



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

Combined fourth and fifth periodic reports of States parties

Samoa*

* The present document is being issued without formal editing.



GOVERNMENT OF SAMOA

REPORT ON THE STATUS OF WOMEN 2009

COMBINED FOURTH & FIFTH PERIODIC REPORT ON THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

GOVERNMENT OF SAMOA

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FOREWORD

It gives me great pleasure as the Minister for Women, to present Samoa's Combined Fourth and Fifth Periodic Report to the United Nations Committee on the Convention to Eliminate All Forms of Discrimination Against Women (UN CEDAW).

The work on the advancement of women continues to make progress in line with the policy direction of our national development plan, the Strategy for the Development of Samoa (SDS). Since 2005, Samoa's focus had been on strengthening the legal and policy framework for the advancement of women in order to ensure that women were participating in social and economic development not only as contributors to, but also as beneficiaries of development at all levels. In line with the focus on the legal and policy framework for women, a National Plan of Action for the Advancement of Women has also been developed. Implementation of this plan by the Ministry of Women, Community and Social Development (MWCSD) and the CEDAW Partnership begun in July 2009 and shall be reviewed every six months in line with the local budget mid year review.

While progress has been made in the implementation of the Convention, much work remains in order to ensure that developments for women in Samoa are sustained and continue to be supported through available financial and technical assistance. Like many countries of the world, competing priorities at national level continues to challenge the focus on improving gender equality. Such challenge requires a stronger sector wide approach in order to achieve full equality between men and women. It also calls for renewed and continued support from regional networks and development partners in line with their focuses on enhancing gender equality in order for Samoa to achieve its goals in the context of this Convention.

In closing, I would like to commend the work of the government Ministries, our NGO partners, our community networks and all of our women that have contributed to the work on CEDAW in the period under review and more importantly in the preparation of Samoa's Combined Fourth and Fifth Periodic Report.

Hon Fiame Naomi Mataafa

Minister for Women, Community and Social Development

INTRODUCTION

Samoa's Fourth and Fifth Periodic Report on the implementation of the United Nations (UN) Convention on the Elimination of All Forms of Discrimination Against Women (the Convention) provides the Committee with information on progress made in the implementation of the Convention since Samoa last reported in 2005, and it covers the period between February 2005 to August 2009. It must be noted that the Convention provides the Framework for the implementation of all other regional and international instruments for the advancement of women. Therefore reporting against other instruments on the advancement of women is incorporated into the work on the Convention.

The Committee's Concluding Comments (CEDAW/C/WSM/CC/1-3) on Samoa's Combined Initial, First and Second Periodic Report (CEDAW/C/WSM/1-3), referred to hereafter as the 'last report') included recommendations to further progress the work on CEDAW. Samoa's responses to these recommendations are provided in a table appended to this report (See Appendix 1) and also addressed throughout the text in the report under the relevant articles.

Since January 2005, considerable steps have been taken to address the recommendations detailed in Samoa's last report and key concerns raised by the UN CEDAW as a way forward to ensure the full implementation of the Convention. Part of those steps included the opportunity to share the 'recommended actions' and a way forward in the work on CEDAW, including a public meeting to allow for feedback from the Government Delegation to New York to be shared with the general public. The concluding comments were also circulated to all Government Ministries and are available on the MWCS D's website.

Ministers of Cabinet and members of parliament since 2005 continue to be informed of the progress made in the work on the Convention through the MWCS D's annual performance budgetary accounts and the Ministry's annual reports. In 2008, a review of the Concluding Comments for both CEDAW and CRC was undertaken. This review noted actions taken already and areas where no progress has been made. The review report has been completed for submission to Cabinet so they are informed of the progress made in the implementation of the Convention. The Ministry of Women, Community and Social Development (MWCS D) continues to coordinate and monitor the work on the Convention as the national focal point. In the period under review, the MWCS D and the Partnership for the Convention (CEDAW Partnership) developed a National Policy for Women for 2007-2017 and a National Plan of Action for the Advancement of Women 2008-2012. These documents now provide the strategic direction for the work on CEDAW providing a greater focus in the priority issues for women in Samoa, in line with the Revised Pacific Platform for Action and the Beijing Declaration and Platform for Action. These strategic documents shall also serve as mechanisms that would better facilitate the data collection and analysis for the purposes of monitoring and meeting Samoa's reporting obligations at the regional and global levels.

Relative to the CEDAW Optional Protocol, the dialogue exploring the possibility of ratifying the Optional Protocol has started amongst the CEDAW Partnership. From the MWCS D's experience, consultations with stakeholders and the communities at large is a vital pre-requisite to the ratification of international Conventions as such, hence the process Samoa has adopted in realising this

recommended action by the Committee. It is also noted that a lot more needs to be done in terms of progressing this area of the work on the Convention in Samoa in order that the mechanisms through the policy and legal framework are in place to facilitate compliance with the Optional Protocol if and when it is ratified.

BACKGROUND

In order to get a better appreciation of what we have been able to achieve to date in progressing the Convention, reference shall be made to Samoa's Initial & first periodic report which provides an overview of Samoa's social, political and legal structures that are in place to ensure the protection of human rights for all in Samoa, including women and girls. This overview provides the basis for the implementation of the Convention in line with Samoa's cultural and environmental context. Other areas of the social and political context which very much provides the basis of progress made in enhancing gender equality to date needs to be further noted as follows.

Governance in Samoa

Samoa as a Pacific Island is made up of 10 islands of which 4 are inhabited and of which consist of approximately 300 villages or nu'u¹. Villages are largely self governing under the direction of the village fono² or council of chiefs who are heads of extended family groups in the village. Chiefs can be either male or female although traditionally, chiefs have been predominantly males because of prevailing cultural attitudes and beliefs. More and more females however are being bestowed chiefly titles as potential leaders for families and village communities evident in a marked increase in female chief numbers in recent years. The village fono is supported by other well defined subsidiary groups and bodies to which all village adults belong usually on the basis of gender, capability, age and status³.

The Village Fono continues to govern and manage village affairs in accordance with Samoan traditional practices and values of political organization in line with the Village Fono Act 1991 and the Constitution of Samoa. Samoa has had no separate system of local government and continues to rely today on village government for local administration in the areas of law and order, economic and community development, environmental and natural resource management. Village government is generally credited for the political and social stability Samoa enjoys today. In this case, rule of chiefs in the village is the platform upon which the community leadership is asserted in order to facilitate community mobilisation and management of all village affairs. As mentioned above the requirements to be a member of the various village entities is based on factors such as one's age, marital status, political status and whether or not one is born in the village or married into the village. Thence the opportunities to have influence over village affairs varies between individuals and raises issues around the roles of, for example, untitled men, daughters-in-law and chiefs' wives in village governance. Samoan village communities, however, are becoming more closely linked to the world outside as the local subsistence economy gives way to an economy largely based on remittances, and on the exchange of goods and services with the rest of the world. Government investment in rural infrastructure and services in recent times is aided by rising disposable incomes from remittances.⁴

At the national level, the Human Rights Protection Party (HRPP) is still the ruling party to date. Since the last report, the 2006 Elections again saw the HRPP take over the majority of the seats in

¹ "Nuu" – the traditional unit of settlement and political and social organization in Samoa.

² "Fono" – council of chiefs.

³ Ibid.

⁴ Ibid.

Parliament. Developments on the advancement of women to date as is noted in this report is credited to the efforts of the HRPP as the ruling party for the past two decades.

Facts and Figures

| | |
|---|---|
| <p>Population Size and composition:</p> <p>Total population 180,741 Males 93,724 Females 87,017 Females/100 males Females aged under 15 33,066 (38%) Males aged under 15 37,490 (40%) Females aged over 60 6,961 (8%) Female life expectancy 74.2 Male life expectancy 71.5</p> | <p>Economic participation</p> <p>Economically active females 32% Economically active males 68% Female participation in agriculture 8% Male participation in agriculture 43% Female unemployment rate 41% Male unemployment rate 59% Women in paid employment 60% Men in paid employment 40%</p> |
| <p>Health</p> <p>Infant Mortality rate/1000 births 20/1000 births Males IMR/1000 18.2 Females IMR/1000 22.9 Crude death rate 4.0/1000 persons Male CDR 4.3/1000 persons Female CDR 3.8/1000 persons Number of persons with disabilities 2096 total pop Teenage fertility rate/1000 28.6/1000 females (decreased from 45.5/1000 in 2001)</p> | <p>National income and Expenditure</p> <p>Real GDP per capita (2006) US\$2,543 GDP average annual growth 4.2% Gross Domestic Product US\$455.7 million⁵</p> |

⁵ SDS 2008 – 2012.

| Household families marital status | | Education | |
|---|----|--|-----|
| Child dependency ratio (declined since 2001 (74) | 70 | Female literacy rate (15-24yrs) (Samoan language) 81% (English language) | 92% |
| Old Age dependency ratio (increased since 2001 (8) | 9 | Male literacy rate (15-24 yrs) | |
| Average age for women at marriage years | 23 | 89% (Samoan language) 71% (English language) | |
| Average age for men at marriage years | 27 | Ratio of females per 100 males | |
| Average childbearing age 25.5 years | | Enrolled: Primary | 90% |
| Total fertility rate 4.2 children | | Junior Secondary | 97% |
| | | Senior Secondary | 71% |

Article 1: DEFINITION OF DISCRIMINATION AGAINST WOMEN

In its Concluding Comments on Samoa's last report, the Committee recommended that Samoa should include in the Constitution or in other appropriate domestic legislation a definition of discrimination against women in line with Article 1 of the Convention. The Committee also urged Samoa to take the necessary measures to ensure that the Convention becomes fully applicable in the domestic legal system, either through domesticating it in full or adopting appropriate legislation.

1.1. Legislative Compliance Reviews on CEDAW and CRC

During the period under review, a Legislative Compliance Review on the Convention was completed for all national laws and the same for the Convention on the Rights of the Child (CRC) was also completed in the same year. These compliance reviews now provide the framework for law reform in the context of the Convention, in order to ensure compliance with CEDAW. This is inclusive of legislations that are considered discriminatory as well as the need to revisit the definition of discrimination in all aspects of the law. Some specific examples of recommendations for law reform identified in the Legislative Review on the Convention include the following and the MWCSO has submitted some of these recommendations to the Office of the Attorney General for consideration by the Law Reform Commission:

- Discrimination on the basis of gender and age of marriage for males and females under the Marriage Ordinance 1961. The proposal to the Law Reform Commission states that Section 9 and 10 of the Act to be amended to increase the legal marriage age of females to be the same for males given the health and social repercussions of females marrying at the age of 16 as it currently stands. This is also in line with the concerns raised by the Committee under Article 14 on teenage pregnancy and maternal morbidity and Article 10.

- Discrimination on the basis of gender in relation to the definition of rape under the Crimes Ordinance 1961, where it provides protection for rape victims but does not protect men and boys who are raped by men, or women and girls who are raped by women and, occasionally, men and boys who are raped by women. The definition also exempts from criminal liability, spousal rape. The proposal to the Law Reform Commission states that; Section 47 (1) be reworded and to remove all other gender specific references. Section 47 (3) of the Act be repealed. These changes are to fulfil requirements of Article 1, 2 & 15 of the Convention & Article 19 & 34 of CRC and it also addresses the general recommendation 19 made by the Committee.
- Removal of ‘fault based’ to making it ‘no fault based’ grounds for divorce under the Divorce and Matrimonial Act 1961. This also covers the general recommendations 23 made by the Committee and article 16 of the Convention.

Article 2: OBLIGATIONS TO ELIMINATE DISCRIMINATION

The Committee in its Concluding Comments on Samoa’s last report recommended that Samoa 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. Further to that, the Committee also recommended the establishment of the office of the Law Reform Commission in order to expedite the legal reform process.

The Committee also recommended that Government put in place 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 strategy should include legislation to prevent violence against women, provide protection, support and rehabilitation services to victims and punish offenders. The Committee further recommended that government should ensure that shelters are available to all women victims of domestic violence. It also calls upon government 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.

2.1. Law Reform Commission

In November 2008, the Office of the Samoa Law Reform Commission (LRC) was established and is now operational under the leadership of the Executive Director of the LRC. The work of the LRC have begun with the review of the Crimes Ordinance 1961 including consideration of the findings of the CEDAW Legislative Compliance Review with the aim to bring the national laws into compliance with the Convention. The following areas of law reform are the priorities identified in the National Plan of Action for Women, to be addressed within the next 5 years:

- Family Safety Act (new Act). This is inline with general recommendations by the Committee and provisions of CEDAW article 5, 6 & 15.
- Review of Labour & Employment Act 1972

- At the time of report writing, the first and second review of the current act have been completed with further consultations to be conducted on the following areas;
 - Sexual Harassment Regulations
 - Maternity & Paternal Benefits to be inline with the 8 weeks paid leave of the Public Sector
 - Review of Child Labour provisions or child employment. This is inline with general recommendations made by the committee and CEDAW articles 4 & 11.

2.1.1. Review of Crimes Ordinance Act 1961

In January 2008, a working group chaired by the Attorney General started the process of reviewing criminal law that need amending and if possible repeal. Some of recommendations made include the following:

- Amendment to be made to all sections and subsections of the Act to remove all discriminatory provisions in order to reflect gender neutral language. This is inline with the ‘Legislative handbook’ which sets out instructions for drafting new, amended or reviewed legislations.
- Section 47 (3) which refers to the exclusion of husband from criminal conviction for raping in respect of intercourse with his own wife. This section is proposed to be repealed as it is not only discriminatory against women but also goes against principles of, and Government obligations under the Convention.
- Section 47 (3) to include a new rape provision as an offence; forced sex or sexual violation that involves penetration with an object regardless of whether the person is female or male and or scenarios of a young boy raped by an older women. This section would be considered gender neutral and in line with obligations and principles of CRC.

2.1.2. Review of the Divorce & Matrimonial Property Act

The review of the Divorce and Matrimonial Property Act 1961 was completed in 2008 and it is now with the Office of the Attorney General for the drafting of the actual amendments for submission to Parliament. The amended changes to this Act calls for

- a ‘no fault’ based system for grounds of dissolution of a marriage which in the current Act is discriminatory against women
- removal of the current legal age of marriage for girls of 16 to 18 years old to be inline with article 12 and article 2 of the CEDAW and CRC.

These amendments shall be considered in due course as other priorities are being considered first including the Family Safety Bill.

2.1.3. Review of the Education Ordinance 1959

A review of the Education Ordinance 1959 is now before Parliament in line with the provisions of the Compulsory Education Act. This is in line with general recommendations made by the committee and CEDAW article 1, 2 and 10. In 2007, the Ministry of Education, Sports and Culture (MESC) presented a proposal to Cabinet for the review of Education Ordinance 1959 in lieu of the enforcement of the Amended Compulsory Education Act 1991 1992. They are lobbying to make 'parental failure to send their children to school' an offence with strict penalties. Making such actions an offence (if proven guilty) is based on the growing concern for the increase in number of child vendors and street youth hawking in town during school hours and odd hours in the night. These amendments are now before Parliament for endorsement.

2.2. The Domestic Violence Bill/Family Safety Bill

A domestic violence bill referred to as the Family Safety Bill has been drafted. The Bill provides the means for a more effective response to domestic violence by providing a specific legal framework for addressing incidences of violence in the domestic arena in Samoa. The Domestic Violence Overview Report that informed the drafting of the Bill emphasised the need for the legislation to be in line with the 2006 CRC and CEDAW legislative compliance reviews given the available research(s) and statistics pointing to the high violent crimes committed against women and children. Work on the Bill began with initial consultations with community leaders, women and key stakeholders in an attempt to obtain their views on what would be relevant to include in the domestic violence legislation. Various consultations with Government leaders, government Ministries, NGOs, civil society, church ministries, community based organisations were also conducted on the Bill and it is anticipated that the Bill will be tabled in Parliament in October 2009.

2.3. Violence Against Women

The MWCSO and its CEDAW, CRC Partners⁶ and the Ministry's community network of women's committees, village councils and community facilitators continue to raise public awareness on issues regarding violence against women and children in the context of gender equality. This is done through the conduct of national multimedia campaigns, distribution of posters, pamphlets, IEC materials; radio and TV promotional events, national seminars, meetings, and forums. Years of advocacy and education and awareness has seen the emergence of village social groups addressing physical and sexual violence against children in the villages. This is a direct result of the work of the 5 year Pacific Children's Programme an AusAID funded project that ended in July 2008 but had provided a number of capacity building and awareness raising programs carried out at national level with members of the village women's committees, village councils, church ministers and Government Women representatives.

⁶ CEDAW Partnership is separate from the CRC Partnership and is coordinated and chaired by the Division for Women of the MWCSO as national focal point for CRC and CEDAW. These committees comprise of key Government Ministries from the law and justice sector, Health and Education sector as well as NGOs and civil society organisations including the private sector.

2.3.1. National Plan of Action for the Advancement of Women

The National Plan of Action for the Advancement of Women provides strategies to address Samoa's priority concerns on the advancement of women in line with Samoa's obligations under the Convention, including an emphasis on national commitment towards the ratification of other relevant UN human rights instruments. The Plan provides the implementation framework for the priority policy focuses articulated in the National Policy for Women over the next 5 years.

Component one of the action plan looks at National mechanisms for the empowerment of women and girls and key to this component is the reform of relevant legislations in line with the CEDAW and CRC Legislative Compliance Reviews. The second priority area addressed in the National Plan of Action for Women is the Elimination of Gender Based Violence (GBV) as one of the areas of concern for women in Samoa. The ultimate aim of the work on GBV in this Plan is to ensure that "Women and in particular the girl child are protected from all forms of violence and enjoy their rights and freedoms through the elimination of gender based violence (GBV)". Strategies to achieve this outcome include advocacy, education and awareness at all levels, Advocacy by the Men against Violence Group targeting village leaders and men in general; law reform and law enforcement; implementation of the Interagency Response System; Monitoring and Evaluation of violence against women cases through strengthening of the existing Interagency Response System.

2.3.2. Gender Based Violence Project

In 2006, the implementation of a UNFPA GBV Project began under the MWCSO. The GBV project funded by UNFPA with assistance from NZAID was an attempt to translate into action the recommendations from the SPC / UNFPA and Government of Samoa 'Samoa Family Health and Safety Study 2000'. It has therefore provided some opportunities for promotional and advocacy programmes for women, men, boys and girls in addition to programs already delivered by the MWCSO. This GBV Project is modelled on the Pacific Children's Program on the Prevention of Child Abuse and Neglect, utilising a Strengths Based Approach to tackle the issue and strategies include national level and community based education and preventive programmes; national level and village based advocacy targeting village leaders and village authorities, women and youth of all ages and capacity building for professionals working in the area.

2.3.3. Gender Based Violence Steering Committee

A Gender Based Violence Steering Committee was established in December 2008 under the coordination of the MWCSO. Membership are heads of government Ministries and NGOs namely the Office of the Attorney General, MJCA, MOH, MPPS, MESC, NHS, MOF, SUNGO, SVS, MOA, National Council of Churches and MWCSO. The Chairperson is the CEO for MWCSO and Secretariat is provided by the Division for Research of the MWCSO. The primary role of the committee is to oversee the implementation of the Project and it is anticipated that the work of the Committee will continue after the life of the GBV Project in order to follow through the need to eliminate GBV as a major concern for women. The work of this committee is also linked to the work

of the CEDAW Partnership in terms of the overall monitoring of all forms of discrimination against women.

