



**Convention on the
Rights of the Child**

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Item 4 of the provisional agenda

Consideration of reports of States parties

**List of issues in relation to the combined second to fourth
periodic reports of Samoa**

Addendum

Replies of Samoa to the list of issues*

[Date received: 10 March 2016]

* The present document is being issued without formal editing.



Reply to the issues raised in paragraph 1 of the list of issues (CRC/C/WSM/Q/2-4)

1. The Government of Samoa through the Ministry of Women, Community and Social Development (MWCSA) have well and concluded consultations. The Parliament of Samoa had just finished its final sitting at the time of reporting leading up to elections scheduled for 4th March 2016. The latest position is that a strategic policy brief is being prepared to address some policy gaps and legislative harmonization, including that of the Infants Ordinance 1961 that has been flagged in the latest draft of the Bill and will be tabled with Cabinet following elections. This is indeed timely with a rethink of a whole new Policy approach around the Social and Care Protection landscape for all vulnerable populations.

Reply to the issues raised in paragraph 2 of the list of issues

2. We can report that a comprehensive review of this Policy and Plan and its impact is currently underway in light of a robust approach to reform all of the National Policies being led out of the Ministry of Women, Community and Social Development as lead agency, including that of Women, Youth and the Disabilities Policy and Legal framework. It is an attempt to improve consolidation of National policies so as to make more impact and achieve recognisable differences in children's health, access to services and overall child development and child protection. We can report that this new approach should enable an increased focus on research and planning and building more comprehensive and consolidated databases with improved disaggregating features and improved monitoring and evaluation. It requires a new policy lens that looks at the wider social and child protection issues including child development and access to services across key strategic outcomes that have been determined by the policy reviews. In addition at time of reporting a review is underway to determine how best to prioritise at the highest strategic level of the Ministry, including its organisation structure, operations and services and how better MWCSA can align Ministry and Sector Performance goals and measures.

3. School Nutrition in terms of children's health and development also continues to get attention as against School Nutrition Standards. A recent spot checking exercise as part of monitoring shows mixed performances in this area but we are seeing an increased awareness as a result of this type of spot checking monitoring exercise, especially around the existence of standards. High turnover of canteen owners mean the standards need to be continued to be enforced so as to encourage increased compliance. We are confident that we can expect higher degrees of compliance in the next reporting period.

Reply to the issues raised in paragraph 3 of the list of issues

4. Currently an inter-agency referral system exists primarily between the Ministry of Police, the Courts, the National Health Service and Samoa Victim Support Group, who refer to each other depending on the nature of children's needs (i.e criminal investigations; legal interventions; medical and psychological attention; or shelter and psychological attention). MWCSA has recently come onboard in respect to the interagency referral system between the Family Court, Police and Office of the Attorney General in terms of cases where children are at risk of harm. The same responsibility was placed on the Ministry during the Commonwealth Youth Games (CYG), and a Child Safeguarding and Protection Policy was developed and monitored by the MWCSA during the Games so the system has been tested well. The interagency referral system that was activated amongst the Police, the Social Services Team of the National Hospital of Samoa, Samoa Red Cross and MWCSA meant an on call system was operating throughout the duration of the games. The MWCSA are also part of the interagency referral system in terms of providing independent assessments for international adoptions. In April 2015, MWCSA produced International Independent Assessment Guidelines, clarifying roles and responsibilities, management of information and safeguarding the confidentiality of information and protocol expectations.

When appropriate, the National Human Rights Institution has also referred children's cases to Police. Formal documentation is used to make and record these referrals. Documentation is not standardised across these agencies. It is anticipated that further consolidation of the Child Protection Information system alongside the inter-agency referral system will be actioned as the MWCSO is officially mandated as the lead agency for child protection under the Child Care and Protection Bill 2016.

Reply to issues raised in paragraph 4 of the list of issues

5. The recently mandated National Human Rights Institution in September 2015 recognised that the Government of Samoa continues to strengthen its efforts to ensure that the provision and principles of the Convention are widely recognised and understood by adults and children alike. In this regard, it also encouraged the Samoan Government to continue to disseminate and raise awareness of the Convention among children, their parents and other caregivers and all relevant professional groups working with and for children including ongoing engagement with community and church leaders, on children's rights in the context of Samoan culture, with a view to bringing about further changes in the attitudes and behaviour of these key opinion leaders in Samoan society.

6. A workshop on the CRC was conducted by the MWCSO in partnership with the SPC RRRT and UNICEF, in November 2014. Through the training 48 participants, 37 females and 11 males were informed on the articles, processes and guidelines pertaining to the CRC, they were also able to reflect on national progress to date with regards to CRC implementation, and take stock of CRC recommendations from the initial UNCRC review, to facilitate the follow up reporting process. Consultations were also conducted with Village Representatives on the development of a Village Representative Policy, and this initiative was supported by the village women reps. This policy, will formally align the duties of the village representatives including CRC advocacy responsibilities with their legal mandates, and to build Sector support as well as MWCSO staff capacity to better assist the representatives in implementation of their duties. It will contain clear enforcement measures of the promotion of the CRC which to a degree is already done under the current VWR Performance Management System. Also in 2015 there were targeted workshops and programs aimed at youth pertaining to the CRC with an approximate reach of 1104 persons between the age of 14 -20.

Reply to issues raised in paragraph 5 of the list of issues

7. The MWCSO Child Protection Unit in collaboration with the Births, Deaths and Marriages Division of the Samoa Bureau of Statistics regularly conducts capacity building training for Village Women Representatives and Village Mayors, especially those who are newly recruited, on how to notify and register village births. The training occurs on a quarterly basis for all newly recruited village representatives in addition to one-on-one sessions for those that require further training on accurately completing the B10 form in order to properly register village births. Village chiefs and representatives are more aware of the protocols and guidelines of legislation to improve notification of the babies delivered in the villages. A total of 20 trainings have been conducted for the village representatives from 2013 to early 2015. In 2013-2014 65.9% of village births reported by Village Women Representatives were also correctly verified and registered in the BDM system. This figure rose to 93.9% for the year 2014-2015, during which time many more births were also reported (482 compared with 267 in the previous year). MWCSO staff attributes improved reporting and registration to increased training opportunities and one-on-one sessions that have contributed to Village Representatives better understanding their role. Also, there was a documented increase of awareness by parents of the need to officially register their children given the requirements for proper and official documentation to record the child's citizenship, birth certificate, and for education and health services and records. According

to the Samoa Demographic and Health Survey Analytical Report 2014 (page 31) we are also seeing substantial percentage increases of registration from the previous DHS 2009. The Government of Samoa believes this demonstrates a significant improvement in Samoa's ability to meet the CRC article 7.

Reply to issues raised in paragraph 6 of the list of issues

8. Corporal punishment of students by teachers is prohibited by the Education Act 2009. However, research carried out by the Public Services Commission in 2013, the "Report of the Committee on Eradicating Corporal Punishment in Schools" established that 75% of teachers still considered that "corporal punishment should be allowed in schools". In collaboration with a Child Protection Consultant from Australia, MESC is currently developing a new "National Violence- Free Schools Policy" to address the use of violence, bullying and discrimination against pregnant students in schools. The consultant's role includes policy development and implementation. The policy will assist school communities to provide safe and positive learning environments for students and staff alike, emphasising that being safe and supported at school is essential for effective learning. Staff will access relevant professional development to learn alternative strategies for classroom management that do not rely on corporal punishment. MESC will use monitoring and compliance programs to ensure that positive change occurs which ensures the safety, wellbeing and productive learning for all children. It is envisaged that this new National Policy and its implementation will embed what was addressed in the original Behaviour Management Guidelines. In late 2015, UNESCO in partnership with MESC initiated training programs targeting school Principals of both Government and Non Government primary schools. These programs focus on encouraging zero tolerance on stigma and discrimination in schools which involves corporal punishment and sexual reproductive health and rights issues.

