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Samoa

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

| <i>Universal human rights treaties²</i> | <i>Date of ratification, accession or succession</i> | <i>Declarations/ reservations</i> | <i>Recognition of specific competences of treaty bodies</i> |
|--|--|-----------------------------------|---|
| ICCPR | 15 Feb. 2008 | Yes (arts. 8(3) and 10(2)(3)) | Inter-State complaints (art. 41): No |
| CEDAW | 25 Sept. 1992 | None | – |
| CRC | 29 Nov. 1994 | Yes (art.28(1)(a)) | – |

Treaties to which Samoa is not a party: OP-ICESCR³, ICERD, ICESCR, ICCPR-OP 1, ICCPR-OP 2, OP-CEDAW, CAT, OP-CAT, OP-CRC-AC, OP-CRC-SC, ICRMW, CRPD, OP-CRPD, CED (signature only, 2007).

| <i>Other main relevant international instruments</i> | <i>Ratification, accession or succession</i> |
|--|--|
| Convention on the Prevention and Punishment of the Crime of Genocide | No |
| Rome Statute of the International Criminal Court | Yes |
| Palermo Protocol ⁴ | No |
| Refugees and stateless persons ⁵ | Yes, except Stateless Persons Conventions of 1954 and 1961 |
| Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶ | Yes, except AP III |
| ILO fundamental conventions ⁷ | Yes |
| UNESCO Convention against Discrimination in Education | No |

1. In 2005, the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) encouraged Samoa to consider ratifying the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁸ CEDAW encouraged Samoa to ratify the Optional Protocol to the Convention on the involvement of children in armed conflict.⁹

2. In 2006, the Committee on the Rights of the Child (CRC) highly recommended that Samoa consider ratifying other core international human rights treaties, as recommended in the Pacific Plan for Strengthening Regional Cooperation and Integration that was adopted in October 2005 by the 16 leaders of the Pacific Islands Forum.¹⁰ CRC recommended that Samoa ratify the Optional Protocols to the Convention on the Rights of the Child on the

sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.¹¹

B. Constitutional and legislative framework

3. In 2005, CEDAW was concerned that no time line or benchmarks were in place for undertaking the legal reform efforts necessary to bring domestic legislation into conformity with the Convention. CEDAW was also concerned that, although the Law Reform Commission Act was passed in 2002, the Law Reform Commission has not yet been established for lack of resources.¹² CEDAW urged Samoa to take the measures necessary to ensure that the Convention becomes fully applicable in the domestic legal system, either through full domestication or the adoption of appropriate legislation.¹³

4. In 2006, CRC urged Samoa to undertake legislative measures to ensure that constitutional and legal provisions guaranteeing the principle of non-discrimination fully comply with the Convention.¹⁴

5. CRC recommended that Samoa revise its legislation in order to ensure that the principle of the best interests of the child is fully integrated in both common and traditional law, and reflected and implemented in all policies and programmes of Samoa.¹⁵

6. In 2007, UNDP/UNIFEM indicated that, while the Constitution of Samoa guaranteed men and women equality before the law, it did not guarantee equal benefits or outcomes as required by CEDAW, nor did it guarantee the right to the highest standard of physical and mental health attainable.¹⁶

7. In 2007, UNDP/UNIFEM stated that the Constitution of Samoa gave constitutional status to custom in a range of contexts. In the absence of a guarantee that equality between men and women took precedence over custom, traditional practices that discriminated against women might be lawful in some circumstances.¹⁷

8. In 2010, UNHCR welcomed the intention of Samoa to implement its international refugee obligations domestically through draft refugee legislation, and appreciated Samoa's interest in undertaking further refugee-awareness and capacity-building activities in 2011.¹⁸

9. UNHCR encouraged Samoa to pursue its commitment to establish a national legal framework, which will provide a clearer basis for Samoa to provide refugees with international protection, and a mechanism that enables the appropriate engagements of relevant international organisations like UNHCR and IOM.¹⁹