2.3.4. Interagency Response System to address Violence Against Women

An initiative of the MWCSO to strengthen the Interagency Response System in order to better coordinate, monitor and evaluate the interventions and services that are being provided for the victims of violence is in progress through financial and technical assistance from the UNFPA GBV Project and the NZAID PPDV Project. This Interagency Response System would provide the mechanism for better coordination and monitoring of interventions and service provision for GBV and it would also allow for improved data collection to inform policy development and program design that would respond to the needs of the victims of GBV. This initiative if it comes through would help improve the quality of the service provided for victims of violence, in particular women and children.

2.3.5. Men Against Violence Advocacy Group

A change of approach by Government through the MWCSO to increase the involvement of men in human rights training programs has led to the participation of male leaders in the campaign to end violence against women and children. Since 2005, a National day for Fathers in Samoa is acknowledged through a special public holiday on the second Monday of August. In 2008, a seminar exploring the 'Role of fathers in the prevention of Child Abuse, more specifically sexual abuse against young girls' was organised for the first time. This followed a move earlier in March and May of the same year, where 'the role of boys/men in the prevention of gender based violence' was the highlighted theme for both International Women's Day and national Women's Day celebrations in Samoa, coordinated by the MWCSO. These annual events together with efforts under a local Commonwealth Local Governance Forum have promoted and encouraged male participation in programme implementation and decision making practices that support the elimination of violence against women and children, in line with the principles of good governance.

To take these activities further, a Men Against Violence Advocacy Group (MAVAG) has been formed under the auspices of the MWCSO as a product of the work of the local National Advocate for child protection (who happens to be male and a high chief) working with the village authorities. The MAVAG has established a Working Committee tasked with the development of a program of activities for implementation in the villages in line with the National Plan of Action for Women and the National Plan of Action for Children. This program of activities will see the mobilisation of village chiefs (who are predominately male) to take a national stand against violence against women and children as a form of discrimination against women.

2.3.6. Pacific Prevention of Domestic Violence Project

A Domestic Violence Unit has been established within the Ministry of Police and Prisons as part of an NZAID funded regional project – the Pacific Prevention of Domestic Violence Project (PPDVP). This regional project has provided training and capacity building for the police officers in particular those that work in the Domestic Violence Unit. These trainings have focused mainly on handling cases of domestic violence in terms of making the necessary referrals to ensure support is provided to victims

of domestic violence and compiling the necessary data on domestic violence cases that would better inform policy and program interventions in this area. This project had also funded the drafting of the Family Safety Bill 2009.

The table below shows some statistics obtained from the Domestic Violence Unit for 2009. The data reflects a number of reported domestic violence cases and a high number have proceeded with court action. A number of cases also are being settled outside of court. This data shows that while there is a high number of cases being reported, quite a significant number also do not proceed to court. The high number of cases being settled outside of court is evident of the need for not only counselling and support services but more monitoring and follow up. It is anticipated that the work on the Interagency Response System shall address these concerns so that the victims and perpetrators of violence are being supported through counselling and are followed through by the Domestic Violence Unit staff.

| RECORDED CASES <i>January to September 2009</i> | NUMBER |
|--|---------------|
| Domestic violence Cases filed in court | 170 |
| Minor cases settled outside of court | 147 |
| Cases pending/ Cases in progress | 14 |
| TOTAL NUMBER OF CASES RECORDED FOR PERIOD | 331 |

2.3.7. Shelters for Women as Victims of Violence

There are no fully funded government shelters for both females and male victims, apart from a small scale shelter that is managed by Samoa Victim Support. However Government has made available one of the government houses for use by the SVS to provide shelters for victims and Government through the Gender Based Violence Project has also assisted with some of their establishment costs. The use of the 'family system' as a positive traditional safe haven is still the normal practice for providing the necessary refuge or shelter for victims especially for women and children.

2.4. National Policy & Plan of Action for Persons with Disability

The total number of people with disabilities living in Samoa is 2096, females 941 and males 1,155 (Samoa Population & Housing Census 2006). The National University of Samoa (NUS) is providing special needs education training under the Faculty of Education Program for the Diploma in Teaching. There is also a major Inclusive Education Special Needs Program implemented by MESC as identified in their Policy and Strategic Documents. The advancement and full protection of women and girls with disabilities is also an area that is addressed under the Policies and Plans for Women, Young People and Children in Samoa.

A discussion paper submitted to Cabinet on the absence of adequate legal and policy protection for people with disabilities noted the vulnerabilities of people with disabilities in particular women and male toddlers. Such analysis from a gender perspective has prompted the immediate revival and relocation of the National Disability Taskforce under the MWCSO given its existing mandates, to develop the policy and national strategy for people with disabilities. Since 2008, the MWCSO through

a Cabinet directive is now the government national focal point for Persons with Living with Disabilities (PLWD) and is responsible for the coordination of programs and promotion of the rights of PLWD, including the coordination of the National Disability Taskforce.

Various consultations with different organizations and community groups in particular those residing in the rural communities (where 80% of those with disabilities reside) and people with disabilities were conducted to develop the National Policy and National Plan of Action for PLWD. The Nuanua O le Alofa, a council for people with disabilities and Loto Taumafai Education for children with physical disabilities have been at the forefront of these consultations whilst conducting their own advocacy programs on bringing into the mainstream of policy and program implementation the rights and needs of people with disabilities. These two documents have been endorsed by Cabinet for implementation. Further to that, the MWCSO has also prepared a discussion paper for the National Disability Taskforce on some key considerations regarding Samoa's progress towards becoming a party to the Convention on the Rights of People with Disabilities.

2.5. Mental Health Act 2007

The Mental Health Act 2007 is now in place. This Act makes provisions for the voluntary care, support, treatment and protection within the family and community of people with mental illnesses. It protects the rights of persons living with a mental illness including the right to be given an explanation of their rights, the right of review of certain orders made against a person living with a mental illness including administration of property. For example; Section 3 states that any health professional worker including the court in performing any function under the Act shall be guided by the principles "to minimise the restrictions upon the liberty of the persons with a mental disorder and interference in their rights, dignity and self respect..." and section 3 (i) to eliminate discrimination against and abuse, mistreatment and neglect of persons with a mental disorder'.

2.6. Rehabilitation Centre for Young Offenders

The increase in youth crime rates and the need to have separate quarters for child and young offenders as recommended in a report tabled before the Cabinet Development Committee some years back has led to the opening of the first Samoa Juvenile Rehabilitation Centre – Olomanu in 2006. This centre is managed by the MPPS and has only housed males under the age of 18 to date. No females have yet to be detained in this facility and information from the MPPS revealed that this Juvenile Rehabilitation Centre is for housing first offender's only. Second time offenders even if they are under the age of 18 are detained with adults at the main Tafaigata Prison facilities.

Given the increasing number of inmates at the main prison facility at Tafaigata, the Juvenile Rehabilitation centre originally established to house first young offenders is now accommodating adults who have committed less serious crimes above the age of 18. It has been recognised that more work is needed to ensure that the Rehabilitation Centre for young offenders is making a difference in the lives of those young people that come through the system. Some alleged sexual molestation cases against one of the male child offenders by a senior police sergeant and one by an adult inmate against 2 boys under the age of 16 that emerged in early 2007 calls for stronger security and effective

rehabilitation programmes to ensure that the young people housed in these facilities are protected from any form of harm and abuse that is likely to happen in this context. Discussion exploring the possibility of a prison reform that would allow for the separation of the Prisons Services under a different administration and management is underway. This shall help address the issues identified in this report relative to young offenders that do come into contact with the law. This is also so that young offenders including girls are not being discriminated against or subject to more unfortunate experiences within the prison facilities as a result of their age and gender.

Article 3: THE DEVELOPMENT AND ADVANCEMENT OF WOMEN

In the last report, the Committee recommended that Government make the promotion of gender equality an explicit component of its next national development plan and policies, in particular those aimed at sustainable development.

3.1. The Strategy for the Development of Samoa

The Strategy for the Development of Samoa (SDS) 2008-2012 is government's national policy framework for development over the 5 years. The work on the advancement of women cuts across all sectors and is noted as part of the Community Sector and or Community Development goal, with the reference to the National Policy for Women as the mechanism that aims to expand opportunities for women and ensure progress is made in implementing the Convention. The Government SDS 2008-2012 for the first time now makes specific reference to the work on the Convention in Samoa and it is a reflection of the commitment by government to ensure the implementation of the Convention at the highest level through the SDS.

3.2. Community Sector Plan

The Community Sector is one of fifteen (15) sectors that make up the Samoan economy and the MWCSD is the lead agency responsible for this Sector. It is recognized however that the Community Sector 'cuts across' all sectors including health, education, law and justice, agriculture, the environment, infrastructure, the private sector, and others where plans have been developed.⁷

The community sector is made up of villages, village councils, community based organizations (CBOs) such as village women's committees, churches, village school committees, youth groups, the private sector including Chamber of Commerce, non-governmental organizations (NGOs) and other interest civil society groups. The SDS has accorded significant responsibility on this Sector in terms of achieving the ultimate vision of "Improved Quality of Life for All" and in terms of advancing gender equality for example, Community Sector Plan focuses on the implementation of the National Policy for Women and Plan of Action, in line with Samoa's obligations as a state party to the Convention. The Community Sector Plan therefore translates into action the policy direction for this Sector articulated in the SDS.⁸

⁷ Community Sector Plan 2008.

⁸ Ibid.

3.3. Ministry of Women, Community and Social Development

3.3.1. National Policy for Women

Several efforts by the national women's machinery in collaboration with the CEDAW Partnership have been made during the period under review to ensure women's development across all sectors and at all levels. Since the last report, efforts to develop a policy for women that incorporates CEDAW, the Beijing Declaration and Platform for Action, the Commonwealth Plan of Action and the Revised Pacific Platform for Action have resulted in the policy being amended several times over the last 3 years to ensure all areas of Samoa's regional and international commitments are realised within the vicinity of our cultural and environmental context. The goal of the policy is "To ensure that all women of Samoa have access to and utilization of ALL opportunities for an improved quality of life". The refining process for the National Policy for Women focussed on the priority policy areas that needed appropriate policy interventions and responses over the next ten years.

The policy development process adopted a sector wide approach through collaboration with the CEDAW Partnership and community stakeholders. This was to reflect the perspective of stakeholders for women so that the Policy for women was indeed a national document that all partners and stakeholders for women could relate to and adapt to their circumstances in line with the respective focuses of their organizations. This document not only provides the direction for program and activity implementation on the advancement of women and the empowerment of girls, it also provides the framework for monitoring, in accordance with the MDGs, the Revised Pacific Platform for Action and the SDS 2008 – 2012.

3.3.2. National Plan of Action for the Advancement of Women

Refer also to notes under Article 2.

A National Plan for the Advancement of Women is now in place in line with the National Policy for Women. This initiative has a history going back 4 years when a National Plan of Action for the Convention was attempted. The Plan of Action for CEDAW sought to address the recommendations from the Report on the Status of Women 2001 – Samoa's Combined Initial, First and Second Periodic Report on the Implementation of CEDAW. In the process of finalising this CEDAW Plan of Action, the MWCSO felt that it made sense to put this information into a National Framework that would encompass CEDAW and other regional and international instruments on the advancement of women in line with the national strategic direction. This has resulted in the work on the National Plan for the Advancement of Women and this document is in line with CEDAW, the Beijing Declaration and Platform for Action, the Pacific Platform for Action and the Commonwealth Plan of Action on Gender Equality.

Advocacy on CEDAW and CRC by the MWCSO to advance the status of women continues to date with national level and village based program implementation. These programs centre around issues such as GBV, HIV & AIDS and the broader Reproductive Sexual Health issues, entrepreneurship and small business development, negotiation and leadership skills training for women and girls. The ultimate aim for the said programs is to improve the quality of life for women and girls by providing

them with information, the relevant skills and knowledge in order to make informed decisions and choices to improve their quality of life. The MWCSO has increased coverage of its CEDAW and CRC awareness programs through the work of the Government Women Representatives whose agenda at its monthly meetings consist of one or two human rights based presentations. The focuses of these monthly meetings for the GWRs range from environmental, health, politics, infrastructure to social issues and the MWCSO continues to advocate through these forums for the women leaders to make use of information from these meetings to facilitate better opportunities for women and girls from their village communities.

Engaging village councils and other sectors within the village governance setting such as women's committees and youth groups in promoting gender equality from a human rights perspective has been the ultimate (and still is) aim for advocacy programs, and policy development and legislative review. This is evident of the numerous consultations, meetings, campaigns that are organised by the MWCSO and Ministry of Health for example targeting the village communities. This is to ensure community participation and engagement as a pre-requisite to community ownership of and consequent sustainability of initiatives targeting villages. It is also to do with the notion that Government and NGOs as the outsiders coming in are no longer seen as the experts on issues but rather, responsibility through community participation is left to communities. It also comes with the belief that communities themselves are best placed to identify solutions to issues facing communities.

The promotion of community leadership and community engagement that is meaningful for communities in order to reduce gender inequalities continues to be the direction of developments targeting village communities. The recent set up of the Men Against Violence Advocacy Group, the ongoing work of Youth Peer Educators and Community Facilitators on Child Protection including the capacity building programs for Government Village Representatives residing in the villages are some examples of 'community and village' led initiatives in place facilitated by Government through the MWCSO. These programs provide the opportunity for village leaders themselves to lead developments and positive change where possible in line with the needs of communities. This approach however does not in any way reduce Government responsibility to provide the best public goods and services for its people whether it be the actual provision of the public goods or in development of policies and legislations that help meet the needs of communities coming from the communities themselves.

3.3.3. Training Needs Analysis by the MWCSO

A Training Needs Analysis (TNA) for Non Government Organisations in line with the National Policies for Women, Youth and Children was completed in December of 2008. This TNA provides an opportunity to explore areas of possible assistance from the perspective of the MWCSO as the lead agency for the Community Sector, so that the NGO professionals are better equipped with the skills to deliver programs and services in line with the direction of the Policies for women, children and young people. The TNA had identified 'counselling skills for victims and their families' as the highest priority training need and action is in the pipeline for the UNFPA GBV Project to support a Counselling Skills Program targeting the service providers in this area. The Samoa Umbrella for NGOs (SUNGO) have also (and continue to do so) been instrumental in coordinating trainings for

NGOs and civil society organisations in the area of family counselling in the past years. Family violence and youth re-offending however are on the increase hence the demand for improved preventive and treatment services is also on the rise.

3.3.4. MWCSO Corporate Plan 2008-2012

In its Concluding Comments for the last report, the Committee further recommended that the Government to ensure that the Convention serves as the framework for assessing the suitability of development projects from a gender perspective. It also recommended that Government should develop adequate capacity within government to undertake such assessments within the framework of the Convention.

One of the objectives of the MWCSO's new Corporate Plan 2008-2012 is "To promote gender responsiveness in national policies, plans and initiatives so as to provide more choices and opportunities for all".⁹ Strategies include the establishment of a Gender Management System an integrated approach to addressing gender issues; facilitating Gender Responsive Budgeting and the development of a Gender Audit and Analysis Framework for national application. This is in line with the recommendation from the Committee on the last report for the MWCSO to assess the gender implications of all development projects so that gender considerations are taken on board in the design and delivery of development projects. The realisation of these developments therefore within the next 4 years shall ensure that the MWCSO as the national focal point for the Convention would be in a position to undertake the assessment of all national development projects and initiatives from a gender perspective. Not only that, but capacity building across government on how to undertake these assessments will also form part of how the MWCSO would realise this mandated function. These developments in the MWCSO's new Corporate Plan is in line with the direction of the National Policy for Women which highlights the need to ensure that a Gender Analysis or Gender Impact Assessment is a requirement for all development projects to undertake, before it can be endorsed for implementation.

As a result of the advocacy by and strong articulation of the work on the Convention and CRC from the perspective of the MWCSO, several national documents that have been tabled at the CDC forum have indicated the clear linkages to Samoa's international obligations under CRC Article 25, CEDAW Article 12 and other human rights instruments such as the Universal Declaration of Human Rights 1948. The Health Sector Plan 2008 – 2012 provides the clear links with all the other sectors whose focuses relate to ensuring a 'healthy Samoa' from a Human Rights Based Approach as advocated by the Universal Declaration of Human Rights. Implementation of this Health Sector Plan is being translated through the Health Sector Wide Approach Programme that has now begun the process of achieving the goals for Health stipulated in the Health Sector Plan 2008 - 2012.

3.3.5. TALAVOU Program

The work of the TALAVOU Program under the MWCSO also provides funding for rehabilitation and business opportunities for young people including young women. The Future Farmers Program, Small

⁹ MWCSO Corporate Plan 2008-2012.

Grant Scheme Economic Development project, the Rehabilitation programs coordinated in partnership with the Ministry of Agriculture and Forestry's, Ministry of Justice and Courts Administration (Probation Division) and the Young Women's, Christian Fellowship are some recent examples of new initiatives that provide support for business skills development, life skills and reintegration back into society. These all contribute to the MWCSO's efforts to develop women and advance their status in line with the Ministry's mandated focuses.

3.3.6. A Proposed Institutional Strengthening Project (ISP) for the MWCSO

A Project Design Document for an ISP for the MWCSO was endorsed by the Cabinet Development Committee (CDC) in February 2009. This document provides the framework for areas of strengthening and supporting the MWCSO as the national women's machinery so that it is better able to deliver its mandated functions. This proposed project while awaiting confirmation of when it shall start is an excellent opportunity to strengthen the work on the Convention through the realisation of a much stronger integrated approach across the Ministry. This is so the Convention for example is integrated across program focuses in line with the direction of the existing strategic documents now guiding the work on the Convention. It is also the opportunity to revisit the strategic direction of the work on the advancement of women in line with the social and economic development focus of the MWCSO.

3.4. Work undertaken by some members of the CEDAW Partnership

The Ministry of Labour, Commerce and Industry (MCIL) as a member of the CEDAW Partnership had conducted intellectual property rights trainings targeting women given their traditional role as wealth producers leading the production of cultural and traditional artifacts and handicrafts unique to the Samoan culture. The World Day for Consumer Rights is commemorated annually by MCIL and a series of activities such as multi media campaigns, national seminars and meetings are conducted to raise awareness on the 'rights of the consumers'. These events provide women and girls with the relevant information that they need to be aware of as consumers.

The work of the private sector such as the Women In Business Development Inc (WIBDI), and the South Pacific Business Development Program (SPBD) has facilitated business opportunities for women in the rural areas. NGOs such as Mapusaga O Aiga (MOA), Faataua le Ola (FLO), Samoa Red Cross Society, the Samoa Family Health Association, Samoa Registered Nurses Association and the Samoa Umbrella for NGOs (SUNGO) have also complimented the work of Government in providing capacity building and advocacy programs targeting women and children utilising a human rights based approach. Mapusaga O Aiga conducts legal literacy training programs for women on family law including child protection in the villages. Moreover, with assistance from RRRT now under the administration of the SPC, SUNGO has coordinated a Community Paralegal Human Rights Training program targeting NGOs, civil society organisations, private sector and frontline Government Ministries on human rights advocacy and legal reform.

Since 2005 the revived and renamed Community Policing Program and the set up of a Domestic Violence Unit in 2007 (referred to Under Article 2) within the MPPS are two pro active initiatives that

are currently active and promoting the concept of ‘a Safer and Healthier Samoa’. The Community Policing Program aims to target all the islands of Samoa and implementation in the villages is done in partnership with the MWCSO, MOH, ECPAT Samoa, MESC, MOA and FLO.

Article 4: ACCELERATION OF EQUALITY BETWEEN MEN AND WOMEN

The Committee’s Concluding Comments on Samoa’s last report recommended that Samoa put in place temporary special measures to accelerate equality between men and women and in particular to increase the representation of women in elected and appointed bodies in all areas of political and public life. As such, Samoa’s position is that acceleration of equality between men and women is addressed through its legal and policy framework as opposed to the introduction of temporary special measures. This is noted in the efforts to date on amending and introducing new legislations as referred to under Articles 1 and 2, to eliminate discrimination against women, towards accelerating equality between men and women.

