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**Committee on the Elimination of Discrimination
against Women**

Pre-session working group

Thirty-second session

10-28 January 2005

**Responses to the list of issues and questions for
consideration of the combined initial, second and third
periodic reports**

Samoa

Articles 1 and 2

**Q.1 Does the Government intend to introduce legislative measures that will
prohibit both public and private acts of discrimination against women?**

1. The Government is committed to introducing legislative measures to prohibit both public and private acts of discrimination against women. Further to the legislative review conducted in 1991, the Office of the Attorney-General on behalf of the Government has conducted an updated review of existing legislation to identify areas where there are inadequate protections for women from acts of discrimination. As a result of the review, three priority areas have been identified for legislative reform:

- Gender-based violence
- Family law
- Employment law.

2. As detailed in the Government's status report on the Convention on the Elimination of All Forms of Discrimination against Women presently before the Committee ("the report"), there are significant issues in all three areas with regard to protecting women from discrimination. In particular, gender-based violence is a serious problem in the country. Cases of sexual assaults on women, as well as domestic violence, are on the rise. Existing legislation in the areas of family law and employment law are outdated and do not reflect modern realities.

3. Given the fact that the Samoa Law Reform Commission has not yet commenced operations, Parliamentary Counsel based within the Office of the Attorney-General has taken up the task of developing a legislative plan for reform in the priority areas identified, with gender-based violence as the first priority area to be addressed. The plan will identify the scope of work to be undertaken, the likely time frame for the work and the Government's capacity to undertake the work.

4. Obstacles to introducing legislative measures in the three priority areas identified include a lack of resources to undertake legislative reform projects of this size and the lack of capacity within Government to prepare draft legislation. There is only one Parliamentary Counsel for Samoa, assisted by one other senior solicitor. Furthermore, although the Law Reform Commission has been established by Act, the Act has not yet come into force.

5. Given these circumstances, the Government has committed available resources to implementing practical non-legislative measures to protect women from discrimination working within the existing legal structure. Please refer to Samoa's reply to question 5 for detailed information on this point.

6. To ensure that future legislation is compliant with the Convention, the Government, through the Office of the Attorney-General, has effected a policy for the review of all current and future bills to ensure compliance with the Convention.

7. The Office of the Attorney-General has identified one legislative provision in particular that is discriminatory towards women and which may be amended independently of legislative reform. This provision is section 47 of the Crimes Ordinance 1961. Section 47 states that rape between a man and his wife is not a crime. Parliament will consider an amendment to repeal section 47 as part of its forthcoming consideration of the Crimes Ordinance Amendment Bill.

Q.2 Does the State party have any plans to pass legislation to make the Convention directly applicable in Samoa, and if so, when? Have any steps been taken to conduct a comprehensive analysis of court decisions to determine their compliance with the provisions of the Convention?

1. It is the Government's position that, where there are no existing local laws to put in place the obligations under a convention to which Samoa has become a party, the Government will pass legislation to give that convention force in local law.

2. The Constitution of Samoa, the supreme law of Samoa, establishes a firm foundation for the recognition and enforcement of fundamental human rights in Samoa, including women's rights. In relation to the human rights conventions of which Samoa is a party, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, it is the Government's position that legal authority to give effect to the conventions and the obligations therein already exists in the Constitution.

3. The Government therefore does not presently intend to pass specific legislation to make the Convention directly applicable in Samoa. As reflected in the Government's answer to question 1 above, the Government's focus is to ensure that subordinate legislation to the Constitution is compliant with the Convention on the Elimination of All Forms of Discrimination against Women.

4. The Office of the Attorney-General has conducted a review of Court decisions to determine their compliance with Samoa's fundamental human rights obligations

under the Constitution, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. The review strongly indicates that the Courts of Samoa today are willing and determined to enforce the fundamental human rights protected under the Constitution and the two conventions.

5. In relation to civil proceedings, in August 2004 the Supreme Court of Samoa gave a landmark decision awarding damages (general and punitive) in favour of a family banished from their village for a breach by the council of chiefs of that village of constitutional rights. The decision set a new precedent in that: (a) it enforced the rights protected by the Constitution on an institution that is not part of the Government; and (b) expanded the remedies available under the Constitution for a breach of rights therein to include monetary compensation. Since the preparation of the initial, first and second status reports on the Convention on the Elimination of All Forms of Discrimination against Women (“Samoa’s Report”), there has been a significant increase in the number of cases brought before the Court for breaches of constitutional rights. This trend is likely to continue as Samoans become more aware of their rights and turn to the Courts for remedies under the Constitution.

6. In relation to criminal proceedings, the review indicates that the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child are now routinely applied by the Courts. The District Court has jurisdiction over the offence of assault. The District Court therefore deals with the majority of domestic violence cases. In doing so it has exerted a “no tolerance” approach to domestic violence, implementing a “no drop” policy for all cases of domestic violence brought before the Court. Both the District and the Supreme Court take into account the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child during sentencing of defendants for offences against women and children. This approach by the Courts addresses the serious issue of the increasing prevalence of offences being committed against women and children and the need for the judiciary to respond appropriately.

7. The statement made in the Government’s status report that “Although the Convention is binding on the State at the international level, it cannot be enforced through the local judicial system” is therefore no longer correct.

8. Finally, the Office of the Attorney-General’s review of Court decisions has highlighted the need to ensure that the Convention is raised with the Court for its consideration on all applicable matters. Therefore it is the Office of the Attorney-General’s policy to make submissions on that Convention (as well as the Convention on the Rights of the Child) wherever appropriate for the enforcement of the obligations therein. Of note, the Office of the Attorney-General is the sole legal adviser to the Government by virtue of the Constitution and is responsible for all prosecutions in the Supreme Court. This central role coupled with the Office’s policy regarding the Convention on the Elimination of All Forms of Discrimination against Women will undoubtedly ensure that the Convention is frequently raised with the Court. The Office of the Attorney-General has also invited the Samoa Law Society to utilize its human rights resources held at its Law Library. These resources include international cases on the Convention

Q.3 Please indicate whether the recommendations included throughout the report and referred to in its introduction are measures which the Government envisages, or is contemplating for implementation in the future.

1. The recommendations included throughout the report are measures which the Government intends to implement. The recommendations were arrived at through consultation with stakeholders, both government and non-government. The recommendations are endorsed by the Government for action through the Ministry of Women, Community and Social Development in partnership with Convention stakeholders. The Government has given the Ministry the mandate to create a Convention on the Elimination of All Forms of Discrimination against Women plan of action to implement the recommendations made in the Report. The plan of action is presently in the draft stage awaiting input from stakeholders, although work being undertaken by the Ministry on the Convention is well under way. It is anticipated that the plan of action will be finalized by the end of 2004 for implementation commencing in 2005.

