

Samoa, CEDAW, A/60/38 part I (2005)

27. The Committee considered the combined initial, second and third periodic report of Samoa (CEDAW/C/WSM/1-3) at its 679th and 680th meetings, on 24 January 2005 (see CEDAW/C/SR.679 and 680).

Introduction by the State party

28. In introducing the report, the representative of Samoa expressed the long-standing commitment of Samoa to the equal status of women, as reflected in its laws and traditions. Samoa had been the first Pacific island country to ratify the Convention without reservations. The representative summarized the major economic and political developments in Samoa and gave an update in regard to the implementation of each of the articles of the Convention.

29. The Samoan constitutional provision on gender equality related to article 1 of the Convention, as it ensured equal protection under the law and prohibited discrimination on the basis of sex. Due remedy for breach of those rights was guaranteed and constitutional cases were frequently heard by the Supreme Court. While women had achieved suffrage in 1991 and equality in acquiring or retaining citizenship when married to a foreigner in 2004, the representative identified areas where reform was still required, especially in regard to gender-based violence, family, employment, land and criminal law.

30. The former Ministry of Women Affairs had been integrated into the Ministry of Women, Community and Social Development. It coordinated gender equality work within the Government to incorporate gender concerns in all aspects of social affairs and policymaking, and also cooperated with non-governmental organizations.

31. As there had been an increase in domestic violence complaints, the Government intended to amend the penal code to make rape in marriage an offence, to enact domestic violence legislation and to amend the family code. A campaign had been launched to improve police services that would include an increase in the recruitment of women, the implementation of gender-sensitization programmes and the creation of a data-collection system on domestic violence cases. Courts were dealing more severely with cases of domestic violence and had adopted a “no-drop” policy for such cases. Increased attention was also being paid to trafficking in women.

32. Women’s representation in Parliament remained low. Women held 3 of 49 seats (although two of them occupied senior positions). This was due to the fact that only chiefly title-holders were eligible to run for Parliament and that, despite some improvements, a preference for men to hold this position remained. At the same time, women were involved at all levels of decision-making within the family, the community, the Government and the private sector. They were represented at the highest level in the public sector and government women representatives served as village focal points for communication with government officials.

33. The representative affirmed the commitment of Samoa to women's social development, citing success in education. Education was compulsory at the primary level and overall parity in education in terms of participation had been achieved. The enrolment of girls up to the secondary level reflected the overall population figures, while at the tertiary level, women comprised 60 per cent of the enrolments.

34. Women were increasingly entering the labour force, comprising 43 per cent of the formal wage economy. Women dominated in the manufacturing sector, as well as in the teaching and nursing professions. In supporting women's economic participation, the public sector guaranteed eight weeks of paid maternity leave and six months' leave without pay. Women also benefited from credit and training programmes. The majority of loans approved for business enterprises and commercial activities were granted to women.

35. With regard to women's health, a five-year national health service plan framework was under implementation, which focused on the delivery of health services and included community partnerships and mobile clinics. Measures to increase access to medical services in rural areas directly benefited women. While more targeted health promotion and prevention programmes for women were under way in the area of so-called "lifestyle" diseases, maternal health remained a priority and progress was reflected in improved indicators.

36. Turning to the situation of rural women, who constituted 78 per cent of the total female population, the representative of Samoa stated that, in the authority systems within the village structures, women played an important role in decision-making at all levels. Women holders of chiefly titles sat on village councils and participated in village administration. Women were homemakers and small-business owners, and also held paid employment in urban areas. They had good access to health services, and training and education programmes were provided, through extension services, by the Government, in collaboration with non-governmental organizations and traditional village groups.

37. In closing, the representative of Samoa stressed that Samoa remained dedicated to the successful implementation of the Convention, in the spirit of Samoan tradition, and offered its full commitment to achieving the equality of women.

Concluding comments of the Committee

Introduction

38. The Committee commends the State party for ratifying the Convention without reservations and expresses its appreciation to the State party for its combined initial, second and third periodic report, while regretting that it was overdue. It expresses appreciation to the State party for the written replies to the list of issues and questions raised by the Committee's pre-session working group and for the oral presentation, which provided further clarification and elaborated on the most recent developments in the implementation of the Convention.