The Constitution of Samoa accords to women equality with men before the law and this is the general understanding that underpins all legislations in the country.¹⁰ Samoa’s legal framework therefore exists to ensure equal rights of men and women. Efforts towards strengthening Samoa’s legal framework to ensure equality between men and women are in progress through the amendment of existing and development of new legislations in line with the Constitution and to ensure compliance with CEDAW as referred to earlier.

4.1. Equality with men and women in governance structures

Women and men have equal opportunities to become a matai title holder. Over the years, there has been a remarkable increase in the number of women taking up chiefly titles. The 2006 Census reveals that out of the total population, 9 percent are matai holders, 20 percent are females with males at 80 percent. Since 2001, there’s been a ten percent increase in 2006, with the number of women registered with a matai title. Many women are evidently being bestowed chiefly titles today and this reflects a paradigm shift in attitudes towards women taking up leadership roles as matais in families and communities. A “saofai”¹¹ held in March 2008 saw prestige titles bestowed upon 15 women out of 47 family members. This appears to be the trend today with women being bestowed chiefly titles across the country compared to before. Three villages as reported to have bans on the bestowal of chiefly titles to women have relaxed their traditional policies on banning female matai titles within the villages. This is a move by village chiefs to honour their female counterparts as equals in both leadership and decision making roles for the development of families and village communities.

There is still some resistance however from some villages who maintain the ban on female matai. This is a direct result of the cultural taboo on the relationship between the brother and sister that is applied generally to the relationship between Samoan males and females. That is, in the cultural context, it is inappropriate for siblings of the opposite sex to sit in together in a setting where dialogue and discussion of a sensitive nature take place such as it is in a village council meeting. For example,

¹⁰ Samoa’s Combined Initial, First and Second Periodic Report 2001, p.xiii.

¹¹ “Saofai” – traditional ceremony for the bestowal of chiefly titles.

when dealing with offenders of sexual crimes at the village council meetings, the language that is spoken is often perceived as offensive and perhaps ‘taboo’ and the ‘sisters’ should not be exposed to such tones of words especially amongst the presence of their ‘brothers’ or male blood relatives. This, from the cultural perspective is not appropriate and is the main reason behind the ban on women holding matai titles. For some villages where this ban exists, they have made a compromise whereby women were still bestowed matai titles but are not allowed to sit in the village council meetings. Although this may be perceived as still discriminatory, it is the kind of change that reflects the gradual erosion of cultural taboos. Women as leaders do make a very important and positive contribution to development even if it is recognised only at the family level but it is a reflection of the shift in social and customary attitudes on this issue.

In retrospect, there is always the option of taking the ban of female chiefly titles to court. To date, there have been only 2 known cases of women that have filed a petition in court for a ruling on this issue in order to realise a woman’s right to a chiefly title as a daughter of a Samoan matai, and a member of a Samoan family. Like other issues related to rights of women, it will again take much advocacy and perhaps more aggressive education and awareness to instil courage in women to realise their right to a chiefly title using all available mechanisms including the court system.

Again, Samoa’s position in addressing these issues in the context of accelerating equality between men and women as reflected in the developments documented to date is that it will be addressed through Samoa’s legal and policy framework. This also relates to the process of Samoa’s dynamic culture and as the Samoan culture continues to evolve, women will soon be able to participate in the local governance structures equally with men. The need for capacity building also needs to happen in parallel to this cultural evolution process so that the village councils can appreciate the value of having the women as their counterparts on board in line with the application of good governance principles. This shall be addressed in the implementation of the Village Governance Strategy that has been proposed to be developed as part of the MWCSD’s Institutional Strengthening Project.

The 2006 country elections was perhaps the first time ever a large contingent of women contested for a seat in parliament. This was a result of the advocacy and capacity building efforts of the Inailau a Tamaitai Women’s Leadership Network founded under the umbrella of the National Council of Women whose focus is on women in politics and leadership. Eighteen women from different constituencies contested for a seat in parliament (Refer to table 38. 1 under Article 7) and compared to the men that contested for seats in Parliament, the women had a higher percentage of success in terms of winning seats in Parliament and being selected Ministers of Cabinet.

4.2. Gender Parity and Equality in Education

At the Sector level, efforts to accelerate gender equality in the education sector is addressed in the MESCS’s Strategic Policy and Plan (SPP) for 2006 – 2015, and the national curriculum statements requiring gender-inclusiveness, non-sexism, and equity in terms of fairness in access, treatment and outcome.¹²

¹²MESCS: Update notes for CEDAW Report 2009.

Samoa's gender policies and strategies during the last decade focused on the wellbeing, participation and advancement of women and girls, a concern that is echoed in the CEDAW, EFA, MDGs and the Commonwealth Plan of Action on Gender Equality. There is an emerging awareness and concern over the underachievement of boys and recognition of the need for a gender inclusive response in national initiatives that provides more choices and opportunities for not only women, but also men, youth and children. One of the goals of education in MESC's current SPP is to address this situation because it impacts on the make up of the work force and all other aspects of society.¹³

Improvements in the education facilities including the decentralisation of schools throughout Samoa over the last few years is noted in the report. Almost all of the villages have their own primary school whereby opportunity for an education in one's own village is offered for a nominal fee charged by the village school management committee for basic facility maintenance costs. Primary school is compulsory according to the Compulsory Education Act 2002, and just recently MESC has begun a series of consultations with government and community stakeholders on developing a strategy for the enforcement of the legislation. About 40% of eligible children attend preschool which is provided and organized by the church sector and some NGOs. These pre-schools are given an annual grant by Government as a way to support this important part of the education sector in Samoa.

Article 5: SEX ROLES AND STEREOTYPING

The difference in sex roles in the context of the Samoan culture continues to define the status of men and women. Access to information and education including exposure to the rapid changes in the global environment has led to some changes in the accepted and perceived sex roles of men and women. This is further reflected in the gradual acceptance of women assuming roles of leadership as chiefs for families and recognised in most village council structures.

5.1. Stereotyping

Gender education during the period under review has tried to address the issues of stereotyping in terms of raising understanding and awareness on women's and men's biological differences versus their gender differences. Stereotyping is often a product of assumptions based on what is understood to be women's sex roles.

5.2. Gender qualitative indicators in Education

Gender stereotyping in education has diminished as a result of curriculum review, gender sensitization workshops, affirmative action and the development of gender equity policies in institutions like the IOT.¹⁴ Curriculum development is an area which is usually supported by bilateral aid programmes which ensure gender issues supported by gender sensitization workshops for staff involved are built into programmes. There is careful monitoring to ensure there is no gender stereotyping in teachers guides and other learning materials.¹⁵ A good example of this is the ESPII project, jointly funded by

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid., p.61.

Government of Samoa, Asian Development Bank, AusAID and NZAID, under which gender sensitive curriculum and learning materials will be developed for primary schools.¹⁶ The NUS through its Faculty of Education also offers a course in Inclusive Education and is a compulsory subject for all teacher trainees to take. This course is part of the University's objective to meet the EFA goal and is available for both primary and secondary level trainees.

Similarly, teachers in primary, secondary and tertiary institutions continue to undergo gender sensitization workshops.¹⁷ Gender based data in achievement is limited. Gender equity in education is most commonly reported in terms of enrolment patterns and achievement in primary levels in Years 4 and 6 for English, Samoan and Numeracy. Achievement in the senior secondary school levels based on the Samoa School Certificate Examination, the regional Pacific Senior Secondary Certificate is not disaggregated by gender.¹⁸

5.3. Accessibility, Participation and Achievement in Education and Gender

A research study carried out by MESC in 2005 highlighted a gender difference in educational access, participation and achievement has been shown to favour girls over boys. In education [the] underachievement [for boys] at the basic levels in Years 4 and 6 means they have a very weak base to work from. Their diminishing participation in secondary and post-secondary opportunities would have to be a feature of a weakened primary base. All of which contribute to diminished capacity to fulfil traditional expectations of provider, server, and leader, and diminished power to take control of lifestyles and living conditions. Samoa's youthful population around half of whom are males require specific policies and strategies aimed at changing the conditions resulting in their marginalisation from a very early age, for their school age years and post school experiences. The social and economic costs to society of not recognising the marginalisation of boys in specific actions now would be unthinkable in the next five to ten years. Actions could begin by redefining the focus of the MDGs and EFA to fit Samoa's issues associated with boys rather than girls.¹⁹

5.4. Family Health Education

Family health education programs have continued in the period under review through the work of the Health Sector and the MWCSO. The TALAVOU (Towards a Legacy of Achievement, Versatility and Opportunity through Unity and TALAVOU which actually means young person in the Samoan language) Programme, a joint UN Agency and Government of Samoa program addressing Youth issues is a 5 year program that is coordinated by the Ministry of Women, Community & Social Development. TALAVOU offers technical and funding assistance for a range of sub-programs such as creating business incubators and income generation, livelihoods skills for young entrepreneurs, improving self worth and through the life-skills development training to address HIV & AIDS, gender inequality and domestic violence, leadership and negotiation skills trainings for young people and empowerment of youth parliamentarians in decision making.

¹⁶ MESC – Updates for CEDAW Report 2009.

¹⁷ CEDAW notes for Beijing Questionnaire 2009; MESC – Updates for CEDAW Report 2009.

¹⁸ Ibid.

¹⁹ CEDAW notes for Beijing Questionnaire 2009; MESC – Updates for CEDAW Report 2009.

The TALAVOU Programme supports the implementation of the SDS relative to the development of young women and men between the ages of 12 – 29 years. This programme is the implementation framework for the Samoa Youth Policy in line with the SDS 2002 – 2004. The TALAVOU program is housed with the Division for Youth of the MWCSD and works with a National Youth Advisory Committee consisting of senior members from government ministries, NGOs, civil society organisations, youth directors through faith based organisations and 2 representatives from selected village youth groups. Furthermore Cabinet has approved the establishment of a National Youth Council. Initial work on the formulation of the council is in progress.

Article 6: EXPLOITATION OF WOMEN

In Samoa's last report, the Committee recommended that Government provide in its next report comprehensive information about trafficking in women and the exploitation of prostitution of women, including through discouraging the demand for prostitution and taking measures to rehabilitate and support women who want to get out of prostitution. It encouraged the government to report on any studies or surveys conducted, as well as on measures taken to prevent trafficking and to assist victims.

6.1. Prostitution in Samoa

The 2006 Situational Analysis on Women, Children and Youth in Samoa noted that 'while women involved in prostitution are an invisible group, prostitution has become a growing concern in Samoa. The issue of young women resorting to sex work was highlighted in a popular 30 minutes television documentary show three years ago. The young woman under a pseudo name 'Sisi' from a low income earning family who was interviewed in this documentary claimed that she started earning money through prostitution at a very young age and has female friends who are also in this line of work. They are aware of the health risks like STIs and HIV/AIDS in this kind of profession and claim to be practising safe sex with the use of condoms.

6.2. Survey on Sex Work

At the time of writing the report, a survey on the Situational Analysis of Sex Work has been put on hold. This survey was coordinated by the DFRPPIP of the MWCSD as part of the GBV project. The scope of the survey objectives includes 'prostitution and trafficking of Samoan women and children'. To date, no data nor any formal reports or known cases have been lodged with the MPPS or with NGOs on the trafficking of women or children. However, due to growing concern around the region around this issue, several regional meetings have taken place involving the MPPS – Transnational Crimes Unit, Immigration, Office of the Attorney General from Samoa where their cooperation is required to have in place mechanisms and special measures to eliminate such acts as required by international law, namely the Hague Convention.

Article 7: WOMEN IN POLITICAL AND PUBLIC LIFE

In its concluding comments for the last report, the Committee recommended that Government 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 parliament and in local government bodies. In addition, it was recommended for Government 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. Further recommendation under this article from the Committee requested that Government should regularly evaluate the impact of such awareness, 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.

7.1. Women in Ministerial Positions

While voting age in Samoa is 21 years for both male and female, one has to be a holder of a 'matai' or 'chiefly' title in order to run as a candidate for parliament. As stated under Article 4, the 2006 country elections saw for the first time a much larger contingent of women contesting for a seat in parliament. This increase in numbers was a direct result of advocacy, awareness and education efforts of the NGOs focusing on women in politics and leadership. Eighteen women from different constituencies contested for a seat in parliament (refer to table 38. 1). Parliament has 49 members and 4 of these eighteen female candidates made it into parliament, three of whom are currently serving as cabinet ministers for the MWCS, MOH and MCIT. Figures in table 38.1 also demonstrate a higher probability of women candidates voted into parliament (ratio of 1:5) as opposed to their male counterparts (ratio of 1:7). This is indeed a major improvement from the 2001 elections where there were only six females contesting for a seat and while there were three women parliamentarians only one was appointed a Cabinet Minister at the time. These developments in the participation of women in politics are a direct result of the advocacy and awareness programs that were conducted prior to the Elections. Credit also goes to the many human rights campaigns conducted by other NGOs and Government Ministries that had all played a part in encouraging women to enter politics.

Table 38.1: No of Women Standing for Parliament by Year

| Year | 1976 | 1979 | 1982 | 1985 | 1988 | 1991 | 1996 | 2001 | 2006 |
|-------------------|------|------|------|------|------|------|------|------|------|
| No. of Candidates | 5 | 5 | 5 | 4 | 5 | 4 | 9 | 10 | 18 |
| No of M.Ps | 2 | 1 | 1 | 2 | 1 | 2 | 3 | 3 | 4 |

Source: Parliamentary Library – Samoan * preliminary Count for 2006 Elections.

Women participate within political parties as individual members. They play key roles in recruiting support for the party among women voters and in promoting women's representation and in general participate to support either their spouse or family member running for elections.

7.2. Education and awareness raising programs

Through the efforts of the IWLN, a training Workshop for potential women candidates in commemoration of International Women's Day in 2005 resulted in the establishment of a Women's Caucus whose main focus is to build capacity of female candidates to be able to lobby for different issues relating to women. A 'young women's parliament' session for girls in schools is also an initiative of the IWLN that aims to foster leadership qualities and skills for girls and young women. The Division for Youth of the MWCSO in 2008 also hosted a 'Youth Parliament' session at the Parliament House for school leavers in December 2008. One of the main requirements for the selection of parliamentarians for the Youth Parliament is the 50 percent quota system for females. This practice regarding the selection of parliamentarians from the constituencies has not in any way caused any negative reactions from the community nor the Office of the Legislative Assembly who have assisted with the conduct of these sessions.

Government in partnership with NGOs continue to conduct awareness raising and capacity building programs for women in decision making positions. In particular the work of NGOs who are at the forefront of these workshops such as the Samoa Umbrella for NGOs (SUNGO), Mapusaga O Aiga, Young Women's Christian Association provide legal literacy programs and leadership training for village women leaders and for young women in schools. Capacity Building programs for potential women parliamentarians and young female parliamentarians continue to be supported by the work of IWLN. The promotion of leadership and decision making capacity building for women is also being done from the perspective of youth development under the work of the Division for Youth – MWCSO.

7.3. Women in Executive Management Positions

Samoan women are using their educational achievements and relevant experience specifications to gain leadership and management roles as evident in the increase in the number of women taking up top level position of government ministries and corporations. Table 47.1 shows the increase in the number of women in top level positions in particular the huge rise in the number of women holding positions at Deputy and Assistant Chief Executive Officer level.

Table 47.1: Top level management Positions held by women in Government and Statutory Bodies in 2001 and 2009

| Position | Total | 2001 No. of Women | 2008 No. of women | 2009 No. of Women |
|--|------------------------|------------------------------|------------------------------|------------------------------|
| Members of Parliament | 49 | 3 | 4 | 4 |
| Cabinet Ministers | 9 | 1 | 3 | 3 |
| Heads of Government Ministries | 26 (2001) 13 (2008) | 6 | 4 | 5 |
| Heads of Statutory Bodies | 21 | 2 | 6 | 5 |
| Deputies, Assistant Heads of Government Ministries/ Statutory Bodies | | 18 | 31 | 48 |

7.4. Women in Public Body Boards

Table 61.1 shows the number of women in each of the public body boards. Although the table reflects a dominant male membership on these boards, the last 4 years shows a slight change in the number of women selected as board members, with 4 females as chairpersons. The need to increase the participation of women on the public body boards is noted and lobbying from the perspective of the MWCSO as the national women's machinery needs to continue in order to increase the representation of women on public body boards.

| Organisation | # of females | # of males | Chairperson |
|-------------------------------------|---------------------|-------------------|--------------------|
| Accident Compensation Board | 2 | 8 | Male |
| Agriculture Store Corporation Board | 0 | 14 | Male |
| Airport Authority Board | 0 | 10 | Male |
| Computer Services Limited Board | 3 | 2 | Female |
| Development Bank of Samoa Board | 1 | 9 | Female |
| Electric Power Corporation Board | 2 | 6 | Male |

| | | | |
|---|---|----|--------|
| Films Control Board | 2 | 7 | Male |
| Housing Corporation Board | 4 | 6 | Male |
| Land Board | 1 | 10 | Male |
| Land Transport Authority Board | 0 | 9 | Male |
| Liquor Board | 1 | 10 | Male |
| National Kidney Foundation Board | 5 | 4 | Female |
| National Health Services Board | 4 | 3 | Female |
| National Provident Fund Board | 3 | 7 | Female |
| Parole Board | 2 | 5 | Male |
| Planning & Urban Management Board | 3 | 8 | Male |
| Polynesian Airlines Ltd Board | 1 | 3 | Male |
| Price Control Board | 1 | 8 | Male |
| Public Trust Office Board | 4 | 3 | Male |
| Scientific Research Organisation Board | 1 | 10 | Male |
| Samoa Land Corporation Board | 2 | 8 | Male |
| Samoa Life Assurance Corporation Board | 1 | 5 | Female |
| Samoa Ports Authority Board | 1 | 8 | Male |
| Samoa Shipping Corporation Board | 0 | 10 | Male |
| Samoa Sports Facilities Board | 0 | 14 | Male |
| Samoa Tel Board | 2 | 4 | Male |
| Samoa Trust Estates Corporation Board | 1 | 9 | Male |
| Samoa Water Authority Board | 2 | 9 | Male |
| Samoa Quality Broadcasting Board | 2 | 4 | Male |
| National University of Samoa Board | 1 | 9 | Male |
| Samoa Sports Facilities Authority Board | 3 | 13 | Male |
| Samoa Visitors Bureau Board | 4 | 9 | Male |
| Samoa Qualifications Authority Board | 4 | 5 | Male |

Article 8: INTERNATIONAL REPRESENTATION AND PARTICIPATION

Since the last report there has been a slight increase in the participation of women at Senior Management level in the Diplomatic Service. The table below shows that not much has changed in the participation of women in the overseas missions since the last report. The leadership positions for the overseas missions continue to be dominated by men since the last report.

Women in the Diplomatic Service

| Level | 2001 | | 2003 | | 2005 | | 2007 | | 2009 | |
|----------------------------------|-------|--------------|-------|--------------|-------|--------------|-------|--------------|-------|--------------|
| | Total | No. of women | Total | No. of women | Total | No. of women | Total | No. of women | Total | No. of women |
| Permanent Secretary/CEO | 1 | 0 | 1 | 0 | 1 | 0 | 1 | 0 | 1 | 0 |
| Deputy/Assistant CEO | 5 | 2 | 4 | 1 | 4 | 2 | 5 | 3 | 5 | 2 |
| Principal/Senior officers | 10 | 8 | 10 | 7 | 10 | 8 | 8 | 6 | 15 | 9 |
| Ambassadors/High Commissioners | 4 | 0 | 4 | 0 | 4 | 0 | 4 | 0 | 4 | 0 |
| Honorary Consul | 2 | 0 | 2 | 0 | 1 | 0 | 2 | 0 | 2 | 0 |
| Deputy Head of Mission/Counselor | 1 | 1 | 2 | 2 | 0 | 0 | 4 | 3 | 4 | 3 |
| First Secretary | 4 | 4 | 2 | 2 | 4 | 4 | 2 | 2 | 3 | 2 |
| Second Secretary | 1 | 1 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 |

Article 9: NATIONALITY

There has been no change since the last report.

