



**International Human Rights  
Instruments**

Distr.: General  
9 June 2023

Original: English

---

**Common core document forming part of the  
reports of States parties**

**Samoa\***

[Date received: 22 May 2023]

---

\* The present document is being issued without formal editing.



## Acronyms and Abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of People with Disabilities
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ILO	International Labour Organization
LDC	Least Developed Country
MCIL	Ministry of Commerce, Industry and Labour
MFAT	Ministry of Foreign Affairs and Trade
MPMC	Ministry of Prime Minister and Cabinet
MOH	Ministry of Health
MWCSD	Ministry of Women, Community and Social Development
MJCA	Ministry of Justice and Courts Administration
MPPC	Ministry of Police, Prisons and Corrections
NGO	Non-governmental Organization
NHRI	National Human Rights Institution
NMRF	National Mechanism on Reporting and Follow Up
OAG	Office of the Attorney General
OHCHR	Office of the United Nations High Commission for Human Rights
PDS	Pathway for the Development of Samoa
SBS	Samoa Bureau of Statistics
SADATA	Samoa's National Web Tool for Reporting and Follow Up
SAMOA Pathway	SIDS Accelerated Modalities of Action Pathway
SDG	Sustainable Development Goals
SDS	National Development Strategy for Samoa
SHRR	Samoa Human Rights Report
SLRC	Samoa Law Reform Commission
UNCAT	Convention Against Torture and other Cruel, Inhumane and Degrading Treatment
UN	United Nations
UPR	Universal Periodic Review

## Introduction

1. The practice of respect for human rights and entitlement of every Samoan to basic human rights has and continues to be a feature of Samoa's culture. Samoan culture or the fa'asamoa promotes and protects human rights by providing the foundation of a peaceful and cohesive society. Despite the changes associated with modernization that have had an impact on Samoa, the fa'asamoa continues to connect its people to the values of respect for one another and the principles of reciprocity, whereby great store is given to the wellbeing of the individual, the family and the community.
2. Samoa gained independence in January 1962 from New Zealand, which had administered Samoa initially as a League of Nations Mandate and then as a United Nations trusteeship. Samoa was the first Pacific Island country to gain independence. The Government of the then newly independent Samoa assumed responsibility for economic and social development as well as the fundamental rights of all its citizens. The Constitution of the Independent State of Samoa 1960 is described as the supreme law of the land under Article 2 and clearly sets out the fundamental rights to which every Samoan is entitled and the responsibility of the Government to ensure that these rights are observed, promoted and protected.
3. Internationally, Samoa is a member of various intergovernmental organisations including the United Nations, the Commonwealth of Nations and many regional agencies such as the Pacific Island Forum (PIF), and the Pacific Community (SPC) to name a few. Samoa supports and participates in the work of these organisations to promote and protect universal human rights. Nevertheless, Samoa, like most if not all countries, faces challenges with the responsibilities of the State to fully deliver on human rights.
4. Samoa was one of the first countries to present their Voluntary National Report on implementation of the Sustainable Development Goals (SDGs) in 2016. In 2020, it presented its second VNR which focused on efforts to localise the SDGs and its implementation since the first report, but with specific focus on people goals. In 2021, Samoa presented its third UPR report to the HRC which highlighted the progress Samoa had made and the challenges faced in the implementation of the 94 accepted and 34 noted recommendations from its second UPR. The report also summarises the current and new emerging issues raised during national consultations. Samoa is currently finalising its reports for CRPD, CED and ICCPR.
5. In 2015 through the office of the Ombudsman serving also as the National Human Rights Institution, Samoa produced its first State of Human Rights Report. Since the establishment of the National Human Rights Institution of Samoa in 2015, the Office has submitted eight State of Human Rights Reports (SHRR) to Parliament. The annual reports focused on various issues which the NHRI saw were of most concern at the time. These include the violation of the rights of women and children, the rights of persons with disability (PWD), rights of prisoners as well as the profound issues of climate change and family violence. In 2019, the NHRI looked at assessing actions undertaken by the Government to address recommendations from their 2015, 2016 and 2017 report. The NHRI State of the Human Rights Reports are seen as independent annual assessments of our state of human rights and these reports allow the government and people of Samoa to continuously discuss some of the key human rights issues for our people.
6. The findings of the 2019 NHRI report highlights that, "a lot of progress has been made and various human rights issues depicted in our [NHRI] State of the Human Rights Report recommendations have been addressed. However, as the report stated, there is still work to be done to ensure the full enjoyment by Samoans of their rights." Furthermore, the NHRI assessment gave Samoa a B grade average which means the recommendations they have provided have been implemented by the Government to a reasonable and sufficient extent.

## Part I: General information on Samoa

### A. Demographic, economic, social and cultural characteristics

7. Samoa is a group of ten volcanic islands situated in the South Pacific Ocean. The inhabited islands are the two main islands of Upolu and Savaii and the smaller Manono and Apolima supporting village communities. Samoa has the smallest EEZ in the Pacific at 98,500 km<sup>2</sup>. The total land area is 2,820 square kilometers with 43 percent arable land. Samoa’s climate is tropical with the cool drier months normally from April to October and the wet and cyclone season months from November to March. The capital Apia is situated on the main island Upolu.