39. The Committee congratulates the State party for sending a high-level delegation headed by the Chief Executive Officer, Ministry of

Women, Community and Social Development, and which included the Attorney-General. It appreciates the frank, professional and constructive dialogue that took place between the members of the Committee and the delegation and the precise answers, which provided further insights into the real situation of women.

40. The Committee welcomes the State party's consultation with women's non-governmental organizations and other civil society organizations in the preparation of the report.

Positive aspects

41. The Committee welcomes the establishment in 2004 of the integrated Ministry of Women, Community and Social Development of Samoa which, through its Division for Women, collaborates with other ministries of the Government and non-governmental organizations in the implementation of the Convention. It also welcomes the approval by the Government, in May 2004, of the selection of women's representatives (women liaison officers) within all villages to support the advancement of women, particularly in rural areas.

42. The Committee commends the State party for conducting legislative reviews and identifying for further reform a number of areas of the law that are critical for the promotion of gender equality. It welcomes the enactment of the Law Reform Commission Act of 2002. It welcomes the adoption of the Citizenship Act of 2004, which now provides for equality between women and men in conferring nationality on a foreign spouse.

43. The Committee commends the State party on making primary education compulsory and on the progress made in implementing article 10 of the Convention in regard to the education of girls and women at all levels. The Committee also commends the State party for the very high rate of female literacy.

44. The Committee commends the State party for adopting temporary special measures in the police services, where women are underrepresented.

Principal areas of concern and recommendations

45. The Committee notes the State party's obligation for the systematic and continuing implementation of all the provisions of the Convention. At the same time, it is the Committee's view that the concerns and recommendations identified in the present concluding comments require the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.

46. The Committee expresses its concern that the legislation of the State party does not contain a definition of discrimination against

women in accordance with article 1 of the Convention. It is also concerned that the Convention is not directly applicable in the State party and that there is no adequate legislative framework in place to ensure compliance with all the provisions of the Convention.

47. The Committee calls upon the State party to include in the Constitution or in other appropriate domestic legislation a definition of discrimination against women in line with article 1 of the Convention. It also urges the State party to take the measures necessary to ensure that the Convention becomes fully applicable in the domestic legal system, either through domesticating it in full or by adopting appropriate legislation.

48. While noting that the Government has identified several areas where legislation inadequately protects women against discrimination, namely, in regard to gender-based violence and in family and employment law, the Committee is concerned that no time line or benchmarks are in place for undertaking the legal reform efforts necessary to bring domestic legislation into conformity with the Convention. The Committee is also concerned that, although the Law Reform Commission Act was passed in 2002, the office has not yet been established for lack of resources.

49. The Committee recommends that the State party put in place without delay a plan, with a clear timetable and priorities, for the revision of existing discriminatory legislation and the drafting and submission to Parliament of new laws to promote gender equality. The Committee also recommends the establishment of the office of the Law Reform Commission in order to expedite the legal reform process. The Committee encourages the Government to consult with women's organizations in the development and prioritization of such a legislative reform agenda.

50. While noting the State party's intention to review all criminal laws within the next two years and the courts' adoption of a "no-drop" policy in regard to charges of domestic violence, the Committee is concerned that the prevalence of domestic violence needs measures to prevent and combat various forms of violence against women.

51. The Committee recommends that the State party put in place without delay a comprehensive strategy to prevent and combat all forms of violence against women, including domestic violence, which is a form of discrimination against women and a violation of their human rights. Such a strategy should include measures, including legislation, to prevent violence against women, provide protection, support and rehabilitation services to victims, and punish the offenders. In this regard, the Committee draws attention to its general recommendation 19. The Committee urges the State party to ensure that shelters are available to all women victims of violence. It also calls upon the State party 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.

52. The Committee is concerned about the continuing low representation of women in public life and decision-making, including

women's limited access to family chiefly titles (*matai*) and their resulting low representation in the Parliament. It is concerned that sociocultural stereotypes and traditions continue to prevent women from seeking public, and especially elective, office.

53. The Committee encourages the State party 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 recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to increase the number of women in the Parliament and in local government bodies. It calls upon the State party 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, in accordance with articles 2 (f) and 5 (a) of the Convention. The Committee requests the State party to evaluate regularly the impact of such measures, including temporary special measures, so as to ensure that they lead to the desired goals, and to provide in its next report comprehensive information on the results achieved.