Article 10: EDUCATION

For the last report, no specific comments and concerns were documented from the Committee for this Article. An update of progress that has been made since 2005 is documented as follows.

10.1. National Education for All Programme & Action Plan

Participation of the Government through MESAC at the global Education For All (EFA) conferences resulted in the production of the National EFA Action Plan. This is in line with government's commitment to achieve Education for all goals by the year 2015 as reaffirmed at the World Declaration of the EFA Conference in Dakar, Senegal in April of 2000, MDGs 2001, Pacific Forum

Education Plan 2001, Decade of Education for Sustainable Development (DESD) 2005, Samoa CRC and the CEDAW. Samoa's National EFA Action Plan recognises the right to education for all children, including children with disabilities, as a basic human right. Although Samoa has complied with the requirements for developing a separate stand-alone EFA Action Plan, remaining activities required for achieving the EFA Goals have been included in MESC's Strategic Policies & Plans 2006–2015.²⁰

10.1.1. Education goals

The Government of Samoa has also recognised the following national goals in relation to education:

- Making primary education compulsory and available to all
- Promoting the different forms of secondary education and vocational education
- Making higher education accessible to all
- Making educational and vocational information readily available
- Taking measures to encourage regular attendance at schools and reducing dropout rates.
- Ensuring equal access to education
- Eradicating illiteracy among women
- Improving women's access to vocational training, science and technology and continuing education
- Developing non-discriminatory education and training
- Allocating sufficient resources to monitor the implementation of educational reforms.²¹

²⁰MESC; Update notes for CEDAW Report 2009.

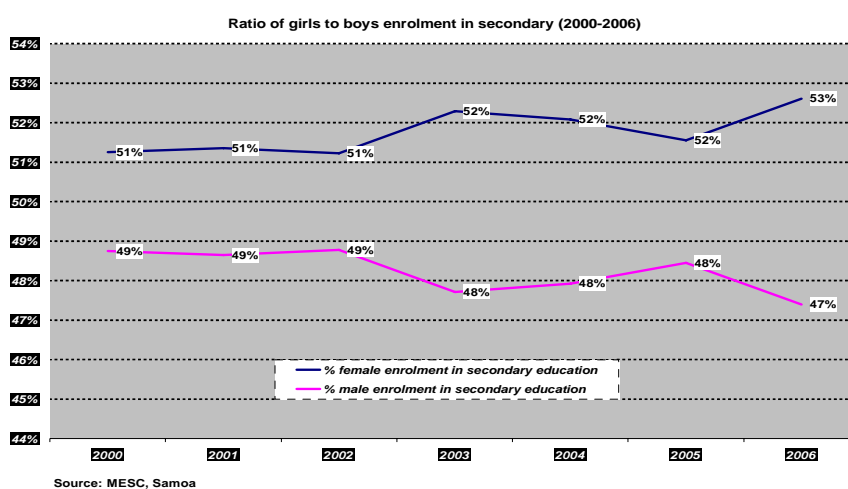
²¹ MESC; Update notes for CEDAW Report 2009.

10.1.2. Ratio of girls to boys in secondary

Looking at the ratio of girls to boys enrolment at secondary level (refer to Figure 43), the trend is reversed with enrolment dominated by females. Female enrolment levels were approximately two to six percent higher in all years from 2000 to 2006. 2006 exhibited the greatest gender gap in this time series analysis. This poses a concern over males and raises the need to refocus our policies and strategies to address the issues of boys rather than girls.

Figure 43: Ratio of girls to boys enrolment in secondary education (National), 2000 – 2006

44%



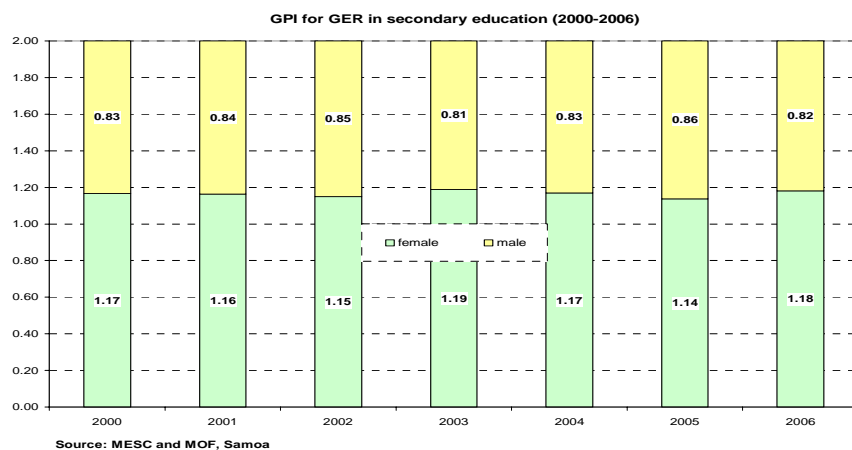
45% 2000 2001 2002 2003 2004

2005 2006

GPI for GER in secondary education

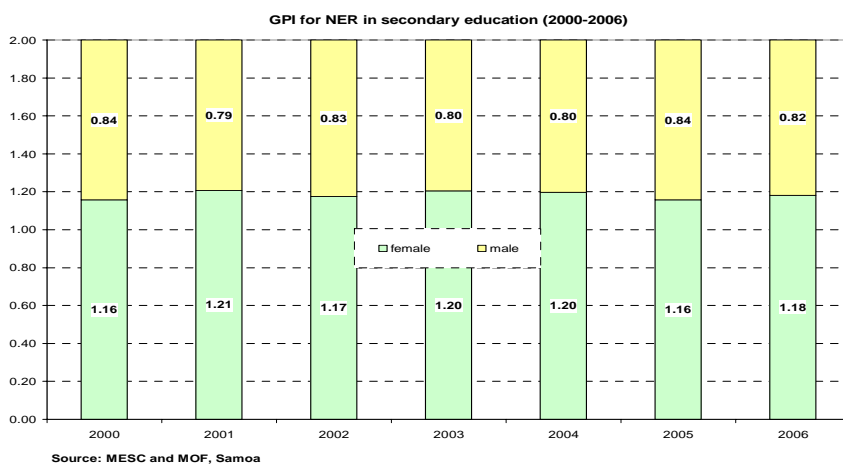
The GPI for secondary GER is used to assess gender differences in secondary enrolment. GER and NER for secondary education is calculated using the population of 13 to 17 year olds. Figure 44 indicates that although gender disparities at the primary level were minimal and within acceptable levels, the gender gap at the secondary level widened dramatically beyond the equity benchmark with gross enrolments favouring females in all years.²²

²² Ibid.

Figure 44: GPI for GER for secondary level (National), 2000-2006

GPI for NER in secondary education

The GPI for secondary NER is used to assess gender differences at post primary. Figure 45 shows that the high level of gender disparity has lessened since 2001. The GPI in favour of females was 1.18 to 0.82 in 2006.²³

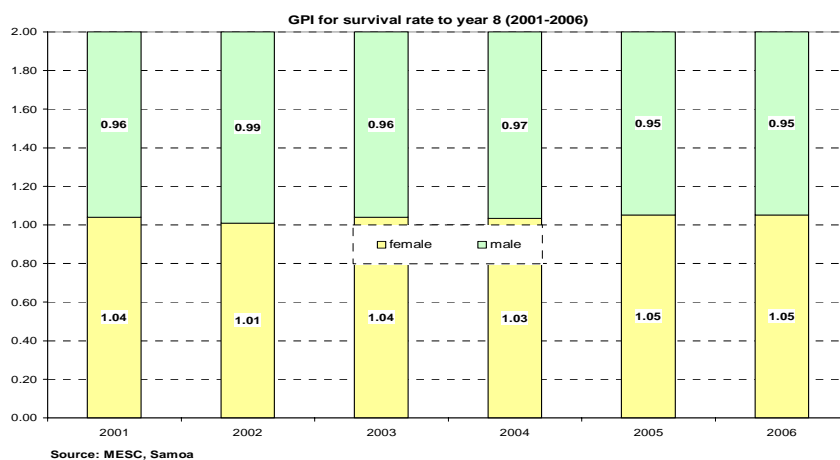
Figure 45: GPI for NER for secondary level (National), 2000-2006

GPI for survival rate to Year 8

The GPI for survival rate to Year 8 is used to assess gender differences in primary completion. Figure 49 shows that in all years from 2001 to 2006, females were more likely to survive to Year 8 than males. From 2005 to 2006, the GPI was stable at 0.95 to 1.05.²⁴

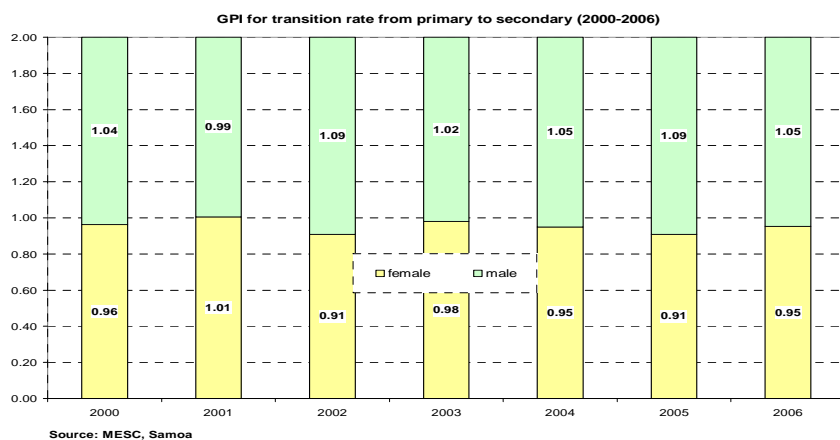
²³ Ibid.

²⁴ Ibid.

Figure 49: GPI for survival rate to Year 8 (National), 2001 – 2006

GPI for transition rates

The transition rate from primary to secondary level increased nationally, since 2000. The GPI for secondary transition rates measures the progress towards achieving gender parity in completing primary and entering secondary school.²⁵ Figure 50 shows that there was gender disparity in the most recent years.

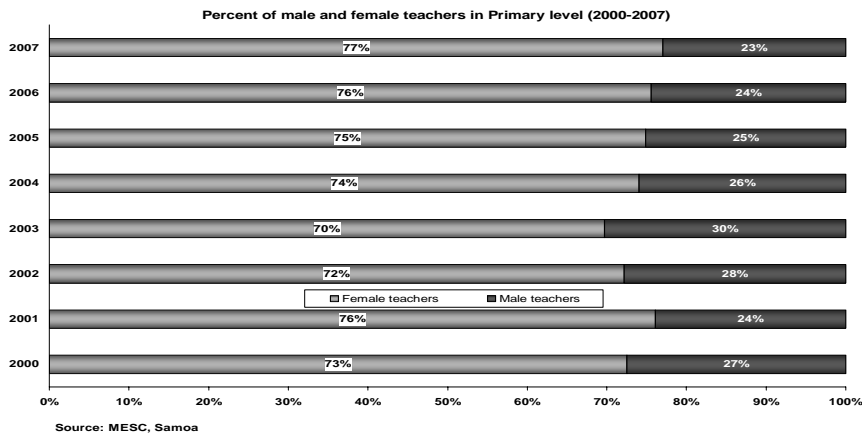
Figure 50: GPI for transition rate from primary to secondary education (National), 2000–2006

²⁵ Ibid.

Percent of female/male teachers

Figures 51 and 52 displays the percentage of female and male teachers at the primary and secondary level, from 2000 to 2007. At the primary level, there are a large number of female teachers compared to male teachers. Female teachers account for over 70 percent of teachers at the primary level, while males account for less than 30 percent of the teaching force. At the secondary level, there is more gender parity, with males accounting for 47 percent to 50 percent of the secondary teaching profession.²⁶

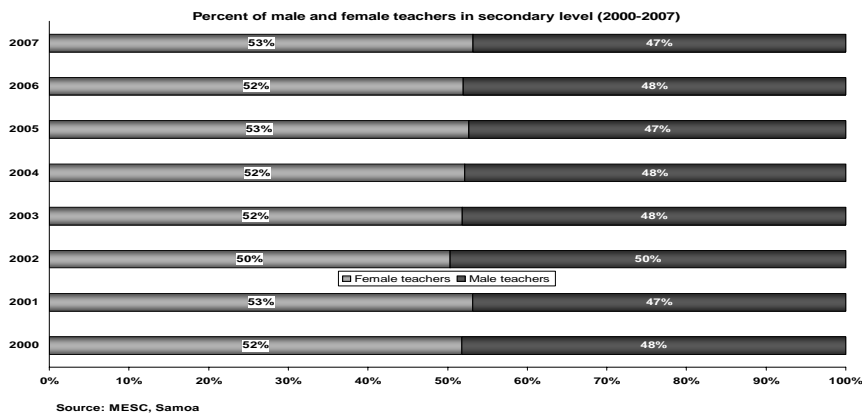
Figure 51: Percent of males and female teachers in primary education (National), 2000–2007



27%

24%
0%
26%

Figure 52: Percent of males and female teachers in secondary education (National), 2000–2007



47%
10.2. Scholarship Awards

²⁶ Ibid.

The number of scholarship awards for both females and males has increased over the last few years under New Zealand AID, Australian AID and World Health Organisation development assistance program for developing countries. The number of scholarships awarded to females in all three categories has increased in particular, girls interest to pursue science subjects (an increase from 6 % in 2001 to 25% in 2008). Table 47.1 shows that the number of females in all three broad categories has improved in numbers in 2008 compared to 2001.²⁷

Table 47.1 Overseas Scholarship Awards 2001 & 2008

| Year/course | Females | Males | Total |
|---------------|------------|------------|-------|
| 2001 Commerce | 17 | 11 | 28 |
| Science | 6 | 24 | 30 |
| Art | 21 | 12 | 33 |
| Total | 44 (48.3%) | 47 (51.6%) | 91 |
| | | | |
| 2008 Commerce | 26 | 15 | 41 |
| Science | 25 | 36 | 61 |
| Art | 33 | 31 | 64 |
| Total | 84 (51%) | 82 (49 %) | 166 |

(Source; Ministry of Foreign Affairs- division for Scholarship)

10.3. Health and Physical Activity in the Education Sector

At the national level, sports come under MESC. In 2007, MESC developed the National Sports Policy, designed to improve coordination amongst the key stakeholders within the sports sector and provide direction for the Sector in terms of their roles and responsibilities over the next 5 years.²⁸ Training on sports management has been carried out, and coordination between MESC, SASNOC, the South Pacific Games (SPG) Authority and individual sporting bodies has been strengthened. Furthermore the NUS offered the Diploma in Sport and Fitness Education in partnership with a New Zealand tertiary provider and will continue to develop the sports programmes. The successful construction of the Facilities for the South Pacific Games in 2007 is noted and it is an opportunity that needs to be utilised to the advantage girls so that women's participation in the different sports is realised. The critical challenge however is the devising of appropriate strategies for the maintenance and sustainability of these facilities.²⁹

Health and Physical Education is compulsory in both primary and secondary schools. At secondary level it is a subject taught in the class, although it is not assessable or examinable.³⁰ As the primary school Health and Physical Education curriculum is still under development, very few schools have

²⁷ Ibid.

²⁸ MESC, Samoa Sports for Development Design Document 2008.

²⁹ SDS 2008 – 2012; Review of SDS 2007 – 2012.

³⁰ MESC, Samoa Sports for Development Design Document 2008.

organised physical education lessons. Most primary schools run their own weekly sport and physical activity programs as part of their physical education classes and fun sports days, usually conducted each Friday. The Sports Division of MESC is currently running the Fiafia Sports Program (see Annex 7: Fiafia Sports Program) in more than 60 public schools. Teachers from 25 schools since its inception will be trained each year until all public schools are implementing the program. Fiafia Sports will be used to complement the health and physical education curriculum once it is finalised.³¹

Sports participation in secondary schools is mostly limited to major sports such as rugby, netball, athletics and soccer. More recently, touch rugby and English cricket have been added. Many students who do not play these sports are involved in clubs outside school, playing sports such as tennis, squash, swimming, golf and hockey to name a few. The Principals' Association determines the school sports calendar and organises all inter-school competitions.³² Many village communities are also supporting sports development initiatives where necessary and this has become more common with the availability of opportunities for community development and community mobilisation through sports.

10.4. Work of Women NGOs in the Education Sector

10.4.1. Samoa Association of Women Graduates

The Samoa Association of Women Graduates (SAWG) is a civil society organisation whose primary focus is to promote quality life for women through maximizing education opportunities. SAWG continues to provide this assistance for girls through the education system as part of the national policies and goals to ensure gender equality in line with the international human rights instruments for women and girls. With assistance from several development partners such as the European Union, Canada Fund, AUSAID, NZAID and Digicel (a private sector company), SAWG as part of their 'Education opportunities for the Girl Child' project, offers scholarship awards on an annual basis to females in primary, secondary schools and tertiary level, with a priority focus on young achievers from low income earning families. In addition, the organisation donates end of year prizes to top females in all the colleges around the country and just recently has extended this assistance to males in order to achieve the goals of MDGs on gender equity and quality education for all children (despite one's gender) in line with CRC.

10.4.2. Library Project for the Paediatric Ward

A new project - 'Children's Library' at the Paediatric Ward at the National Hospital - Motootua was initiated in 2008 - for young children and their caregivers/parents that are being admitted into the hospital for longer periods of time. This project coordinated by SAWG ensures access by children to reading and writing materials so they continue to be engaged in educational activities while in hospital. The project is considered a great success as the children take advantage of this opportunity for learning through reading, writing, story telling or even watching DVDs and videos. SAWG hopes

³¹ Ibid.

³² Ibid.

to include more males into their projects and activities so as to continue advocating for equality in society.³³

SAWG also conducts monthly luncheons with invited speakers and seminars as an opportunity for women to get together and establish networks from across the different sectors. These gatherings also help raise awareness on various issues affecting women in society today therefore contributing to the level of awareness for women so they may be able to cope with the global challenges that have direct or indirect impact on our society and at the same time ensure a level playing field that will eliminate the gap between men and women. A member of SAWG is in the committee for the International Federation of University Women (IFUW) Girl Child Project and is effectively contributing to policy/decision making at international level.³⁴

Article 11: WOMEN AND EMPLOYMENT

The Committee's Concluding Comments for Samoa's last report recommended that the Government bring its legislation into compliance with article 11 of the Convention without delay and to ensure compliance with such legislation. It also recommended that Government step up in its efforts to address impediments women face in entering the labour force and to implement measures to promote the reconciliation of family and work responsibilities between men and women; that Government 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 and that Government provide information about the impact of such measures in its next report.

11.1. Participation of women in the labour Force

The 2006 Population and Housing Census reveals a 5% increase in the proportion of people working in paid jobs compared to the 2001 census and even the rate of unemployment had decreased from 5 percent in 2001 to 1 percent in 2006. This increase in employment as noted in the 2006 Census report was a direct result of the boost in the economy and creation of employment opportunities largely due to Samoa being the host country for the 13th South Pacific Games in August 2007.³⁵ Employment opportunities ranged from construction of Sporting facilities, roads and infrastructures from the airport to the urban area to improvement in transportations and communications, restaurants and hotels.