9. The School Management and Organisation Manual (SMOM) identify the major elements of school management for Government Schools in Samoa and provide guidance and support to School Committees and Principals in fulfilling their roles and undertaking their tasks. One of their roles is to carry out student administration in which part of it is putting a stop to corporal punishment in the schools. MESC also in its Behaviour Management Guidelines: A Guide for Schools emphasises the importance of using of alternative and positive methods of discipline with zero tolerance for physical punishment.

10. The Minimum Service Standards (MSS) for ECE and The Draft Minimum Service Standards (MSS) for Primary and Secondary Schools provides the rationale for the development of school policies and one of the major indicators included in these policies is the total prohibition of corporal punishment.

11. Furthermore, ongoing implementation of induction trainings including the request for the Ministry of Police to be involved is around the professional development for teachers so as to be an effective channel to raise the awareness of teachers on the laws and policies in place that ban corporal punishment and that this information is delivered to members of the school committee and/or school boards.

12. The current procedures in government schools when disclosures of abuse are made are as follows; students, principals or parents/guardians are required to report the incident to MESC Principal School Personnel (PSP) who, together with the Principal Human Resources Officer, will carry out a thorough investigation and write a formal report which is lodged with the CEO-MESC and the Public Services Commission. The CEO-MESC will assign a charging officer (Principal Human Resources Officer) to use policies to guide an appropriate penalty ranging from delivering a warning to the offending staff member to suspension or termination from the service. The case may also be referred to Police. Parents may choose to report directly to Police if they prefer. Matters have been brought

before the Supreme Court which confirms that Police do indeed conduct criminal investigations parallel to the MESC investigation. MESC provides a formal complaints procedure for parents to access if they are unhappy with the department's processes in any way.

Reply to list of issues raised in paragraph 7 of the list of issues

13. There has been credible improvement in this area with a number of critical stakeholders providing valuable contributions to improving care and protection of our children. Data collection while still challenging is establishing some useful baselines. The Samoa Victim Support Group (SVSG) is a non-government organisation with 10 years' experience of providing for the physical, academic, emotional and social needs of infants and children aged 0-18 years old who have experienced sexual and/or physical violence and have been abandoned by their families or need care for shorter periods of time whilst their communities and families re-establish themselves, ready for caretaking responsibilities again. SVSG provides counselling services for child victims to assist in their psychological recovery and is working on best practice and approaches to re-integration.

14. The Social Services team at the National Hospital together with the Mental Health Unit provides therapeutic counselling for children affected by violence, and they collaborate with other departments responsible for addressing the physical recovery of child victims. There is also a small number of counsellors and/or social workers who are called on in times of need to respond to children experiencing trauma from various kinds of abuse. Community members request the skilled assistance of these practitioners who frequently make themselves available to meet needs as required.

15. The Allied Health Professions Act 2014 will assist in formalizing some of the professional bodies who can work in this area. In the case of a child being exposed to domestic violence, the current practice is for the Domestic Violence Unit to interview the child to assess safety at home. Police refer the child to Samoa Victim Support Group for shelter if necessary and follow up referrals on a regular basis. Police inform and explain case progression through the courts to child witnesses and relevant family members and they also explain the children's role in court to them.

16. In the Division for Women of the Ministry of Women, Community and Social Development, the Child Protection Unit (CPU) conducts regular workshops in communities to address violence against children. Positive Parenting workshops focus on developing an understanding of children's rights; identifying forms of violence; and promoting the use of 6 parenting principles which are violence free to encourage the development of safe, healthy families who communicate well and raise children who can reach their full potential. Samoa Victim Support Group provides awareness programs in schools regarding anti-bullying and violence against children in general. These programs have reached 18,500 college students and teachers in the past 10 years. SVSG have also trained approximately 700 volunteer village representatives who are trained in child protection awareness and who report child safety/violence concerns directly and quickly to SVSG. The work of Disability organisations is critical also in terms of conducting positive parenting, family support workshops on preventing abuse and violent acts against children with disabilities. Loto Taumafai, Fiamalamalama are very instrumental in this area and have been supported by the MWCSO under its child protection programs in the past.

17. The Ministry of Education, Sports and Culture (MESC) in collaboration with UNESCO ran a number of workshops at the end of 2015 inviting 30 schools focusing on bullying against (LGBTI) Lesbian Gay Bisexual Transsexual and Intersex students and this proved very successful with very positive feedback from principals and teachers of these schools. Feedback indicated that it tied in well with the work around the Violence Free

schools policy (still in draft). MESC is hoping to run the same workshop again this year aimed at rural areas, in collaboration with UNESCO.

Reply to issues raised in paragraph 8 of the list of issues

18. Samoa as documented previously is currently working towards finalizing its Child Care and Protection Bill 2016 which domesticates the Convention on the Rights of the Child. The purpose of the Bill is to ensure Samoa's legislative compliance with the CRC on the protection of the rights of a child, taking into account the best interests of a child. The Bill creates a new role for the Ministry of Women, Community and Social Development in terms of the protection of children and the Ministry will be responsible with regulating licenses for care giver providers. Under section 157 of Samoa's Crime Act 2013, it provides that a person who deals with persons under 18 years for sexual exploitation, removal of body parts or engagement in forced labour is liable for a term not exceeding 14 years. Section 72 criminalizes a person who has a sexual intercourse or sexual connection, or agrees, or offers to have sexual intercourse or sexual connection with another person for gain or reward. This covers all persons including children. Furthermore, section 74 makes a person who is living on earnings of prostitution liable to imprisonment. Section 58 specifically provides protections of children and young person from sexual conduct i.e. sexual connection or attempts to have sexual connection with a child an offence, whereby a child means a person under the age of 12 years. Section 59 makes sexual connection or attempts to have sexual connection with a young person under 16 years is an offence. A young person means a person who is 12 years or over and under the age of 16 years. Section 218 makes it an offence for any person to carry out any act of solicitation of children. Under section 82 of the Crimes Act 2013 it provides that production, publication, distribution or exhibition of indecent material on a child or on a child through an electronic system is an offence and is liable to imprisonment for a term not exceeding seven (7) years. Our previous reporting covered many of the clauses of the Crimes Act 2013 so no need to repeat them rather than to reinforce that under the Crimes Act 2013 it is not a defence to an offence of sexual connection or indecent act against a child under 12 years if (a) the child consents (irrebuttable presumption); or (b) a defence for the offender to believe that the child was over 12 years (rebuttable presumption). The offence of "rape" remains gender specific but the Crimes Act 2013 also provides for the non-gender specific offence of sexual connection.

