

**Human Rights Council  
Universal Periodic Review of Samoa**

Position of Samoa on recommendations formulated during the Inter-active Dialogue in the UPR Working Group which were pending<sup>1</sup>

No.	Recommendation (Full Text)	Recommendation enjoys the support of Samoa	Recommendation noted by Samoa (does not enjoy the support of Samoa)
75.1.	Accede to further international human rights treaties (Turkey)	√	
75.2.	Sign and ratify the International Convention on the Elimination of All Forms of Racial Discrimination (Spain)	√	
75.3.	Sign (Germany),(Spain), and ratify (Germany)(Spain)(Maldives) the International Covenant on Economic, Social and Cultural Rights (Germany, Spain, Maldives) and its Optional Protocol (Germany)	√	
75.4.	Confirm its commitment towards the abolition of the death penalty by ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, which abolishes the death penalty under all circumstances (France)	√	
75.5.	Become a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (New Zealand)	√	
75.6.	Sign (Germany) (Spain) and ratify (Germany) (Spain)(Maldives), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Germany, Spain, Maldives) and its Optional Protocol (Germany, Maldives)	√	
75.7.	Consider ratifying (Slovenia), consider the possibility of ratifying (Argentina), consider the possibility of acceding and/or ratifying (Ecuador) the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Slovenia, Argentina, Ecuador)	√	
75.8.	Lift the reservation made to article 28(1) (a) of the Convention on the Rights of the Child and ratify the two current Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000) and on the sale of children, child prostitution and child pornography (2000) (Hungary)  <i>(NB: Samoa does not accept the first part of the recommendation but accepts the second part)</i>	√  Accept the recommendation to ratify the two current Optional Protocols to the CRC	√  Samoa is not in a position to lift its reservation in 28(1) of the CRC at this time for reasons mentioned in paragraph 26 of its national report.
75.9.	Take the necessary measures to ensure the		

<sup>1</sup> See A/HRC/18/14, Para.75-1-43

	signature and ratification of the two Optional Protocols to the Convention on the Rights of the Child (Canada)	√	
75.10.	Sign the two Optional Protocols to the Convention on the Rights of the Child (Morocco)	√	
75.11.	Consider ratifying (Slovenia), (United Kingdom) the two Optional Protocols to the Convention on the Rights of the Child (Slovenia, United Kingdom); consider the possibility of acceding and/or ratifying the Optional Protocols of the Convention on the Rights of the Child (Ecuador)	√	
75.12.	Ratify the two Optional Protocols of the CRC (Maldives)	√	
75.13.	Ratify and implement the Convention on the Rights of Persons with Disabilities (New Zealand)	√	
75.14.	Accede to the Convention on the Rights of Persons with Disabilities (Australia)	√	
75.15.	Ratify and implement the Convention on the Rights of Persons with Disabilities and ensure non-discrimination against persons with disabilities by, among others, developing a specific legislation regarding the rights of persons with disabilities and providing adequate resources, including technical assistance, to the recently established Taskforce Committee (Thailand)	√	
75.16.	Ratify the Convention on the Rights of Persons with Disabilities, fully incorporating provisions of the Convention into its national legislation (Slovakia)	√	
75.17.	Sign and ratify (Germany) (Spain) the Convention on the Rights of Persons with Disabilities (Germany, Spain), and its Optional Protocol (Germany)	√	
75.18.	Consider the possibility of ratifying (Argentina), consider signing and ratifying (Indonesia), consider the possibility of acceding and/or ratifying (Ecuador) the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Argentina, Indonesia, Ecuador)	√	
75.19.	Take further steps to promote the protection of human rights, such as becoming a party in a timely manner to the main international human rights instruments, including, inter alia, the International Covenant on Economic, Social and Cultural Rights and the International Convention for the Elimination of All Forms of Racial Discrimination, as well as continuing to work to ensure the conformity of the domestic legal system with international human rights instruments (Japan)	√	

