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Draft report of the Working Group on the Universal Periodic Review*

Samoa

* The annex to the present report is circulated as received

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-fifth session from 2 to 13 May 2016. The review of Samoa was held at the third meeting on 3 May 2016. The delegation of Samoa was headed by Hon. Lautafi Selafi Purcell, Minister of Commerce, Industry and Labour. At its 11th meeting held on 9 May 2016, the Working Group adopted the report on Samoa.
2. On 12 January 2016, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Samoa: Congo, Ecuador and India.
3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Samoa:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/25/WSM/1);
 - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/25/WSM/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/25/WSM/3).
4. A list of questions prepared in advance by Mexico, Slovenia, Spain and the United Kingdom of Great Britain and Northern Ireland was transmitted to Samoa through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

[To be completed by 23 May 16]

II. Conclusions and/or recommendations**

[Paragraph numbers will change after section I is completed]

5. **The following recommendations enjoy the support of Samoa, which considers that they are already implemented or in the process of implementation*:**
 - 5.1. **Ratify the Convention on the Rights of Persons with Disabilities (Georgia) (Italy) (Portugal) (Ukraine) (Guatemala);**
 - 5.2. **Consider ratifying the Convention on the Rights of Persons with Disabilities (CRPD) (Pakistan) (Republic of Korea);**
 - 5.3. **Ratify and implement the CRPD (New Zealand);**
 - 5.4. **Ratify the Convention on the Rights of Persons with Disabilities, and in so doing, ensure adequate education for children with mental and physical disabilities (United Kingdom of Great Britain and Northern);**

** The conclusions and recommendations have not been edited

- 5.5. **Ratify the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol (OP-CRPD) (Uruguay);**
- 5.6. **Complete ratification of the Convention on the Rights of Persons with Disabilities (CRPD) (Turkey);**
- 5.7. **Continue developing its successful programmes for the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) (Venezuela (Bolivarian Republic of));**
- 5.8. **Deepen in actions and measures intended to accede to the Convention on the Rights of Persons with Disabilities (CRPD) and guarantee the full exercise of human rights of persons with disabilities (Argentina);**
- 5.9. **Ratify the CRPD to ensure the rights of people with disabilities are safeguarded (Australia);**
- 5.10. **Continue with on-going efforts to ratify the CRPD and the ICPPED in line with recommendations it accepted during its first review in 2011 (Ghana);**
- 5.11. **Ratify the three optional protocols to the Convention on the Rights of the Child: the Optional Protocol concerning the sale of children, child prostitution and child pornography; the Optional Protocol concerning children in armed conflict; and the third Optional Protocol on a communications procedure (France);**
- 5.12. **Sign the Optional Protocols to the Convention on the Rights of the Child (Republic of Korea);**
- 5.13. **Ratify the Optional Protocol to CRC on the involvement of children in armed conflict (OP-CRC-AC) and the Optional Protocol to CRC on the sale of children, child prostitution and child pornography (OP-CRC-SC) (Uruguay) (Guatemala);**
- 5.14. **Ratify the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (Germany);**
- 5.15. **Ratify the Optional Protocol to the Convention on All Forms of Discrimination Against Women (Costa Rica);**
- 5.16. **Adopt the necessary measures in the legislative sphere as well as policy measures and allocation of resources to incorporate and effectively implement the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in its domestic law (Honduras);**
- 5.17. **Further promote gender equality by implementing the Convention on the Elimination of All Forms of Discrimination against Women in terms of access to employment (Cyprus);**
- 5.18. **Take positive steps to implement the Family Safety Act amongst law enforcement agencies (Fiji);**
- 5.19. **Amend the Family Safety Act to provide anonymity and protection for those who make complaints of family violence under the Act (Fiji);**
- 5.20. **Enforce the 2013 Family Safety Act, especially ensuring the full prohibition of sexual harassment and spousal rape (United States of America);**