19. In 2013, the Samoa Law Reform Commission (SLRC) also received a reference from the Attorney General to consider whether a Sex Offenders Register (SOR) would be appropriate for the context of Samoa. Consequently a Final Report was completed and approved by Cabinet where the SLRC recommended the establishment of an SOR in Samoa to assist in the investigation and prosecution of sex offences (particularly child offences), to assist in the monitoring and management of sex offenders in the community, as well as to reduce recidivism amongst sexual offenders. The information relating to registered sex offenders on the SOR is expected to be confidential and only accessible to the Ministry of Police. However in exceptional cases they may be made public. It was recommended sexual offenders who offended outside of Samoa and were deported back to reintegrate into Samoan society also be registered. The severity of offending will determine the registration period for sex offenders. During the registration period, they will be required to comply with reporting requirements which include reporting to Police on an annual basis, reporting any changes to their personal information on the SOR (such as a change in address, employment, etc) and immediate reporting of departure and arrival dates if planning to leave the country. The SLRC also recommended in terms of the review of the Prisons Act 1967 that resulted in the Prisons and Corrections Act 2013 that the new legislation must provide for medical and related services to be made available to prisoners including support service for mothers and infants. They also recommended that the new legislation include

early release schemes which consider the rights of female prisoners and children to be consistent with CRC and CEDAW.

20. The Child Protection Unit of the Ministry of Women, Community and Social Development also conducts Prevention of Sexual Violence Awareness programs for children. These workshops teach children how to keep themselves safe, prioritise 5 people to call if they need help and how to distinguish between appropriate and inappropriate touch. For the past 3 years a total of 2,617 children participated in MWCSO-CP awareness programs. In FY 2013/2014, 4 programs were conducted that were attended by 137 children; 96 females including 20 from SVSG & 44 females from GLOW and 41 males. In FY 2014/2015, 6 programs were conducted for villages and Primary schools during Just Play workshops and International Day for Children (PCAN) which were attended by 754 children, 378 females, 376 males. In July – December 2015; 1729 children participated in programs conducted. SV programs for 6 villages in Savaii attended by 263 children (134F, 129M), CRC awareness programs also addressing prevention of SV were participated by 1104 children and youth. Just play programs for Primary Schools in urban Upolu – 200; (100 F, 100M), 162 children participated in PCAN activities that consisted of radio awareness and talk back shows and poem competitions for children addressing their protection from Abuse and Exploitation.

21. Samoa achieved a critical milestone in the legislation landscape with the passing of the Family Safety Act 2013, as was previously reported, an Act to provide for greater protection of families and the handling of domestic violence and related matters. It ultimately provides the mandate for the courts to act promptly when requests for protection orders are made. It also provides for representatives of victims to act on their behalf when seeking a protection order. Under the Family Safety Act 2013, through protection orders, children have been placed under the care of the MWCSO under circumstances where they are not referred to SVSG due to the nature and seriousness of the case. It brings together a collaborative approach between the Domestic Violence Unit, a specific unit within the Ministry of Police, the Ministry of Justice and Courts and Samoa Victim Support Groups (SVSG). Timely also to deal with this new instrument and prosecutions is a specialist Family Violence Court that was established in September 2013. This court sits every Monday and on an average sitting can hear up to 25 cases. This sits alongside the Youth Court and now a specialist Alcohol and Drug Court specifically established and legislated in 2015 to introduce a prevention and programmatic approach to the growing evidence of the presence of alcohol and/or drugs in the commission of crimes. The courts and judiciary were getting increasingly frustrated with the growing presence of young people appearing before them and therefore spear headed the effort needed to break a potential cycle of reoffending. Establishing Baseline data is also deemed important to verify the magnitude of dependence and/or addiction to one or both. There was a strong interagency approach to the introduction of these specialized courts and Samoa leads the way in the region.

22. A new programme supported and funded by the UNFPA Gender Based Violence Project and Government of Samoa and implemented by the Staff of the Division for Women of the MWCSO together with the assistance with the Samoa Family Health Association has proven to be well received. It focuses on young couples with and without children. It is hoped these programs will be rolled out more frequently to the various districts. Many of the programmes are also rolled out with the intention of also meeting the needs of children with disabilities. The CPU collaborated with staff of the Loto Taumafu School for People with Disabilities to present and run workshops.

23. In 2014-2015, positive parenting programs inclusive of the care and protection of children with disabilities were run in a total of 5 villages across Upolu and Savaii. These workshops were attended by 21 men and 94 women.

24. The main objectives of these programs are:

- To raise the awareness of young couples on domestic violence and alternative ways to deal with conflict and disputes in a non violent manner;
- To build the capacity of participants on sexual reproductive health and how it can enhance their awareness for their protection and self preservation;
- To make available sexual reproductive health services to remote communities or rather villages which seldom have access to such services as well as identify special cases which may require referral for action; and
- To increase understanding of couples on positive parenting methods to discipline their children instead of using physical abuse to discipline them.

Reply to issues raised in paragraph 9 of the list of issues

25. In terms of the National Policy for Persons with Disabilities and its related Action Plan, a revised DRAFT 2016 -2020 has been formulated so as to highlight achievements to date and to reprioritise activities. The MWCSO as lead focal point and with a new Chief Executive Officer is very eager to formulate and establish a policy framework or new approach to Policy that is all encompassing as opposed to having a suite of individual National Policies. This is also in line with some of the thinking that has preceded the Care and Protection Bill that also invites the Ministry of Women, Community and Social Development (MWCSO) to revisit its mandate as it is increasingly tasked with more care and protection activities for all populations. It is also timely with a new National Strategic Development Strategy 2016-2020 that is expected to be heavily weighted on performance and outcomes focused interventions and results. It also gives the MWCSO time to reflect on some of the findings and observations of the 2015 State of Human Rights Report and how to integrate this into the Policy Landscape. It is indeed an ambitious undertaking but arguably it will place Samoa in a better position to monitor and evaluate and to build more comprehensive research and data systems so as to inform best practice in all policy areas, including that of disabilities.

26. The Education Act 2009 provides that students with disabilities are not only included in compulsory primary education, but also receive appropriate education. In doing so, the Chief Executive Officer (CEO) of MESC must establish policy or guidelines for schools to identify and assess students with disabilities and modify teaching programmes as necessary, including training in special education for teachers. MESC together with its partners developed an Inclusive Education Policy for Students Living with Disability (IEPSD) 2014. MESC is committed to providing high quality inclusive education to all students within school based on a culture respect and acceptance. It aims to reduce and eliminate exclusion and provide quality education to all students irrespective of race, ethnicity, gender, socio-economic background and ability. The Draft Minimum Service Standards (MSS) for Primary and Secondary Schools enforced that School Buildings should be well maintained and provide a safe learning environment for students including those with disabilities.

27. In the 2015 State of Human Rights Report, the Office of the Ombudsman and National Human Rights Institute noted that Samoa should be commended for signing the CRPD on 25 September 2014 and for taking steps to become a full State Party to the Convention. They noted also that the MWCSO has demonstrated progress in raising awareness and delivering community outreach on the rights and needs of PWDs, but more must be done in this area. Further, in focus group consultations with parents of children with intellectual disabilities, participants agreed that there exists a general lack of awareness for the rights of PWDs. MWCSO shares in this view highlighting that greater awareness needs to be created, particularly in rural and remote areas. It is the NHRI's view that awareness-raising throughout society is needed, including at the family level, in order

to foster respect for the rights and dignity of PWDs so that a 100% agreement on their right to participate in society on an equal basis with others is reached.