C. Institutional and human rights infrastructure

10. As at January 2011, Samoa did not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).²⁰

11. In 2006, CRC recommended that Samoa establish an independent body for the promotion and monitoring of the Convention on the Rights of the Child, either as part of an independent national human rights institution or as a separate body in accordance with the Paris Principles.²¹

12. In 2009, ESCAP stated that, in Samoa, the Convention on the Rights of the Child provided the overarching framework for the realization of child rights through the recently realigned Ministry of Women, Community and Social Development, which served as the national focal point for the Convention. Challenges for the Ministry included the lack of consistent commitment on the part of partners and stakeholders, limited understanding of,

and information for, evidence-based advocacy, and ensuring that the issue of the commercial sexual exploitation of children was on the Government's list of priorities.²²

D. Policy measures

13. In 2006, CRC recommended that Samoa strengthen its efforts to adopt and implement a National Plan of Action covering all areas under the Convention. CRC further encouraged Samoa to ensure wide participation of civil society, including children and youth, in all aspects of the implementation process.²³

14. In 2005, CEDAW was concerned that the strategic development plan insufficiently incorporated the goal of the practical realization of the principle of equality between women and men, especially in light of Samoa's ongoing economic reform and trade liberalization.²⁴ CEDAW recommended that Samoa make the promotion of gender equality an explicit component of its next national development plan and policies.²⁵

15. In 2010, WHO informed that Samoa's national policy framework and development strategies had been set out in the Strategy for the development of Samoa 2008-2012, which highlighted the vision of "improved quality of life for all".²⁶

16. In 2006, CRC noted that holding regular Children's Fora both in Sava'ii and Upolu, schools, communities, churches and other organizations provided opportunities for children to participate and express their views.²⁷ CRC recommended that Samoa strengthen its efforts to ensure the active participation and involvement of children in all decisions affecting them in the family, school and community.²⁸

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

| <i>Treaty body²⁹</i> | <i>Latest report submitted and considered</i> | <i>Latest concluding observations</i> | <i>Follow-up response</i> | <i>Reporting status</i> |
|---------------------------------|---|---------------------------------------|---------------------------|---|
| HR Committee | | | | Initial report overdue since 2009 |
| CEDAW | 2003 | January 2005 | | Combined fourth and fifth report due in 2009, submitted in 2010 |
| CRC | 2005 | September 2006 | | Second, third and fourth reports due in 2011 |

2. Cooperation with special procedures

| | |
|---|--|
| <i>Standing invitation issued</i> | No |
| <i>Latest visits or mission reports</i> | |
| <i>Visits agreed upon in principle</i> | |
| <i>Visits requested and not yet agreed upon</i> | |
| <i>Facilitation/cooperation during missions</i> | |
| <i>Follow-up to visits</i> | |
| <i>Responses to letters of allegations and urgent appeals</i> | During the period under review, no communication was sent to the Government of Samoa. |
| <i>Responses to questionnaires on thematic issues</i> | Samoa responded to none of the 26 questionnaires sent by special procedures mandate holders. ³⁰ |

3. Cooperation with the Office of the High Commissioner for Human Rights

17. The OHCHR regional office for the Pacific, located in Suva, Fiji, covers the Pacific Island Forum countries, including Samoa.³¹ In 2009, the regional office followed up the first phase of a post-disaster displacement and protection monitoring project in Samoa. Human rights were mainstreamed into the United Nations and national disaster-response systems, including ensuring that the early recovery framework for Samoa post-tsunami included Inter-Agency Standing Committee principles on displacement and durable solutions.³²

18. In 2009, OHCHR provided technical cooperation and capacity development for the establishment of a national institution in Samoa.³³

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

19. In 2005, CEDAW called upon Samoa to include in the Constitution or other appropriate domestic legislation a definition of discrimination against women in line with article 1 of the Convention.³⁴

20. In 2007, UNDP stated that gender inequality was common. There was a need to address such issues as sexual and domestic violence against women, and the underrepresentation of women in macro decision-making processes.³⁵

21. In 2007, UNDP/UNIFEM indicated that, although there was no legislative barrier for Samoan women to access bank loans, mortgages and other forms of financial credit, discrimination continued to hinder women from obtaining credit and loans to purchase property or businesses.³⁶