8. The economy of Samoa is based mainly on the agriculture and fisheries sectors, tourism, and is reliant on development aid and workers’ remittances. Samoa has a relatively open economy with a very narrow export base and a persistent and sizable trade deficit. Samoa also has a narrow tax base and depends mainly on external financing for its budget. Sustaining its development currently greatly depends on enhanced budget support.

9. A significant portion of Samoa’s top exports include fish and other seafood, agriculture products (mainly taro, cocoa) and coconut/coconut products. The main manufactured goods exported were beer, nonu juice, crispy savoury food products (chips) and cigarettes. However in 2020, due to the impact of COVID-19 epidemic Samoa suffered a 23.64 decrease in exports. Samoa’s main export markets are American Samoa followed by New Zealand, USA, Tokelau, Australia, Taiwan, Japan, Fiji, China and others.

10. The top imported products for 2018-2020 are distillate fuel and motor spirit from Singapore, meat, edible offal, and poultry from New Zealand, Switzerland, Fiji, Hong Kong and Australia, which have consistently been the top 3 import products from 2018-2020. Samoa’s top import markets are New Zealand, Singapore, Australia, USA, China and Fiji.

*Gross Estimates (value) of Imports*

2018	ST\$ 939 443 298
2019	ST\$1 031 312 647
2020	ST\$ 828 649 379

11. The latest hardship and poverty report indicates that the average incidence of basic needs poverty in rural households nationally has improved to 18.8% in 2013/14 when compared to 26.9% in 2008 and 22.9% in 2002. The incidence of food poverty at the national level has been declining given the proportion of population affected has dropped to 4.3% in

2013/14 compared to 4.6% in 2008 and 10.6% in 2002. In terms of inequality, there is a widening of the income distribution gap reflected by the worsening of the overall Gini coefficient from 0.43 in 2002 to 0.56 in 2013/14.

12. The 2021 Government census recorded a total population of 205,557, with 51% of the population male and 49% female. The population has increased by 9,578 people since its last census in 2016. This is an increase of 4.9% making an annual growth rate of 0.9 percent per annum.

13. There are four statistical divisions used by the Samoa Bureau of Statistics for the census. They are: (i) Apia Urban Area, (ii) North West Upolu, (iii) Rest of Upolu (which includes Manono and Apolima) and (iv) Savaii. The Samoan population has always been concentrated or densely populated in the Apia urban area and North West of Upolu. As shown by the latest census, 17.5% of the population live in Apia Urban Area, 36.6% in the North West of Upolu, 23.8% Rest of Upolu and 21.9% in Savaii. The reasons being closer to schools, employment and other social and economic opportunities.

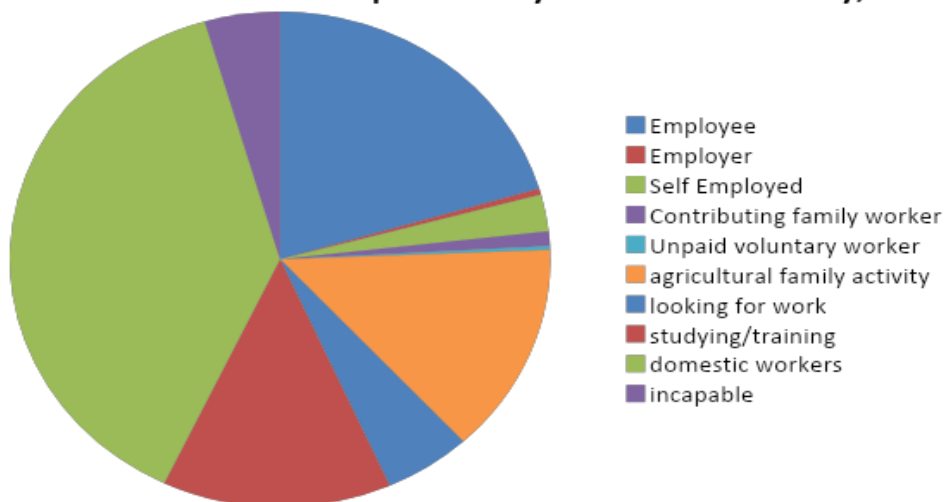
14. The official language of Samoa is Samoan. Parliament and Cabinet sessions are both conducted in Samoan. However, both English and Samoan are used for communication and are taught widely in schools.

15. Cash employment accounted for 20.45 percent of the people working for salary/wages (employees), 1 percent of people with hired workers (employers) and 2.4 percent of self-employed persons making up 23.85 percent of persons 15+ engaged in cash-employment.