28. NOLA reports via the Disability Unit of MWCSD that research is currently underway to determine possible indicators for inclusive education. A report is expected later next month with recommendations and proposed guidelines on ensuring effective and full participation of children with disabilities into mainstream schools with appropriate levels of supports and the means to measure progress. There is a strong emphasis on child protection policies in special schools and ongoing advocacy for all schools the Education Sector Plan taskforce. There remains a focus also on teacher aids, sign language and Braille training and education.

Reply to issues raised in paragraph 10 of the list of issues

29. Current data on prevalence of exclusive Breastfeeding rates is 70% according to the DHS 2014 compared to 51% in the 2009 DHS for the first six months of life. The Baby Friendly Hospital Initiative continues to be monitored for the two main hospitals. At the time of reporting, there was an approximate 50% compliance to the BFHI as of the FY14/15 BFHI audit. A recent change to maternity leave by Samoa's Public Service Commission now

30. provides for 3 months paid leave. There is also a recently launched Healthy Workplace Guidelines, November 2015, which includes promoting good health and encouraging Breastfeeding Support in the Workplace and ongoing monitoring.

31. Samoa continues to celebrate World Breastfeeding Week on August 1-7 of each year and engages in mass media campaigns on infant and young child feeding, targeting mothers and families to support, protect and promote breastfeeding. There is a Multisector Committee that works together each year to prepare for Mass media awareness of World Breastfeeding in Samoa.

32. Quarterly monitoring of the Code of Marketing of Breast milk Substitutes continues across shops and supermarkets with the Ministry of Health providing ongoing advice to shops owners on the importance of this code to discourage promotion of infant formula and breast milk substitutes in the first six months of feeding.

33. IEC materials and health resources produced by the MOH is provided to the public, available at the MOH and also distributed to hospitals, district hospitals and health centres, as well as workplaces detailing the importance of breastfeeding and risk of formula feeding.

Reply to issues raised in paragraph 11 of the list of issues

34. The 2015 Status of Human Rights (SHRR Samoa 2015) based on their survey findings reported that mental health was not widely discussed in Samoa, but that trends discovered in the Survey suggest that it should be and the Ministry of Women, Community and Social Development acknowledges that the emerging issues identified will help inform ongoing work in this landscape for the relevant stakeholders. The three emerging mental health issues that require further consideration include: (1) providing a basic understanding of what mental health is and the services available, (2) addressing the link between mental health and abuse and (3) expanding suicide prevention strategies. Many participants surveyed in the SHRR Samoa 2015 discussed abuse and depression as issues that they wish to see changed. While not always using the term 'mental health', there was a general recognition of wanting help in this regard.

35. A significant number of participants also mentioned suicide as an issue for this Report to address, especially in relation to teenage pregnancy. 2015 marked the highest number of suicide attempts in Samoa's history as well as the highest number of deaths from

suicide. We need to be more responsive and innovative to this continuing occurrence of suicide in Samoa, especially considering its small population and the underlying emphasis on communal living, cultural principles and Christian values. As a country we hope to report at our next reporting phase a reverse in these trends and more open dialogue and communication with the most vulnerable of our population, being children and adolescents.

36. Communication for social change in developing understanding and the desire to make a difference in the area of youth suicide has been gaining momentum in recent years. Fa'ataua Le Ola is Samoa's only non-government organisation that works to raise awareness about suicide and to run prevention programs in schools, youth groups and churches. These programs are complemented by information/education materials to assist the community to recognise signs in young persons who may be experiencing mental health problems and/or who may be considering suicide, together with appropriate ways to respond; as well as materials for young persons to help them make sense of their feelings and to inform them of counsellors who can assist them to work through their concerns. The Child and Health Adolescent Policy 2013 -2018 places a strong emphasis on this area and makes clear reference to Article 24 of the CRC. A midterm review of the implementation of the key strategic areas and prioritized activities that fall out of this policy should provide some valuable insight into progress in this area also. At the same time, as reported earlier, a reformed approach to National Policies being led out of the MWCSO, of which the National Youth Policy 2011-2015 is one will also be robustly appraised and options for consolidation into a comprehensive policy landscape will also be explored.

37. In respect to Sexual Reproductive Health Programs; utilising the Peer Education initiated Programme and conducted as part of the UN SIDS 2014-2015, 12 Female referrals and 16 male referrals were received by the Samoa Family Health Association (SFHA). There were

38. 109 registered Peer Educators as of 2015. The Peer Educators disseminate information on SRH, and inform young people of services that are available to them at no cost.

39. The Samoa Family Health Association produced a Long term Strategic Plan 2013-2022 with critical focus areas around Adolescents and young people, Abortion, HIV/AIDS, Access and Advocacy. It includes some ambitious outcomes across these key goal areas which explains the near to ten year implementation period.

40. According to the Samoa DHS 2014, the percentage of adolescent women who have begun childbearing increases steadily with age from less than 2% among those who are aged 16 to 4.2% for those aged 17 and to 12.1% for those aged 18 . The DHS survey reports that overall, 9 percent of teenagers in Samoa had begun childbearing at time of reporting. In 2014 the total number of women aged 17 and under who gave birth were 617. In 2014, the Samoa Family Health Association (SFHA) reported that it provided services to 19 patients under the age of 17 during pregnancy, all of whom sought alternatives to bringing the pregnancy to full term. There is acknowledgement that ongoing attitudinal change needs to be promoted and stronger support systems need to be in place to combat the stigma and the feeling of being ostracized that often happens. A 2015 Policy advice paper around Student Pregnancy in Education which serves to draw strategic attention to managing cases of student pregnancy in schools and promote inclusivity is evidence of collaboration in this area.

41. The Samoa Secondary Schools Curriculum Statements for Health and Physical Education (Years 9-13) evidently stated its aim for teachers to develop the knowledge, understanding, skills and attitudes required to pursue personal health and achieve positive behavioural changes for students. Under the 'Active Personal Health and Relationships' strand, the objectives to achieve are: to;

- To explore the various activities presently pursued by teenagers and identify their good and bad points;
- To describe the dangers that are connected to some of the pastimes currently carried out.
- by teenagers, eg; drugs, alcohol, smoking, and unsafe sex.
- To identify potential situations that can lead to any or all forms of abuse, eg; physical.
- and sexual abuse and incest.

42. A 2015 Attitudinal Survey Report on the Delivery of HIV and Sexual Reproductive Health Education in School settings by the Apia Office of UNESCO for Pacific States looks at a number of countries, one of which is Samoa. The survey in Samoa found that the principals, parents, teachers and students alike supported the introduction of CSE and that it was deemed useful in preparing young people to make informed decisions and generate positive attitudes towards life experience. The study found that in Samoa SRH was happening at some level at many schools. Factual topics represented the most focus with social aspects of SRH less addressed. This is a useful study in that it provides an evidence base that will assist further development and progression in this area. Samoa welcomes the recommendations as it looks ahead to the further consolidation of curriculum and programmes and desensitization targets in this area.

43. The NHRI report on CRC issues documents that Under the Crimes Act 2013, abortion remains illegal in Samoa except in cases where the physician believes that continuing of the pregnancy would result in serious danger to the life or to the physical or mental health of the girl. Currently, the law does not provide for exceptions in cases of rape, incest or for minors. Existing prohibitions lead women and girls to seek unsafe, illegal abortions. Samoa acknowledges this continues to be a sensitive area. Consultations around the Child Care and Protection Bill touched on the issue of abortion again. Under the current Bill, it does not allow this nor does it make reference to abortion at all. The same discussion around the issue of abortion came up during the Public consultation on the CEDAW compliance legislative review.