22. In 2007, UNDP/UNIFEM stated that women in Samoa did not enjoy equality in relation to ownership, administration, enjoyment and disposition of property since patrilineal inheritance was given legislative status, so that men were in control of many aspects of land and property.³⁷

23. In 2006, CRC remained concerned at the many areas of potential discrimination, such as race, colour, property, disability, birth status, sexual orientation, HIV status, marital and pregnancy status.³⁸ CRC recommended that Samoa collect disaggregated data to enable effective monitoring of de facto discrimination, in particular against girls, children living in poverty, and those with disabilities.³⁹

24. CRC recommended that Samoa adopt a comprehensive policy for children with disabilities that includes, inter alia, deletion of all negative terms relating to children with disabilities from legislation, regulations and practice, and encourage the inclusion of children with disabilities into the regular educational system.⁴⁰

25. In 2007, UNDP/UNIFEM indicated that in the Constitution of Samoa, family status (potentially including marital status) and gender were included as grounds for protection, but there was no protection for women from discrimination on the grounds of sexual orientation, disability or HIV status.⁴¹

2. Right to life, liberty and security of the person

26. In 2007, UNDP/UNIFEM stated that Samoa had not yet incorporated domestic violence offences into its criminal laws.⁴²

27. In 2005, CEDAW was concerned that given the prevalence of domestic violence, measures were needed to prevent and combat various forms of violence against women.⁴³ CEDAW recommended that Samoa put in place without delay a comprehensive strategy to prevent and combat all forms of violence against women, including domestic violence. CEDAW urged Samoa to ensure that shelters are available to women victims of violence. It also called upon Samoa to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women and are adequately trained to respond to them.⁴⁴

28. In 2007, UNDP/UNIFEM indicated that, in non-compliance with CEDAW, Samoa had not legislated against three discriminatory common law rules that have historically made it difficult to successfully prosecute sexual assault offenders, namely, prior sexual conduct, corroboration in sexual offence prosecutions and proof of resistance by the victim.⁴⁵

29. In 2007, UNDP/UNIFEM stated that Samoa did not have mandatory prosecution or minimum sentences for sexual assault offences. In addition, legislation specifically provided for customary law to affect criminal sentencing, which could further reduce a sentence if there has been forgiveness. Furthermore, bail, which is at the discretion of the court, should not be granted if there is any risk to a sexual assault victim.⁴⁶

30. In 2007, UNDP/UNIFEM stated that Samoa offered no protection against the procurement of girls or trafficking of persons.⁴⁷

31. In 2007, UNDP/UNIFEM indicated that, in Samoa, in non-compliance with CEDAW, incest was a criminal offence for girls aged 16 years or above.⁴⁸

32. In 2006, CRC shared Samoa's concern regarding the growing number of working children, including children involved in domestic work and child street vendors, and expressed the need to undertake targeted action to address it.⁴⁹ CRC recommended that Samoa undertake a study to determine the root causes and scope of child labour in order to develop and implement well-targeted programmes to reduce and eliminate child labour.⁵⁰

33. CRC recommended that Samoa take the necessary measures to prevent child abuse and neglect, and in addition to existing procedures, establish effective mechanisms to receive monitor and investigate reports on cases of child abuse.⁵¹

34. CRC was concerned that the growing tourism industry in Samoa may expose children to sexual exploitation.⁵² CRC recommended that Samoa conduct a study to determine the root causes and the scope of sexual exploitation, and use the outcome of the study to develop and implement an effective and comprehensive policy to address sexual exploitation of children.⁵³

35. CRC was further concerned that corporal punishment in the family, schools and alternative care settings was not formally prohibited and widely practised.⁵⁴ CRC recommended that Samoa introduce and enforce legislation prohibiting all forms of corporal punishment in all settings, including the family and the alternative childcare system. Furthermore, CRC recommended that Samoa conduct awareness-raising campaigns to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity.⁵⁵

