

14 October 2004

Original: English

---

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

**Pre-session working group**

**Thirty-second session**

10-28 January 2005

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

**Samoa**

**Articles 1 and 2**

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

1. The Government is committed to introducing legislative measures to prohibit both public and private acts of discrimination against women. Further to the legislative review conducted in 1991, the Office of the Attorney-General on behalf of the Government has conducted an updated review.

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

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

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



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

---

<i>Agency responsible</i>	<i>Programmes</i>	<i>Target group</i>	<i>Results</i>
---------------------------	-------------------	---------------------	----------------

<i>Agency responsible</i>	<i>Programmes</i>	<i>Target group</i>	<i>Results</i>
	6. Spearheaded the development of the CEDAW National Plan of Action in collaboration with CEDAW Partners, to incorporate the domestication of regional and international instruments.	6. CEDAW Partners, identified stakeholders from all levels of society.	6. National Plan of Action developed for implementation by all partners.
	7. Gender Management System.	7. DFW/MWCSD Staff and CEDAW Partners.	7. Inclusion of costing in the national budget and enhanced understanding of gender and development.
	8. "Aiga ma Nuu Manuia [Family and Village Wellbeing]" Programme.	8. Village Women and	



<i>Agency responsible</i>	<i>Programmes</i>	<i>Target group</i>	<i>Results</i>
Public Service Association (PSA)	1. Coordinate national celebration of International Women's Day.	1. PSA members	Increased participation of members in women focused forums.
	2. Negotiations of Maternity leave entitlements for casual workers in the Public Service.	2. Government through the Public Service Commission and government organizations.	2. Maternity leave entitlements for women casual workers now officially endorsed.
National Council of Women (NCW)	1. Joint programme on voter education with the Inailau Network on Leadership.	1. Women aspiring to be political leaders.	1. Discussion of issues.
	2. Yoga classes for overweight women.	2. Working women both in the public and private sector.	2. Access for overweight women who are reluctant to go to public classes
	3. Forum on CEDAW.	3. NCW members.	3. Start of CEDAW processes by NCW.
Samoa Association of Women Graduates (SAWG)	1. Scholarship scheme for young women.	1. Tertiary level female students.	Enhanced education opportunities.
	2. Capacity-building.	2. Members and sector partners.	
	3. Advocacy.	3. General education community.	
Women In Business (WIB)	1. Technical and follow-up training sessions on small business, fine mat weaving, organic farming, handicraft production and microfinance.	1. Women in the rural areas.	1. One hundred twenty new people have joined these projects.
	2. Savings and loans scheme so that women can have the opportunity to start a bank account.	2. Women in the rural areas.	2. Four hundred forty-four current savers in the savings and loans scheme are women and 55 per cent of participants in 0 0 10 0 10.02 53 bt 461.0602





*Agency responsible*

*Programmes*

reviewed and updated. This Plan of Action incorporates all of the partners' Convention focuses, the relevant contents of the "Responding to the Impact of HIV/AIDS on Women: S



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

3.

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

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

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

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

## **Article 5**

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

1. Customary law is the authority of the

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

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

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

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

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

1. The Government recognizes the importance of training operators of the law

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

5. *The Judiciary.* Judge Vui Clarence Nelson, who was until recently the sole



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

## **Article 6**

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

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

## **Articles 7 and 8**

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

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

2. The Government recognizes that there is extensive scope for more public awareness on the potential for women to participate in public life with confidence. A network and lobby group Ina'ilau a Tamaitai has been established to enhance women's awareness of the importance of partic

73 01tn3 0 04Tc 0.2558 6737 206.28027 Tm1803 Tm(73 01tn3 0

measures to incr

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

---

<i>Non-governmental organization</i>	<i>Vision and mission statements</i>	<i>When established and membership</i>	<i>Work programmes</i>
Women in Business	To help women and youth in Samoa to achieve the vision by providing them with skills, opportunities and access to markets.	<ul style="list-style-type: none"><li>• 1990</li><li>• Open for both women and men</li></ul>	Promote and advocate women's interest in businesses such as organic farming, fine mat weaving, coconut o



actions to tackle the obstacles to achieving Education for All, including reviewing and amending



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



**Article 13**

**Q.32 Please indicate the nature and scope of the practical and programmatic support provided to women as entrepreneurs, and to ensure that women are fully able to take advantage of new economic opportuni**

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

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

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

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

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

**Q.40 Please indicate if the Government has any plans to establish a Family Court to deal with the res**