44. Representatives of the villages and those who all came to the consultations remained steadfast not to legalise abortion under any circumstance, including unlawful sexual acts against girls as young as 12. The responses were a sound no with significant support from our villages. This indicates that any mindset change in this area will take time.

Reply to issues raised in paragraph 12 of the list of issues

45. As reported in Samoa's Status of Human Rights Report (SHRP 2015), the Ministry of Natural Resources and Environment's "Samoa Climate Change Policy Review 2015: Assessing Progress and Paving the Way Forward" and National Disaster Management Plan 2011-2014 serve as a positive platform to address human rights issues including those of protection for children associated with climate change. The effects of climate change – natural disasters, erosion of land and destruction of plantations – have already impacted people's livelihoods. In particular, it must be recognised that women, PWDs and other vulnerable groups, including children may disproportionately suffer the impacts of climate change, including in times of natural disaster. It was recommended and acknowledged by the MWCSO that Gender and Disability concerns should be mainstreamed into the National Policy of Combating Climate Change (NPCCC) to ensure that the human rights of vulnerable groups are adequately protected. Furthermore, the development of a resettlement guideline, integrated into the community disaster and climate risk management programme is currently being developed.

46. The overarching Disaster Risk Management (DRM) National Action Plan and the Disaster and Emergency Management Act 2007 provides legislative and planning arrangements for the response to natural disasters and requires that an updated National Disaster Management Plan (NDMP) be kept. Samoa has been implementing the NDMP 2011-14, the operation of which has been extended to 2015 and will be reviewed early 2016. It is encouraging also that disaster risks are being addressed at the village level. For example, the Disaster Management Office's village outreach activities, the availability grant schemes for civil society and CBOs like Civil Society Support Programme, and the reporting on village preparedness through MWCSD all help to ensure that the most vulnerable are protected. As recommended in the Samoa Development Strategy 2012 – 2016, village councils and communities should be appropriately trained in DRM and climate change adaptation and this is expected to remain the case for the next Samoa Development Strategy 2016-2020.

47. The Ministry of National Resources and Environment Final Report of the School Curriculum Review to Include Disaster Management Project reviewed the National School Curriculum with the purpose of developing ways to integrate disaster risk reduction and disaster risk management into lessons for school children of all ages. The project took the perspective of empowering children by enhancing their knowledge of common hazards in Samoa and how to actively reduce the consequences for themselves and for their communities. This project position viewed children as actors in disaster risk reduction rather than passive victims relying on adult supervision to respond appropriately. The project developed a Teachers' Resource Kit and provided in-service training. Seven disaster risk modules conveyed the common hazards to which Samoa is vulnerable and related principles of disaster risk reduction, preparedness, response and recovery. These were distributed to all schools. The program evaluated the utility of the materials developed as interactive CDs; it did not report rates of use or improved knowledge for students. School staff reported they would use the materials but were hindered in many cases because the school could not provide adequate computers for student use. The report also recommended that MESC increase the physical safety and resilience of school buildings. A second review is planned for 2016 which should focus on improved student knowledge and application.

Reply to issues raised in paragraph 13 of the list of issue

48. Samoa has demonstrably achieved universal primary education through the Samoa School Fee Grant Scheme (SSFGS), which replaces the school fees levied on families with a government administered grant scheme that has demonstrated an increase in primary school enrolment and retention. Further, Samoa has gone above and beyond its obligations under the CRC and has extended the SSFGS to years 9 through 11 of secondary education.

49. The GoS is confident that if properly designed, managed and implemented the SSFGS so as to ensure that all Samoan children attend primary school and that there are quantifiable improvements in the quality of primary schooling and in children's learning outcomes. Nevertheless, the Education Act 2009 stressed the importance of compulsory education for compulsory school-aged children (5-14 years old), and this Act is continuously enforced through the work of Attendance Officers from MOP and MWCSD led by MESC. Parents of children who do not attend schools have been charged for non-compliance to this Act.

50. However in order to sustain the implementation and life of the SSFGS program, the GoS in 2015 finally took over and fully fund the SSFGS program for primary education only.

51. In June 2015 a rapid external review report of the Samoa Secondary School Fee Grant Scheme was produced. This review was in line with the near end of the second year

of implementation of the Scheme but the Terms of Reference were explicit in that the review applied to the period between July 2013 and June 2014 yet consultation feedback was clear that respondents were also referring to more recent observations and experience. Either way the feedback was critical to informing ongoing implementation issues, monitoring challenges and to address any capacity or sustainability options. This review also enabled the Sector to confirm whether the current programme design document and funding and monitoring mechanisms were indeed the most suitable in terms of delivering on the intended outcomes and achieving measurable results for the successful implementation of the Grant. Critical stakeholders are mindful that a lot of interventions are happening in the teaching framework, professional development and the Ministry of Education, Sports and Culture and the wider Sector operational landscape and these entire interventions combined could indeed be very relevant to the success of the Scheme in its remaining years.

52. A key finding was that there was improved transition from Year 8 that represents the final year of primary to Year 9 of Secondary School given the fee free scheme. The next review will be able to better measure the impacts on drop outs and especially if there are decisions to extend the fee free scheme beyond Year 11. This is not known at the time of reporting.

53. The Education Sector Reform landscape covers such a wide scope of key goal areas with critical performance areas across all educational and learning environments. To borrow from the latest Annual Review Report of the ESP 2013-2018 the total fund source for 2013/2014 was SAT\$ 139,161,403.00. The GoS was reported to have contributed \$95,754,478.00 accounting for 69%, NZ MFAT contributed \$6,784,100.00 accounting for 5%, Aus DFAT \$16,979,960.00 accounting for 12%, ADB \$3,442,865.00 accounting for 2% and China \$16,200,000.00 accounting for 12%. The Primary and Secondary SSFGS represents the only intervention that is founded on a 'fee free' concept.

54. There is another review of the Education Sector Plan that is expected later this year so this should also present the opportunity to assess the progress across some of the critical goal areas and related outcomes and activities and especially those aligned to SSFGS goals. However, as a number of key respondents to the review alluded, the experience of the Primary School implementation of the Grant applies also here and that Education reforms and related interventions take time to measure and to qualify the inputs as against outputs. Also we remain mindful that currently the Government of Samoa is carrying 100% responsibility for the Primary School Fee Grant so competition for sector budget is real and therefore ongoing accountability and value for money will need to be demonstrated.

55. The costing rationale for the Secondary School Fee Grant was that for the first two years the Scheme would be funded by New Zealand and with the GoS contributing from the third and fourth year with the aim of progressively raising its contributions. It is expected that there will be shifts in resource allocations as was the experience with the Primary Scheme but at the moment is it still very much heavily weighted on Fixed Assets.

56. The agreed New Zealand Aid Programme and GoS funding over 5 financial years in SAT million is as presented in Table 1 below.