Q.4 What practical steps have been taken by the Government to establish a formal complaints procedure to deal with complaints of both public and private acts of gender discrimination and/or to expand the functional role of the Ombudsman?

1. The Government had anticipated that the task of considering the viability of a formal and independent complaints procedure would be undertaken by the Law Reform Commission once established.

2. The Law Reform Commission Act was passed in 2002 to establish the Samoa Law Reform Commission. Under the Act, the functions of the Commission are to recommend to the Minister of Justice suggested programmes for reform of the laws of Samoa, research and analyse areas of law considered to be in need of reform, advise the Minister on such areas and consult with Government and the private sector on issues of law reform. However, the Act is not yet in force.

3. Obstacles to bringing the Act into force include a lack of funds to operate the Commission. Qualified candidates for the position of Commissioner have not yet been identified.

Q.5 Please provide more detailed information about the steps that have been taken to implement these objectives as well as a description of who has access to these programmes and their results to date.

1. The Government recognizes that, to give effect to the Convention on the Elimination of All Forms of Discrimination against Women, raising awareness of it and challenging stereotypes that impede women's entitlements under the Convention is pivotal. As reflected in the report, women are not really conscious of their rights or that they are being discriminated against. The Government therefore confirms its commitment undertaking programmes in the community to "give life" to the Convention. The Government acknowledges its work on the Convention with sector partners, which include both relevant Government ministries and non-governmental organizations to raise awareness with as many members of the community as possible as it is not possible for the Government to undertake this task alone.

2. Since 2001, the former Ministry of Women Affairs (2002-May 2003), as the now realigned Ministry of Women, Community and Social Development (June 2003-present), through its Division For Women, has undertaken in collaboration with the Government and non-governmental organization partners a number of programmes as described in the table below.

<i>Agency responsible</i>	<i>Programmes</i>	<i>Target group</i>	<i>Results</i>
MWCSO: ^a Division for Women	1. Coordination of CEDAW ^b activities at national level.	1. Sector partners from both government and civil society * Men and Youth since the realignment of MWCSO	1. More coordinated national promotion and implementation of CEDAW activities.
	2. Conduct of the CEDAW Partnership monthly meetings.	2. CEDAW Partners in both government and non-governmental organizations.	2. Improved complementarity of CEDAW activities, as opposed to unnecessary competitions. Better understanding of what CEDAW Partners are focusing on.
	3. Capacity-building for identified stakeholders on CEDAW articles throughout the year.	3. Women Advisory Committee (government mandated committee of 30 women — 3 year terms), professional groups, village women leaders, CEDAW Partners, staff of the MWCSO, other ministry representatives, non-governmental organizations Police women, religious women's groups.	3. Enhanced understanding of CEDAW and better appreciation of constraints in promoting and implementing CEDAW.
	4. Bi-annual "Mothers and Daughters Meetings" with special focus on behavioural, communication and social skills on reproductive and sexual health.	4. Women with teenage daughters who are unemployed, unmarried and had just left schools.	4. More regular and open communication between women and their teenage daughters on issues. Increasing demands for participation.
	5. Quarterly "Women and their Husbands" training on prevention of HIV/AIDS and violence against women.	5. Wives of untitled men who are below 25 years old and their husbands.	5. Negotiation skills and enhanced understanding of the need to be responsible partners.

<i>Agency responsible</i>	<i>Programmes</i>	<i>Target group</i>	<i>Results</i>
	6. Spearheaded the development of the CEDAW National Plan of Action in collaboration with CEDAW Partners, to incorporate the domestication of regional and international instruments.	6. CEDAW Partners, identified stakeholders from all levels of society.	6. National Plan of Action developed for implementation by all partners.
	7. Gender Management System.	7. DFW/MWCSD Staff and CEDAW Partners.	7. Inclusion of costing in the national budget and enhanced understanding of gender and development.
	8. "Aiga ma Nuu Manuia [Family and Village Wellbeing]" Programme.	8. Village Women and their leaders especially in rural settings.	8. National coverage achieved this year 2004. Cleaner homes and improved village sanitations, increasing number of families with vegetable gardens and smoke-free homes.
	9. Island Women's Forums on CEDAW.	9. Village women.	9. More discussions of CEDAW issues at village level.
	10. Multimedia promotions capitalizing on the International Women's Day and National Women of Samoa Celebrations.	10. General public	10. Enhanced appreciation and perception of women and their multi-roles.
Ministry of Education	Incorporated CEDAW issues in educational programmes for teacher education. Advocate the sustenance of equality in education.	Schoolteachers at all levels.	Introductory attempt not as successful and more related activities are planned.
Ministry of Health	Institutional Strengthening Project's Community Participation Sector Planning.	Village women	Village Women Centres for health-related activities
Ministry of Justice	1. Outreach Programme on Crime Prevention.	1. Schoolchildren	1. Better understanding of the law and protection from violence.

<i>Agency responsible</i>	<i>Programmes</i>	<i>Target group</i>	<i>Results</i>
	2. No-drop policy.	2. Perpetrators of Violence against women and children	2. More perpetrators of violence against women are charged and penalized in court.
Office of the Attorney-General	Technical legal assistance	CEDAW partners and Government ministries	Enhanced awareness of the law.
	Capacity-building for specific professional groups	Lawyers and judges	
Ministry of Police, Prison and Fire Services	1. Institutional Strengthening Project	Ministry staff and sector partners	Enhance awareness of role policewomen play in the force and society, enhance awareness of CEDAW and challenges within male-dominated Police Services, reinforce Police Services commitment to women in the Police Service at all levels.
	2. Capacity-building	All police officers	
	3. Planned policewomen's specific programmes	Policewomen	
Samoa Teachers' Association — Women's Wing	Legal literacy training.	Schoolteachers of both gender.	Participation of schoolteachers in the promotion and implementation of CEDAW and CRC. ^o Enhanced awareness on the conventions.
Samoa Registered Nurses' Association	1. Plan Research on abuse of children and women	Village women.	New initiatives.
	2. Continue existing women and health programmes	Professional staff and stakeholders.	
Mapusaga o Aiga	Development of legal literacy pamphlets on family law related areas, such as divorce, separation, custody and maintenance.	Women and women's groups.	Awareness of rights and current limitations of the law.
	Violence against women prevention, counselling, refuge and general support services offered for victims of violence and their children.	General public.	
	Education campaigns to raise awareness of domestic violence issues.		