According to the 2006 Census, the top three occupations for females were; Home manufacturing for sale (27%), Services (21%) and Professionals (12%). In the highest paid jobs such as Managers and Professionals, 14 percent of females worked within these areas in 2006 compared to only 9 per cent of males. There is also the noticeable increasing trend of Samoan people diverting their efforts from unpaid activities into lucrative money making activities such as selling farm produce, fish catches, handicrafts, home made food and a variety of shop items that are traded by street sellers. This is evident with the 27% of females in the 'informal or home made manufacturing' category.

³³ Eteuati Niusila; Update Notes from SAWG for CEDAW report 2009.

³⁴ Ibid.

³⁵ Report on the Population And Housing Census 2006, Government of Samoa; pg 26.

In terms of salary, the percent of females in the salary range of \$15,000 Samoan Tala and over had increased from 12 percent in 2001 to 21 percent in 2006 as opposed to males with only a 6 per cent increase over six years. This is a reflection of the salary increase by 42 percent across all government employees implemented for 3 years in different proportions from July 2005 – July 2007. This has greatly benefited all government employees after several years of withholding salary increments. The tax free salary range was also extended to \$12,000 Samoan Tala from \$10,000 Samoan tala as of January 1st 2007 (2006 Population & Housing Census Report pg 33).

11.2. Number of women in paid employment

Out of a total of 38,297 people in paid employment, 42 percent were employed in the Private sector with 44.8 percent being females as opposed to 41.6 percent males. Twenty percent were employed in the public service with 26.7 being females compared to 17.3 percent males.

11.3. New Developments in the Employment Sector

On May 1st 2009, the Government through the Ministry of Commerce, Industry and Labour (MCIL) hosted for the first time in the Pacific the International Labour Organisation's (ILO) 90th birthday. This was a milestone achievement for the country as part of the celebrations included the beginning of 'Samoa's Decent Work Program' to be brought into force, and the full discussion on occupational safety and the social justice agenda for a fair globalisation'.³⁶ The Decent Work Program included the set up of a Tripartite Agreement which comprises Government, Employers and Workers. The Decent work program with ILO's assistance in resources and finances (USD\$309.7 million over a five year period amongst 5 countries in which Samoa is a part) aims to improve conditions and opportunities for youth employment, to support the TALAVOU program of the MWCSO, establish a Job Seekers' Register and pursue the lofty aims of the MDGs, Pacific Plan and the United Nations Development Assistance Framework (UNDAF).³⁷

There are three main priorities in the Decent Work Agenda; 1: Modernisation of labour laws; 2: Promotion of decent employment opportunities, particularly for young women and men, and inclusive of persons with disabilities; and 3: Capacity of building of 'Tripartite' partners and improvement of social dialogue. The Minister of Trade, remarked 'this is a landmark achievement in establishing social justice through the increased 'dignity' of Samoa's workforce'.³⁸

11.4. Sexual harassment

11.4.1. Private Sector

In the absence of a specific legislation on sexual harassment in the workplace, incidents of a sexual harassment nature that occur are reported to the MCIL where immediate referral to the MPPS for investigation is made, in line with the Crimes Ordinance Act 1961. Also, in the absence of clear

³⁶ Hon. Misa Telefoni; Minister of Trade & Deputy Prime Minister; *Decent works all about dignity article*; Samoa Sunday Observer; 3rd May 2009.

³⁷ Ibid.

³⁸ Ibid.

policies or legislative provisions under the Labour and Employment Act 1972 against complaints of this nature; where companies have certain provisions against sexual harassment within their own existing company policies, the Ministry of Labour would refer to these policies. A review of the Labour and Employment Act 1972 is currently in progress and the will be utilised to propose some legislative amendments to ensure Samoa's compliance with the Convention such as providing better protection for women and girls against harassment of any form in the workplace.

11.4.2. Public Sector

There has been no change in this area since the last report. The Public Service Act 2004 continues to provide the guidelines under the Code of Conduct regarding complaints by public servants in relation to any kind of harassment including sexual harassment for both genders.

11.5. Maternity protection

11.5.1. Private Sector

MCIL has identified the following amendment to the current Act; to grant 3 months maternity leave for women in the private sector with 6 weeks on full pay and two thirds of the salary for the rest of the above period. This proposed provision includes maternity leave for adoptive parents subject to the provision of the relevant legal documents showing their status as adoptive parents for the child.

11.5.2. Public Sector

In the public sector, no change has been made since the last report.

11.6. Annual Leave

MCIL has also noted the contradiction of annual leave entitlements under the current act [which is ten (10) after a year] and that of the ILO conventions (which is 15). A proposal shall also be made that the act be in favour of the 15 days annual leave (for both female and males) as is the case in the public sector in line with the ILO conventions.

11.7. Occupational Health & Safety Act 2002

The enactment of the Occupational Safety and Health Act in 2002 extended its coverage to include members of the public sector. This act was reviewed by the Office of the Attorney General in accordance with the powers provided for in section 5 of the revision and publication of laws Act 2008. References to the masculine gender only have been rendered in gender neutral.³⁹

³⁹ Occupational Health and Safety Act 2002; Revision Notes 2008; Samoa Health Legislation Handbook 2008; Ministry of Health.

11.8. Enhancing the De-facto status of women

Refer also to notes under Article 3.

The implementation of the National Policy for Women through the National Plan of Action for the Advancement of Women is the mechanism by which the de facto equality of women will be enhanced. Programmes and activities that are being conducted by other sectors as evident in this report have all contributed to advancing the de facto equality of women.

11.9. Economically active population

The 2006 Population & Housing Census showed that 50 percent of the 15 + age group (economically active population) of the total population were economically active compared to 48 percent as not economically active. Hence, the refined labour force participation rate (LFR) was estimated at 50 percent, which is similar to that of the 2001 Census. 32 percent of females were actively involved in economic activities while the remaining 68 percent were involved in non economic activities. Whereas with males, 65 percent were noted as economically active as opposed to 35 percent that are not economically active. This is not surprising when one looks at the traditional Samoan household where men deal mostly with heavy work outside the house like farming, planting, fishing and income earning activities while women mainly worked in lighter areas like housework, caring, cleaning and cooking.⁴⁰

Of the economically active population, 99 percent were employed with unemployed noted at 1 percent (people seeking jobs during the reference period). Unemployment has therefore fallen compared to the 2001 census. Males accounted for 59 percent of the total unemployed as opposed to 41 percent of females. An indication that males were most likely to seek employment compared to females. Another factor that contributed to the reduction in the unemployment rate is largely due to employment opportunities made available when Samoa hosted the 13th South Pacific Games in 2007.

11.10. Labour Force Rate by age and sex

Males were noted as having a relatively higher proportion of involvement at all ages compared to females. The most active age groups were ages 20 to 59 for both sexes. It is interesting to note that at 60 years of age, there is a noticeable decline in the LFR for males as opposed to females. However, as both sex reach the age of 70, they become less active.

Females continue to dominate housework with 72 percent compared to only 28 percent of men. This pattern is evident in previous censuses including the one in 2001. It is an indication that gender roles will continue from generation to generation. While women have all the abilities and potential to pursue any career path as men, it is also natural that women tended to focus more on their children and family than men, causing most women to stay home and care for their children and the elderly, and let their husbands and brothers be responsible for income earning in the family.⁴¹ While the role

⁴⁰ Population & Housing Census Report 2006, pg 24.

⁴¹ Ibid; pg 29.

of caring for children and the elderly seem to be placed more on women, it is equally important that 'shared responsibility' for child rearing including domestic chores associated with care work are also encouraged amongst the males given the many social problems that have emerged with the burden being placed only on women such as child abuse, domestic violence, teenage pregnancies and so forth. Many advocacy programs on the importance of 'the role of fathers or men' in family development as part of domestic duties have been and are being carried out by the MWCSO, Non Government Organisations and other civil society organisations.

With limited formal employment opportunities in Samoa, some Government Ministries in collaboration with the Private sector have begun a series of sub grant programs to boost produce in the agricultural and fisheries sectors including the Informal or Home made manufacturing industries. These programs provide both financial and technical assistance needed in the form of skills building trainings for both men and women that work in these sectors. Much work however remains to be done in terms of the kinds of support and resources geared towards mitigating the effects of the financial crisis on the livelihoods of Samoan families.

The highest proportion of employment at 32 percent was noted for persons involved in the Agriculture sector, whereby males were the more dominant group at 43 percent, with females accounting for 7 percent of agricultural work. The top one occupation for females however, is Home manufacturing for sale at 27 percent. The highest paid occupations fall within the category of Managers and Professionals which account for only 11 percent of the total employed. Females account for 2 percent of persons employed as Managers compared to 3 percent males, and for Professionals, 12 percent are females as opposed to 6 percent males.

11.11. Measures to promote Entrepreneurship skills for women (Informal and Home Manufacturing Goods) Update on the Micro finance facility scheme, and other programs by Govt.

A new Micro finance facility supported by the Asian Development Bank was introduced through the Ministry of Finance to enhance business opportunities for Women's groups around Samoa in October 2008. This project is a joint initiative between the Government of Samoa and ADB for the next 5 years that is now being implemented through the Development Bank of Samoa and the MWCSO. The minimum loan entitlement per person is \$1,000ST (400USD) to \$5,000 ST (USD2,000) at a repayment interest rate of 18% per annum. Since its inception phase in October, funds have been disbursed to 941 women who live in different villages from around Upolu and Savaii to start up their own small businesses with business trainings and support provided by the implementing agencies. The strategic direction provided by the MWCSO for this program is such that it needs to be linked with all the other programs with a social and economic development focus in order for these efforts to be further supported for sustainability. Expansion of the program to also include youth groups as a target has also been given the go ahead from the MWCSO.

11.11.1. Private Sector

The impact of the global recession has been felt in Samoa through the Private sector. The huge cost reduction within the largest female employer company – Yazaki Samoa Ltd has added to another strain with the loss of at least 40 percent of their employees who are predominately females and who are the primary breadwinners for their families. At this stage Government is in the process of designing an adequate ‘Stimulus Package’ that would assist the private and civil society sectors given the declining economy as a result of the global recession.

11.11.2. Public Sector

The Public Service Commission has coordinated a number of in country training programs targeting public servants in line with the Samoa Public Service Professional Development Strategy. In particular, there has been an increase in demand for executive management and leadership programs for top and middle level management positions for both Private and public sector. An Executive Development Programme initiated in 2004/2005 by the Public Service Commission in partnership with the University of New England, Australia was conducted locally by lecturers from the University. This leadership and management programme provides training for potential leaders in the public service and it works towards an Advanced Diploma in Business Management. Given the nature and focus of the programme, the initial target is for second level personnel and is fully funded by Government. Continuation of this programme in Samoa has been picked by the Oloamanu Centre for Professional Development and further training is yet to be announced since the third group of the Executive Development Programme graduated in September 2006.

Article 12: WOMEN AND HEALTH

Relative to the last report, the Committee recommended that Government increase its efforts to improve the provision of sexual and reproductive health services to reduce fertility rates and maternal morbidity. It also recommended that Government step up the provision of family planning information to women and girls and to widely promote sex education targeted at girls and boys, with special attention to the prevention of teenage pregnancy and the control of HIV/ AIDS. The Government was also invited to provide in its next report detailed information, including statistics and measures taken on HIV/ AIDS infection trends of women.

12.1. Sexual and Reproductive Health

A Country Program Action Plan between UNFPA and the Government of Samoa began implementation in 2007. This program continues to have a focus on Maternal/Reproductive and Sexual Health Programs funded by UNFPA to support Samoa’s programs in line with the Health Sector Plan 2008-2018. Training in this area continues in terms of improving obstetrics training of relevant health personnel, building capacity of Faculty of Nursing and Health Science regarding the delivery of the midwifery training, and the improvement of linkages between the formal public and the private health sectors including the traditional healers and the TBAs. A National Adolescent and

Reproductive Health Program funded by UNFPA and the MOH targeting youth including young women of childbearing age started in 2001 up until present.⁴²

Since the last report, Sexual and Reproductive Health Services are now confined to the health service providers in the health sector. The MOH as the Regulator for the sector now focuses on developing and monitoring of policies and standards for service delivery. This part of the public sector reforms provides an opportunity to improve health services in terms of quality and accessibility. The intention of the Health SWAP is to ensure that health services were regulated and that the Sector provides quality, accountable and sustainable health service through partnerships.

12.1.2. Teenage Fertility rate

The 2006 Population and Housing Census revealed a downward trend in teenage fertility within the last 5 years between the 15 – 19 age group. The teenage FR in 2006 is 28.6 per every 1000 females as opposed to 45.5 in 2001. Although the reducing trend is an indication on the positive impact of the work of Government ministries and NGOs in addressing reproductive and sexual health issues within the village setting, there is still much work to be done given the high incidences of STIs amongst the 15 – 29 age group as confirmed by the first wave of the second generation surveillance survey conducted by the Ministry of Health in 2005. Results of the second wave of the second generation surveillance survey carried out in April 2008 have yet to be published.

12.1.3. Nursing and Midwifery Services

Antenatal and post-natal care for all eligible women in Samoa is free of charge at all public health facilities.⁴³ The MOH Act 2006 mandates the Ministry to provide Health Services Performance, & Quality Assurance, which include Nursing and Midwifery Services as well as Medical, Dental and Allied Health Services. The TBAs on the other hand are now formally recognized under the Healthcare Professional Registration and Standards Act 2007. This mandates the MoH to regulate and monitor service provision for these critical areas in maternal health, in the sector, to ensure quality midwifery and TBA services.⁴⁴

In Samoa there is a strong cultural system of assistance in childbirth (30%) provided by the community through traditional birth attendants (TBAs) whose role has been retained and encouraged through the Ministry of Health with the provision of training to register TBAs. The safe motherhood program in Samoa consists of the combined efforts of the MOH and its coordination in terms of quality and safe care with the National Health Service, NGOs, Private Practitioners and TBAs.⁴⁵

The MOH's role is to ensure that protocols and standards of care and safe practice are maintained and periodically reviewed, ensuring that there is continuing appropriate professional education as well as collection and analysis of data to enable review and monitoring of safe health systems.⁴⁶ A Draft TBA

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

Guidelines have been developed recently in consultation with TBAs from Upolu and Savaii. This guideline aims at ensuring safe practice and care as well as strengthening collaboration between TBAs and modern midwives.⁴⁷ Reviews of the Safe Motherhood Policy, Nutrition Policy, and Breastfeeding Policy are in the pipeline with the development of a Reproductive Health Policy and Strategy underway. Further to that is the review of the HIV/AIDS Policy which is in its final stage.⁴⁸

One of the main areas of ensuring safe practice in the context of health is the credentialing system, a mechanism to assess and recognize the competency and capability of nurses to practice as Clinical Nurse Consultants and Midwives as Clinical Midwifery Consultants, particularly in health centres and district hospitals in rural areas. The credentialing system for Nursing and Midwifery Practice is in place.⁴⁹

In the Pacific region, it is recognized that in small developing island countries like Samoa, without strong medical resources, nurses and midwives work in isolation from doctors and other medical professions. This requires additional skills in order to ensure how such professional practice at an independent level should occur in line with the standards and guidelines of health care and service delivery.⁵⁰ Within the health sector, it is recognized that in order to achieve higher levels of care for safe motherhood and care for young children, credentialing of nurses and midwives requires strong partnerships between the medical profession and the NUS Faculty of Nursing and Health Science.

12.1.4. Breast and Cervical Cancer

Breast and cervical cancer are emerging areas of concern for women in Samoa. The biggest impact in reducing rates is through encouragement of regular pap smears and breast screening for early detection. A National cervical screening program is required as well as the initiation of well women medical checks, which include pap smears and breast screening. Since the last report, pap smears are now done every Wednesdays up at the TTM Maternity Ward and are done on a daily basis at the Samoa Family Health Association. These tests including STIs and HIV/AIDS are also conducted at the Antenatal Clinic at the national hospital in Motootua.⁵¹

12.2. STI(s) and HIV/AIDS

The first AIDS case was first reported in Samoa in 1990, nineteen years later, there has been an increase in the number of confirmed reported HIV positive cases to 19 since 2005 when the national statistic was 12. In total there are 13 males and 6 females. To date, 8 have passed away and 11 have been diagnosed as HIV positive and have not yet manifested symptoms of AIDS. Of the surviving eleven, 8 are currently undergoing ARV treatment free of charge (but paid for by Global fund) within the National Hospital whilst two are being treated overseas. Table 56.1 shows the age group distribution of those who are HIV positive. Sixteen of these reported cases were contracted through

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

sexual intercourse whereas three were by mother to child transmission with the most common mode of HIV transmission being heterosexual. As of early June 2009, Status of HIV and AIDS in Samoa.⁵²

1. 20 Cumulative cases in 2009
 - a. Male = 13, Females = 7
2. 8 persons have died , 2 were children (*Mother to Child Transmission*) and passed away before diagnosis (*which is why antenatal is routinely testing for HIV status*)
3. 12 living with HIV status

Of those living with HIV

- a. Males = 8, Females = 4

Table 56.1 HIV positive living in Samoa by age and sex

| | 0 - 2 | 20 -30 | 31 -40 | 40 -50 | 51 -60 |
|---------------|--------------|---------------|---------------|---------------|---------------|
| Number of HIV | 3 | 2 | 8 | 4 | 2 |
| Females | 1 | 1 | 2 | 1 | 1 |
| Males | 2 | 1 | 5 | 3 | 2 |

(Source: HIV Clinic Samoa Ministry of Health Jan 2009)

Table 56.2 HIV positive Female trend over past 4 years

| Period (Years) | 1990 - 2000 | 2004 | 2006 | 2007 | 2008 |
|-----------------------|--------------------|-------------|-------------|-------------|-------------|
| Number | 0 | 4 | 0 | 0 | 2 |

There are three clinics currently operating in Samoa, which offer voluntary, confidential, counselling and testing (VCCT) services for sexually transmitted infections and HIV screening and treatment. The National HIV clinic is fully funded by Government and is managed by the National Health Services and the other two service providers are Non Governmental based; Samoa Safe Clinic under Samoa AIDS Foundation and Samoa Family Health Association.

12.3. Realignment in the Health Sector

To achieve the goal of improving health standards, the strategic focus during SDS 2005-2007 had been on effective preventive and health promotion programmes, more qualified medical personnel,

⁵² Interview with Dr. Saine Va'ai, SMOPH – HPPS on 11 April 2009.

improved facilities and equipment, sustainable health financing and consolidating the roles of the agencies involved in service provision and regulation under new change management arrangements.

A new legislative framework for the health sector now exists after extensive stakeholder consultations, with the passage of the Ministry of Health Act 2006 and National Health Service Act in 2006. This led to the realignment of the former MOH into the existing National Health Services (NHS) and a new MOH. The MOH under the new Act has taken on a regulatory, monitoring and policy role which includes primordial health promotion and prevention services for the growing health sector. The NHS on the other hand has taken on the role of Service Provider for all the public hospitals and hospital based care. This realignment as a result of the Public Sector Reforms for the health sector is a positive move in terms of ensuring quality services for all including women. The MOH is now tasked with the monitoring of service delivery in the sector so that the Service Providers including those that are providing Sexual and Reproductive Health Services are delivering quality services in line with the standards and guidelines for service provision as stipulated by the Ministry.

12.3.1. Law Reform in the Health Sector

Several other new legislations were passed in the health sector since 2005 namely the Tobacco Control Act 2008, the Nursing and Midwifery Act 2007, Health Care Professions Registrations and Standards Act 2007, and the Pharmacy Act 2007.

