

6 August 2004

Original: English

**Committee on the Elimination of
Discrimination against Women**
Pre-session working group for the thirty-second session
10-28 January 2005

**List of issues and questions with regard to the consideration
of initial reports**

Samoa

Introduction

The pre-session working group examined the combined initial, second and third periodic report of Samoa (CEDAW/C/WSM/1-3).

Articles 1 and 2

1. On page 40 of the combined initial, second and third periodic reports of Samoa, the State party notes that, while article 15 of the Constitution prohibits “any laws and any actions by the State that discriminate against any person on the grounds of ... sex”, it does not expressly prohibit discrimination against women committed by private institutions and individuals. Does the Government intend to introduce legislative measures that will prohibit both public and private acts of discrimination against women (such as the restrictions on women’s memberships in private clubs) (pp. 42 and 89)?
2. The report states on page 41 that international law does not automatically become incorporated into national law. Although the Convention is binding on the State at the international level, it cannot be enforced through the local judicial system. Does the State party have any plans to pass legislation to make the Convention directly applicable in Samoa, and if so, when? Have any steps been taken to conduct a comprehensive analysis of court decisions to determine their compliance with the provisions of the Convention?
3. Please indicate whether the recommendations included throughout the report and referred to in its introduction are measures that the Government envisages or is contemplating for implementation in the future.
4. The report notes the need to “explore the viability of establishing an autonomous body to process complaints on violation of women’s rights or

alternatively propose an amendment to the functions of the Ombudsman to include this jurisdiction” (p. 43). What practical steps have been taken by the Government to establish a formal complaints procedure to deal with complaints of both public and private acts of gender discrimination and/or to expand the functional role of the Ombudsman?

5. While the Ministry of Women Affairs is responsible for identification of gender discrimination in legislation and also works in conjunction with the Justice Department and non-governmental organizations to enhance women’s awareness of their rights through legal literacy training programmes, the report notes that women in Samoa “are not really conscious of gender ~~barriers because they do not feel that~~ discrimination is intrinsic in the system” (p. 41). Throughout the report, there are a number of references to the importance of plain language translation of the Convention and monitoring reports as well as training programmes that should be developed and/or strengthened to raise women’s awareness of both the Convention and their concomitant rights (pp. 32, 33, 43, 44, 47 and 48). Please provid

Article 5

10. Traditional communities continue to operate under a hierarchical class system within which women have varying levels of prominence accoadit (ppch 10.

provision of information about risks and protective measures, prosecution of traffickers, training of border officials, rehabilitation and safe repatriation measures for victims.

Articles 7 and 8

16. The report notes that although women have equal rights with men to hold family chiefly titles, it is general practice to bestow chiefly titles on men. Ms7Tj10.3273 6m(997/r3442 358.983

36. The report indicates that rural women live under “conditions of conformity” not faced by women living in urban centres (p. 22). Kindly explain this statement.

Articles 15 and 16

37. With regard to the issue of teenage pr