3. Administration of justice

36. In 2006, CRC was concerned at the low minimum age (8 years) for criminal responsibility, the absence of a separate justice system for juveniles, and the provision of alternatives to judicial proceedings and imprisonment.⁵⁶ CRC urged Samoa to ensure the full implementation of juvenile justice standards. CRC recommended that Samoa, in particular establish a functioning juvenile justice system, raise the minimum age of criminal responsibility to an internationally acceptable level, ensure that deprivation of liberty is used as a last resort and that detained children are always separated from adults, and provide training programmes on relevant international standards for all professionals involved with the juvenile justice system.⁵⁷

4. Right to privacy, marriage and family life

37. In 2005, CEDAW was concerned about the persistence of discriminatory provisions in the family law, especially with regard to marriage, as well as the persistence of traditions that discriminate against women and girls. In particular, CEDAW was concerned about the fault-based divorce system, the lack of legislation on division of marital property, and the age of consent to marriage at 16 years for girls, but 18 years for boys.⁵⁸ In 2006, CRC raised similar concerns⁵⁹ and recommended that Samoa establish one legal minimum age for marriage for both boys and girls at an internationally acceptable level.⁶⁰

38. In 2009, ESCAP also raised concerns about the minimum age for marriage which was not in compliance with CEDAW. Furthermore, while the consent of either parent represents formal equality, the failure to require the consent of both parents could result in prioritization of the father's consent, and is therefore not in full compliance with CEDAW.⁶¹

39. In 2007, UNDP/UNIFEM stated that Samoa had not adopted the standard of the best interests of the child for custody determination; custody was determined by the judge on the basis of what appeared to be "just".⁶²

40. In 2006, CRC welcomed the various legislative measures to regulate domestic and inter-country adoptions, but was concerned at the lack of statistical and other information on the practice of adoption, in particular so-called "informal adoption".⁶³ CRC encouraged Samoa to ensure that adoption was carried out in conformity with the Convention and to ratify the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption of 1993.⁶⁴

5. Right to participate in public and political life

41. In 2005, CEDAW was concerned about the continuing low representation of women in public life and decision-making, including the limited access by women to family

chieftain titles (*matai*), and their consequent low representation in the Parliament. It was concerned that socio-cultural stereotypes and traditions continued to prevent women from seeking public, and especially elective, office.⁶⁵ CEDAW encouraged Samoa to take sustained and proactive measures to increase the representation of women in elected and appointed bodies in all areas of political and public life. It recommended that Samoa introduce temporary special measures to increase the number of women in Parliament and local government bodies. It called upon Samoa to carry out awareness-raising campaigns on the importance of women's participation in public and political life, and in decision-making positions, with a view to eliminating customs and practices that discriminate against women.⁶⁶

42. In 2007, UNDP/UNIFEM stated that universal suffrage had been achieved in Samoa. However, only *matais* (chiefs) were eligible to represent their constituencies. Although there were no formal legal barriers preventing women from becoming *matai* and participating in the political and public arena, in reality only a few women achieve *matai* status. Samoa had only four female members of parliament out of a total of 49 seats, and in non-compliance with CEDAW, had not introduced special measures, such as quotas, to increase the number of women entering Parliament and participating in the governance of their countries.⁶⁷

6. Right to work and to just and favourable conditions of work

43. In 2005, CEDAW was concerned about the situation of women in the employment sector and their low level of participation in the labour force. CEDAW was concerned that existing legislation is discriminatory or has significant gaps such as lack of provisions on equal pay for work of equal value, protection against discrimination on the basis of pregnancy, and sexual harassment in the workplace. CEDAW was also concerned about the extremely limited provision of paid maternity leave in the private sector, and the lack of adequate childcare services.⁶⁸ CEDAW called upon Samoa to bring its legislation into compliance with the Convention without delay and to ensure compliance with such legislation.⁶⁹

44. In 2007, UNDP/UNIFEM stated that women in Samoa had many of the same rights in employment as men, although there were a number of aspects of the employment law in Samoa that discriminated against women. While the public service provided anti-discrimination protection for women, no similar provisions in the employment legislation governed the private sector. Legislation also restricted women's employment choices by banning them from night work and manual labour described as "unsuited to their physical capacity." Such protectionist provisions interfere with women's autonomy and place unreasonable restrictions on their right to choose professions and employment.⁷⁰