Table 1

<i>MILLIONS</i>	<i>2013/14</i>	<i>2014/15</i>	<i>2015/16</i>	<i>2016/17</i>	<i>2017/18</i>	<i>Total</i>
Total Cost	3.139	3.569	3.617	3.407	3.471	17.203
NZ Aid Programme	3.139 (100%)	2.677 (75%)	1.809 (50%)	0.852 (25%)	0	8.477
Government	0	0.892 (25%)	1.808 (50%)	2.555 (75%)	3.471	8.726

MILLIONS	2013/14	2014/15	2015/16	2016/17	2017/18	Total
of Samoa					(100%)	

57. Minimum Service Standards were introduced in June 2015 for all Early Childhood Centres that promote best practice in this area. There were 3,787 students enrolled in early childhood education in 2014, however, it increased to 4,131 in 2015. This shows a 9% increase in enrolment, even though it is not compulsory under the Education Act 2009. An Early Childhood Education Policy is at the time of reporting close to finalisation and awaiting Ministerial and Cabinet endorsement. There is clear reference to the UN CRC and child development and protection considerations founded on global research and evidence. The framework proposed is about developing and caring for our young children from birth to the age of eight. Ideal staffing ratios are proposed as are curriculum guidelines and ‘play’ opportunities and health and safety safeguards.

Reply to issues raised in paragraph 14 of the list of issues

58. In relation to eliminating child labour the 1972 Labour and Employment Act was reviewed. The newly enacted labour law regulates the employment of children. Section 51 of the Labour and Employment Relations Act 2013 states that no person must employ a child under the age of 15 except in a safe and light work suited to the child’s capacity, or a child under 18 years on dangerous machinery or in any other working place or condition injurious to the physical or moral health of the child, or a child under 15 years on a vessel unless such vessel is under the personal charge of the parent or guardian of the child. The Government has determined a list of hazardous work prohibited to children. The Ministry of Commerce, Industry and Labour has started the process of working on this with its partners, Samoa Chamber of Commerce and Industries Inc (SCCI) and Samoa Workers Congress. The SCCI also in collaboration with the Fiji Commerce and Employers Federation and the ILO Office for Pacific Islands TACKLE also produced an Employers Guide for Eliminating Child Labour. It a very comprehensive publication and represents a progressive steps on the part of the private sector to tackle this issue.

59. The following list specifies occupations in which children under the age of 18 years old shall not be employed. This spans across a number of employment areas that include service areas, personal care workers, protective services, trade workers and machinery and electric mechanic and workers.

60. The list is not exhaustive and also includes any other occupation which meets one (1) or more of the following conditions:

- (a) Work which exposes children to physical, psychological or sexual abuse;
- (b) work underground, under water, at dangerous heights or in confined spaces;
- (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
- (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.”

61. In addition, recent reforms include revisiting the definition of ‘Light work’ in relation to children’s employment to ensure that what constitutes child labour is tailored

towards the local context and within a particular setting or context. Joint efforts by MCIL, National Workers Congress, and members of newly set up Child Labour Taskforce have started in an attempt to implement basic strategies to address issues of ‘children involved in vendor services’ during the day. The Taskforce are informed also of the work of MESC and their own Compulsory Education Taskforce in respect to enforcing compulsory education which is linked to child vendors. The MWCSO Child Care and Protection Bill 2016 states provisions for ensuring protective mechanisms for children selling goods in public settings which has been raised as a public safety issue. There is also a provision in the Child Care and Protection Bill that could be explored and adopted if it was decided that a special taskforce was needed to address the needs of children working on the streets and in child labour. The Ministry of Commerce, Industry and Labour (MCIL) also recently joined the National Council on the Convention of the Rights of the Child.

62. According to the Education Act 2009, compulsory school aged children are not to engage in street trading, or any other work of any kind, during school hours. Further, the Act sets up enforcement measures through the ‘attendance officers’ comprised of Sui o Nu'u (Village Reps), school committees, and police officers. Moreover, regular spot checks were enforced and conducted twice a week on a monthly basis since 2014 with the crucial assistance from the MOP and MWCSO to join the team of Attendance officers. Through the work of Sui o le Nu'u, they are encouraged and are obligated under the Act to enforce this provision of the Act at the village level. Parents of child vendors have been charged of non-compliance to the Act since 2015.

63. A Rapid Assessment of Children working on the Streets in Apia, Samoa was commissioned by the International Labour Organization (ILO) in response to concerns raised at the first National Child Labour and Trafficking Forum in Apia in July 2014 over the lack of hard data and information on child labour in Samoa.

64. The purpose of the Rapid Assessment that was conducted late 2015 was to generate reliable data to develop effective interventions to combat child labour. Specific objectives of the Rapid Assessment were to:

- Identify children working as child street vendors in Apia
- Explore the working conditions of children working on the street and the effects of such work on them
- Understand the characteristics of the working children, reasons for their engagement in child labour, pathways that led children to engage in child labour, and the socio-economic situation of the families of children in child labour.
- Examine the relations between school and work, the attitudes of the parents and children towards education and what pushes children into child labour
- Identify potential strategies to remove and rehabilitate children from child labour or child street vending.

65. A total of 106 children were interviewed during the field research. Of this number 75 children were males and 31 children were females. The youngest interviewed was 7 years old and three (3) of the respondents were transgender. A higher number of boys were found to be working at the time of the field research. A total of 41 or 38.8% working children were below the minimum age of employment which is 15 years old. Although most of these children below 15 years old interviewed were males, the two youngest children interviewed were 7 year old girls. 21 of the children interviewed were between the ages 7 to 12 years old, below the age of light work.

66. Many of the children working on the street live in large family units (79 children or 74.5%), having 4 to 9 family members. Interviews confirmed that 22 or 22.6% of the

children working on the streets stated that they have no family member working and 43 or 40.6% of the children stated that there is only one member of the family working to support the family. This presents as a major push factor for children to assist the family to earn an income.

67. Recommendations have been tabled in the Assessment Report, some of which build on the mechanisms and structures already in place. At the time of reporting this study had not been officially published. It is an outcome of the Samoa National Tripartite Forum (SNTF) Taskforce committee. The report belongs to the Government of Samoa through its official lead agency in this area, the Ministry of Commerce, Industry and Labour. It is expected that once funding has been secured for publishing and following the March 2016 elections, the Taskforce will be in a better position to comment on the preferred country approach to the recommendations of a very informed report.

68. It is expected that the new Community Development Sector Plan will also take a lead in terms of targeted strategies aimed at the families of these child vendors and providing the needed up skilling and/or opportunities to generate incomes without resorting to this street vending approach.

Reply to issues raised in paragraph 15 of the list of issues

69. The Young Offenders Act 2007 sets the minimum age of criminal responsibility at 10 years of age. However, the new Sentencing Act 2015 and Criminal Procedure Act 2015 provides for a child to be a person under the age of 18 years to comply with requirements under the CRC. There have been discussions to amend the Young Offenders Act 2007 to align with these new changes and to comply with requirements under the CRC. The current minimum age for criminal liability is provided in section 12 of the Crimes Act 2013 which states that no person under the age of 10 years is to be charged with any criminal offence.

70. Section 5 of the Young Offenders Act 2007 provides that any criminal charge brought against a “young person” must be laid in the Youth Court whereby “young person” is defined in the Act as any person of or over the age of 10 years and under the age of 17 years. On that note, a person charged with an offence that is 17 years and above is dealt with in the District and Supreme Court as an adult. The fa’asamoa has long played an important role in detention facilities in Samoa and it is important to detail how it still contributes to the safety and security of juveniles held within Olomanu and Tafaigata.