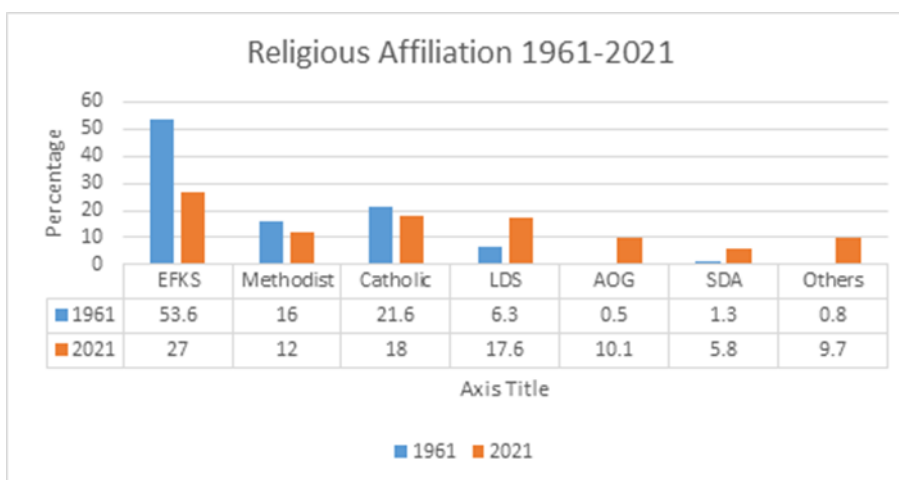
16. Subsistence employment comprising 13.75 percent included all work related to agriculture, fishing and handicraft at home, either for sale or for consumption purposes.

17. Other work activities comprising three quarter of the working population are not engaged in paid employment but contributed significantly to the daily activities of all families and villages.

**Population by Main Work Activity, 2021**



18. Religion has a significant role and influence in the lives of Samoan people and culture. Samoa is predominantly Christian with people belonging to various denominations. In 2017 Samoa amended its Constitution to declare itself a Christian state. The major religious groups in the country include: Congregational Christian Church of Samoa 27%, Roman Catholic 18%, Latter Day Saints: 17.6%, Methodist 12%, Assembly of God 10.1%, Other churches 15.5% which include churches such as the Seventh Day Adventist, Jehovah's Witness, Nazarene, Baptist, Worship Centre, Samoa Evangelism and Anglican.



19. The people of Samoa are proud of their Samoan heritage with a history tracing back 3,000 years ago with the settlement of the islands by Austronesians originating from South East Asia.

**Fa’asamoa and Human Rights**

20. The fa’asamoa is the invisible resin that keeps Samoan society intact and its governing systems functional, a fact that has also set it apart from its contemporary Pacific Island neighbours. The strength of the fa’asamoa is the extended family. The extended family is headed by a Matai or chief who is appointed by family consensus. The matai plays a vital role in providing leadership and protection for the family, is responsible for maintaining family unity and prestige, the caretaker of family customary land for current and future generations, the mediator in settling disputes and represents the family in the meetings and gatherings of the village council. The fa’asamoa also provides for the distinct and different roles of men, women and children in society which inherently promote and protect the rights of all Samoans.

21. Human rights are underpinned by core values of respect, dignity, equality and security for everyone. Similarly, Fa’asamoa or the Samoan way of life holds core values that guide social interaction such as respect, dignity, love, protection, and service, which mutually reinforce human rights.

**B. Constitutional, political and legal structure of the State**

22. Samoa has used a Westminster model of parliamentary democracy since it became independent in 1962. The three branches of government are the Judiciary, Legislative and Executive.

23. The Judicial Branch of Government is derived from the English common law system and consists of a Court of Appeal, the Supreme Court, Alcohol and Drugs Court, District Courts and a Land and Titles Appellate Court and Court of First Instance. The Court of Appeal being the court of final appeal is often presided over by overseas judges usually from the Commonwealth jurisdiction (e.g. New Zealand and Australia). The Supreme Court is presided over by the Chief Justice and five other Supreme Court Judges; the District Courts (including Youth Court, Family Court, Coroners Court and Fa’amasino Fesoasoani (Assisting judges) Courts are presided over by a Senior District Court Judges, two other District Court Judges and three Fa’amasino Fesoasoani.

24. A separate Land and Titles Court and Land and Titles Appeal Court is presided over by the President of the Land and Titles Court, Samoan Judges (Fa’amasino Samoa) and Assessors (Fa’atonu) addresses disputes relating to customary land and matai titles. The separate Alcohol and Drugs Court is led by Justice Tuatagaloa together with the assistance of Justice Aitken from New Zealand. This is a therapeutic Court and was designed to supervise offenders whose offending is driven by alcohol or drug dependency.

25. Parliament comprises of the legislative assembly and the Head of State, whose written assent is required before a Bill becomes law. The Head of State is elected by parliament for a term of five years. His Highness Tuimalealiifano Vaaletoa Sualauvi II was sworn in as Samoa's 4th Head of State in July 2017.