<i>Agency responsible</i>	<i>Programmes</i>	<i>Target group</i>	<i>Results</i>
Public Service Association (PSA)	1. Coordinate national celebration of International Women's Day.	1. PSA members	Increased participation of members in women focused forums.
	2. Negotiations of Maternity leave entitlements for casual workers in the Public Service.	2. Government through the Public Service Commission and government organizations.	2. Maternity leave entitlements for women casual workers now officially endorsed.
National Council of Women (NCW)	1. Joint programme on voter education with the Inailau Network on Leadership.	1. Women aspiring to be political leaders.	1. Discussion of issues.
	2. Yoga classes for overweight women.	2. Working women both in the public and private sector.	2. Access for overweight women who are reluctant to go to public classes
	3. Forum on CEDAW.	3. NCW members.	3. Start of CEDAW processes by NCW.
Samoa Association of Women Graduates (SAWG)	1. Scholarship scheme for young women.	1. Tertiary level female students.	Enhanced education opportunities.
	2. Capacity-building.	2. Members and sector partners.	
	3. Advocacy.	3. General education community.	
Women In Business (WIB)	1. Technical and follow-up training sessions on small business, fine mat weaving, organic farming, handicraft production and microfinance.	1. Women in the rural areas.	1. One hundred twenty new people have joined these projects.
	2. Savings and loans scheme so that women can have the opportunity to start a bank account.	2. Women in the rural areas.	2. Four hundred forty-four current savers in the savings and loans scheme are women and 55 per cent of participants in the scheme are weavers.
	3. Microfinance training.	3. Women in rural areas.	3. The microfinance scheme has continued to grow these past years with 83 new members joining.

<i>Agency responsible</i>	<i>Programmes</i>	<i>Target group</i>	<i>Results</i>
	4. Participation in the ADB microfinance scheme currently hosted by Development Bank of Samoa.	4. Grass-roots level women and men who operate small-scale business.	4. Increase number of women who have successfully received loans from this scheme to upgrade their business and start on another new business initiative. There is also an improvements in the standard of living of our project participants.
	5. Income-generating activities such as organic farming and fine mat.	5. Rural women.	5. Weaving has helped generate a revival of pride and new-found sense of confidence for many rural people, especially women who were previously trapped in a dependence mentality. Being able to produce and earn money has helped provide independence from this mentality as well as improve overall living standards.
	6. Facilitating the marketing and packaging with regards to overseas standards, for women to export their products to overseas markets.	6. Businesswomen in the rural and urban.	6. Most of their handicrafts are marketed on the Polynesian Airline magazine. They have also received orders from Hawaii, New Zealand, Australia and Fiji. Local forums and government occasions have also placed orders of handicrafts to WIB to utilize the expertise of women in our programme.
	7. Fine mat weaving, especially the ie sae samoa.	7. All fine mat weavers involved in WIB projects.	7. There has been a significant increase in the status of many women participating in our development programmes in the rural villages.

<i>Agency responsible</i>	<i>Programmes</i>	<i>Target group</i>	<i>Results</i>
Ministry of the Public Service Commission	1. Incorporation of CEDAW in in-country training content. 2. Gender equality policy.	Public servants.	1. Equal opportunities for women in the public sector. 2. Promotions based on merits.
Yazaki Samoa Largest employer of women in the private sector — more than 2,000 women	1. Proposal was submitted to Management for implementing a capacity-building programme to boost the self-esteem of women. 2. Reproductive and sexual health workshops.	1. Women workers. 2. Workers.	1. New initiative. 2. This has contributed to reducing staff turnover and absenteeism. 3. Increased job security.
Inailau o Tamaitai Leadership Network	Leadership training for young women leaders.	Schoolgirls.	New initiative.

^a Ministry of Women, Community and Social Development.

^b Convention on the Elimination of Discrimination against Women.

^c Convention on the Rights of the Child.

3. As evidenced by the contents of the table, a wide variety of programmes are being carried out targeting all sectors of the community around the country.

4. The Ministry is developing future training that aims to build on the awareness programmes currently being conducted, challenge stereotypes and to develop and encourage women's participation in the legal process. Programmes being developed will address areas such as:

- Women's participation in Government (lobbying, etc.)
- Application of human rights according to cultural contents and Christian principles
- Protection of women from violence and abuse.

5. In terms of legal rights training, the Ministry is also considering the viability of establishing a position within the Ministry for a legal rights training officer with assistance from the Australian Youth Ambassador Programme. An "in-house" legal rights training officer would enhance the Ministry's capacity to offer training in this area.

6. Since the submission of Samoa's report, there have been steps taken to realize the recommendations made therein. The Division For Women of the Ministry of Women, Community and Social Development has been instrumental in spearheading the consultations, training and round-table forums which resulted in the development of the Convention on the Elimination of All Forms of Discrimination against Women National Plan of Action 2002-2003, which is currently being

reviewed and updated. This Plan of Action incorporates all of the partners' Convention focuses, the relevant contents of the "Responding to the Impact of HIV/AIDS on Women: Strategic Plan 2001-2005" plus priority areas from international and regional instruments, such as the Beijing Platform for Action, the Commonwealth Plan on Gender Equality 2005-2015 and the Revised Pacific Platform for Action 2005-2015, to name a few. To date the Division for Women in the Ministry of Women, Community and Social Development is compiling the necessary literature on strategies and best practice programmes, which will help the CEDAW Partnership to develop specific data driven strategies to address the prevention of violence against women and children. For the past three years the Division has as one of its main performance measures in the Government annual budget the conduct and coordination of the Partnership meetings, which ensures the linkages of Convention on the Elimination of All Forms of Discrimination against Women work among partners. The Partnership meets every month to monitor progress and compare notes.

Article 3

Q.6 What is the status of the following endeavours and to what extent have they been implemented:

- (a) The mainstreaming of gender issues in all department policies and programmes;**
- (b) Women liaison officers.**

1. The Government recognizes the importance of ensuring that all Government policies take account of gender issues. The Ministry of Women, Community and Social Development in its Corporate Plan 2004-2007 has as one of its objectives the promotion of gender equity and the establishment of gender focal points within ministries. Several ministries have implemented gender equity principles into their policy work, but coordination at a national level to ensure consistency at all levels has not yet occurred. The process of establishing gender focal points within all ministries is making slow progress and the Ministry intends to revisit this issue with Cabinet and ministry heads.