45. In 2007, UNDP/UNIFEM indicated that, in the area of maternity leave, Samoa's public service offered more generous allowances than the minimum standards granted in the private sector. Nonetheless, neither sector fully met the standards of 14 weeks paid maternity leave recommended by CEDAW and ILO. Furthermore, there was no protection from dismissal, leaving women in a precarious position in relation to job security if they require (or choose) to take further leave.⁷¹

46. In 2007, UNDP/UNIFEM stated that, while the legislation general obliged employers to provide "safe" working conditions, Samoa had not introduced any specific health protection provisions for pregnant workers, and there was no provision for breastfeeding mothers.⁷²

47. In 2007, UNDP/UNIFEM stated that there was no protection from sexual harassment in Samoa, nor no scope for a remedy under the criminal code, human rights legislation or public sector legislation.⁷³

7. Right to social security and to an adequate standard of living

48. In 2006, CRC was concerned at the low standard of living of children and adolescents, in particular in rural areas.⁷⁴ CRC recommended that Samoa reinforce its efforts to alleviate poverty, provide support and material assistance—with particular focus on the most marginalized and disadvantaged families—, and guarantee the right of children to an adequate standard of living.⁷⁵

49. In 2007, UNDP stated that economic and social progress had been slow and uneven. Development had been hindered by Samoa's size, isolation from foreign markets, small domestic markets, high living costs, lack of natural resources, periodic devastation from natural disasters, inadequate infrastructure, and human capacity constraints.⁷⁶

50. In 2009, UNDP stated that job losses and redundancies had been on the increase in 2008 due largely to the global financial crisis. Negative socio-economic impacts were visible in Samoa, such as the increase in the number of children selling various goods on the streets, crime, including theft and murder, and increased reports of violence against women and children.⁷⁷

51. In 2006, CRC was concerned about the increasing rates of teenage pregnancy, substance abuse, sexually transmitted infections (STIs), and the limited availability of reproductive health information. It was further concerned that the Mental Health Unit is severely understaffed and under-skilled.⁷⁸ CRC reiterated its recommendation that Samoa undertake a comprehensive study to assess the nature and extent of adolescent health problems and, with the full participation of adolescents, use the outcome as a basis to formulate adolescent health policies and programmes with particular focus on preventing STIs.⁷⁹

52. In 2005, CEDAW expressed concern that complications from pregnancy and childbirth remained one of the leading causes of morbidity for women.⁸⁰ CEDAW urged Samoa to increase its efforts to improve the provision of sexual and reproductive health services so as to reduce fertility rates and maternal morbidity. It called upon Samoa to step up the provision of family-planning information to women and girls, and widely promote sex education targeted at girls and boys, with special attention to the prevention of teenage pregnancy and the control of HIV/AIDS.⁸¹

53. In 2007, UNDP indicated that the prevalence of HIV infections was classified as low. However, surveillance systems were not yet adequate to provide accurate estimates of HIV prevalence. The presence of a number of risk factors suggested that the country was vulnerable to a rapidly escalating HIV epidemic.⁸²

54. In 2006, CRC encouraged Samoa to continue its efforts to reduce the incidence of child and infant mortality, and undertake additional measures to increase immunization coverage. Furthermore, CRC recommended that Samoa strengthen its efforts in providing affordable and easily accessible, quality health-care services for rural communities.⁸³

55. In 2007, UNDP/UNIFEM indicated that abortion was criminalized in Samoa with a penalty of seven years' imprisonment, and although abortion can be lawfully carried out to save a mother's life, women do not have access to safe abortion facilities as their right. The failure to decriminalise abortion and to provide safe accessible facilities for women who require abortions endangered their health and that of any child born subsequent to a failed abortion.⁸⁴

56. In 2008, UNICEF stated that malnutrition was not a widespread problem for Samoa children, however, anaemia and obesity in school-age children was a growing problem.⁸⁵