71. A June 2015 Detention Inspections Report by the Samoa National Human Rights Institute (NHRI) also had a focus on juvenile detainees and related facilities. In each facility, the Corrections Management selects a matai (chief) for each cell based on maturity and leadership skills of the prisoner. In Olomanu, one matai is based there permanently (taken from Tafaigata). The matai is seen as a leader and mentor to prisoners who assist with resolving any minor issues/disputes among the prisoners and raises any concerns they might have with facility staff and vice versa. They also teach and mentor juveniles in the fa’asamoa, teaching them about feavaa’i (mutual respect), alofa (love) and fepuipua’i (mutual protection). The social framework that this provides juvenile detainees undoubtedly helps with rehabilitation, lowers rates of recidivism and improves safety and security within the facilities. The NHRI supports the integration of fa’asamoa and detention centre management and welcomes the Commissioner of Prisons and Corrections Services recent stated commitment to ensuring its retention and application.

72. The same report raised a number of CRC related issues that they felt needed attention around labour and age classifications, access to medical treatment and educational, vocational and rehabilitative programs. The low recidivism rates were noted as a good result however.

73. The NHRI welcomed the introduction of a formal complaints mechanism to coexist alongside the matai system, implemented shortly before the inspection of Olomanu Juvenile Centre. The NHRI has advised that they will continue to monitor the effectiveness of this dual system through its inspections. The separation of Prisons Services from the Ministry of Police is progressing well and provides an important opportunity for the Prison Services to review practices and implement new policies in line with current standards for treatment of detainees. It can be reported that Olomanu Juvenile Centre will remain the focused facility for this classification of prisoners. The proposed new Prison design and operations is being country led but a MOU with the New Zealand Department of Corrections has enabled expertise in this area to be shared with our equivalent Ministry. There are four skilled personnel based here until 2017 to assist across Operations, Corporate Services and Programme Development.

74. Programmes are also targeted at the Olomanu Detention centre. A positive tool has been the introduction of prisoner profiling and TNA and an effort to recruit Corrections Officers who have qualifications that can assist with this welcomed approach to Corrections. This new prison is expected to be completed at the end of 2017. Classification of juveniles at the Olomanu Juvenile Centre is yet to be officially endorsed and implemented. The Prison and Corrections Act 2013 states if a prisoner is a juvenile, the prisoner must be treated as a child under the CRC. It is apparent the intention is there but in practice it is not necessarily the case. There are no females currently at this facility.

Part II

(a)

75. The legislative landscape as per previous reporting remains the same and clarification of this is covered in Part I. The Child Care and Protection Bill 2016 provisions are intended to take into account the best interests of the child and prohibit the use of children for the purpose of street vending. The Labour and Employment Relations Amendment Bill 2015 proposes to incorporate a provision in the Labour and Employment Relations Act 2013, to prohibit the use of a child to sell goods on the streets or any public places after 5 pm and during the weekends. The proposed Labour and Employment Regulations also provides for privileges and benefits for employees with disabilities based on reasonable grounds for medical needs. There are also mandatory duties in the primary Act for non discrimination in employment or in the process of applying for employment, including protection of children. As reported briefly earlier, a suite of solid legislation in terms of an Evidence Act, Sentencing Act and Criminal Procedures Act 2016 and on commencement will provide useful principles, guidelines and best practice across this legislative landscape.

(b)

76. In 2013 the Office of the Ombudsman was given an additional mandate under the Ombudsman (Komesina o Sulufaiga) Act 2013 (the Ombudsman's Act) to be Samoa's National Human Rights Institution (NHRI). The NHRI has all the powers and functions that are associated with the a Paris Principle compliant NHRI. Namely, it has the power to, inter alia, inquire into and report on alleged violations of human rights; promote public awareness of human rights through the provision of information and education; and monitor and promote compliance with international and domestic human rights law. Part IV of the Ombudsman's Act provides for a full list of the powers and functions of the Office of the Ombudsman's mandate. The NHRI is also mandated to submit a report to the Samoan Legislative Assembly on the state of human rights in Samoa by 30 June of each year. In 2015, the NHRI submitted its inaugural State of Human Rights Report (SHRR) which

was launched by the Prime Minister of Samoa, Tuilaepa Sa'ilele Malielegaoi on 17 August 2015. Included in the SHRR report was a section devoted to children's rights in Samoa. In relation to the NHRI's capacity to receive and investigate complaints of children's rights violations, Section 38 of the Ombudsman's Act allows the NHRI to receive oral and written breaches of human rights. In Section 2 of the Act, 'human rights' is defined as, inter alia, any treaties contained in Schedule 1 of the Act. The Convention on the Rights of the Child is included in this schedule. While the NHRI may receive complaints of breaches of children's rights, the NHRI may not investigate and make determinations relating to these complaints. Such complaints however may form the basis of conducting an inquiry under Division 2 of the Ombudsman Act. It is envisaged that as the capacity of the NHRI expands, so will its capacity to receive and investigate individual human rights complaints. The Ombudsman's Act will be amended to allow the NHRI to investigate complaints of children's rights abuses in a child-friendly manner once it has the staff and resources to carry out this important function. Finally, the NHRI applied for accreditation early this year to the Standing Committee on Accreditation under the International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights. The decision of the Committee was still pending at the time of writing this report. Once the NHRI is accredited it will be able to participate fully with treaty bodies such as the Committee on the Rights of the Child.

77. The Community Law Centre represents an institution aimed at improving equal access to justice, including legal assistance and information and education about legal and human rights, to those who cannot afford private representation. The GOS passed the Community Law Centre Act 2015 in July 2015 and it is yet to come into force as waiting on a date nominated by the Minister, which is expected not long after General Elections in March 2016. This Community Law Centre is to be headed by a Public Advocate who provides legal assistance to people who cannot afford a private lawyer. This has been recognised as a credible achievement for both the Law and Justice Sector and Community Sector, including the legal profession to ensure equal access of justice for the people of Samoa. The Centre will provide legal assistance in criminal and civil matters; and to qualify an individual has to satisfy certain prescribed requirements which will be well documented and implemented.

(c)

78. As noted in Part 1, the Ministry policy review period presents as a valuable and timely opportunity to take a more comprehensive approach to policy direction and reform. The Ministry is embarking on a robust prioritized approach to its key deliverables in a way that is more streamlined and consolidated. A revised Organisational structure also appears highly likely which will also involve a revisit of the Ministry's mandate so as to meet new legislative responsibilities that will fall out of the new Child Care and Protection legislation and to better position itself to evaluate and monitor its deliverables as an agency and as part of the wider Sectors it is part of, including that of International Convention reporting.

79. The Ministry continues to champion the Transformation Leadership Development Program (TLDP) which was initiated through a partnership with UNDP in 2013, and has since successfully integrated TLDP principles into several of its core programs, such as Teen Mums and Mothers and Daughters. The aim of the TLDP concept is to develop leaders who are able to speed up the transformation of their organisations and societies and provide durable solutions for challenges they face. In June 2015 the National Council of Women in partnership with the MWCSO conducted a national workshop to promote political participation of women, using the theme: 'Vote for Good Governance'. The aim of the program was to encourage more involvement of women in decision making at both village and national levels, and to value the importance of participation, in the context of human rights, as well as Samoa's status as an independent nation. The workshop was

attended by up to 400 women from across the nation, representing women's committees, youth groups and church organizations as well as our most influential women leaders and Parliamentarians.