2. The Government's commitment to implementing gender equity principles in policy making is, however, exhibited at Cabinet level. All development submissions to the Cabinet Development Committee must include a report on gender implications and a gender analysis for the proposed project. It is therefore common practice that all ministries submitting project proposals to the Cabinet Development Committee ensure that gender issues are taken into consideration in the design execution and implementation of such projects.

3. In May 2004, the Government officially approved the implementation of women liaison officers in each village who began services in July 2004. This is a major achievement for gender equity in Samoa. Women liaison officers are selected by the village women but are funded by the Government. The terms of reference for women liaison officers include: to drive the "Family and Village Wellbeing" programme coordinated by the Ministry of Women, Community and Social Development, register new births, drive the revival of traditional crafts (weaving, tapa making), liaise with the village mayors with regard to women's issues, and

coordinate and implement educational programmes on health, education, business and other areas. Women liaison officers are responsible to the Assistant Chief Executive Officer Division for Women, Ministry of Women, Community and Social Development. They are required to report monthly to the Division on their programs and to report issues regarding and affecting women in the rural area and in villages to the Division.

Q.7 Does the Government intend to establish a monitoring body to oversee the implementation of the Convention?

1. The former Ministry of Women Affairs (1991-May 2003), through its Programmes, Training and Community Development Service Division, initiated the establishment of the CEDAW Partnership in 2000, with the aim of promoting collaboration in the implementation, monitoring and reporting on the Convention. Although non-statutory in nature, the Partnership continues to be actively engaged, through its monthly meetings, under the leadership of the Ministry of Women, Community and Social Development Division for Women. The Partnership comprises the following government and non-governmental stakeholders and implementers of the Convention:

Government partners

- Ministry of Women, Community and Social Development — Technical Adviser
- Ministry of Commerce, Industry and Labour
- Ministry of Education, Sports and Culture
- Ministry of Justice and Courts Administration
- Ministry of Health
- Ministry of Police, Prison and Fire Services
- Office of the Attorney General
- Ministry of the Public Service Commission

Non-Government partners

- National Council of Women
- Samoa Women's Committee Development Organization
- Samoa Registered Nurses Association
- Women in Business Development Incorporation
- Public Service Association Incorporated
- Samoa Women Graduates' Association
- Mapusaga o Aiga Incorporated
- Yazaki Samoa Limited (Private company, largest employer in the Country with more than 2,000 women employees)
- Inailau o Tamaitai Women's Leadership Network

2. The CEDAW Partnership plays a key role in advising Government through the Ministry of Women, Community and Social Development on Convention-related issues, disseminating information about the Convention to the community, commenting on Government policy affecting women and providing a vehicle for much needed dialogue between Government and NGOs on Convention-related issues. The work of the Partnership includes, assisting with the preparation of the Government's status report on the Convention on the Elimination of All Forms of Discrimination against Women and providing input on the Convention's Plan of Action.

3. Since its inception, the CEDAW Partnership has developed into an effective monitoring mechanism for the Convention. In this regard, the Ministry plans to seek the Cabinet's approval by December 2004, for the Partnership to be the statutory monitoring body for the CEDAW Convention.

Q.8 What is the current status of the Ministry of Women Affairs Draft Amendment Bill 2001 and the Draft National Policy for Women in Samoa 2001-2004? If these policies are in force, to what extent have the policy goals, target indicators and implementation strategies been realized?

1. The Government informs that, pursuant to the enactment of the Ministerial and Departmental Arrangements Act 2003, there has been a realignment of Government ministries which has affected the Ministry of Women Affairs. Following the realignment, the responsibility for women's affairs is now held together with the responsibilities for children and community development under the Ministry of Women, Community and Social Development. The Government considers it an advantage for the same ministry to have responsibility for women, community and social development given the issues affecting women and children and the direct link to community development as a means of addressing those issues. The pulenu'u, or village mayors, fall under the responsibility of the Ministry under community development. The Division of Women's Affairs within the Ministry has utilized the direct link with the pulenu'u to facilitate training on women's issues for pulenu'u and other leaders of local village government.

2. Parliament intends to enact legislation for all new ministries to take into account the reshuffling of responsibilities given to each ministry, including the Ministry of Women, Community and Social Development. The Draft Ministry of Women's Affairs Amendment Bill 2001 will therefore not be considered by Parliament and matters due to be raised in the Bill will be addressed in a new bill will be created for the realigned Ministry.

Article 4

Q.9 Aside from the quotas established for tertiary scholarship awards, has consideration been given to the implementation of temporary special measures in the Government, the civil service and other public bodies in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25?

1. The Government has not identified the need for temporary measures in the Public Service for de facto equality. This is because the Public Service is primarily made up of women and at all levels. Key positions in the Public Service, including

the CEO of the Ministry of Finance, the CEO of the Public Service Commission (PSC), the posts of CEO of the Ministry of Women, Children and Community Development and the Office of the Attorney-General, are all held by women.

2. By virtue of the Constitution, the Public Service remains centralized under the Public Service Commission, which sets the employment conditions for all public servants. The Commission's employment conditions are favourable towards women, including maternity leave with pay entitlements, breastfeeding support and flexible hours. The Commission has also recently implemented paid paternity leave. It operates upon a policy of gender equity in its recruitment, appointment and other dealings with public servants. The Government is presently considering the Public Service Amendment Bill, which gives legislative force to the Commission's existing gender equity policy and addresses issues affecting women's security in the workplace, such as sexual harassment.

3. Temporary special measures have been implemented in the Police Services where women are underrepresented. Measures for the preferential recruitment of female police officers are now in place with a view to increasing the number of women members of the Service. This is in line with the Ministry of Police, Prisons and Fire Services "Safer Samoa" campaign which was initiated this year and is being implemented by the Service's Institutional Strengthening Project. The most recent and first recruitment of Police Officers utilizing the preferential recruitment of women resulted in 35 per cent of new recruits being women, a significant increase from previous recruitments where there might only have been one or two women recruits.

4. In relation to Government corporations, the Government's policy for employment is based on gender equity. Women are similarly well represented in Government corporations and at all levels.

Article 5

Q.10 Please provide detailed information regarding the status and impact of customary law in the domestic sphere, including an indication of which law prevails where there is a conflict between customary law, national law and international human rights norms.

1. Customary law is the authority of the village council to regulate village life. Customary law does not normally pervade the domestic sphere unless some event has occurred within the sphere to warrant the attention of the village council, such as sexual assault. However, the Ministry of Women, Community and Social Development is considering initiating discussions with village councils throughout the country through the pulenu'u to encourage village councils to commence actions to tackle domestic violence issues, including considering imposing village penalties upon persons who inflict violence on other members of their family.

