of non-governmental organizations, in particular women's organizations, in this process. In addition, please provide information on progress made with respect to ratification of or accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and on progress made towards acceptance of the amendment to article 20 (1), of the Convention.

Constitutional, legislative and institutional framework

2. The report explains, in paragraph 1.1, that during the period under review, a Legislative Compliance Review of the Convention was completed and some of the recommendations with regard to the amendments of the Marriage Ordinance 1961, the Crimes Ordinance 1961 and the Divorce and Matrimonial Act 1961 were submitted to the Office of the Attorney General for consideration by the Law Reform Commission. Please provide updated and detailed information on the outcome of the review of these legal acts.

National human rights institution

3. During the examination of the State party's universal periodic review report, the State party committed itself to pursue its efforts to establish a human rights commission in accordance with the Paris Principles before its next universal



periodic review in 2015. Please provide information on measures taken by the State party to establish a national human rights institution and its role with respect to the protection of women's rights.

Temporary special measures

4. The report does not provide information on any temporary special measures undertaken to accelerate the advancement of women in all areas of life, including at the political level. Please clarify whether this situation is related to the lack of a legal basis for the elaboration of temporary special measures, including quotas, or the unwillingness of the State party to implement such measures.

Violence against women

5. The report indicates that the Domestic Violence Bill/Family Safety Bill has been drafted and should have been tabled in Parliament in October 2009. Please provide updated information on its current status and its content.

6. The report indicates that the use of the "family system" as a positive traditional safe haven is the practice for providing shelter for victims of violence. Please provide detailed information on "family system" shelters and the way in which they protect women victims of domestic violence if the perpetrators of such violence are persons from their own families.

7. The report provides some statistics on recorded cases of domestic violence from January to September 2009, without sex-based disaggregation. Please provide sex-disaggregated data on the reported period and for 2010-2011.

8. Please provide information on legislative and other measures that have been taken to prohibit and eliminate corporal punishment of girls in all settings, including schools and homes, as recommended by the Committee on the Rights of the Child, the United Nations study on violence against children and the Committee's general recommendation No. 19.

9. Please provide updated information on the revision of section 47(3) of the Crimes Ordinance 1961 regarding the criminalization of spousal rape. Moreover, according to the information before the Committee, the practice of "revenge rape" is reported in the State party, in cases where a group of men or youths rape a girl to punish her father or brothers. Please provide information on legislative and other measures taken by the State party to eliminate this practice, provide protection and rehabilitation to victims and punish perpetrators.

Trafficking

10. The report indicates that at the time of the preparation of the report (2010), the Ministry of Women, Community and Social Development was conducting a survey on sex workers and prostitution. Please provide updated information on the outcome of the survey and information about measures taken to prevent trafficking and to protect and assist victims.

11. Please provide information on the number of reported cases of trafficking in women and girls, and the rate of conviction.

Participation in decision-making and representation at the international level

12. The report states that in some villages a ban on female *matai* is maintained, while in some others women are not allowed to sit in the village council meetings. Please provide information on whether the Law Reform Commission is considering such bans and exclusions of women as discrimination against women that should be prohibited. Moreover, please provide updated information on the number of women in political and public life. The report also acknowledges that the leadership positions for the overseas missions and ambassadors are dominated by men. Please provide information on measures taken to increase the level of representation of women at the international level.

Employment

13. In its previous concluding observations, the Committee expressed its concern about the situation of women in the employment sector and their lower level of participation in the labour force, and called upon the State party to bring its legislation into compliance with article 11 of the Convention without delay. The report indicates that at the time of the preparation of the report, the State party was reviewing the Labour and Employment Act 1972. Please provide updated information on the status of this review and the measures taken to comply with the Committee's recommendation.

Health

14. The report indicates that the State party has taken steps to review its HIV/AIDS policy, which, at the time of the preparation of the report, was in its final stage. Please provide updated information on the status and the outcome of the HIV/AIDS policy review.

15. The report acknowledges that although the level of teenage pregnancy has fallen since the consideration of the previous report, there is still much work to be done in this area. The report indicates that in April 2008 a second generation surveillance survey was carried out and that at the time of the preparation of the report, the results were not yet published. Please provide updated information on the outcome of the survey, as well as additional information on measures taken to reduce the incidence of teenage pregnancy.

16. According to the information before the Committee, abortion is a punishable offence under the State party's law, with a penalty of seven years imprisonment, which may lead women to seek unsafe, illegal abortions, with consequent risks to their life and health. Please provide information on the abortion law, grounds for abortion and its accessibility, and on measures taken to review the laws relating to abortion with a view to removing punitive provisions imposed on women who undergo abortion.

Women with disabilities

17. The report indicates that a discussion paper on the absence of adequate legal and policy protection for persons with disabilities was submitted to Cabinet, and that since 2008, the Ministry of Women, Community and Social Development is responsible for the coordination of programmes for persons with disabilities, including the coordination of the National Disability Taskforce. Please provide

information on concrete steps taken since 2008 to improve the situation of women with disabilities in all relevant areas covered by the Convention. Please also provide information on steps taken to becoming a party to the Convention on the Rights of Persons with Disabilities.

Marriage and family relations

18. The report indicates that at the time of the preparation of the report, the Government was in the process of reviewing the Divorce and Matrimonial Property Act in order to draft the amendments on the “no fault”-based system for the grounds of dissolution of a marriage and on raising the minimum legal age for marriage for girls from 16 to 18 years. Please provide updated information on the status of the amendments.

19. During the consideration of the previous State party report, the Committee expressed its concern at the lack of legislation on the division of marital property. Please provide information on the related existing provisions of the Divorce and Matrimonial Property Act in this regard and on measures taken to address this concern.

Climate change and internally displaced persons

20. In 2009 a devastating tsunami hit Samoa, taking lives and displacing families and villages. Please provide information on the ways in which natural disasters impact women in the State party and whether a gender perspective has been incorporated into national disaster relief strategies and national policies on combating the negative impact of climate change. Please also provide updated information on the adoption of the draft Refugees Determination Bill.