12.4. Health Sector Plan 2008-2018

The Health Sector Plan 2008-2018 notes a shift from curative health care to prevention and health promotion in line with the Ottawa Charter on Health Promotion (1986) where the emphasis is on the process of enabling people to increase control over, and to improve their health.⁵³ Consequently health promotion as stipulated in the new Health Sector Plan is about increasing community engagement, community participation and facilitating community responsibility and ownership of health and wellbeing as a way to improve quality of life for all. The Health Sector Plan is also the platform upon which the collective efforts of the various parts of the Sector are being coordinated and monitored, given the new role of the MOH as the Regulator for the Sector.

12.4.1. Health Sector Wide Approach Programme (Health SWAP)

The Health Sector Wide Approach Program provides the practical realisation of the strategic direction of the Sector articulated in the Health Sector Plan 2008-2018. The Health SWAP is further realisation of the public sector reforms in the health sector in order to improve the effectiveness and efficiency of health services in line with the Health Sector Plan. Work of the Health SWAP is being guided by the Steering Committee tasked to oversee the SWAP implementation.

A series of small sub – grant projects have been funded for implementation to complement other activities for Health Promotion and Prevention under the Health SWAP. The Program aims to build on existing community based health programs such as the Family and Community Wellbeing Program

⁵³ Community Strategy for Health Promotion, 2007, by Tago, K.

(Aiga ma Nuu Manuia Program), to engage community based organisations through the sub granting catalyzing their involvement in activities that will lead to better health for the population.⁵⁴ Up to 20 subgrants have been allocated to different community based organisations or groups per month over a stretch of 5 years to implement health promotion activities in line with the Health sector Plan 2008 – 2018 priorities such as communal physical activity/ exercise and vegetable gardening/good nutrition. To date, a total of 90 organisations – 85 of these organisations are women’s groups have been given small grant funding assistance to implement communal physical activity programs – and 58 organisations with 55 of these organisations are women’s groups, have been granted funds for implementation of family level - vegetable garden projects.

12.5. Diabetes and Obesity and main health concern for women

In line with the direction of the Health Sector Plan, a National Strategy for NCD is also in place. The Strategy and Plan of Action is in line with the direction of the Sector Plan and the Ottawa Charter for Health Promotion. Five action areas have been identified namely, 1) healthy public policy; 2) re-orient health services; 3) create supportive environments; 4) strengthen community action and 5) develop personal skills. Activities are developed for each of the five action areas for the four main risk factors: Smoking, poor Nutrition, excess Alcohol consumption and Physical inactivity (SNAP). This ensures a broad, consistent and holistic approach to health promotion and prevention for each of the four risk areas.⁵⁵ Work on a National Policy for NCDs is underway as part of the SWAP.

In addition to national efforts to reduce NCD’s in particular diabetes and obesity, a major physical activity campaign called the ‘Prime Minister’s 30 minutes challenge’ was initiated by the Ministry of Health in 2007. This was in the form of ‘low to high impact aerobics and low to medium impact power walking, three times a week and twice a day. One hundred and eighty-five villages, with the majority of the challengers being female, participated with the numbers continuing to rise to date. A national competition was held in December 2008 for all the participating villages to showcase at least 5 minutes of their team routine and this was broadcasted on national television for a month. Even the Prime Minister was at the forefront of the campaign as a competitor for an 8 weeks better health challenge organised by the private sector which was also aired on national television.

12.5.1. Health and Physical Activity

Most sport in village communities is played socially in the evening, after work, school and when family chores are finished. Rugby is an exception, as most villages have rugby clubs that participate in organized competitions. Other than rugby, the main sports played mainly at a non-competitive level out in the villages are kirikiti (Samoan cricket), volleyball, soccer and touch rugby. Most organized village sport competitions are played on Saturdays and often organized by church groups, women’s or untitled men’s committees.

⁵⁴ Ministry of Health; SWAP Operational Manual 2009.

⁵⁵ Ministry of Health; NCDS Strategy 2004-2008.

12.5.2. Sports Outreach Program for Communities

A Sports Development Outreach Program coordinated by MESC began in 2008. This program is part of the Australian government's Sports Outreach Program (ASOP) and is managed in collaboration between the Australian Sports Commission (ASC) and the Australian Agency for International Development (AusAID). The programme aims to build on current physical activity programs, develop new strategies to promote sport as another healthy lifestyle choice and to get people active by participating in regular sport and physical activity. A key component of the program is providing opportunities for local facilitators (including young people and women) to develop new skills by accessing recognised training opportunities. The program aims to engage the MWCSD to enhance existing programs for youth, women and children and ensure the implementation of quality sport and physical activities that reflect community priorities.

The sports development program is designed to have a positive impact on women and young girls and therefore, the design and implementation documents contain gender equity markers (which is guided by the AUSAID Gender & Development Guide). This is to ensure appropriate activities are available according to gender specific interest and commitments. Women will also be included in Village Sport Committees to ensure they have a say in decision making about all program activities. Women will also benefit from the opportunity to participate in recognised training courses, increasing their skills, knowledge and potential employability; hence a major impact of the program will be the increase in participation of women in regular sport and physical activities that should lead to improved health of women.⁵⁶

At the school level MESC through its Fiafia Sports program aimed at increasing sport and physical activity for school aged children has targeted primary schools. Since its inception in 2007, more than 62 primary schools have taken part in the program. More than a 100 teachers have been trained and 80% of these teachers are female teachers. The aim is to cover all 144 primary schools by the end of 2014.

12.5.3. National Kidney Foundation

A National Kidney Foundation was set up in 2005 by the government to respond to the increase in numbers of Samoan people needing dialysis treatment as referral to NZ for medical treatment was becoming too costly with one patient costing at approximately \$1 million Samoan tala per year. To date, 54 patients; 33 males and 19 are females, are undergoing treatment at the Foundation, with the youngest member an 11 year old boy.

12.6. Memorandum of Understanding to enhance the health of communities

In August 2006, in line with the partnership approach to improve the status of women in Samoa and as part of the Government of Samoa's broader Health Sector Wide Approach Program a Memorandum of Understanding (MOU) was signed between the MOH and MWCSD in 2006. This MOU was the mechanism that would support the focus on engaging communities in health promotion and wellness

⁵⁶ Ibid.

programmes. It was also the mechanism that would ensure that a community development perspective would be reflected in the design and implementation of health promotion initiatives targeting village communities.

12.7. Breastfeeding

Breastfeeding continues to be promoted by MOH as the national focal point and the MWCSO in the context of CEDAW and CRC. An Infant and Young Child Safe Feeding Practice Plan of Action has been implemented by the relevant health sector partners and is reviewed on an annual basis.

From the perspective of the MWCSO, the focus on breastfeeding has been incorporated into the work on the Convention. A session on Breastfeeding is integrated into the Skills Building program (an income generating program) targeting unemployed women. Breastfeeding is also linked to the Family and Community Wellbeing programme through the nutrition focus and the promotion of a safe, clean and supportive home environment in order to ensure healthy and inclusively breastfed babies. The commemoration of World Breastfeeding week is also remembered through a series of activities annually. For 2009, the theme for the commemoration of World Breastfeeding week was “Breastfeeding - A Vital Emergency Response”. The theme for this year highlighted the link between breastfeeding and Emergencies and Natural Disasters. As a tropical island that is vulnerable to natural disasters, this was an opportunity for Samoa to reflect on the value of breastfeeding given the realities of climate change that Samoa as a Pacific island nation needs to be prepared for. A village based program on breastfeeding was implemented as a finale to the week long Skills Building Program at the village of Satalo in August 2009. The village women’s committee performed a series of poems, speeches and dancing focusing on breastfeeding as the most cost effective and nutritious source of food for infants and young children. Breastfeeding therefore has been integrated into the program focuses of Sectors outside of the MOH and this another example of the Sector Wide Approach to health referred to earlier.

12.8. Primary Health Care

Ongoing efforts to strengthen and improve primary health care services and health promotion and preventive programmes included a variety of activities, such as workshops addressing non communicable diseases, baby and child health and nutrition, adolescent health, maternal health (including early detection of cervical and breast cancer) and care of the elderly. Immunization programs for tuberculosis, diphtheria, pertussis, tetanus, poliomyelitis, hepatitis, measles and rubella aimed at achieving more than 95% coverage. Effective use of the media for health awareness programs was supported through training workshops for staff and stakeholders; and environmental health services legislation was enforced. The effectiveness of preventive programmes was monitored, reviewed and evaluated.

12.9. Human Resource Development in the Health Sector

Human resource development efforts focused primarily on current working conditions and incentives for medical personnel, which were reviewed during the doctors’ strike in September 2005. There is an acknowledged need for improvements to retain doctors and attract overseas doctors and specialists to

cover the skills shortage. Undergraduate and postgraduate training continued with donor support, as did the visitations by medical specialists in such fields as urology, cardiology, surgery, orthopaedic, ophthalmology and psychiatry. Training of nurses, which make up the largest health workforce at the National University of Samoa Faculty of Nursing and Health Science, also continued. The period under review saw the introduction of postgraduate nurse training in specialist areas including midwifery, mental health and paediatric nursing. The Oceania School of Medicine Samoa continued with increased numbers of Samoan students enrolling. In the first half of 2007 a comprehensive Human Resources for Health Policy and Plan of Action was developed, and will be followed by the development of a comprehensive data base to capture information on human resources in health as the basis for reviewing and managing this policy and action plan.

12.10. Mental Health Act

The Mental Health Act 2007 saw the re-establishment and restructuring of a specific Mental Health Unit according to the provisions of the new Act. The Act is ‘to provide for the care, support, treatment and protection of persons with a mental disorder and for related purposes, including people with disabilities and their families’.⁵⁷ Assistance and support for women and girls who suffer from distress, depression or any thoughts in this nature is treated or offered by the Mental Health Unit. Section 14 of the Act refers to: “Mental disorder” includes a mental illness and means a medical condition that is characterized by a significant disturbance of thought, mood, perception or memory.⁵⁸

12.11. Climate Health - An Emerging Issue

The Ministry of Health with assistance from the World Health Organisation conducted a sector wide consultation with all partners within the Health sector to look at how the sector through the process of adaptation and mitigation would address health concerns and most especially new emerging issues as a result of climate change. The need to include a gender impact assessment (in particular, women and children) for each of the thematic priority areas in the Health and climate change design document was a critical area that was highlighted in the discussions for this consultation.

Article 13: WOMEN IN ECONOMIC AND SOCIAL LIFE

Refer also to notes under Article 3.

Samoa’s national development plan for 2008-2012 (SDS) now notes under its Priority 5 the National Policy for Women as the framework for the realisation of Samoa’s obligations under the Convention as one of its priorities for the next 4 years. In the same document, certain developments have been noted towards enhancing the status of women in economic and social life as follows.

⁵⁷ Mental Health Act 2007.

⁵⁸ Ibid.

13.1. Land Resources and Fisheries

On the issue of providing land for development, Samoa Trust Estates Corporation (STEC), Samoa Land Corporation (SLC) and the Land Board have made and continue to make provisions for leasing land for major developments. A Taskforce was appointed by Cabinet in November 2006 in lieu of establishing a land leasing committee. The Taskforce consists of ten members representing the community, churches and concerned ministries (MOF, AGO, MJCA, MNRE and MWCSO) and has drawn on results from a broad review of the economic use of customary land, which recommended a series of changes in the legal framework, as well as improvements in the current administrative process by which lease applications are processed by MNRE and MJCA. Work of the Taskforce is ongoing through 2007.⁵⁹

The Ministry of Agriculture and Fisheries (MAF) continues to focus on several areas to enhance food security. Increased production of root crops is supported by supplying high quality planting materials from the ministry's nurseries to growers on request. Revitalising traditional crops is supported through the development and promotion of coconut virgin oil and organic farming which government assistance through ADB funded projects have been devolved to the Women in Business Development Inc and Samoa Small Business Enterprises. The availability of farming information to all has been developed through the active use of radio and television; and competitions between village farmer groups are conducted to encourage people to utilise their land for personal benefit. Since its formation in 2005, the Samoa Crops Cooperative Association has been actively raising the concerns of farmers and exporters.⁶⁰ Strengthening of MAF continued under a comprehensive AusAID-supported Institutional strengthening Program 2001-2006. A management advisory committee has been established and meets regularly to ensure good governance and the implementation of agricultural development strategies.⁶¹

MAF and the Ministry of Natural Resources, Environment and Meteorology (MNRE) have worked together to monitor and manage the marine environment in the interests of better conservation and sustainability of fisheries resources. The village communities' capacity for management of fisheries resources has been strengthened through workshops, training and consultation, so that these communities are engaged effectively in the application of by-laws, implementation of management plans and the creation and management of fisheries reserves. Sixty four (64) villages owned fisheries reserves were established and 80 villages have formulated village fisheries by-laws. In addition, integrated fish farming systems, lagoon bivalve nurseries and farming of tilapia, freshwater prawns, eels and crabs have been developed. Suitable coastal areas and land that are appropriate for aquaculture have been identified; and technical advice has been provided through the development and dissemination of information sheets on aquaculture farming, fish management and fisheries regulations. Two projects on the protection of marine areas are implemented by two separate village

⁵⁹ SDS 2008 – 2012; Review of SDS 2005 – 2007; Ministry of Finance.

⁶⁰ Ibid.

⁶¹ Ibid.

women's committees under the MNRE World Bank funded small grant scheme programs. Community fish farming competitions have been supported.⁶²

A plan for a sustainable harvested forestry industry has been developed and enforced to control the exploitation of indigenous forests. Four forestry nurseries have been established in Upolu and Savai'i to encourage community forestry planting.⁶³ Two of these forestry nurseries are being managed by village women's committees. Several projects are being implemented and managed by village women's committees and these include a total of twenty projects on coastal reforestation/nurseries, ten on coral garden, seventeen on rehabilitation of coastal freshwater pools and two on the protection of marine areas. These projects are funded by World Bank through a small grants scheme executed through the MNRE.

13.2. Women and Agriculture

As noted in the review of agricultural development, MAF and MWCSO are both engaged in a range of activities to improve food security, and information dissemination was facilitated by a collaborative working relationship between these ministries and telecommunications and postal services to encourage use of the Fesootai Centres (telecenters) to deliver agricultural information around Samoa.⁶⁴ To date seven telecenters managed and implemented by village women's committees in their own villages are currently in progress. Furthermore, the support of Samoa Tel (a major telecommunications company that is Government funded) is made available through the Samoa Women's Committees Development Organization to set up land lines around Upolu & Savaii for all village women committees' facilities. This opportunity will build on existing developments and expand the coverage and opportunities of ICT development for women and their families.

Facilitating the involvement of villages and in agriculture production through the maintenance of access roads, Future Farmers of Samoa project and the Aiga ma Nuu Manuia (Family and Community Wellbeing) program were undertaken. The provision of technical expertise to the community projects funded through the Global Environment Facility – Small Grants Scheme in organic production were undertaken. The availability of subgrants to support vegetable gardening for women in the context of the Family and Community Wellbeing Program provided under the Health SWAp referred to earlier is another development to be noted. This assistance has not only provided an opportunity to improve the quality of nutrition for women, it has also come as an income generating opportunity for some women.

13.3. Women and Small Business Development

Since the last report, Government continues to support and promote small and medium enterprise development through the establishment and operation of a Samoa Private Sector Contestable Fund, which combines several previous allocated funding schemes (Tourism Support Fund, Private Sector Support Allocation and the Structural Adjustment Facility), thus harmonising development partners

⁶² Ibid.

⁶³ Ibid.

⁶⁴ SDS 2008 – 2012.

funding support for private sector development. The Fund initially will be SAT\$500,000–700,000 with the aim of reaching a minimum target of SAT\$2.5 million. One-third of the Fund will be available annually to support local small and medium business initiatives.⁶⁵

Support for small-scale business operations in the communities has been provided through the Small Business Enterprise Centre (SBEC), South Pacific Business Development (SPBD), Women in Business Development (WIBDI) and Matuaileoo Environmental Trust Incorporated (METI). These organizations have provided technical advice, training, counselling and credit access through micro-credit facilities. Almost 3,000 micro and small business operators have undergone training, and 1,000 eligible businesses benefited from the credit programs. The services provided have a national coverage with field visits around the two islands on a weekly basis. This will continue in view of the existing credit portfolio to ensure that the projects are self sustaining. Furthermore, training programs have been held on a regular basis and will continue as part of the awareness programmes campaign, which includes bank representatives presenting how banks may provide access to credit. Government continues to support community development by providing budgetary support to the 3 main utility service providers for the fulfilment of Community Service Obligations.⁶⁶

13.4. Participation of women in recreation and sports

The full participation of women in village sports as part of their social life is often hindered by family obligations and some cultural attitudes and beliefs about sporting activities women can or cannot participate in. In saying that, women in Samoa have over the years been given a few opportunities to participate in sports initiatives that traditionally were male dominated. The push to increase the number of women participating in competitive sport is supported by the Government through plans and policies of MWCSO, MESO, SASNO and national Sporting bodies. Women have become active in sports traditionally viewed suitable for men, such as rugby, weightlifting, boxing, taekwondo and judo. Most opportunities, however, are limited to urban areas where facilities and competitions are centred.⁶⁷ In addition, there has been an increase in the number of women taking leadership and managerial roles in National Sports organizations over recent years such as the Netball Association (Woman President), SASNO (10% of membership have to be female), Women's Rugby, Hockey, Sailing/Yachting and, Swimming). The development of women and sports is hindered by financial constraints as there is always more financial assistance allocated by Government as well as the extent of sponsorship from Private organisations to men's sports and sporting bodies compared to that of women.

13.5. Climate Change – Disaster Risk Reduction and Adaptation

Climate change as an emerging issue given its gender implications has been taken on board the work of the Environment Sector since 2005. Samoa became a signatory to the United Nations Framework Convention on Climate Change (UNFCCC) in 1992 followed by ratification of the convention in 1994. In 1998, Government signed the Kyoto Protocol and ratified in 2000. The Ministry of Natural

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ MESO – Samoa Sports for Development Program Design Document 2008.

Resources and Environment (MNRE) is the national focal point for monitoring the progress of implementation for both these conventions. To date, MNRE has submitted the first and just in early March 2009, the Second National Communication reports to the UNFCCC detailing what the Government has done to address climate change concerns in Samoa.

In 2005, the Government of Samoa endorsed a National Adaptation plan (NAPA) to guide the development of adaptation strategies in Samoa. NAPA consists of 9 Project Profiles in order of prioritisation from the country wide consultations. A number of projects are now being committed to implement some of the profiles and the implementation of this plan is on going.⁶⁸

The SDS 2008 – 2012 includes a number of activities that are relevant to climate change mitigation. This includes a commitment to “make significant greenhouse gas reductions,” to be achieved through “renewable energy use, energy efficiencies, sustainable transport and public awareness of the importance of greenhouse gas abatement.”⁶⁹

13.5.1. National Climate Change Policy

Cabinet approved the National Climate Change Policy in early 2008, providing “a national framework to mitigate the effects of climate change and adapt to its impacts in an effective and sustainable manner.” With respect to mitigation, the policy includes the general commitment to promote mitigation in all sectors. Other mitigation strategies highlighted include involving Samoa in carbon trading and clean development mechanism projects; promoting energy efficiency and renewable energy; and providing financial incentives for mitigation.⁷⁰

13.5.2. National Strategy for Greenhouse Gas Abatement

The overall objective of the National Greenhouse Gas Abatement Strategy “is to mitigate the impact of climate change through GHG abatement; supporting global action to reduce GHG emissions but also strengthening the national economy by the efficient operation of the relevant sectors producing GHG.”⁷¹

13.5.3. National Energy Policy

The National Energy Policy was adopted by Cabinet in June 2007, with the following over-arching vision: “To enhance the quality of life for all through access to reliable, affordable and environmentally sound energy services and supply.” Importantly, this vision is to be pursued through two goals:

- “To increase the share of mass production from renewable sources to 20% by year 2030”; and

⁶⁸ MNRE; Samoa’s Second National Communication to the UNFCCC; 2009.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid.