26. Samoa's parliament is elected through universal suffrage every five years. It has a unicameral Legislative Assembly consisting of 51 members, who are all matais (chiefly titleholders). A constitutional amendment was made in 2013 where a temporary special measure was put in place to increase the representation of women in Parliament by ensuring 10% of parliamentary seats are reserved for women. Consequently, this special measure was enacted at the 2016 general elections. Since then three females have been sworn in as Members of Parliament using this measure, one female was elected in 2016 and two females at the recent elections in 2021.

27. The Human Rights Protection Party (HRPP) that has been in government for more than 20 years lost the majority to govern to the Faatuatua i le Atua Samoa ua Tasi (FAST) Party in the 2021 elections. All key pillars of the Samoan society was tested following the events that unfolded thereafter. However, the rule of law was upheld through democratic traditions and an independent judiciary where it allowed for a peaceful transition to the new government.

28. The FAST Party made history when Hon. Fiame Naomi Mataafa was elected as Samoa's first female Prime Minister. The Prime Minister is elected by Parliament who then selects twelve other members of Parliament to form the Cabinet.

## Part II: General Framework For The Protection And Promotion Of Human Rights

### A. Acceptance of international human rights norms

29. Samoa adheres to the United Nations Charter and the Universal Declaration on Human Rights and is party to six of the nine core human rights conventions. Samoa has also ratified all three CRC optional protocols. Samoa acceded to UNCAT in 2019 and is considering all the other core human rights conventions as recommended during the UPR review and their optional protocols.

#### International human rights instruments that Samoa is a party to

<i>Treaty/Convention</i>	<i>Year of signature/ratification/accession</i>
<i>Main international human rights conventions and protocols (A)</i>	
International Covenant on Civil and Political Rights (ICCPR), 1966	February 15, 2008
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979	September 25, 1992
Convention on the Rights of the Child (CRC), 1989	November 29, 1994
Optional Protocol to the CRC on the involvement of children in armed conflict, 2000	May 17, 2016
Optional Protocol to the CRC on the sale of children, child prostitution, and child pornography, 2000	April 29, 2016
Optional Protocol to the CRC on a communications procedure, 2014	May 17 2016

<i>Treaty/Convention</i>	<i>Year of signature/ratification/accession</i>
International Convention for the Protection of all Persons from Enforced Disappearance, 2010	November 27, 2012
Convention on the Rights of Persons with Disabilities, 2008	December 2, 2016
Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	March 28, 2019

30. Samoa has placed a reservation under Article 28 (1) (a) of the Convention on the Rights of the Child (CRC). While recognizing the importance of providing free primary education as specified under this Article of CRC, Samoa however is mindful of the fact that primary education is not entirely free. The Government's School Fee Grant Scheme was launched in early 2010 whereby compulsory aged children (5–14 years) no longer pay school fees to allow them to complete the full cycle of primary education. Nevertheless, parents and communities contribute to the maintenance of school buildings and facilities and pay for additional costs associated with schooling such as transport, uniforms and food.

31. Samoa also has a declaration under the ICCPR, stipulating that the term “forced or compulsory labour” as it appears in article 8 (3) of ICCPR are compatible with that expressed in article 8 (2) (a) (b) (c) (d) of the Constitution of Samoa, which stipulates that forced or compulsory labour does not include, (a) any work required to be done in consequence of a sentence of a court, (b) any service of a military character or (c) any service exacted in the case of an emergency or calamity threatening life or wellbeing of the community or (d) any work or service which is required by Samoan custom or which forms part of normal civic obligations.

32. There are other UN Human Rights and related treaties which Samoa is also party to such as the Rome Statute of the International Criminal Court (ICC) and the eight fundamental conventions of the International Labour Organization (ILO). Please see table below of other conventions:

**Other UN Human Rights related conventions Samoa is a party to**

<i>Convention</i>	<i>Year of signature/ratification/accession</i>
Convention relating to status of refugees 1951, and its 1967 Protocol	Accession – September 21, 1988
Rome statute of International Criminal Court 1998	Ratified – September 16, 2002
Convention Against Corruption	Accession – April 16, 2018
<i>Conventions of the International Labour Organisation (C)</i>	
Forced or compulsory labour convention 1930	June 30, 2008
Freedom of Association and Protection of the Right to Organise Convention, 1948	June 30, 2008
Equal Remuneration Convention, 1951	June 30, 2008
Discrimination (Employment and Occupation) Convention, 1958	June 30, 2008
Minimum Age Convention, 1973	October 29, 2008
Worst Forms of Child Labour Convention, 1999	June 30, 2008
Right to Organize and Collective Bargaining Convention, 1948	June 30, 2008



<i>Convention</i>	<i>Year of signature/ratification/accession</i>
Abolition of Forced Labour Convention, 1957	June 30, 2008
Maritime Labour Convention, 2006	November 21, 2013
Tripartite Consultation, 1976 (No. 144)	December 12, 2018
<i>Geneva Conventions and other treaties on international humanitarian law (F)</i>	
Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949	Ratified August 23, 1984
Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949	Ratified August 23, 1984
Geneva Convention (III) relative to the Treatment of Prisoners of War, 1949	Ratified August 23, 1984
Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, 1949	Ratified August 23, 1984
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977	Ratified August 23, 1984
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977	Ratified August 23, 1984