- 5.21. Harmonize national laws with the international regulations on the rights of women and children (Ukraine);
- 5.22. Increase efforts in the process of reconciling internal legislation with CEDAW norms through the inclusion of a specific definition of the discrimination against women, consistent with Article 1 of the Convention (Chile);
- 5.23. Further enhance national policies to promote the rights of women and children (Georgia);
- 5.24. Continue supporting the work of the National Human Rights Institution in line with the Paris Principles, and in collaboration with civil society and other relevant stakeholders, to raise awareness on human rights and conduct more human rights activities in Samoa (Indonesia);
- 5.25. Allocate adequate human and material resources to the national human rights commission (Spain);
- 5.26. Consider establishing an independent national human rights institution in accordance with the Paris Principles (Timor-Leste);
- 5.27. Establish an independent national human rights institution in accordance with the Paris Principles (Turkey);
- 5.28. Redouble efforts to strengthen its national human rights institution, in accordance with the Paris Principles (Honduras);
- 5.29. Continue to expand human rights awareness as being complementary to the Samoan Way of Life (Jamaica);
- 5.30. Enhance efforts to provide human rights training for law enforcement agencies (Malaysia);
- 5.31. Conduct public awareness campaigns and education programmes on human rights issues targeting all sectors of the population (Sierra Leone);
- 5.32. Step up activities to increase participation of women in public life and decision making (Turkey);
- 5.33. Continue to consolidate its human rights polices, particularly in the sphere of economic, social and cultural rights, in order to continue enhancing the quality of life of its people, especially the most vulnerable sectors of the population (Venezuela (Bolivarian Republic of));
- 5.34. Pursue the recommendations outlined in the 2015 State of Human Rights Report, particularly those relating to women, children, people with disabilities and prisoners (Australia);
- 5.35. Continue applying measures to improve the rights of persons with disabilities, in particular through the implementation of the policy on disability 2016-2020 (Cuba);
- 5.36. Establish an inter-ministerial committee responsible for the implementation of its international obligations, inter alia, for coordinating the drafting of the national reports to the treaty bodies and for organizing country visits by the Council's Special Procedures (Portugal);
- 5.37. Submit its overdue reports to the Human Rights Committee and the Committee on Enforced Disappearances (Sierra Leone) (Ukraine);

- 5.38. Enhance cooperation with the special procedures by encouraging visits by the Working Groups and Special Rapporteurs (Turkey);
- 5.39. Take the necessary measures to remove difficulties facing persons with disabilities, including improving access to public spaces and services and empowering children and women with disabilities to exercise their rights (Republic of Korea);
- 5.40. Exert concrete efforts to eliminate all forms of discrimination and violence against women (Republic of Korea);
- 5.41. Continue efforts in promoting women's rights (Morocco);
- 5.42. Strengthen efforts to eliminate patriarchal attitudes and stereotypes that discriminate against women, including through a comprehensive public awareness programme (Slovenia);
- 5.43. Put in place a comprehensive strategy to eliminate patriarchal attitudes and stereotypes that discriminate against women (Namibia);
- 5.44. Review and reform all policies, laws and practices that restrict women's rights to equal employment, property and credit, as well as access to medical care and related services (Haiti);
- 5.45. Take concrete steps to improve access to decent work and other economic opportunities for women in achieving gender equality (Malaysia);
- 5.46. Implement awareness-raising and training programmes for school staff and students to create safe educational environments free from discrimination (Maldives);
- 5.47. Prohibit discrimination on the ground of gender identity in employment legislation, such as by amending the Labour and Employment Relations Act, 2013 (Netherlands);
- 5.48. Conduct gender competence and domestic violence law training of its law enforcement agencies, including the police, prosecutors and judiciary (Fiji);
- 5.49. Take all necessary measures to prevent and stop domestic violence, including through providing shelters for persons under threat, in coordination with the "Samoa Victims Support Group" (Brazil);
- 5.50. Investigate and prosecute all allegations and incidents of acts of violence against women and girls, including domestic violence. Implement targeted training for law enforcement, and engage with community leaders in the development of public education campaigns (Canada);
- 5.51. Take active steps to further promote children's rights by spreading awareness against domestic violence and child labor and emphasizing the importance of students' school attendance (Germany);
- 5.52. Put in place measures to prevent and combat conjugal and sexual violence and provide appropriate assistance and protection to victims, particularly in rural areas (Haiti);
- 5.53. Consider as soon as possible, compiling statistical data on sexual offences against children and putting in place a registry of persons convicted of such offences (Haiti);
- 5.54. Promote awareness-raising campaigns aimed at preventing and combating violence against women and domestic violence (Italy);