- “To increase the contribution of renewable energy for energy services and supply by 20% by year 2030.”

The policy includes a number of strategies that are of particular relevance to mitigation, including: developing indigenous energy resources; developing renewable energy resources and technologies; improving the efficiency of electricity production, transmission and distribution; demand-side management; and promoting efficient transport options. Policies and Laws Relating to Forests Samoa’s forests are governed by the Forest Act (1967) and the Forest Regulations (1969), both of which are primarily focussed on the management of forests for commercial logging interests. However, in early 2007 Cabinet passed a motion banning all commercial logging operations. This Cabinet decision will be given legal effect by the Forest Resource Management Bill. The recent shift away from commercial logging to forest conservation has prompted a review of the national forest policy. A revised policy entitled “Forestry for Sustainable Development” is currently under consideration. A key focus of this draft policy is to pursue carbon trading opportunities as a means of encouraging greater forest conservation and contributing to climate change mitigation.⁷²

13.6. Other National Policies

There are a range of other national policies that are relevant to Samoa’s mitigation efforts including: the National Land Use Policy; the National Policy on the Conservation of Biological Diversity; National Waste Policy; the Protection of the Ozone Layer Regulations; and a range of policies and plans that are in place in other sectors, including water and agriculture.⁷³

Article 14: RURAL WOMEN

14.1. Government Women Representatives

The DFW of the MWCSO coordinates the network of Government women representatives (GWR) who are liaison officers between Government and the village. Each of the GWRs is nominated by their own village women’s committees and nominations are then submitted to Cabinet for endorsement. GWRs are paid \$125.00 (USD50.00) a fortnight by the Government through the MWCSO and they play the role of village level focal points for the advancement of women and the protection of children for Government and their village. There are 326 villages that make up the settlement of the Samoa and currently there are 102 GWRs serving the traditional villages in Upolu (where the capital city is situated) and 86 women for the traditional villages in the big island of Savaii. Non traditional villages do not have Cabinet appointed GWRs but they do have village mayors (mostly males) who are also managed under the auspices of the MWCSO.

The work of the GWRs is managed using a performance management system which is a results- based tool that sets out the requirements of the tasks, monitoring indicators of these tasks and the expected outcomes for the GWRs in line with the strategic direction of the Ministry. The MWCSO conducts monthly meetings for the GWRs and these meetings provide the GWRs with information on

⁷² Ibid.

⁷³ Ibid.

development programs and or issues that the women at the village level must know. GWRs are responsible to their Village Women's Committees and therefore have an obligation to relate back to the village women's committees all information from these meetings as a form of capacity building for the village women. GWRs are also expected to be at the forefront of any village based development program in particular the ones that target women and children. Examples of these programs are; the Family and Community Wellbeing Programme (Aiga ma Nuu Manuia Program that focuses on sanitation and hygiene), Birth Registration of all babies born in the village, safe water, smoke free homes, natural disaster preparation and awareness, micro finance schemes and Livelihood and Skills Building trainings, HIV & AIDS prevention, Domestic Violence Prevention and other social and economic programs spearheaded by Government. The work of the GWRs and the network of church women's fellowships, have also allowed for the participation of rural women in the economic and social programs delivered by staff of the MWCSO in partnership with other Government Service providers on Second Chance Education learning.

Another important function of the GWR's is the registration of all births (including still born) delivered at home or in the village. The current Births, Deaths and Marriage Act that was amended in 2002 places the onus on the GWR or president of the women's committee within every village in Samoa as one of the legal authorities authorised to register infant births and deaths born in a place of resident not identified as a hospital. This change in the BDM Act relates much to the close association of the GWRs with traditional birth attendants practising in the villages who happen to be all females. Since 2007, the Office of the BDM have applauded the efforts of the GWRs and women presidents in carrying out these duties efficiently as there has been an enormous improvement in the registration process with more than 75 – 90%⁷⁴ of children born in the villages registered and have birth certificates. The remaining ten percent however is still of concern. A contributing factor is possibly the extent of household coverage by the woman representative and therefore failing to reach out to all women who give birth in the village. Capacity building trainings on the process of birth registration is conducted for GWRs by the MWCSO and the BDM Office every six months.

14.2. Community development for rural women

In 2008 alone, funding assistance from AUSAID has enabled more than 12 village women's committees in the rural areas (Upolu and Savaii) with more than 50 members per committee to purchase sewing machines as part of their income generation activities. The coordination of some of these projects is through the Catholic family Ministry with the MWCSO providing the qualified trainers for the conduct of garment making and other handicraft making assistance. More community based women's organizations are receiving and further seeking funding from other development partners such as the European Union, AUSAID and NZAID to provide resources to expand the income generating programs conducted at village level. These opportunities have helped raised the morale of women especially those in rural communities in terms of utilising opportunities available at national level to assist them with their community based projects. These efforts are making a difference in the lives of women in terms of improving their quality of life and are making some positive contributions to the revival of the village economy.

⁷⁴ DFW Programs & Training : 6 months M & E report Jan – July 08.

The conduct of Livelihood trainings for young women in the rural villages, focusing on income generation with a link to adolescent reproductive and sexual health issues have also continued since the last report. These have also aided the participation of women in the micro finance programmes that have been in operation since the last report. Three local NGOs and private sector companies that promote micro enterprise and businesses for women in both urban and the rural areas have continued their work since the last report. These are the South Pacific Business Development (SPBD) organization, Women in Business Development Inc (WIBDI) and the Small Business Enterprises Centre (SBEC). WIBDI and SBEC receive their funding from various AID funding donors and from the Government. Unsecured small loans are not considered viable by any banks including the Development Bank of Samoa.⁷⁵

In 2006, SPBD which is privately financed and is also supported by the Government disbursed more than 9,000 small loans to more than 6,000 women with the repayment rate over 96%. To date, SPBD has disbursed a total \$26 million worth of micro loan financing since it began its operations in Samoa in 2000.

14.3. Community Based Projects on Climate Change and Gender

A total of seventeen projects managed and implemented by village women's committees under the leadership of the GWRs occurred in 2008 as part of the Ministry of Natural Resources and Environment 'climate change and sustainable development' programs. These projects ranged from Coastal/Beach tree planting to stop sand erosion, Mangrove replanting and Village waterpool rehabilitation. A total funding of ST400,000 was disbursed specifically for the women's committees for the implementation of these projects. To date 41 projects focusing on coastal infrastructure and management plans which involve both the women's committees and the village councils in 41 villages (village selection based on at risk areas because of its geographical location therefore considered most vulnerable) are currently in progress.

14.4. Water Sector Program

To ensure community access to quality water, a Water for Life: Water Sector Plan and Framework for Action 2008 – 2013 has been developed. This Plan will address the issues and challenges of inadequate waste water disposal and sanitation, high levels of leakages, irresponsible water usage and low levels of cost recovery and non- financially viable operations. The Prime Minister in his address at the Pacific Island Leaders Roundtable on Water and Sanitation at the World Bank Tokyo Learning Centre remarked; 'The water sector plan recognises that with the implementation of improvements in water resource management and access to water supply and sanitation, Samoa would make considerable strides in achieving the MDs number seven target of halving by 2015 the proportion of people without sustainable access to safe drinking water and basic sanitation. If such is achieved, other MDGs such as maternal, child health, primary education and poverty eradication can also be achieved'.⁷⁶

⁷⁵ SITAN women, children and youth of Samoa 2006.

⁷⁶ Mata'afa Keni Lesa; Samoa Observer 22nd May 2009.

A multi- million project which is part of the government's Water Sector Support Program (WASSP) to realise the Water Framework for Action is currently in progress to improve water supply to rural villages and improve the drainage systems for flood prone areas in the town areas. The MWCS D as one of the implementing agencies for the WASSP is responsible for the Independent Water Scheme (IWS) component of the programme. The IWS component focuses on the use, protection and management of village owned watersheds or water pools to supply the entire village as well as that of the neighbouring villages that cannot access the main water supply because of their geographical locations. These independent water schemes are managed by a selected village committee whose membership consists of 50% females. An Independent Water Scheme Association consisting of one representative from each of the individual village committees has been established under the support of the MWCS D as part of the WASSP. This Association is chaired by a woman, and is currently housed with the Division for Internal Affairs of the MWCS D.

Article 15: EQUALITY BEFORE THE LAW

Refer also to notes under Article 2 & 3.

The MWCS D together with the Ministry of Justice, and Courts Administration, the Ministry of Police and Prison Services and the Office of the Attorney General have taken a united stance in the development of national legislation in order to address the issue of domestic violence within Samoa.⁷⁷

| CRIME AND JUSTICE | 2001 | 2008 |
|---|-------------|-------------|
| % female victims registering complaints | 57 | 65% |
| % male victims registering complaints | 43 | 35% |
| % females offenders | 14 | 23% |
| % male offenders | 73 | 77% |
| Female defendants convicted | 51% | 12% |
| Male defendants convicted | 70% | 88% |

⁷⁷ Tamati -VL; Initial Overview Report *A Review of relevant legislation relating to Domestic Violence in Samoa; 2009.*

15.1. Law and Justice

Samoa's performance in law and justice is relatively good. However, there are recognised deficiencies in law and justice, which have been documented in a comprehensive, consultative situation analysis, undertaken in preparation of the Samoa Law & Justice Sector Plan, 2008–2015: Justice for a Safe and Stable Samoa. There is a chronic backlog in the court system, which is characterised by inefficient systems and procedures and dilapidated facilities. The Ministry of Justice and Courts Administration (MJCA) suffers from longstanding staff shortages. Police performance has improved, but is still marred by corruption, organisational inefficiencies and limited staff competencies in investigating and prosecuting crimes. Conditions in the rundown prisons are often in violation of international standards and human rights. There are minimal facilities and programs for rehabilitation usually provided by NGOs and security is often weak in these facilities. Legislative reform is hampered by the limited capacities in the Office of the Attorney General. The Ombudsman's office is poorly resourced and rarely used to pursue complaints or matters of concern to the public sector institutions. MWCSO's resources are stretched and the Law Society's oversight of the law profession's professional standards and ethics is limited by a shoestring budget.⁷⁸

To maintain law and order and improve access to justice, Cabinet has endorsed the Samoa Law & Justice Sector Plan, 2008–2015: Justice for a Safe and Stable Samoa for consultations with communities. This plan has four goals: (1) community safety, with a focus on crime reduction, policing and prisons (and with continued provision of fire services); (2) access to justice, with a focus on community empowerment and education, access to laws, legal profession capacity building and legal aid; (3) customary and community-based justice, with a focus on harmonisation with the formal justice system and integration with the development of the economic use of customary land; and (4) integrity and good governance, with a focus on organisational efficiency, capacity building, case management and business process improvement, performance management, and ethics, governance and anti-corruption. Other measures that will be pursued are the improvement of the national border management in response to terrorism, drug and human trafficking, bio-security and illegal immigration.

To date, a Law and Justice Sector Steering Committee has been set up and comprises the MJCA, Ministry of Police and Prison Services, Ministry of Finance, Office of the Attorney General (chair), Law Reform Commission, Public Service Commission, SUNGO, National Council of Churches, Samoa Law Society, the Ombudsman, MWCSO and a matai (chief) community representative. Initiatives that are underway in the context of the Law and Justice Sector Plan include; (1) the Ministry of Police and Prison Services' Community Policing Program which looks at awareness programs targeting primary and secondary schools, seminars with village leaders and women's groups including the untitled young men and their wives; and strengthening of the Ministry of Police and Prison Services' human resource management which saw the set up of a new Domestic Violence Unit with specific officers and staff trained under the NZAID Police Regional Prevention of Domestic Violence Project to deal with issues and cases of Domestic Violence.

⁷⁸ Law & Justice Sector Plan 2008-2015.

15.2. Office of the Law Reform Commission

Since the last report, the Office of the Law Reform Commission (LRC) which was set up in 2008 pursuant to the Law Reform Commission Act 2008 is now in operation and is another attempt by government to ensure its national laws are compliant with international conventions. The LRC is currently under the guidance of the Attorney General but has its own Executive Director who happens to be female who has had extensive experience both in the public and the private sectors in Samoa. The office is staffed by 5 employees who are undertaking small scaled projects. At the time of report writing, the Commission is in the process of conducting a legislative review of the CEDAW⁷⁹ and CRC⁸⁰ compliance legislative review. This review seeks to capture progress made in the last 2-3 years in terms of 'law reform' in line with the recommendations highlighted in these two reports. The LRC intends to initiate 'law reform' in view of these reviews at the end of the 12 months period in order to bring Samoa's legislations in line with CEDAW and CRC. A review of all Government Ministry legislations is also under way with the focus on the identification of discriminatory provisions in these legislations to further ensure compliance of all Samoan legislation with CEDAW and CRC. The LRC is a member of the CEDAW Partnership Committee which is chaired and coordinated by the MWCSO.

15.3. Rehabilitation Programs for Women

Under the TALAVOU Programme, funding for some rehabilitation programs delivered by NGOs has been provided since 2008. Similarly, the TALAVOU Programme has discussed the signing of an MOU with the Ministry of Justice and Courts Administration which paves way for more involvement of the MWCSO through the provision of social programs for the rehabilitation of delinquent youths and their families who are serving their sentence out in the community. Data from the MPPS shows that as of September 2009, only 25 out of 207 prison inmates are females. Out of this 25, 5 of them have been released on parole.

15.4. Community Justice Act 2008

This recent enactment passed in 2008 is now in force in Samoa. The Act provides alternative sentencing options particularly for first and/or young offenders. Provisions for diversion and powers to refer offenders to rehabilitative programmes are also included in this new legislation. In short the long title of this Act summarises what it is about and this is to promote criminal justice by the provision of a community based justice system that fosters community based sentencing options and the rehabilitation and reintegration of offenders back into society.⁸¹

The whole Act provides sufficient mechanisms for the rehabilitation of offenders, and also provides for imprisonment in cases where an offender has breached a condition of a supervision sentence. This schema is very similar to the mechanisms adopted in other domestic violence legislation which makes

⁷⁹ Translating CEDAW into Law; 2006; UNIFEM.

⁸⁰ Samoa CRC Legislative Compliance Review 2006; Taylor P, MWCSO Samoa.

⁸¹ Initial Overview Domestic Violence in Samoa Report March 2009; Unasa Leilani Vaa.

it an offence only where there is a breach of a family protection order which in most cases, requires the offender to attend counselling or rehabilitation programmes.⁸²

The most attractive part of this piece of legislation is the inclusion of and/or referral to traditional institutions and traditional leaders, such as Village Matai, pastors and people of standing within communities, in assisting with the rehabilitation programmes or supervision of Defendants.⁸³ In the context of CEDAW, this legislation would allow for the reintegration of women offenders back into the community without having to go through serving their sentences in prison. It is an enactment however which needs to be implemented with caution so that the communities in which the women for example are being placed in, have the capacity to work with these women, otherwise there is the risk that they may be subjected to discrimination and will be further victimised as the ‘offenders’ in the village communities.

15.5. The Review of the Lands & Titles Act

A project to review the Lands & Titles Act is currently being undertaken by a special taskforce appointed by Cabinet under the auspices of the Ministry of Justice and Courts Administration. There is an intention to amend existing provisions where necessary. The review has included various consultations with the general public including women as equal participants.

Article 16: MARRIAGE AND FAMILY LAW

Under this article, the Committee had recommended that Government 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 recommended that government undertake awareness raising measures to address cultural patterns of conduct that are discriminatory against women and girls in these areas.

Refer also to notes under Articles 2&3.

16.1. Review of the Divorce & Matrimonial Causes Ordinance 1961 and Maintenance & Affiliation Act 1967

The MJCA have undertaken a review of the Divorce and Matrimonial Causes Ordinance 1961 and the Maintenance and Affiliation Act 1967 with the intention to amend any provisions where relevant in line with the Convention as referred to earlier. The outcomes and recommendations from this review are being consulted over with communities and stakeholders before they go to Cabinet for their endorsement for consideration by Parliament.

⁸² Initial Overview Domestic Violence in Samoa Report March 2009; Unasa Leilani Vaa.

⁸³ Initial Overview Domestic Violence in Samoa Report March 2009; Unasa Leilani Vaa.

16.2. Programs on relationships and communication targeting young women

The MWCSD through the DFW and DFY continues to conduct capacity building training programs for women on the issues and implications of ‘teenage pregnancy’ which often leads to early marriage and early school drop out. These programs range from building self esteem, communication and relationship building, social skills to parenting tips for those who are already young mothers. Behaviour and attitudinal change workshops such as women and their husbands, facilitation workshops for both women and men and TV programs are also carried out in villages to address the issue of violence and unintended discrimination against women who are married and move to stay with the husband’s family (nofo tane). There is a general perception that once the woman marries and leaves the comfort of her own family to live with the husband in his family, her status of having the highest honour being a female and as a sister (‘feagaiga or covenant’) is reduced. This change of role relates much to the expectation on the woman as she marries her husband to provide the service that is expected from the brother to his sister(s) as covenants for his family. Other services and capacity building programs targeting women and girls are still being conducted by NGOs and civil society organisations.

16.3. Parliamentary Group on Population & Development

A Samoa Parliamentary Group on Population and Development (SPGPD) has recently been set up under the coordination of the Legislative Assembly. This new development aims to assist all stakeholders by strengthening advocacy partnerships in order to effectively promote population and development issues to improve quality of life in Samoa. The group is chaired by the Speaker of the House and membership is at the ministerial and Chief Executive Officer level. This advocacy group is a positive development that can be used to lobby for support of the Family Safety Bill and other legislations in support of the work of the Convention when they are tabled in parliament.

16.4. Enforcement of Compulsory Education

To ensure the full enforcement of the compulsory Education Act and to respond to the growing problem of children hawking on the streets during school hours and absurd hours in the night, MESC has began vigorous consultations with parents, community leaders, Government Ministries, NGOs, and all key stakeholders on strategies to enforce provisions of this act and to make education a priority for all children including those with disabilities. Part of these efforts include the amendment of the Compulsory Education legislation that has been tabled before parliament to increase penalties for parents and guardians that fail to meet their parental responsibility of sending their children to school. The amendment also, includes a proposal for a school fee relief program – where all school fees for children between the ages of 6 & 14 years will be waived. One of the critical issues regarding such a proposal is how the Ministry would enforce this once it becomes law.

16.5. International Labour Organization Convention

The Government of Samoa through MCIL has ratified 14 of the International Labour Organisation (ILO) conventions and prioritised on its legislative agenda the review of the current Labour & Employment Act 1971. The relevant provisions for consideration in this review include – maternity &

paternal benefits for women and men in the private sector, which would include provisions for maternity leave with pay for both permanent and temporary female workers.

16.6. BIWAKO Millenium Framework for Action

The Government of Samoa under the Pacific Leaders Forum declared their commitment to the BIWAKO Millennium Framework for Action in 2003. This commitment further strengthens Samoa's efforts in the context of CEDAW and CRC through the call to mainstream the rights and needs of people with disabilities into policy development and planning processes. To translate this commitment at national level, a National Disability Taskforce was set up within the MWCSO in October 2008 by a Cabinet directive to oversee the work on people with disabilities as referred to earlier. The Taskforce is also lobbying for Government ratification of the UN Convention on the Rights of People with Disabilities. Chaired by the MWCSO, members of the Taskforce include representatives from the Office of the Attorney General, MOH, MESC, Church Organisations and the Organization for People with Disabilities.