33. Although Samoa is not a party to all of the other core Human Rights conventions, some of the principles in these conventions have already been incorporated into national laws, which should make ratification a relatively uncomplicated process. Government has made a commitment to start preparation work in order to sign up to its next Human Rights Convention, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

## **B. Legal framework for the protection of human rights at the national level**

34. The Constitution of the Independent State of Samoa (1960) is still the supreme law of the land, with Part II setting out the fundamental rights recognised by Samoa which includes the right to life, 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, freedom of speech, assembly, association, movement and residence, a person's rights regarding property and freedom from discriminatory legislation.

35. The Constitution provides for remedies for the enforcement of the fundamental rights set out in Part II by stating that (i) any person may apply to the Supreme Court by appropriate proceedings to enforce the rights conferred under the provisions of Part II of the Constitution; and (ii) the Supreme Court shall have power to make all such orders as may be necessary and appropriate to secure to the applicant the enjoyment of any rights conferred under the provisions of Part II of the Constitution.

36. Article 15(1) 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 power by the State which the Supreme Court declares as being inconsistent with the provisions of the Constitution can be considered unlawful and void. The Constitution also promotes the doctrine of the separation of powers between the executive, legislature and judiciary. This separation of powers is clearly identified in the constitution and acts as checks and balances to ensure accountability and impartiality.

### **C. Framework within which human rights are promoted at the national level**

37. The provisions of an international treaty must be domesticated or translated into national law before the legal obligations imposed under such a treaty can be implemented in Samoa. As such, either new legislation is enacted by Parliament or existing ones are amended to give full effect of a treaty. Prior to becoming a party to an international human rights instrument, the Government assesses Samoa's ability to fulfil all its obligations under the instrument including reporting and financial obligations, as well as the need for legislative amendments to existing law or the enactment by Parliament of new legislation.

38. Samoa does not have an over-arching legislation specifically to protect human rights. The Constitution of Samoa however guarantees for every Samoan protection and certain freedoms and equal treatment before the law. In addition, there is legislative protection for other specific elements of economic, social and political rights. Moreover, many rights in Samoa are advanced and progressively realized through Government policies and programmes/ plans. However, the major challenge for the Government as a signatory party to the relevant human rights conventions is the domestication of these international instruments into national legislation.

39. Since Samoa presented its UPR in 2011, it has undertaken legislative reforms to achieve compliance with the UN Human Rights Conventions. In 2016 when we presented our 2nd UPR report, a total of 11 laws had since been reformed, including the reform of the Crimes Ordinance 1961 which is now repealed and replaced by the Crimes Act 2013. The reform introduced several significant changes to provisions relating to sexual offences. These include increasing the maximum penalties for most sexual offences, establishing new offences with more inclusive definitions such as sexual violation which includes rape and unlawful sexual connection and including a variety of forms of unwanted sexual contact and criminalization of marital rape. Subsequently, Samoa commissioned a Sex Offender's Registry in August 2018 becoming one of few Pacific Island states to institute monitoring of sex offenders, stemming from the passing of the Sex Offenders Registration Act 2017. The death penalty which was abolished by a 2004 amendment has never been reintroduced.

40. Samoa's efforts continue with the following Bills as examples of the work currently in progress. The Samoa Law Reform Commission's Family Laws Review Project (FLR Project) which will focus on the 6 core Family Laws. The consultations on the project began in 2019, and will be an important opportunity to address some of the few remaining issues 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.

41. The Labour Employment Relations Act 2013 provides for empowering gender equality in the workforce. Further reviews to LERA ensures compliance with international obligations such as the proposal for 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 employment.

42. The legal minimum age of marriage is now equal for girls and boys complying with CRC. The Immigration Act 2020 included consequential amendments 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.

43. While the Child Care and Protection Bill is still in Bill form, wider consultations 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 the well-being of children and protect them from all forms of violence, abuse, neglect and exploitation. Importantly, the Bill will provide for a mechanism ensuring proper reporting, and timely response and referral to relevant service providers.

44. A legislative compliance review of the Convention on the Rights of Persons with Disabilities (CRPD) was conducted in 2012 and a comprehensive Legislative Compliance Review of the laws of Samoa was completed in April 2015. There is an intention to reform laws to domesticate CRPD.

## **National Measures and Policies**

45. The Pathway for the Development of Samoa 2021/22- 2024/2025 is the national strategy that has replaced the Strategy for the Development of Samoa, has as its theme “Empowering communities, building resilience and inspiring growth”. This document shows the key development strategies and priorities of the government in relation to the development of Samoa for the next four years. It is an overview of the pathway in which the government will be progressing over the next four years and the strategic outcomes they have committed to achieve. Priorities cover economic, social, community and environmental improvement and the policies, programs and actions to be put in place to achieve the plan’s strategic outcomes.