- 5.55. **Ensure that women victims of violence receive appropriate help and perpetrators are brought to justice (Italy);**
- 5.56. **Establish effective child abuse reporting mechanisms and ensure the appropriate remedy and rehabilitation for child victims (Malaysia);**
- 5.57. **Set up a shelter for victims of sexual abuse and violence (Maldives);**
- 5.58. **Develop a national action plan to combat trafficking in persons that includes measures for the rehabilitation of victims and training of the officials involved in investigating these crimes (Mexico);**
- 5.59. **Establish effective and transparent mechanisms to prevent violence, in particular against women, girls and boys, and ensure that these mechanisms are allocated with the necessary capacity and resources to be operational (Mexico);**
- 5.60. **Put in place comprehensive measures to prevent and address domestic violence and ensure that women have access to immediate means of redress and protection and that the perpetrators are prosecuted (Portugal);**
- 5.61. **Further protect children against violence and child labour through the strengthening of legislation, in order to safeguard their well-being and their right to education (Portugal);**
- 5.62. **Conclude the enactment of the bill to establish a policy against harassment in the public sector (Spain);**
- 5.63. **Ensure the application in the private sector of the provisions against sexual harassment of the Labour and Employment Relations Act (Spain);**
- 5.64. **Establish a coordination mechanism to combat child labour, including in all its worst forms (United States of America);**
- 5.65. **Apply harsher sentences for sexual violence and child abuse, with a view to strengthening laws on child protection, as well as developing new avenues for making complaints of child abuse, sexual aggression and incest, which are adapted to children (Uruguay);**
- 5.66. **Strengthen measures to combat child abuse (Algeria);**
- 5.67. **Raising the level of protection for children, in particular against sexual abuse and child labour (Cabo Verde);**
- 5.68. **Continue progress in harmonizing its legislation on child labour with international standards (Chile);**
- 5.69. **Continue national efforts for the establishment of specialized courts on violence against women, particularly domestic and sexual violence (Guatemala);**
- 5.70. **Accelerate the procedure for the adoption of the bill reviewing the age of criminal responsibility (Turkey);**
- 5.71. **Provide members of the Samoa Police Service with training on the human rights of accused and detained persons, and ensure that provisions made for food, water and sanitation at detention facilities meet UN Standard Minimum Rules for the Treatment of Prisoners (Canada);**
- 5.72. **Uphold the commitment as to the realization of the human rights to safe drinking water and sanitation (Spain);**

- 5.73. Take measures to facilitate access to credit for women in rural areas (Honduras);
- 5.74. Step up efforts to promote sexual education, particularly oriented towards adolescents paying special attention to the prevention of early pregnancy and to the control of sexually transmitted diseases and HIV/AIDS, as previously recommended (Mexico);
- 5.75. Adequately resource and implement the Mental Health Act of 2007 (United Kingdom of Great Britain and Northern Ireland);
- 5.76. Ensure effective implementation of the 2009 Education Act and also to develop a national strategy to reduce dropout rates and to address cases of school-aged children working as street vendors (Italy);
- 5.77. Strengthen the implementation of policies to permit teenaged mothers to return to formal education and sit exams after giving birth; aimed at breaking cycles of poverty, teenage pregnancy and domestic abuse (Jamaica);
- 5.78. Step up efforts to achieve universal basic education and implement specific measures to reduce and prevent girls from dropping out of school (Mexico);
- 5.79. Enhance efforts to improve on access to quality education for all at all levels (Philippines);
- 5.80. Provide more school opportunities for children and strengthen education, vocational and technical training (China);
- 5.81. Continue efforts aiming at enhancing human rights education especially for children (Egypt);
- 5.82. Protect land rights for indigenous communities (Cabo Verde);
- 5.83. Promote climate change mitigation and adaptation strategies and disseminate these to the entire Samoan society and in the school curriculum (Haiti);
- 5.84. Adopt measures to address the adverse effects of climate change with a human rights based approach, and strengthen the strategies for adjustment and management of disasters' risk (Costa Rica);
- 5.85. Strengthen adaptation measures to curb the long term effects of climate change (Maldives);
- 5.86. Continue efforts in terms of climate change mitigation strategy, including through assistance to the Samoan population in case of natural disasters and this with the support of the international community (Morocco);
- 5.87. Monitor and evaluate the long-term effects of climate change (Sierra Leone);
- 5.88. Continue to strengthen 15 sectors identified for effective implementation of the Sustainable Development Goals (SDGs) (Pakistan);
- 5.89. Promote economic development, in a sustainable manner, to improve the quality of life of its population (China);
- 5.90. Apply a national development policy which incorporates the Objectives for Sustainable Development, the creation of an enabling

environment for economic growth and improved services for the most marginalized communities (Cuba);

5.91. Continue the cooperation with OHCHR including on identifying and developing programs for capacity building and technical assistance (Egypt).