57. In 2006, WHO stated that emigration of qualified medical personnel and migration of staff from rural to urban areas strained the health sector and caused inequities.⁸⁶

8. Right to education and to participate in the cultural life of the community

58. In 2006, CRC noted with appreciation the high priority given to education in Samoa, and the progress made with regard to reconstructing schools destroyed by natural disasters. However, CRC was concerned at the high repetition and drop-out rates, particularly in primary education. CRC also noted that the policy of compulsory, but not free access to education means that some parents cannot pay school fees and limits children in their right to education.⁸⁷ CRC recommended that Samoa undertake appropriate measures to ensure regular attendance at school, reduction of drop-out rates, and incorporation of vocational education in school curricula. CRC further recommended that Samoa increase public expenditure in education, ensure free and compulsory education at the primary level, and strengthen its efforts to improve the quality of education through providing appropriate and continuous training to teachers.⁸⁸

59. The 2009 UNICEF study indicated that the proportion of boys enrolled in secondary education was considerably lower than that of girls.⁸⁹

60. In 2007, UNDP/UNIFEM stated that, since females did not participate equally in tertiary education in Samoa, in order to be compliant with article 10 of CEDAW, the government was required to adopt special measures for the advancement of women in education, which it had not yet done. A prohibition on the expulsion of pregnant students was also required for compliance with CEDAW, so as to ensure that girls were not discriminated against by educational institutions due to their pregnant status.⁹⁰

9. Migrants, refugees and asylum-seekers

61. In 2010, UNHCR recognized that climate change posed a unique set of challenges for many Pacific Island Countries, including Samoa, due to rising sea levels, salination, the incidence of storms of increasing frequency and severity, and increasing climate variability. While people displaced by climatic/natural factors are not “refugees” under the 1951 Convention, there are nonetheless clear links between environmental degradation or climate change, and social tensions and conflict. Experience in other Pacific Island Countries demonstrate that displacement can lead to competition with the host community and conflict – often over land or the use of limited resources (e.g. potable water). The worst case scenario, involving complete submersion under rising sea levels, may cause widespread “external displacement” and a de facto or de jure loss of the sovereign State itself.⁹¹

62. UNHCR recommended that the Government of Samoa accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Accession to the Statelessness Conventions would establish a framework to prevent and reduce statelessness, in order to avoid the detrimental effects that this can have on individuals and society, and ensure minimum standards of treatment of stateless persons, providing such persons with stability and security, and ensuring that certain basic rights and needs are met.⁹²

10. Internally displaced persons

63. In 2009, UNDP stated that a devastating tsunami had hit Samoa in September 2009 taking lives, displacing families and villages, damaging people’s livelihoods and the natural environment.⁹³ The earthquakes generated tsunami waves that affected the Upolu, Savai’i and Manono islands of Samoa. The east and south coasts of Upolu Island (where about 20 per cent of the population live) were hardest hit. Approximately 5,300 people or 685 households across 23 villages were directly affected by the tsunami. More than 300 people were injured and 147 people killed (including four missing and presumed dead).⁹⁴

64. In September 2010, children of families who had relocated inland were going to primary and secondary schools on the coast, awaiting the completion of construction of schools in relocation areas. However, with children showing signs of stress and fear, parents report that they are more likely now, than before the tsunami, to allow children to stay home. Teachers reported that children were missing school, and were more likely now, than before the tsunami, to miss school, not do their homework, and misbehave in class.⁹⁵

65. After monitoring the situation of people displaced by the tsunami, the OHCHR Regional Office for the Pacific recommended that during the response phase, non-discriminatory needs assessments and distribution with checks and balances be ensured in order to avoid any intended or unintended bias in beneficiaries. Further, it was recommended that post-distribution/post-assistance assessments be conducted to ensure assistance reached the intended beneficiaries, and had the expected impact.⁹⁶

66. The OHCHR Regional Office for the Pacific found that many of those displaced had lost personal identification documents, and recommended that the Government ensure easy and free access to replacement documents for all, including women, the elderly and the disabled.⁹⁷