2. Even though customary laws prevail in the village setting to give effect to village governance, when and where there is a conflict, national law and human rights norms take precedence. The Supreme Court has exhibited this approach on several occasions where there have been breaches of constitutional rights through the exercise of customary law.

Q.11 What practical steps have been taken to overcome all forms of discrimination against women and deeply entrenched discriminatory attitudes towards women in society at large?

1. Please refer to Samoa's reply to question 5.

Q.12 Please indicate what steps the Government has taken to criminalize acts of domestic violence against women and to provide protective and rehabilitative services for victims of gender-based violence.

1. Domestic violence falls under the crime of assault, actual bodily harm or grievous bodily harm, depending on the severity of the injuries sustained.
2. Protective services (such as temporary refuge) and rehabilitative services (such as professional counselling) for victims of gender-based violence are currently offered by the NGO Mapusaga-o-Aiga. Mapusaga-o-Aiga is a well known women's organization and is widely used by women and children of abuse.
3. Given the increase in gender-based violence in recent years, the Ministry for Women, Community and Social Development in collaboration with CEDAW Partners is preparing a policy paper for Government's consideration to introduce social welfare services. Obstacles presently faced by the Government to introducing social welfare services include a lack of available qualified social workers and the need for a legislative framework to support such services.

Q.13 What specific steps have been taken to introduce training for police, lawyers and judges as well as general education programmes, perhaps targeting men in particular, to raise awareness about the devastating consequences of violence against women?

1. The Government recognizes the importance of training operators of the law, such as police officers, court officers, lawyers and judges on issues relating to violence against women. As such, the draft CEDAW Plan of Action being prepared by the Ministry for Women, Community and Social Development in collaboration with CEDAW Partners contains a specific component for training of operators of the law on gender equity issues for which respective CEDAW Partners will implement.
2. Steps that have been taken to introduce training for operators of the law and to address the issue of violence against women as a whole are as follows.
3. *The Police Services.* The Government wishes to highlight the "Safer Samoa" Campaign launched in February 2004 by the Police Services. The Police Services, supported by the Police Services Institutional Strengthening Project (ISP) has instigated a number of activities to increase the participation of women in the Service, recognizing that the Services needs to be representative of the community. The Project is developing procedures, deployment strategies and training for female police officers. The Project is enhancing the capacity of the Police Services to increase the participation of female Police officers in tactical, supervisory and managerial functions of the Service and to support the work of NGOs and Government in tackling domestic violence and sexual assault issues. Previously, the duties of women police officers were limited to secretarial and administrative tasks. Women police officers may now compete with their male counterparts for promotions within the Service.

4. The Police Services in June 2003 hosted the inaugural Policewomen's Workshop. The workshop theme was to enhance women in the Police Services. The Institutional Strengthening Project, as part of its annual plan, will soon be commencing talks with NGOs and Government Ministries to establish a liaison officer(s) to support the work of NGOs on domestic violence and sexual assault. The Project will provide ongoing mentoring for female officers and support the development of a female officer network linked to the Pacific Police Women's Advisory Network. As part of the Pacific Regional Policing initiative's development of Police technical skills in the Region the Project will be encouraging policewomen to attend training courses to support efforts to enhance their capacity to undertake meaningful operational roles.

5. *The Judiciary.* Judge Vui Clarence Nelson, who was until recently the sole District Court judge for the country, attended a Gender Equity training held in Fiji this year. Judge Nelson is a key advocate for women. He implemented the District Court's "no drop policy" and developed a rapport with the media to ensure that cases of domestic violence are reported in the media to raise awareness. Up until recently, cases of domestic violence were rarely mentioned in the media. Cases of domestic violence are now frequently reported in the media resulting in healthy discussions in the community about the severity of this issue.

6. *The Law profession.* The Law Society is considering a proposal from the Office of the Attorney-General to undertake gender equity training in the Law Society's annual judges and lawyers seminar to be held in March 2004.

7. The recent realignment of the Ministry for Women, Community and Social Development, which merged the Ministry of Internal Affairs (village mayors, village authorities who are mostly male chiefs), Ministry of Youth and the Ministry of Women Affairs brought in its wake a more readily available mechanism that links CEDAW with men and youths focused programmes. Already this year, the Division for Women in the Ministry for Women, Community and Social Development was invited to explain the Convention to leaders of the Ministry of Police, Prisons and Fire Services plus all the police women at the Police Women's Workshop. This was the start of what is now a capacity-building plan for the Police Service on the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. It is also envisaged that the Office of the Attorney-General as a CEDAW Partner will conduct training for lawyers and judges. General education on the Convention is a collective task of the Partnership with the Division for Women leading the way.

Q.14 Please outline the content of the Occupational Health and Safety Bill 2001 as it relates to sexual harassment in the workplace, including protective and remedial measures as well as its current status.

1. The Occupational Health and Safety Act 2002 does not address sexual harassment. No legislative measures are presently in place to address sexual harassment. The Government recognizes that sexual harassment violates women's rights under the Constitution and the Convention on the Elimination of All Forms of Discrimination against Women and impedes women's full participation in the workforce. The Government acknowledges the important role women in Samoa play in the development of the economy and the need to provide women with job security. In relation to the Public Service, sexual harassment will be specifically addressed under the Public Service Bill 2004. In relation to the private sector, sexual

harassment will be addressed in the legislative reform for employment law indicated in Samoa's reply to question 1. In the meantime, the Office of the Attorney-General is preparing a draft generic policy on sexual harassment, which will be provided to all Government corporations and the Ministry of Commerce, Industry and Labour for recommendation to private sector businesses.

Article 6

Q.15 Please indicate what urgent steps have been taken to identify, prevent and combat trafficking in women and children both into and out of Samoa, including the provision of information about risks and protective measures, prosecution of traffickers, training of border officials, rehabilitation and safe repatriation measures for victims.

1. In 2003 Samoa established the Transnational Crimes Unit which is responsible for monitoring transnational crimes, including the trafficking of women and children. Through information-sharing with other countries, the Unit monitors the movement of people in and out of Samoa (in particular foreigners on transit to American Samoa where trafficking is a serious problem) to identify incidents of trafficking. Since its establishment, there have been three incidents of large groups of Asians (mostly women) transiting in Samoa en route to American Samoa in relation to which the Unit has provided the American Samoan Government with intelligence in the event that trafficking had been involved.

Articles 7 and 8

Q.16 What steps are being taken by the Government to ensure the full implementation of article 7 (a) of the Convention, so that the principle of eligibility for election to all publicly elected bodies is applied equally to women and men?