54. The Committee is concerned about the situation of women in the employment sector and their lower level of participation in the labour force. The Committee is concerned that existing legislation is discriminatory or has significant gaps with respect to articles 11 and 13, such as lack of provisions on equal pay for work of equal value, on protection against discrimination on the basis of pregnancy and against sexual harassment in the workplace. The Committee is also concerned about the extremely limited provision of paid maternity leave in the private sector and the lack of adequate childcare services.

55. The Committee calls upon the State party to bring its legislation into compliance with article 11 of the Convention without delay and to ensure compliance with such legislation. The Committee also requests the State party to step up its efforts to address the impediments women face in entering the labour force and to implement measures to promote the reconciliation of family and work responsibilities between women and men. The Committee also urges the State party to use temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 so as to enhance implementation of article 11 of the Convention. It requests the State party to provide information about the impact of such measures in its next report.

56. The Committee expresses concern that complications of pregnancy and childbirth remain one of the leading causes of morbidity for women. It is also concerned about the rising incidence of teenage pregnancy, the limited family-planning efforts, the low contraceptive prevalence rate and the lack of sex education in schools, despite comprehensive access for women to health services, including reproductive health services. The Committee is also concerned about the insufficient information provided about the HIV/AIDS infection rates of women.

57. **The Committee urges the State party to increase its efforts to improve the provision of sexual and reproductive health services to reduce fertility rates and maternal morbidity. It calls upon the State party to step up the provision of family-planning information to women and girls and to promote widely sex education targeted at girls and boys, with special attention to the prevention of teenage pregnancy and the control of HIV/AIDS. It invites the State party to provide in its next report detailed information, including statistics and measures taken, on HIV/AIDS infection trends of women.**

58. The Committee is concerned about the lack of statistical information in regard to trafficking in women.

59. **The Committee requests the State party to provide in its next report comprehensive information about trafficking in women and exploitation of the prostitution of women, including measures to discourage the demand for prostitution and to rehabilitate and support women who want to get out of prostitution. It encourages the State party to report on any studies or surveys conducted, as well as on measures taken to prevent trafficking and to assist victims.**

60. The Committee is concerned about the persistence of discriminatory provisions in family law, especially in regard to marriage, as well as the persistence of traditions that discriminate against women and girls. In particular, the Committee is concerned at the age of consent to marriage for girls being 16 years, whereas it is 18 for boys, at the fault-based divorce system and at the lack of legislation on the division of marital property.

61. **The Committee urges the State party to give high priority to the planned revision of the law governing marriage, its dissolution and family relations so as to ensure compliance with article 16 of the Convention and in line with the Committee's general recommendation 23 on marriage and family relations. The Committee also recommends that the State party undertake awareness-raising measures to address cultural patterns of conduct that are discriminatory against women and girls in these areas.**

62. While appreciating that proposals submitted to the Cabinet Development Committee must include a report on the gender implications and a gender analysis of the proposed project, insufficient information was provided about the attention given to the provisions of the Convention.

63. **The Committee requests the State party to ensure that the Convention serves as the framework for assessing the suitability of development projects from a gender perspective. It also requests the State party to develop adequate capacity within the Government to undertake such assessments within the framework of the Convention.**

64. The Committee is concerned that the strategic development plan insufficiently incorporates the goal of the practical realization of the principle of equality between women and men, as called for in article

2 (a) of the Convention, especially in the light of the State party's ongoing economic reform and trade liberalization.

65. **The Committee recommends that the State party make the promotion of gender equality an explicit component of its next national development plan and policies, in particular those aimed at sustainable development.**

66. **The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the Committee's meeting time.**

67. **The Committee requests the State party to provide an assessment of the impact of measures taken to enhance the de facto equality of women and to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which is due in October 2005, and its fifth periodic report, which is due in October 2009, as a combined report in 2009.**

68. **Taking account of the gender dimensions of the declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.**

69. **The Committee notes that States' adherence to the seven major international human rights instruments, namely, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Samoa to consider ratifying the treaties to which it is not yet a party, namely, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political 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.

70. The Committee requests the wide dissemination in Samoa of the present concluding comments in order to make the people of Samoa, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome document of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".