46. The PDS will also reflect how the national planning and budgeting processes are addressing the integration and mainstreaming of gender, human rights, climate and disaster resilience and the responses and commitments to the international protocols Samoa is party to; including; Agenda 2030 and the Sustainable Development Goals; SAMOA Pathway; Paris Agreement; and the Pacific Framework for Regionalism. The completed sector plans are the modality through which the national development strategy is implemented. Implementation of the PDS, sector plans and other national policies contributes to the realisation of the obligations under the Human Rights Conventions and protocols Samoa is a party to.

47. In 2021 the Ministry of Women Community and Social Development launched six National policies and the Community Sector Plan 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 strengthen 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.

48. 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.

## **Official Authorities and State Institutions with Human Rights Mandates**

49. Some of the key offices with competence affecting human rights matters in Samoa are highlighted below in this section. There are several other Ministries and organisations that also help implement Human Rights Obligations as human rights is a cross-cutting issue to be addressed across all sectors.

### **(a) Office of the Ombudsman (National Human Rights Institution)**

50. In 2013 an NHRI was established within the existing Office of the Ombudsman as a result of recommendations made during Samoa's first UPR. The Komesina o Sulufaiga (Ombudsman) Act 1988 has been repealed and replaced by the Ombudsman (Komesina o Sulufaiga) Act 2013. The new Act expands the mandate of the Office so that it is now responsible for (1) ensuring the application of good governance by public agencies; (2) the promotion and protection of human rights as the National Human Rights Institution; and (3) the investigation of complaints against the police and other prescribed forces. In 2015 the Constitution was amended to include the appointment and functions of the Ombudsman.

51. The Asia Pacific Forum of NHRIs worked jointly with the Office of the Ombudsman and the Attorney General's Office to ensure the establishment of an institution compliant with the Paris Principles to the Global Alliance of National Human Rights Institutions (GANHRI). The office submitted its application for accreditation to the International Coordinating Committee in January 2016, and in May 2016, it was graded as an "A Status" in the GANHRI's Accreditation meeting in May 2016. This achievement has made the NHRI Samoa the first in the Pacific region to be awarded an "A status" and it means the Office of the Ombudsman/N.H.R.I is now able to engage with various human rights bodies and participate independently at the UN Human Rights Council and its subsidiary bodies.

52. The NHRI is fully functional and consists of the Ombudsman as the Human Rights Commissioner, an Advisory Council (12) and four (4) staff and growing. Since its establishment the NHRI has undertaken a range of work including human rights training of law enforcement officials, inspections of places of detention, education and outreach activities, produced a comprehensive status of human rights reports and undertaken a National Inquiry into Family Violence.

### **(b) Samoa Law Reform Commission**

53. The Government established in November 2008 the Samoa Law Reform Commission under the auspices of the Attorney General's Office in order to undertake a review of existing legislation and regulations to ensure that they are reflective of present day realities and congruent with the culture and traditions of a changing and modernizing Samoan society. The Samoa Law Reform Commission was later formally separated and became independent from the Office of the Attorney General in 2013.

54. The SLRC has been actively engaged in legislative reforms in order to achieve compliance with the UN Human Rights Conventions. Since 2011 a total of 11 laws have since been reformed, including the reform of the Crimes Ordinance 1961 which is now repealed by the Crimes Act 2013. They also assist with legislative compliance reviews on some of the conventions including one in 2012 on the Convention on the Rights of Persons with Disabilities (CRPD).

**(c) Ministry of Women Community and Social Development**

55. The Ministry is the key implementing agency for three of the core Human Rights Conventions including Convention on the Elimination of Discrimination Against Women, Convention on the Rights of the Child and Convention on Rights of Persons with Disabilities. They coordinate the relevant stakeholders linked to the implementation of the conventions and also lead on the Community Development Plan for the sustainable development of Samoa.

**(d) Ministry of Foreign Affairs and Trade**

56. The Ministry is the main political focal point for all Human Rights conventions and focal point specifically for the International Covenant on Civil and Political Rights, International Convention for the Protection of All Persons from Enforced Disappearance. They lead in preparing the reports and follow up on implementation of these key conventions with other line Ministries. MFAT also co-chairs the NMIRF and holds the chairmanship for the SDG Taskforce.

**(e) Ministry of Justice and Courts Administration**

57. The Ministry is the main implementing agency for the UN Convention Against Torture. Their vision is for “Quality and Accessible Justice for All”, and they are also the lead Ministry for the Law and Justice Sector.

**(f) Ministry of Police, Prisons and Corrections**

58. The Samoa Police plays a key role in implementing the different Human Rights Conventions through enforcing the law and protecting the right of citizens through the enforcement of the different human rights obligations.

**(g) Electoral Commission**

59. The work of the Office of the Electoral Commissioner leading up to the General Elections is focused on ensuring that all citizens of Samoa eligible under the Electoral Act 2019 to become voters are given the opportunity to register themselves on the electoral rolls so that they can exercise their right to express their freedom of expression by casting their vote. The law does not make voting mandatory, although it is compulsory to register.