16.7. Legislative Handbook for developing Legislations

In 2008, the Office of the Attorney General launched a new 'Legislative Handbook' which states that all laws including existing, new, reviewed and amended legislations are to be written as gender neutral. The process of applying this non discriminatory provision has started with the review of Criminal law areas more specifically the Crimes Ordinance Act 1961.

16.8. Programs enhancing understanding of and application by communities of legislations

The MWCSO had regular consultations with relevant law enforcement authorities to strengthen law and order within the communities, and conducted awareness and training programs on traditional skills and knowledge in collaboration with NGOs, churches and community leaders. Other social measures undertaken by MWCSO to promote social coherence and harmony in the communities include the promotion of effective communication skills within the family, enhance economic development skills, strengthen traditional social structures to effectively address social issues impacting on families and communities – village leaders, women, churches and NGOs and the promotion of partnership with stakeholders.⁸⁴

In order to strengthen community engagement, MPPS has joined forces with the MWCSO to spearhead a community policing programme within the different villages in Samoa. This community policing builds on the lessons learnt from the previous Safer Samoa Campaign and this initiative seeks to ensure that the law enforcement sector is working closely with communities through the MWCSO to identify issues and possible solutions to promote safer communities.

Relative to the recommendations from the Committee for Samoa to consider ratification of other relevant human rights conventions, the following is an update of since the last report.

⁸⁴ Ibid.

16.9 Other Human Rights Instruments

In the last report, Government was encouraged 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. Government was also requested 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.

Taking account of the gender dimensions of the declarations, programmes and platforms of action adopted by relevant UN conferences, summits and special sessions, the Committee requested that government include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.

The Committee had also noted that adherence to the seven major international human rights instruments, enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Government was therefore encouraged 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.

In addition, the Committee also requested that Government 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 23rd Special Session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty first century".

16.9.1. Ratification of Related Human Rights Conventions

The Government of Samoa has yet to ratify the ICESCR, CERD, CAT and CMWF. Experience in the ratification of CEDAW and CRC in Samoa reveals that it is important for the people of Samoa to understand the intention of these conventions and secondly, some consideration of possible measures to be put in place to ensure full implementation of any of these Conventions before ratification. This is to avoid a backlash from the general population about the lack of awareness and understanding of these conventions and that they were not consulted during the ratification process as had happened in the case of CRC and CEDAW. The need to consult communities and the public at large before ratification takes place also relates much to the issue of ownership so that the implementation of these Conventions becomes a collective effort rather than the effort of the Government national focal points alone. Since the last report, some progress has been made towards the ratification of some of these Conventions. NGOs and umbrella organizations such as SUNGO are coordinating assistance from regional organizations such as RRRT a community paralegal training for selected members of

Government, NGOs and civil society including church organisations. In February 2009, Samoa ratified the International Covenant on Civil and Political Rights.

16.9.2. Optional Protocol on CEDAW

Samoa through the work of the MWCSD and the CEDAW Partnership has started the process of dialogue on the optional protocol and whether or not Samoa is in a position to ratify it. It is important that the people of Samoa as well as the people at the forefront of the campaign understand the optional protocol.

ACRONYMS

| | |
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| AG | Attorney General |
| ANM | Aiga ma Nuu Manuia/Family Health & Wellbeing Program |
| CAT Punishment | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| CBO | Community Based Organization |
| CCCS | Congregational Christian Church of Samoa |
| CDC | Cabinet Development Committee |
| CDR | Crude Death Rate |
| CEDAW | Convention on the Elimination of Discrimination Against Women |
| CEO | Chief Executive Officer |
| CERD | Convention on the Elimination of All Forms of Racial Discrimination |
| CMWF Families | Convention on the Protection of the Rights of All Migrant Workers and their Families |
| CRC | Convention on the Rights of the Child |
| CSO | Civil Society Organisation |
| DFW | Division for Women - MWCSO |
| DFY | Division for Youth – MWCSO |
| DFRPPIP | Division for Research, Policy, Planning and Information Processing-MWCSO |
| DFS | Division for Sports – MESC |
| DFIA | Division for Internal Affairs – MWCSO |
| EFA | Education for All |
| EU | European Union |
| GBV | Gender Based Violence |
| GDP | Gross Domestic Product |
| GER | Gross Enrolment Rate |
| GHG | Green House Gas |
| GPI | Gender Parity Index |
| GWR | Government Women Representative |
| ICCPR | International Covenant on Civil and Political Rights |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |

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| ICT | Information, Communication & Technology |
| IEC | Information, Education & Communication |
| IFUW | International Federation of University for Women |
| IWLN | Inailau Women's Leadership Network |
| LRC | Law Reform Commission |
| LTA | Land Transport Authority |
| MAF | Ministry of Agriculture & Fisheries |
| MAVAG | Men Against Violence Advocacy Group |
| MDG | Millennium Development Goals |
| MESC | Ministry of Education, Sports & Culture |
| MJCA | Ministry of Justice and Courts Administration |
| MNRE | Ministry of Natural Resource & Environment |
| MWCSD | Ministry of Women, Community & Social Development |
| MOH | Ministry of Health |
| MPP | Ministry of Police and Prisons |
| MCIL | Ministry of commerce, Industry & Labour |
| MCIT | Ministry of Communication & Information Technology |
| NER | National Enrolment Rate |
| NHS | National Health Services |
| NWRMS | National Water Resources Management Strategy |
| NGO | Non Government Organisation |
| NPOA | National Plan of Action |
| NUS | National University of Samoa |
| NZAID | New Zealand Aid for International Development |
| PLWD | Persons Living with Disabilities |
| PPDVP | Pacific Prevention of Domestic Violence Program |
| RRRT | Regional Rights Resource Team |
| TALAVOU | Towards A Legacy of Achievement, Versatility, Opportunity & Unity |
| TNA | Training Needs Analysis |
| SAWG | Samoa Association of Women Graduates |
| SAME | Samoa Association of Manufacturers and Exporters |

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| SASNOC | Samoa Association of Sports National Olympic Committee |
| SBEC | Samoa Small Business Enterprise |
| SDS | Strategy for the Development of Samoa |
| SLC | Samoa Land Corporation |
| SPBD | South Pacific Business Development |
| SPGPD | Samoa Parliamentary Group on Population and Development |
| SRNA | Samoa Registered Nurses Association |
| STA | Samoa Tourism Authority |
| STEC | Samoa Trust Estates Corporation |
| STI | Sexually Transmitted Infections |
| SUNGO | Samoa Umbrella of Non Government Organisations |
| SVS | Samoa Victims Support Group |
| SWA | Samoa Water Authority |
| SWAP | Sector Wide Approach Program |
| TBA | Traditional Birth Attendant |
| UN | United Nations |
| UNCEDAW | United Nations CEDAW Committee |
| UNFCCC | United Nations Framework Convention on Climate Change |
| VAGST | Value Added Goods & Services Tax |
| WASSP | Water Sector Support Program |
| WIBDI | Women In Business Development Incorporated |
| WASSC | Water Sector Steering Committee |
| WASSP | Water Sector Program |

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APPENDIXES

Appendix 1: REVIEW OF CONCLUDING COMMENTS (CEDAW/C/WSM/CC/1-3)

This update is for the period following the reporting process in January 2005. Please refer to the Report on the Status of Women 2001 and the CEDAW Update for the UN CEDAW 2005 for information prior to January 2005, beginning with the Concluding Comments of the UN CEDAW and the progress made on areas where action was recommended by the UN CEDAW.

| Areas of concern raised by UN CEDAW | Recommended Action by UN CEDAW | Progress on action taken by Samoa |
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| <p>1. Legislation does not contain a definition of discrimination against women in accordance with the Convention. CEDAW is not directly applicable in Samoa, nor there is an adequate legislative framework in place to ensure compliance with all the provisions of the Convention</p> | <p>1.1. Government to include in the Constitution and other relevant domestic law a definition of discrimination against women in line with article 1 of the Convention.</p> <p>1.2. Government to take measures to ensure that the Convention becomes fully applicable in the domestic legal system, either through domesticating it in full or by adopting appropriate legislation.</p> | <p>1.1. While the Government has not amended its 1961 constitution, progress have been made to in the areas of legal reform for existing and new legislations which includes; Crimes Ordinance Act 1961, Labour & Employment Act 1972, Lands & Titles Act, Education Ordinance 1959, Domestic Violence Bill (new), all existing legislation to be gender neutral in language, and others which are noted in Samoa's Periodic Report.</p> <p>1.2. UNIFEM/UNDP conducted a Legislative Compliance Review of the legislations of all the Pacific Island Countries that have ratified CEDAW in 2006. The Report from this Review now provides information on the compatibility of the states parties legislations against CEDAW, and how state parties from the Pacific can step up their compliance levels through a set of indicators that we developed as part of this review.</p> |

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| | | <p>For Samoa, Government through its leading agencies have conducted a number of stakeholder consultations to review existing legislations in line with the compliance review. These include; Crimes Ordinance Act 1961, Labour & Employment Act 1972, Land and Titles Act 1981.</p> <p>Also in 2006, Government through the Ministry of Women, Community & Social Development completed a Compliance Legislative Review of all laws in Samoa in relation to the Convention on the Rights of the Child. Similar to the work done for the CEDAW legislative compliance review, the Office of the Law Reform Commission have begun reviews of all pieces legislations using the reviews of the conventions as reference material.</p> <p>The Ministry of Justice & Courts Administration had facilitated a review of the Maintenance and Affiliation Act and Divorce and Matrimonial Act.</p> <p><i>Note: Refer to the Fourth & Fifth Period Report for full details.</i></p> |
| <p>2. No timeframe or benchmarks are in place for undertaking the legal reform efforts necessary to bring domestic legislation into conformity with the Convention. Although the Law Reform Act was passed in 2002, the office is not yet established due to lack of resources.</p> | <p>2.1. Government to 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.</p> | <p>2.1. Office of the Law Reform Commission set up office in November 2008 and are working on a variety of projects to review existing legislations to ensure they are in compliance with CEDAW and CRC.</p> <p><i>Note: Refer to the Fourth & Fifth Period Report for full details.</i></p> |

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| <p>3. Prevalence of domestic violence needs measures to prevent and combat various forms of violence against women.</p> | <p>3.1. Government to put in place 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 strategy should include legislation to prevent violence against women, provide protection, support and rehabilitation services to victims and punish offenders. In this regard, the committee draws attention to general recommendation 19.</p> <p>3.2. The govt. should ensure that shelters are available to all women victims of domestic violence. It also calls upon government to ensure that public officials especially law enforcement personnel, the judiciary, health-care providers and social workers are fully</p> | <p>3.1. Government's commitment to combat of all forms of violence against women is reflected through the development of the National Framework for the Advancement of Women 2008-2012. This Framework for Action has a specific component on Gender Based Violence which includes work on the legal framework, social services available for women through the proposal for an Interagency Protocol/ Response System for women and children, and preventative community education and awareness programmes.</p> <p>In relation to legislation, a new Family Safety Bill (specifically for Domestic Violence) has been developed in close collaboration with several stakeholders since March 2009, and is currently with the Attorney General with the intention that it will be tabled in Parliament for its first reading in October 2009.</p> <p>3.2. Samoa Victims Support Group as an NGO provides a shelter for victims of violence, this infrastructure for this shelter is assistance from government. Government through the assistance from UNFPA as part of the Gender Based Violence Project housed with the Ministry of Women, Community & Social Development donated \$75,000 Samoa tala towards the establishment costs for the Samoa Victims Support Group. This also</p> |
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| | <p>sensitized to all forms of violence against women and are adequately trained to respond to them.</p> | <p>included other financial assistance for the set up of the Shelter.</p> <p>There is now a Domestic Violence Unit within the Ministry of Police and Prisons which deals with all cases of domestic violence. This unit was established through the Pacific Protection of Domestic Violence Programme (PPDV), a regional programme funded by NZAID. Part of the PPDV also includes training and sensitizing police officers on the issues of domestic violence and how they respond accordingly.</p> <p>Different sectors including health, community development, law and justice have been exposed to a number of educational processes focussing on domestic violence. The work of the MWCSO as the national focal point for CEDAW also continues to drive and implement community based and sectoral educational programmes on violence against women and children.</p> <p><i>Note: Refer to the Fourth & Fifth Period Report for full details.</i></p> |
| <p>4. Low representation of women in public life and decision-making, including women's access to family chiefly titles and their resulting low representation in parliament. The existing socio-cultural stereotypes and traditions continue to prevent women from seeking public and especially elective, office.</p> | <p>4.1. Government to 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 parliament and in local government bodies.</p> | <p>4.1. The recent launch of the Women's Wing of the Commonwealth Women's Parliamentary Association is a reflection of the commitment from our political leaders towards increasing the number of women in parliament.</p> |

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| | <p>4.2. Government to carry our 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.</p> <p>4.3. The Committee requests govt. to regularly evaluate the impact of such awareness, 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.</p> | <p>4.2. Work of the Inailau Women's Leadership Network in this area also continues through their workshops, debates and voter education processes. The initiation of a Young Women's Parliament process as part of the commemoration of International Women's Day by IWLN highlights the commitment to mould our future women leaders from a young age.</p> <p>The same initiative has been taken up through the MWCSO's Youth Parliament and will continue to form part of the celebrations to commemorate National Youth Week in Samoa.</p> <p>These have been conducted by NGOs mainly. Government through the MWCSO have included references to some of these issues in the capacity building processes conducted on leadership skills for women leaders and young women in the villages.</p> <p><i>Note: Refer to the Fourth & Fifth Period Report for full details.</i></p> |
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| <p>5. Situation of women in employment & their lower level of participation in the labour force. Existing legislation is discriminatory or has significant gaps with respect to articles 11 and 13, such as the lack of provisions on equal pay for work of equal value, 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.</p> | <p>5.1. Govt. to bring its legislation into compliance with article 11 of the Convention without delay and to ensure compliance with such legislation.</p> <p>5.2. Government to step up in its efforts to address impediments women face in entering the labour force and to implement measures to promote the reconciliation of family and work responsibilities between men and women.</p> <p>5.3. Government 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.</p> <p>5.4. Government to provide information about the impact of such measures in its next report.</p> | <p>5.1. Work in this area includes the Review of the Labour and Employment Act 1972, which is currently underway.</p> <p><i>Note: Refer to the Fourth & Fifth Period Report for full details.</i></p> <p>5.2. Under the Ministry of Commerce, Industry & Labour – a new program called – Samoa’s Decent Work Program allowed for the set up of a Tripartite Agreement Mechanism (consisting of Government, Employer & employee). This system is one of the recent steps by Government that will address concerns of women in relation to work and family responsibilities and social justice.</p> <p>5.3. refer to 5.1</p> <p>Progress is explained in full in the report.</p> |
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| <p>6. Main causes of morbidity for women being complications from pregnancy and child birth. The Committee 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 the 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.</p> | <p>6.1. Government to increase efforts to improve the provision of sexual and reproductive health services to reduce fertility rates and maternal morbidity.</p> <p>6.2. Government to step up the provision of family planning information to women and girls and to widely promote sex education targeted at girls and boys, with special attention to the prevention of teenage pregnancy and the control of HIV/AIDS.</p> <p>6.3. It invites government to provide in its next report detailed information, including statistics and measures taken on HIV/AIDS infection trends of women.</p> | <p>6.1. Government through the Health Sector, Education Sector and Community Development Sector continues to provide programmes and services on sexual and reproductive health.</p> <p>6.2. Work in this area continues with the work of the Ministry of Health through the Adolescent Health Development Programme and the work of the MWCS D through the TALAVOU Programme, and the work of the Division for Women. Government Ministries continue to work closely with Non government Organisations and civil society organisations in promoting sexual reproductive Health issues.</p> <p>6.3. The MOH is in the process of reviewing its HIV/AIDS Policy and Plan of Action in order to develop a National Response to HIV/AIDS.</p> <p><i>Note: Refer to the Fourth & Fifth Period Report for full details.</i></p> |
| <p>7. Lack of statistical information in regard to trafficking in women.</p> | <p>7.1. Government to provide in its next report comprehensive information about trafficking in women and the exploitation of prostitution of women, including through discouraging the demand for prostitution and taking measures to rehabilitate and support women who want to get out of prostitution.</p> | <p>7.1. A Survey on Sex Workers and Prostitution in Samoa conducted by the MWCS D is in progress.</p> |

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| | 7.2. It encourages government to report on any studies or surveys conducted, as well as on measures taken to prevent trafficking and to assist victims. | 7.2. In progress. |
| 8. Persistence of discriminatory provisions in the 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 about the age of consent to marriage for girls is 16 years whereas it is 18 for boys, the fault based divorce system and the lack of legislation on the division of marital property. | 8.1. Government 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 govt. undertake awareness raising measures to address cultural patterns of conduct that are discriminatory against women and girls in these areas. | 8.1. A Review of the Divorce and Matrimonial Act is in progress. Also, awareness raising programs on perceived traditional practices that discriminate against girls in relation to sexual health issues and early marriage continue to be implemented by Government Ministries in collaboration with NGOs and civil society organisations. <i>Note: Refer to the Fourth & Fifth Period Report for full details.</i> |
| 9. While appreciating the 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 in those assessments. | 9.1. Government to ensure that the Convention serves as the framework for assessing the suitability of development projects from a gender perspective. | 9.1. The work of the MWCS D in the new Corporate Plan makes reference to the conduct of gender analysis and gender audit of policies, plans and budgets within the MWCS D. This will continue with the gender analysis and gender audit of the same documents outside of the Ministry. |

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| | 9.2. Government to develop adequate capacity within government to undertake such assessments within the framework of the Convention. | 9.2. Some progress has been made in terms of building capacity of government Ministry to undertake these measures. More work however is needed in this area. |
| 10. The SDS 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 light of the govt's ongoing economic reform and trade liberalization. | 10.1. Government make the promotion of gender equality an explicit component of its next national development plan and policies, in particular those aimed at sustainable development. | 10.1. The new SDS makes specific reference to the Women's Policy providing the direction for the work on the advancement of women in the next 5 years with the aim to achieve gender equality. <i>Note: Refer to the Fourth & Fifth Period Report for full details.</i> |
| 11. CEDAW Optional Protocol & Government's Reporting Obligations against CEDAW and other UN Declarations and Platforms for Action related to the articles of CEDAW. | 11.1. Government is encouraged 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. 11.2. Government 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. | 11.1. Some progress with initial discussions on the Optional Protocol for CEDAW have begun with the CEDAW Partnership. 11.2. Refer to the report. |

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| | <p>11.3. Government is invited 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.</p> <p>11.4. Taking account of the gender dimensions of the declarations, programmes and platforms of action adopted by relevant UN conferences, summits and special sessions, the Committee requests that government include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.</p> <p>11.5. The Committee notes that adherence to the seven major international human rights instruments, enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Government is therefore encouraged to consider ratifying the treaties to which it is not yet a party, namely The International Covenant</p> | <p>11.3. Report is completed (refer to the report for full details).</p> <p>11.4. As of 11.3.</p> <p>11.5. Government of Samoa ratified the International Covenant on Political and Civil Rights in February 2009.</p> |
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| | <p>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.</p> <p>11.6. Government to request wide dissemination in Samoa of the 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.</p> | <p>11.6. Hard copies of Concluding comments both in English and Samoan language have been distributed and discussed. Access is also available on line through the MWCSO's webpage.</p> |
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| | <p>11.7. 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 23rd Special Session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty first century".</p> | <p>11.7. Little progress in this area of Optional Protocol as even the national focal point needs to understand the Optional Protocol.</p> |
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