75.20.	Ratify the 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness (Slovakia)	√	
75.21.	Consider the possibility of incorporate progressively in its domestic legislation the provisions set out in the international instruments mentioned in paragraphs 73.4, 73.5, 73.6, 73.8, 75.7, 75.11, and 75.18, once it has proceeded to their ratification (Ecuador)		√ Provisions of international instruments are domesticated in national legislation once the instruments are ratified, not during or before ratification
75.22.	Finalize, with international technical and financial assistance, measures for the creation of a National Human Rights Institution (Algeria)	√	
75.23.	Establish a National Human Rights Institution and consider designating the NPM under the OPCAT (Maldives)	√	
75.24.	Implement with high priority its intention to establish a mechanism to monitor human rights (New Zealand)	√	
75.25.	Conduct a public awareness campaign to ensure public understanding of the role of the human rights monitoring mechanism (New Zealand)	√	
75.26.	Consider establishing an independent body for the promotion and monitoring of the Convention on the Rights of the Child (Brazil)	√	
75.27.	Develop a National Plan of Action that provides a road-map to ensure international human rights commitments are reflected in domestic legislation (Maldives)	√	
75.28.	Take measures to reduce gender imbalance in the legislative and executive branch of government (Norway)	√	Measures are already in place. There are no institutional or legal impediments to women holding senior positions in Government or in the Legislative Assembly of Samoa.
75.29.	Take appropriate measures to make the promotion of gender equality an explicit component of its national development plan and policies and to include in its Constitution or other appropriate domestic legislation a definition of discrimination against women (Brazil)	√	Gender equality and empowerment of women (Goal 3 of MDG) are reflected in the national development plan of Samoa (SDS). There is no gender based discrimination in any Samoan legislation. Following the consolidation of all of Samoa's laws in 2007, all laws are now written in gender balance language. Furthermore, the Constitution of

		Samoa guarantees to every Samoan certain fundamental human rights including freedom from discriminatory legislation.	
75.30.	Amend its national law to guarantee equality between men and women and ensure customs and traditional practices cannot be used in law to discriminate against women (United Kingdom)		√ Reject
75.31.	Introduce amendments to its domestic legislation and administrative regulations aimed at eradicating all forms of discrimination against women, children, persons with disabilities and in general, all human groups at disadvantage (Ecuador)		√ No legislation exists that discriminate against people women, children, persons with disabilities and any others.
75.32.	Introduce amendments to its domestic legislation and administrative regulations aimed at abolishing all forms of torture and other cruel, inhumane or degrading treatment or punishment (Ecuador)		√ Samoa has abolished the death penalty. Moreover, Samoa has no legislation that encourages any form of torture and other cruel, inhumane and degrading treatment of punishment. The Constitution of Samoa guarantees fundamental human rights for all persons and protects persons from such treatment.
75.33.	Carry out additional prison facility improvements, and invite independent human rights observers to monitor conditions within the prisons (United States of America)	√	
75.34.	Circulate and implement the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules) as part of its law and Justice Sector Plan and seek appropriate assistance from the Office of the High Commissioner for Human Rights and the United Nations Office on Drugs and Crime in its implementation (Thailand)	√	
75.35.	Ensure that the Police Professional Standard's Unit complete its investigations in a timely fashion, and that it expand police training to address concerns about abuse by police (United States of America)	√	
75.36.	Review its legislation to bring the criminal responsibility of children in line with	√	

	international standards (Costa Rica)		
75.37.	Equalize the legal minimum age of marriage for girls and boys (Norway)	√ Samoa accepts the recommendation but will not be able to make progress in the medium term.	
75.38.	Fulfil its commitment to equality and non-discrimination by repealing all legal provisions that criminalise sexual activity between consenting adults and investigate all cases of discrimination based on sexual orientation and gender identity (Canada)		√ Decriminalizing sexual activity of sodomy is a culturally sensitive issue. Also, there are no cases yet before the courts based on sexual orientation and gender identity and if they do, the Court will rule them out based on discrimination.
75.39.	Repeal laws criminalising <u>relations</u> between consenting adults of the same sex (France)		√ The definition of 'relations' used here is not clear. It is not a crime to have a relationship between consenting adults of the same sex.
75.40.	Repeal all provisions which may be applied to criminalize sexual activity between consenting adults and adopt appropriate legislative measures to include sexual orientation and gender identity in equality and non-discrimination laws (Norway)		√ Decriminalizing sexual activity of sodomy is a culturally sensitive issue and against the Christian beliefs of the Samoa society.
75.41.	Continue its reconsideration of laws that restrict the human rights of individuals based on sexual orientation or gender identity, and repeal all such laws (United States of America)	√	
75.42.	Make public, upon its completion, the report of the Commission of Inquiry set up to investigate alleged violations of religious freedom (Ireland)	√ The report of the Commission of Inquiry were released to the public in August 2011.	
75.43.	Adopt domestic laws and administrative regulations aimed at eradicating all forms of discrimination against persons of foreign origin, members of ethnic or linguistic minorities, refugees, asylum-seekers and migrant workers, by ensuring the enjoyment of their fundamental rights, irrespective of their migration status		√ The Constitution of Samoa promotes and protects the rights of all these groups.

	(Ecuador)		
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