60. When Samoa became party to the Convention for the Rights of People with Disabilities, an emphasis was placed on registering people with disabilities both in Upolu and Savaii. The Electoral Act 2019 ensured this right. Electoral materials were translated into braille form so that the electoral process is as accessible as possible to all citizens of Samoa regardless of their gender, status or whether or not you have a disability. Additionally special ballot booths were identified and set up for persons with disabilities, and those with mobility issues.

**(h) Attorney General’s Office**

61. The Attorney General is the constitutionally appointed legal adviser and prosecutor for the Government and in this capacity is instrumental in upholding the rule of law as well as ensuring that human rights treaty obligations are implemented and enforced. The Commercial and International Law Division of the Office is responsible for review and clearance of all international agreements (including Human Rights Agreements) to be signed by Samoa. This involves conducting a Legislative Compliance Review to identify the legal obligations under each Agreement and the reviewing existing law to confirm whether obligations can already be implemented or if additional laws are needed. Given this mammoth task, human resources and personnel capacity remains a challenge for the division and requires assistance. The Legislative Drafting Division of the Attorney General’s Office is primarily charged with drafting legislation required by Government for enactment by Parliament. As such, this Division is responsible for drafting new legislation or amending existing legislation to domesticate human rights conventions and all other international conventions that Samoa is a party to, in addition to other administrative legislation for Samoa. It ensures that any new legislation to be enacted is consistent with the Constitution and

requires legislation drafted by external Consultants to comply with the standards of a Legislative Drafting Handbook before it can be accepted and referred to Cabinet.

(i) **Ministry of Commerce, Industry and Labour**

62. The Ministry of Commerce, Industry and Labour is mandated inter alia to address issues relating to workplace health, fair trading practices, consumer protection and labour legislation, employee-employer relations and safety complaints. The Ministry ensures that labour standards and regulations as prescribed by ILO conventions that Samoa is a member of and customary labour laws particularly in work places are complied with. Investigations are conducted and fines meted for any infringements of labour laws.

### **Promotion of human rights**

63. 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.

64. 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 MWCSO, 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.

65. 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.

66. 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.

67. In March 2020, Samoa hosted the 84th Extraordinary Session of the Committee on the Rights of the Child which was the first time the Committee had met outside Geneva or New York. The meeting was a success as it raised the visibility of the Convention on the Rights of the Child in Samoa and in the region and allowed for the direct participation of children in a Committee session for the first time. This was an important event which allowed for an opportunity for more open discussions on the rights of the child issues in Samoa and the region.

## **D. Reporting process at the national level**

### **National Mechanism for Implementation, Reporting and Follow-Up (NMIRF)**

68. Samoa established the NMIRF by Cabinet decision in 2016, which met for the first time in November of that year. It is chaired by the Ministry of Foreign Affairs and Trade who also acts as its Secretariat. The NMIRF Taskforce (working group) comprises of CEOs of the key Government Ministries in relation to human rights implementation and reporting.

69. The membership for the mechanism is made up of representatives from the Ministry of Commerce, Industry and Labour (MCIL), Ministry of the Prime Minister and Cabinet (MPMC), Samoa Bureau of Statistics (SBS), Attorney General's Office (AGO), Ministry of Women, Community and Social Development (MWCSD), Chamber of Commerce, Ministry of Justice and Courts Administration (MJCA), Ministry of Police (MOP), Ministry of Health (MOH) Samoa Prisons and Correctional Services (SPCS), Public Service Commission (PSC), Ministry of Education, Sports and Culture (MESC), and the Ombudsman's Office as an Observer member.

70. The establishment of the NMIRF assisted significantly in the coordinating of the work especially in following up on the recommendations made for periodic reports such as the Convention on the Rights of Child (CRC) Convention on the Discrimination against Women (CEDAW) and the Universal Periodic Review (UPR). It was envisioned that the NMIRF will not be limited to reporting obligations for human rights conventions but cover all treaties/conventions that Samoa has ratified. For example, a joint consultation meeting was conducted with both the NMIRF and the SDG Taskforce on Samoa's Second Voluntary National Review on the Implementation of the Sustainable Development Goals (SDGs) as Samoa moves forward to integrating human rights and sustainable development.

71. Samoa has also taken steps to address the issue experienced by most states, especially small states, around implementation planning and data collection. In collaboration with OHCHR and with the support of UNDP and New Zealand, Samoa has designed and developed SADATA – a web-based application to help cluster recommendation, track implementation and collect data. This tool aims to facilitate increased oversight and transparency of State activities related to its human rights obligations and significantly reduce the reporting burden by allowing for easy input by members of the NMIRF and civil society.

## **E. Other related human rights information**

72. Samoa recognises the importance of the human rights processes such as the UPR and the individual convention reviews as it encourages engagement between government and its stakeholders. In the recent UPR and VNR processes government had undertaken wide and meaningful consultations with its stakeholders, utilising all the opportunities that had been presented to them. Samoa had introduced changes to its approach which ensured more meaningful stakeholder engagement, and better understanding and appreciation of key national stakeholders in this process.