III. Achievements, best practices, challenges and constraints

67. In 2006, CRC acknowledged the challenges faced by Samoa, namely the country's vulnerability to natural disasters such as hurricanes, which at times pose serious difficulties for the full realization of children's rights as enshrined in the Convention.⁹⁸

68. In 2009, UNICEF stated that emergencies such as the tsunami that hit Samoa on 29 September 2009 could compromise the health of children and render them very susceptible to disease.⁹⁹

69. In 2010, WHO stated that Samoa was ecologically fragile and vulnerable to natural disasters, such as cyclones and disease infestations. Its susceptibility to cyclones and other natural disasters raised the importance of developing well-planned mechanisms for disaster preparedness.¹⁰⁰

70. In 2010, UNHCR acknowledged Samoa's ongoing engagements on refugee-related capacity building and its efforts to promulgate its refugee legislation.¹⁰¹

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

71. In 2005, CRC requested that Samoa consider seeking technical assistance regarding the establishment of an independent body to promote and monitor the Convention on the Rights of the Child¹⁰².

72. In 2009, OHCHR, in partnership with the Asia-Pacific Forum, and with the support of the Government of Samoa and the Pacific Islands Forum, organized a workshop aimed at enhancing the capacity of Pacific States to establish national human rights mechanisms in line with the Paris Principles.¹⁰³

73. In 2010, the ILO Committee of Experts stated that Samoa became a member of the organization on 7 March 2005, and recalled that Samoa might request technical assistance.¹⁰⁴

74. In 2010, UNHCR appreciated Samoa's interest in undertaking further refugee-awareness and capacity-building activities in 2011.¹⁰⁵

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

² The following abbreviations have been used for this document:

| | |
|------------|---|
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| OP-ICESCR | Optional Protocol to ICESCR |
| ICCPR | International Covenant on Civil and Political Rights |
| ICCPR-OP 1 | Optional Protocol to ICCPR |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| OP-CEDAW | Optional Protocol to CEDAW |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| OP-CAT | Optional Protocol to CAT |
| CRC | Convention on the Rights of the Child |
| OP-CRC-AC | Optional Protocol to CRC on the involvement of children in armed conflict |
| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Convention on the Rights of Persons with Disabilities |
| OP-CRPD | Optional Protocol to the Convention on the Rights of Persons with Disabilities |
| CED | International Convention for the Protection of All Persons from Enforced Disappearance |

³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that "The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant".

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour;

Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

- ⁸ CEDAW/C/WSM/CC/1-3, para. 43.
- ⁹ Ibid., para. 40.
- ¹⁰ CRC/C/WSM/CO/1, para. 11.
- ¹¹ Ibid., para. 60.
- ¹² CEDAW/C/WSM/CC/1-3, para. 22.
- ¹³ Ibid., para. 21.
- ¹⁴ CRC/C/WSM/CO/1, para. 29.
- ¹⁵ Ibid., para. 32.
- ¹⁶ UNDP Pacific Centre /UNIFEM, *Translating CEDAW Into Law: CEDAW Legislative Compliance in Nine Pacific Island Countries*, Suva, Fiji, 2007, p. 299, available at http://www.undppc.org.fj/_resources/article/files/CEDAW_web.pdf.
- ¹⁷ Ibid., p. 301.
- ¹⁸ UNHCR submission to the UPR on Samoa, p. 1.
- ¹⁹ Ibid..
- ²⁰ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/65/340, annex I.
- ²¹ CRC/C/WSM/CO/1, para. 17.
- ²² ESCAP, *Pacific Perspectives on the Commercial Sexual Exploitation and Sexual Abuse of Children and Youth*, 2009, p. 102, available at http://www.unescap.org/ESID/GAD/Publication/Pacific_Perspectives_Report.pdf.
- ²³ CRC/C/WSM/CO/1, para. 13.
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- ²⁵ Ibid., para. 39.
- ²⁶ WHO Western Pacific Region, *Samoa, Country Context*, available at <http://www.wpro.who.int/countries/2010/sma/>.
- ²⁷ CRC/C/WSM/CO/1, para. 33.
- ²⁸ Ibid., para. 34.
- ²⁹ The following abbreviations have been used for this document:
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|--------------|---|
| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
| CMW | Committee on the Protection of the Rights of All Migrant Workers and Their Families |
| CRPD | Committee on the Rights of Persons with Disabilities |
- ³⁰ The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 31 October 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24, and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para.120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16 and Corr.1, footnote 29; (m) A/HRC/11/6, annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para.2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u)