6. The following recommendations will be examined by Samoa which will provide responses in due time, but no later than the thirty-third session of the Human Rights Council in September 2016:

6.1. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol and the International Covenant on Economic, Social and Cultural Rights by the third UPR review at the latest (Germany);

6.2. Take steps to ratify the remaining five core UN human rights treaties namely ICESCR, ICERD, CAT, CRPD and ICRMW (Ghana);

6.3. Ratify the International Covenant on Economic, Social and Cultural Rights (Costa Rica) (Netherlands) (Algeria) (Montenegro) (Portugal) (Guatemala);

6.4. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) (Guatemala);

6.5. Consider the accession of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) to strengthen further its national legal framework (Indonesia);

6.6. Ratify the remaining core human rights treaties, in particular the ICESCR, the Convention against Torture, the Convention on the Elimination of Racial Discrimination, as well as the Convention on the Prevention and Punishment of the Crime of Genocide (Ireland);

6.7. Sign and ratify the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Racial Discrimination (Italy);

6.8. Consider ratification of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and International Covenant on Economic, Social and Cultural Rights (ICESCR) (Namibia);

6.9. Ratify the Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and its Optional Protocol, (Portugal) (Guatemala)

6.10. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (France);

6.11. Ratify the Convention against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment (France); (Uruguay);

6.12. Take steps to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (New Zealand);

6.13. Accede to the Convention Against Torture and its Optional Protocol (Chile) (Honduras);

- 6.14. Intensify efforts to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark);
- 6.15. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty (France) (Uruguay) (Montenegro) (Portugal)
- 6.16. Ratify or accede to CAT, ICESCR, ICRMW and ICERD (Sierra Leone);
- 6.17. Ratify ICESCR, ICERD and CAT (Slovenia);
- 6.18. Consider ratifying, as soon as possible, fundamental international human rights instruments such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (Timor-Leste);
- 6.19. Accede to other fundamental international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (Turkey);
- 6.20. Consider ratifying other key international human rights treaties including ICESCR, ICERD, CAT as well as Optional Protocols to CAT and CRC (Ukraine);
- 6.21. Consider ratifying the international instruments to which the country is not yet party, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), and the Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty (Argentina);
- 6.22. Accede to the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);
- 6.23. Accede to the International Covenant on Economic, Social and Cultural Rights (ICESCR) (Armenia) (Honduras);
- 6.24. Ratify international human rights instruments to which it has not yet adhered to, such as International Covenant on Economic, Social and Cultural Rights (ICESCR); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), as well as their protocols (Brazil);
- 6.25. Accede to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); to the two optional protocols to ICCPR, with particular reference to the abolition of the death penalty in all circumstances, (Honduras);
- 6.26. Ratify international instruments in the prevention of trafficking in persons (Costa Rica);
- 6.27. Consider ratifying international human rights treaties to which it is not yet a state party (Philippines);

- 6.28. **Ratify those core international human rights instruments not yet ratified (Cabo Verde);**
- 6.29. **Take all necessary measures towards becoming a State party to more core human rights treaties (Cyprus);**
- 6.30. **Consider ratification of all core human rights conventions (Egypt);**
- 6.31. **Take steps to address inequalities affecting human rights in the area of discrimination based on sexual orientation and gender identity (New Zealand);**
- 6.32. **Repeal all provisions criminalizing same-sex relations between consenting adults (Slovenia);**
- 6.33. **Complete the updating of legislation by decriminalizing homosexual relations between consenting adults (Spain);**
- 6.34. **Combat discrimination based on sexual orientation and gender identity by decriminalizing “sodomy” and quote: “indecent between males,” end quote, which currently constitute crimes punishable by prison sentencing for up to seven years (United States of America);**
- 6.35. **Repeal laws that criminalise consensual same sex-conduct, and prohibit discrimination on the grounds of sexual orientation or gender identity in all areas of public life, including employment, health and education, bringing Samoa’s legislation into conformity with its commitment to equality (Canada);**
- 6.36. **Adopt measures to prevent violence and discrimination against persons on the basis of their sexual orientation and gender identity (Chile);**
- 6.37. **Adopt measures to reduce violence against women and girls and violence based on sexual orientation and gender identity (Slovenia);**
- 6.38. **Amend its laws to prohibit corporal punishment of children in all settings and circumstances; and take further steps to eradicate child labour and guarantee the right to education of all children (Ireland);**
- 7. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of Samoa was headed by Hon. Lautafi Selafi Purcell and composed of the following members:

- Hon. Lautafi Selafi Purcell, Minister of State;
 - Peseta Noumea Simi, Chief Executive Officer, Ministry of Foreign Affairs & Trade;
 - Constance Rivers Associate Public Solicitor, Office of the Attorney General;
 - Olive Vaai Senior Foreign Service Officer, Ministry of Foreign Affairs & Trade;
 - Pierina Katoanga, Second Secretary, Samoa Mission to the United Nations, NY.
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