### **(a) Challenges and constraints**

73. There remain challenges to Samoa's efforts to implement its human rights obligations. Challenges include lack of resources, limited data and statistics, insufficient capacity and technical assistance in progressing the work required especially with conducting legislative compliance reviews, proper coordination of efforts, facilitating legislative reforms, implementation or enforcement of human rights obligations.

74. There is also the challenge of competing priorities of not only Government and civil societies on what to prioritise and what not to prioritise with the many issues, programs and so forth that needs the immediate attention of not only Government but also civil societies. Furthermore, the issue of lack of awareness and understanding on certain human rights aspects and the limited financial resources to assist with implementation of laws and programs aimed at enhancing the status of human rights in Samoa.

75. There is still some way to go to ensure that there is deep understanding of what 'a rights based' approach is and what human rights are; how and when they can be applied. The rights-based approach deals not just with outcomes but also with how those outcomes are achieved. It recognizes that people are actors in their own development, rather than passive recipients of services. Informing, educating and empowering them are essential. Their participation is central, not only to ensure they have ownership over the programme, but also to sustain progress. A rights-based approach develops the capacity of duty-bearers to meet their obligations and encourages rights holders to claim their rights. Governments have three levels of obligation: to respect, protect and fulfil every right.

76. 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.

77. For Samoa the information captured in SADATA, shows approximately 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. 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.

78. 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.

79. Samoa recognises that new and emerging issues such as health security threats are also a challenge. 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.

**(b) Key national priorities, initiatives and commitments**

80. Samoa will continue to undertake reviews of its laws and policies to address the changing needs of its people and environment. These include gender equality, the enhancement of the rights of women and children, economic empowerment, law and order and access to justice. The Government is committed to working with development partners in ensuring that gender mainstreaming is filtered across the public service with identifiable best practices.

81. Priorities in the implementation of the national development policy include the creation of an environment conducive for economic growth and improved service delivery to the most marginalised communities. There is ongoing work to see how we can ensure a human rights approach to implementing the SDGs.

82. Samoa recognises the need to efficiently monitor and evaluate human rights reporting (UPR and treaty body reporting) and improve inter-ministerial co-ordination of the process. Samoa has established the NMIRF and has launched the SADATA web tool housed in MFAT that will be responsible for the monitoring and evaluation of all human rights reporting. MFAT has since organised several workshops for key stakeholders to understand SADATA and also to provide further improvement where necessary. This tool and the NMIRF will enable the submission of human rights reporting obligations through a consultative process in a timely manner.

83. Greater collaboration with the Parliamentarians is envisaged so that human rights commitments are brought to the attention of legislators for their consideration and action.

84. Samoa remains committed to ensuring the effective implementation of its human rights obligations for a better Samoa for its people and as responsible global citizens.

85. Increasingly through public debate, the work of the NHRI, court cases where these principles are tested, advocacy programs for the human rights treaties Samoa is already party to, and public discussions on law international reporting obligations of the country such as through the UPR Report, public awareness is growing.



(c) **Capacity building and requests for technical support**

86. The Government identifies the need to develop a broad program on human rights which includes training and capacity-building for the public sector. Pivotal to human rights education is the need for regular, accurate statistics, monitoring and evaluation.

87. Samoa also recognises that there are new and emerging issues that relate to the climate change, environment/private sector and human rights which need to be addressed by strengthening the laws/policies and enforcement framework. Continued financial and technical assistance is requested to support national endeavours by aligning donor assistance to national priorities until such time that the country is technically capable of meeting its obligations.

### **Part III: Information on non-discrimination and equality and effective remedies**

88. As previously stated, the Constitution of Samoa is the supreme law of the land and therefore guides the legislative framework of Samoa. Furthermore, the Constitution under Article 15 states that all persons are equal before the law and should not be discriminated upon on the basis of their descent, language, sex, religion, political or other opinion, social origin, place of birth or family status.

89. As mentioned under subheading c. Framework within which human rights are promoted at the national level, Samoa has been undertaking reviews on some of its legislations such as the core family laws and the labour employment relations legislation. These reviews are a demonstration of Samoa's commitment to safeguarding and protecting rights of its people and especially the vulnerable such as children, people with disabilities and the aging population.

90. Furthermore, our national policies and programmes reflect Samoa's commitment to progress. The PDS is rooted in Government's assurances to empower communities through enhanced human development which can enable access to opportunities for the betterment of lives. A mechanism that government is currently working on is to develop a national social protection framework where one of its objective is to support vulnerable groups in the face of shocks.

### **Conclusion**

91. 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.

92. As we respond to the current situation of the world today such as the ongoing threats of climate change, COVID19 and the shocks we now face from the fallout of the war in Ukraine, Samoa understands that it has a duty as a global citizen to commit in ensuring that we keep promoting the respect, protection and fulfillment of all human rights and fundamental freedoms in Samoa.