- A/HRC/13/42, annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2; (x) A/HRC/14/46/Add.1; (y) A/HRC/15/31/Add.1, para 6 – for list of responding States see http://www2.ohchr.org/english/issues/water/iexpert/written_contributions.htm; (z) A/HRC/15/32, para. 5.
- ³¹ 2009 OHCHR Report on Activities and Results, p. 134; 2008 OHCHR Report on Activities and Results, p. 106; 2007 OHCHR Report on Activities and Results, p. 92; 2006 OHCHR Annual Report, p. 68.
- ³² 2009 OHCHR Report on Activities and Results, p. 134.
- ³³ *Ibid.*, p. 169.
- ³⁴ CEDAW/C/WSM/CC/1-3, para. 21.
- ³⁵ Executive Board of the UNDP and of the UNFPA, Multi-country Programme Document 2008-2012, (DP/DCP/WSM/1), September 2007, para. 5, available at http://www.undp.org.ws/Portals/12/pdf/GPRU/MCPD_Document_Samoa_2008-2012.pdf.
- ³⁶ UNDP Pacific Centre/UNIFEM, Translating CEDAW Into Law, CEDAW Legislative Compliance in Nine Pacific Island Countries, Suva, Fiji, 2007, p. 303, available at http://www.undppc.org.fj/_resources/article/files/CEDAW_web.pdf.
- ³⁷ *Ibid.*, p. 305.
- ³⁸ CRC/C/WSM/CO/1, para. 28.
- ³⁹ *Ibid.*, para. 29.
- ⁴⁰ *Ibid.*, para. 45.
- ⁴¹ UNDP Pacific Centre/UNIFEM, Translating CEDAW Into Law, CEDAW Legislative Compliance in Nine Pacific Island Countries, Suva, Fiji, 2007, p. 299, available at http://www.undppc.org.fj/_resources/article/files/CEDAW_web.pdf.
- ⁴² *Ibid.*, p. 301.
- ⁴³ CEDAW/C/WSM/CC/1-3, para. 24.
- ⁴⁴ *Ibid.*, para. 25.
- ⁴⁵ UNDP Pacific Centre/UNIFEM, Translating CEDAW Ito Law, CEDAW Legislative Compliance in Nine Pacific Island Countries, Suva, Fiji, 2007, p. 300, available at http://www.undppc.org.fj/_resources/article/files/CEDAW_web.pdf.
- ⁴⁶ *Ibid.*, p. 301.
- ⁴⁷ *Ibid.*, p. 302.
- ⁴⁸ *Ibid.*, p. 300.
- ⁴⁹ CRC/C/WSM/CO/1, para. 54.
- ⁵⁰ *Ibid.*, para. 55.
- ⁵¹ *Ibid.*, para. 42.
- ⁵² *Ibid.*, para. 56.
- ⁵³ *Ibid.*, para. 57.
- ⁵⁴ *Ibid.*, para. 35.
- ⁵⁵ *Ibid.*, para. 36.
- ⁵⁶ *Ibid.*, para. 58.
- ⁵⁷ *Ibid.*, para. 59.
- ⁵⁸ CEDAW/C/WSM/CC/1-3, para. 34.
- ⁵⁹ CRC/C/WSM/CO/1, para. 26.
- ⁶⁰ *Ibid.*, para. 27.
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- ⁶³ CRC/C/WSM/CO/1, para. 39.
- ⁶⁴ *Ibid.*, para. 40.
- ⁶⁵ CEDAW/C/WSM/CC/1-3, para. 26.
- ⁶⁶ *Ibid.*, para. 27.
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