1. Factors which impede the rights of women to vote and be elected include their lack of knowledge and understanding of political systems or the impact of political initiatives on their lives, their double burden of work and financial constraints, sociocultural stereotyping and traditions. The barrier to women being conferred a title is a deeply entrenched attitude that their brothers be given the first option. This can be interpreted to mean that women do not perceive themselves as leaders of extended families in a public sense.

2. The Government recognizes that there is extensive scope for more public awareness on the potential for women to participate in public life with confidence. A network and lobby group Ina'ilau a Tamaitai has been established to enhance women's awareness of the importance of participating in national politics. The same group with the assistance of the United Nations Development Fund for Women and the United Nations Educational, Scientific and Cultural Organization (UNESCO) have been able to provide related training for women.

Q.17 Taking into account the Committee's general recommendation 25 on article 4, paragraph 1, of the Convention, and its general recommendation 23 on women in public life, does the Government intend to issue directives, establish quotas or introduce other temporary special

measures to increase the representation of women at senior levels of Government, the judiciary and to counteract the acute “underrepresentation” of women in the leadership of the church?

1. *Women in Government.* Please refer to Samoa’s reply to question 9.
2. *Women in the Judiciary.* The Government plays a limited role in the appointment of judges in Samoa. In accordance with Part VI of the Constitution, an independent Judicial Commission is responsible for identifying appointments to the judiciary, except for the appointment of the Chief Justice of the Supreme Court which is made on the advice of the Prime Minister. Under the Judicature Ordinance 1961 in relation to the Supreme Court and the Districts Courts Act 1969 in relation to the District Court, appointments to the judiciary are based on merit. The Judicial Commission is made up of the Attorney-General (presently a woman), the Chief Justice, and the Minister of Justice. The Attorney-General reports that in considering appointments to the judiciary, all consideration is given by the Commission to eligible women candidates. The Commission approved the recent appointment of a temporary judge of the Supreme Court, who is a woman, the Honourable Judge Gaskill of the District Court of New Zealand.
3. *Women in the Church.* Freedom of religion is a fundamental right recognized by the Constitution. In respect of this right, the Government does not intend to issue any directives or measures to increase women’s representation in the leadership of churches in Samoa.

Q.18 While the small size of the foreign service is recognized, please provide information regarding the specific role and decision-making capacity of women in the international delegations, their opportunities to participate in international organizations and the specific measures that have been undertaken by the Government to promote women’s awareness of these opportunities.

1. In international delegations, women are key advisers to ministers, lead delegations and expert group meetings and are tasked with presenting the country’s position on economic issues, bilateral and multilateral diplomacy and other global issues. The Public Service Commission drives women’s participation on behalf of Samoa at an international level. Given that women are employed at all levels of the Commission in a wide variety of key positions for Government, they are often given delegated responsibility for representing the Government overseas. Based on this background, the Government’s position is that temporary measures are not necessary to enhance women’s participation on behalf of Samoa at an international level.
2. During the reporting period the Honourable Fiame Naomi Matatafa, Minister of Education, Sports and Culture, was elected to the Executive Board of UNESCO. The CEO of the Ministry of Finance, Hinauri Petana served a three-year term with the International Monetary Fund. There are numerous other examples of women who have represented Government internationally.

Q.19 Please provide more specific information about women's groups and national and international NGOs in Samoa, the nature of their involvement in and any barriers to their full participation in public and political life.

<i>Non-governmental organization</i>	<i>Vision and mission statements</i>	<i>When established and membership</i>	<i>Work programmes</i>
Public Servants Association	Samoa for Solidarity	<ul style="list-style-type: none"> • 1970s • Public servants 	<p>Advocate for rights of wage workers in working conditions, salaries and other entitlements.</p> <p>Conduct capacity-building and training for members and affiliates.</p>
National Council of Women	Generally to advance and develop women.	<ul style="list-style-type: none"> • 1960s • Village women's groups 	<p>Women in politics.</p> <p>Advancement of women through economic empowerment.</p> <p>Protection of women and children from violence and abuse.</p>
Samoa Association of Village Committees Development	Not available	<ul style="list-style-type: none"> • 1980s • Village women's groups 	<p>General well-being of women and children.</p> <p>Women and health.</p>
Samoa Registered Nurses' Association	Not available	<ul style="list-style-type: none"> • Mid-1950s • Registered trained nurses and nurse trainees 	<p>Professional development of members.</p> <p>Women and health in all aspects, especially reproductive and sexual health, including HIV/AIDS prevention education.</p>
Mapusaga o Aiga	To be the leading organization committed to eliminating violence against women and children in Samoa.	<ul style="list-style-type: none"> • 1993 • Open membership for both men and women 	<p>Public education and awareness on violence against women.</p> <p>Family counseling.</p> <p>Advocate for family law and other areas.</p> <p>Lobbying.</p>

<i>Non-governmental organization</i>	<i>Vision and mission statements</i>	<i>When established and membership</i>	<i>Work programmes</i>
Women in Business	To help women and youth in Samoa to achieve the vision by providing them with skills, opportunities and access to markets.	<ul style="list-style-type: none"> • 1990 • Open for both women and men 	Promote and advocate women's interest in businesses such as organic farming, fine mat weaving, coconut oil productions, handicrafts, beekeeping and microfinance.
Samoa Association of Women Graduates	Lead women NGOs in the empowerment of women through education opportunities.	<ul style="list-style-type: none"> • 1995 • Women who have graduated from tertiary institutions 	<p>Advocate for women's educational opportunities and access.</p> <p>Professional development of members.</p> <p>Scholarship scheme for school girls.</p>
Inailau o Tamaitai Network	Lead network of women's NGOs and individuals working together to support women and girls in/into leadership roles.	<ul style="list-style-type: none"> • 2002 • Women NGOs and individuals 	<p>Research and data collection.</p> <p>Training and capacity-building.</p> <p>Review law and political processes impacting on women.</p> <p>Advocacy and lobbying.</p> <p>Political empowerment.</p>
Religious Women's Groups	Spiritual well-being and development	Since 1830s	<p>Biblical and religious training.</p> <p>Welfare and social services.</p>
Community-Based Organization – Village Women's Committee	To be the champions of family and village welfare.	Traditional social structure	Everything to do with being a mother, a woman and a community champion.

Article 9

Q.20 Please indicate if the Government is considering harmonization of its nationalization and citizenship legislation to ensure equality between women and men to pass their nationality to spouses of foreign origin.

1. The Government confirms that its citizenship legislation has been harmonized to ensure equality between men and women to pass their nationality to spouse of foreign origin. This was effected when Parliament passed the Citizenship Act 2004. Prior to the enactment of the Citizenship Act 2004, there were restrictions in place in relation to foreign men who wanted to obtain Samoan citizenship who are married to Samoan women. Foreign spouses of Samoan citizens, whether male or female, are now subject to the same requirements in order to obtain Samoan citizenship.

Q.21 Please indicate what comprehensive steps have been taken to combat gender stereotyping within the education system, such as the provision of career and vocational guidance, the promotion of female role models in non-traditional careers and the encouragement of women to continue in education from primary school to tertiary levels of education and to pursue non-traditional, professional fields of study, both for their own empowerment and for the long-term benefit of society.

1. The Government in 2004 commenced an entirely new curriculum for all Government secondary schools. The curriculum was developed by a team of local and overseas consultants and was funded by the Government of New Zealand. The curriculum is based upon a curriculum framework. The curriculum framework sets out a number of principles that are to be reflected in all curriculum development at the secondary school level. One of the principles is gender equity. In accordance with the principle of gender equity, all textbooks are to be balanced in terms of examples using boys and girls and the language used is to be gender neutral. All curriculum statements for all secondary school subjects and all textbooks for these subjects were independently reviewed to ensure compliance with the principles of the curriculum framework. A similar project for curriculum development is under way for the primary school level.

Q.22. What measures have been implemented within the education system to encourage and build the capacity of young women to develop leadership skills?

1. Earlier this year, the Inailau a Tamaitai network coordinated a programme for school girls to develop leadership. The programme took place during the country's celebrations of international women's day and included, workshops with secondary school girls and a speech competition. The Samoa Association of Women's Graduates has annual projects with secondary school girls to promote women in education.

Q.23 Is the Government working towards promoting free primary education, and if so, is there a timetable in place?

1. The Government reports that Samoa's response and commitment to the World Declaration is through the formation of a National Education for All Forum that has put together an Education For All National Plan of Action to achieve Education for All by 2015. The Plan of Action will identify problems and formulate reforms and

actions to tackle the obstacles to achieving Education for All, including reviewing and amending existing education legislation and policies with emphasis on free education. The review of existing education legislation is under way and is being carried out by an overseas consultant in partnership with the Office of the Attorney-General.

2. In the meantime, Government heavily subsidizes school fees at the primary and secondary levels and offers a wide range of scholarships at the tertiary level. Primary school fees are about less than US\$ 10 per year and less than \$30 for secondary school fees per student. School fees are generally affordable comparable to the income per capita.

Article 11

Q.24 Please provide information regarding the sudden decrease of women's participation in the labour force between 1991 and 2001 (40.2 and 14.5 per cent, respectively), the sudden increase in women's involvement in informal self-employment during that same period (14.0 and 33.0 per cent, respectively) and the economic and social consequences of this decline.

1. The recent publication of the complete Census Report of Population and Housing 2001 shows that the labour force participation rate for women is 31 per cent and not 14.5 per cent. Similarly involvement in self-employment is 5 per cent, compared to 14.5 per cent in 1991. The proportion of women (36 per cent) in unpaid work is less than men (52 per cent), implying that females are opting for paid work.

2. It is important to note that the definition of employment used in the 1991 census and which defined the scope of data collected therein is not the same as the definition used for the 2001 census.

Q.25 Please indicate if and when the Government intends to provide specific legal protection against dismissal on the grounds of pregnancy.

1. Please refer to Samoa's reply to question 1.

Q.26 Please indicate if any steps are being taken to introduce the availability of state-funded childcare centres and the provision of early childhood education programmes to support the "growing increase in women entering the paid labour force" and to address the absence of supervised care for "many children up to the age of 12" during and after school hours.

1. The Government acknowledges that childcare centres and childhood education for children from the ages of two to five exist throughout the country and provide excellent services for working mothers. The majority of early childcare centres, or *Aoga Amata*, are operated by churches. The *Aoga Amata* are centrally regulated in terms of standards by the Early Childhood Teachers Association.

2. The Government recognizes that there is a gap in childcare services for children between the ages of zero to two years. The Government, through the Ministry of Women, Community and Social Development, is currently considering the viability of providing childcare services for this target age group for the Public Service Commission.

Article 12

Q.27 Due to the appreciable increase in the incidence of certain conditions and diseases in women noted in the report, please provide detailed information regarding the educational and medical services which are in place or contemplated to address and combat these women's health concerns.

1. There are several groups conducting educational and medical services for women with the Ministry of Health continuing its traditional role in general and specific health services. The Ministry of Health has several sector partners both in Government and NGOs, such as the Diabetes Association of Samoa and the Samoa Cancer Prevention Association with which they work closely in the prevention and control of non-communicable diseases, as well as emerging diseases such as HIV/AIDS.

2. Community-based organizations or village women's committees are fully involved in the awareness-raising and advocacy on the protection of women from abuse, alcohol-related problems, HIV/AIDS through the Division for Women in the Ministry of Women, Community and Social Development conservative small-grant scheme, which is now included in the national budget for the first time.

Q.28 In the light of the increased incidence of HIV/AIDS, the low rate of contraceptive use in Samoa and the continuing belief that contraception encourages promiscuity, please provide more detailed information regarding the existence of reproductive/sexual health education programmes, including their substantive content, primary target groups and their availability, including to high risk groups such as adolescents who are no longer enrolled in formal education.

1. Sex education is still not part of the school curriculum. The Ministry of Women, Community and Social Development is instrumental in these programmes using groups such as mothers and daughters in the rural areas and women and spouses. Contraceptives in particular condoms are available free of charge at medical centres and even in night clubs as part of youth peer awareness programmes. The Ministry is working with the Ministry of Education to discuss the introduction of sex education programmes in schools. However, due to opposition by parents for sex education to be taught at schools the Ministry of Women, Community and Social Development has found it more successful to have sex education programmes for parents and children together, such as the mother and daughter programmes.

2. National reproductive health programmes delivered both through the Ministry of Health and NGO counterparts with emphasis on family planning and antenatal care. The target groups are women and spouses, church leaders, schools and youth groups. Programmes are available through public health system, private medical clinics and an NGO family health centre conveniently located centrally in the capital. In terms of HIV/AIDS prevention, target groups are the heterosexuals, sports people and community groupings.

Q.29 As the Government is aware that “illegal abortions are taking place”, what steps are being taken to enhance wide availability of sex education and information and awareness about family planning, as well as to ensure information about and easy access to contraceptives so as to avoid unwanted pregnancies in accordance with the Committee’s general recommendation 24 on article 12?

1. The Government is presently considering a review of Samoa’s laws on abortion following the completion and outcome of the first abortion-related case in Samoa in August 2004. The defendant, a registered nurse, was found guilty of procuring abortion. She had provided paid abortion services for a number of women. The Supreme Court noted the prevalence of illegal abortions as well as the complexity of the current state of the law. In this case, a number of charges were dismissed by the Court due to a lack of evidence. In dismissing the charges, the Court acknowledged the difficulties for the prosecution in proving the charges owing to the complex state of the current abortion laws.

Q.30 Births and deaths are not often registered. Please provide information on the reason for this and the steps that have been taken or are contemplated to remedy this situation.

1. Births and deaths are not often registered unless there is a need for formal proof of either the birth or death. Samoa has enacted the Births, Deaths and Marriages Registration Act 2002. The Act broadens the range of people that are required by law to notify the Registrar of Births, Deaths and Marriages of either a birth or a death. The Act also imposes an obligation on the Registrar to actively take all reasonable steps to obtain information required to register a birth if the Registrar is satisfied that a person required under the Act to notify the Registrar, such as a village mayor, women’s liaison officer or church minister, has failed to do so.

Q.31 Please describe any measures that are envisaged to ensure that women with disabilities have equal access to education, health care, employment and social assistance.

1. The Government acknowledges the very successful and well-developed NGO which work with the disabled, including raising awareness of rights of the disabled and issues affecting the disabled in general.

2. *Education.* Under the draft Ministry of Education, Sports and Culture Bill 2004, all persons, including the disabled, have a right to attend whatever school they wish, provided that the school is equipped to meet the needs of that student. The Government through the Ministry of Education, Sports and Culture has commenced establishing special education units within mainstream schools for disabled persons. There are two private schools for the disabled which provide excellent education services for the disabled, including vocational education to enhance their employment options. All education facilities being built by Government must have access for the disabled.

Article 13

Q.32 Please indicate the nature and scope of the practical and programmatic support provided to women as entrepreneurs, and to ensure that women are fully able to take advantage of new economic opportunities, including in areas of modern information and communications technologies.

1. The Small Business Development programme has capitalized on the success of the work done by the Women in Business Foundation and has used the same agency as well as the Small Business Enterprise Centre to further its outreach with additional credit resources for enterprise development particularly for women. Similarly a non-government credit facility premised on the Grameen Bank principles of operation has been set up and also targets women entrepreneurs. Computer skills and other technologies training have predominantly female participation.

Q.33 Considering the significant cultural and economic barriers that women face in securing credit, please indicate the extent to which the Government has attempted to facilitate regeneration and awareness of these financial aid programmes in order that they may be both accessible to women and responsive to their specific needs as entrepreneurs.

1. The cultural and economic barriers women face in securing credit are the same as that faced by men. Government has identified microenterprise development as a priority area in its draft Development Strategy 2005-2007. The Government provides financial assistance to the Small Business Centre to ensure the continuation of its programmes for microenterprises, including its loan-guarantee scheme. Women represent approximately 50 per cent of the Small Business Centre's clients and are reputed to be more reliable clients than their male counterparts in terms of meeting their credit obligations and the success of their enterprises. Government continues to strengthen an enabling environment — socially and economically — which facilitates the establishment by microcredit schemes.

Article 14

Q.34 Considering that 78 per cent of the total female population is comprised of rural women, please provide more detailed information regarding the availability, nature and discernible impact of the educational programmes noted on page 88 of the report.

1. Please refer to Samoa's reply to questions 5 and 19 for detailed information regarding the availability, nature and discernible impact of the educational programmes being implemented since submission of Samoa's report.

Q.35 In addition to the rebuilding programmes referred to on page 85 of the report, what is being done by the Government to further supplement and strengthen the quality of health-care services in rural areas and to facilitate women's access to those services?

1. The Ministry of Health is presently undergoing structural reforms through the assistance of the Australian Government and the World Bank, including refurbishing all local hospitals, including rural health-care centres. These improvements will no doubt benefit women in the rural areas. Health-care services in the rural areas also

continue to be provided by women's village committees who in turn utilize Government health-care facilities for their activities.

2. One of the Government's CEDAW Partners, the Samoa Association of Village Committee Development, provides and maintains medical cupboards for all villages which contain basic medical supplies. Medical supplies for the cupboards are being subsidized by the Ministry of Health to ensure that basic medical supplies are readily available in the community.

Q.36 The report indicates that rural women live under "conditions of conformity" not faced by women living in urban centres. Kindly explain this statement.

1. The statement "conditions of conformity" means that women living in rural areas are governed mainly by village laws and according to governance parameters of the social hierarchy. This is not evident in the urban areas where there are no village systems/laws operating. For example in the village setting, a young woman, upon leaving school is expected to join the social grouping of the *auaaluma* (daughters and sisters) and meet the obligations required. Conformity is an indication of respect and is given in return for access to customary land, which access is the equal right of women and men as heirs to the land.

Articles 15 and 26

Q.37 Please indicate what urgent steps are being taken by the Government to eliminate punitive actions taken against teenage mothers and their families.

1. The Government through the Ministry of Women, Community and Social Development, the Ministry of Health and the Ministry of Education, Sports and Culture, have implemented awareness programmes in the community directly targeted at such punitive actions, including information on the prevention of suicide.

The Ministry of Women, Community and Social Development is working with the village mayors to urge that such punitive action stop and if it persists, be punished by the village councils. Church leaders are being encouraged to provide support for teenage mothers and their families to address the situation.

Q.38 Under the "fault based" divorce system, women who file for divorce on the grounds of habitual cruelty or habitual drunkenness must provide evidence of its occurrence for three or more years before dissolution can be granted. As the report maintains that this is an "archaic" system in need of review, please outline what action has been taken by the Government to amend this legislation and to ensure equality between women and men with regard to dissolution of marriage.

1. Please refer to Samoa's reply to question 1.

Q.39 Are there any legal provisions available to protect women's ability to retain ownership of separately acquired property?

1. Under the common law applied in Samoa in relation to property, a woman's separate property will remain her own if it has not been intermingled with her

husband's property. This issue will be reviewed as part of the reform referred to in Samoa's reply to question 1.

Q.40 Please indicate if the Government has any plans to establish a Family Court to deal with the resolution of family issues including the dissolution of marriage, division of matrimonial property and maintenance, as well as instances of domestic violence.

1. Please refer to Samoa's reply to question 1. The Government envisages that the review of family law proposed to be undertaken will encompass research on the viability of establishing a separate Family Court.