80. The Ministry as national focal point for gender was also involved in the development of a media glossary on gender correct terms, to be used by media officials for public notices. This process was a collaborative effort by UNDP, ILO and others. This glossary will contribute to reduction of discrimination and gender based violence, by ensuring that the language used in media communications are in line with universal terms endorsed and supported by the government through the MWCSO. Samoa is also part of the High Tech Youth network, an international initiative that increases online information sharing opportunities amongst young people and develops cyber skills to promote development pathways for youth from middle school through to higher learning or career opportunities. In September 2014 the Minister of MWCSO signed an MOU with the Network for the provision of 21st Century learning for youth and social entrepreneurship opportunities during the S.I.D.S. conference.

81. A number of recommendations in terms of interventions and programs were also generated out of the Samoa SHRR. Particular actions were documented as starting points, including timeframes for implementation. It would be justifiable to say these are not necessarily new approaches but a re-emphasis of prioritisation from the lens of the NHRI. A majority of the issues that prompted these recommendations have been raised earlier in this report.

82. Table 2 below serves as a good tool to the Government of Samoa and the relevant stakeholders that we can confidently look to the NHRI as a key stakeholder and advocate in our country's ongoing efforts to implement ongoing compliance to the CRC. Below represents the NHRI Recommendations for Action outcomes and summary of some key focus areas.

Table 2

Our Children—preventing abuse, including sexual abuse and incest

Office of the Attorney General and Samoa Law Reform Commission to consider reviewing the Family Safety Act 2013 for the inclusion of protections for persons who report incidence of violence, including sexual violence.

MWCSO, with its Child Protection Unit and Ministry of Police in collaboration with the NHRI, to investigate and develop child-friendly reporting avenues for child abuse, sexual assault and incest.

A Memorandum of Understanding (MOU) is agreed between NHRI and CID/DIU as responsible lead data agency to establish a system for the regular collection of statistical data on sexual abuse and incest disaggregated by sex, age, region (urban/rural), and relationship between victim and perpetrator to be reported on a quarterly basis to the NHRI.

NHRI and Domestic Violence Unit to enter into a Memorandum of Understanding

	<p>(MOU) to regularly collect statistical data on domestic and sexual violence disaggregated by sex, age, region (urban/rural), and relationship between victim and perpetrator, to be reported on a quarterly basis directly to NHRI.</p> <p>Government to consider the definition of ‘unreasonable punishment’ within the Child Care Protection Bill to align with CRC principles that any form of discipline involving violence is considered excessive and abusive.</p> <p>MESC to step up efforts to enforce the ban on corporal punishment in schools.</p>
<p>Our Children—correcting any misunderstanding about the rights of the child</p>	<p>Dispel any misconception about the rights of the child for both parents and children through community education campaigns and programmes led by the MWCS D in collaboration with NHRI.</p>
<p>Our Children—providing access to adequate education</p>	<p>MESC to take steps to reduce dropout rates in secondary schools MESC, and relevant NGOs with a focus on preventing initial dropouts of pregnant girls by implementing programmes and policies to eliminate all negative social and cultural attitudes towards teenage pregnancy within schools.</p> <p>MESC in collaboration with the NHRI proposes an outcome also around providing counselling to pregnant students and young mothers to enable them to continue or re-enter school and finish their education.</p>
	<p style="text-align: center;">•</p>
<p>Our Children—correcting any misunderstanding about the rights of the child</p>	<ul style="list-style-type: none"> • Dispel any misconception about the rights of the child for both parents and children through community education campaigns and programmes led by the MWCS D in collaboration with NHRI.
<p>Our Children—providing access to adequate education</p>	<ul style="list-style-type: none"> • MESC to take steps to reduce dropout rates in secondary schools MESC, and relevant NGOs with a focus on preventing initial dropouts of pregnant girls by implementing programmes and policies to eliminate all negative social and cultural attitudes towards teenage pregnancy within schools. • MESC in collaboration with the NHRI proposes an outcome also around providing counselling to pregnant students and young mothers to enable them to continue or re-enter school and finish their education.

(d)

83. The Government has made an obligation to ensure that it ratifies all core human rights conventions to safeguard the rights of its citizens and it has therefore accepted recommendations. Samoa is considering ratifying the CRPD as the Attorney General's Office has provided advice for Samoa to ratify following a legislative compliance review of CRPD. Samoa is working towards finalising the compliance so the Government is able to establish legal frameworks that will support full implementation of the convention, following this, the Convention will be ratified. Lack of technical expertise in this area is a problem however other Ministries and NGO's such as DPO's provided technical support towards completing the compliance. Samoa is looking at legal options towards protecting the rights of persons with disabilities whether in the form of a model law or piecemeal amendments.

Part III

Data, statistics and other information, if available

84. The figures provided below in Table 3 provide a view of some of the funding provided to the Education Sector by the Government of Samoa and additional funding from various donors.

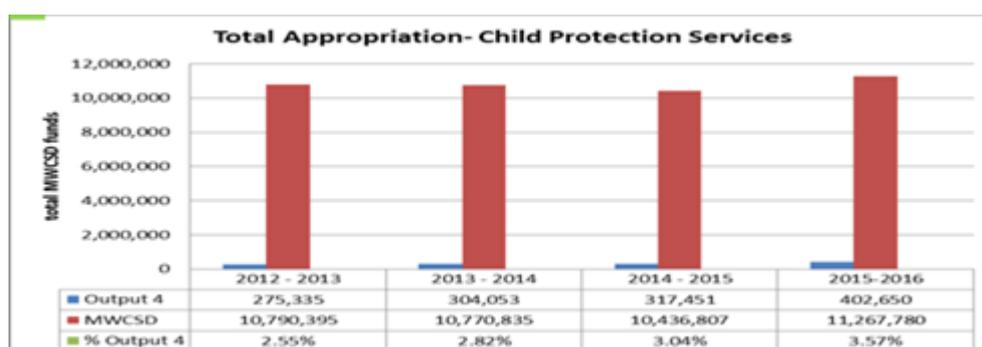
Table 3

<i>FUND SOURCE</i>	<i>2013/2014 SAT</i>	<i>2014/2015 SAT</i>	<i>Percentage of Funds Received in 2014/2015</i>
GOS	\$95,754,478.00	\$ 84,323,028.00	79%
Aus. DFAT	\$16,979,960.00	\$ 9,467,100.00	9%
Japan		\$ 863,766.00	0.80%
ADB	\$3,442,865.00	\$ 6,000,000.00	5%
China	\$16,200,000.00	\$ 5,000,000.00	4%
NZMFAT	\$ 6,784,100.00	\$ 2,754,235.00	2.2%
Total	\$139,161,403.00	\$108,408,129.00	100%

Source: Samoa Education Sector Plan 2014/2015: 2nd Annual Review Report

85. Since 2012-2013, the MWCS D budget for Child Protection Services has been increased by 42, 116 WST, from 275, 335 WST to 317,451 WST (2014-2015). In 2012-2013, child protection services were allocated 2.55% of the MWCS D funds; in 2014-2015 it is 3.04%. Allocated funds for child protection services in 2015-2016 are 3.57% of the MWCS D budget. Please see below in graph one.

Graph 1

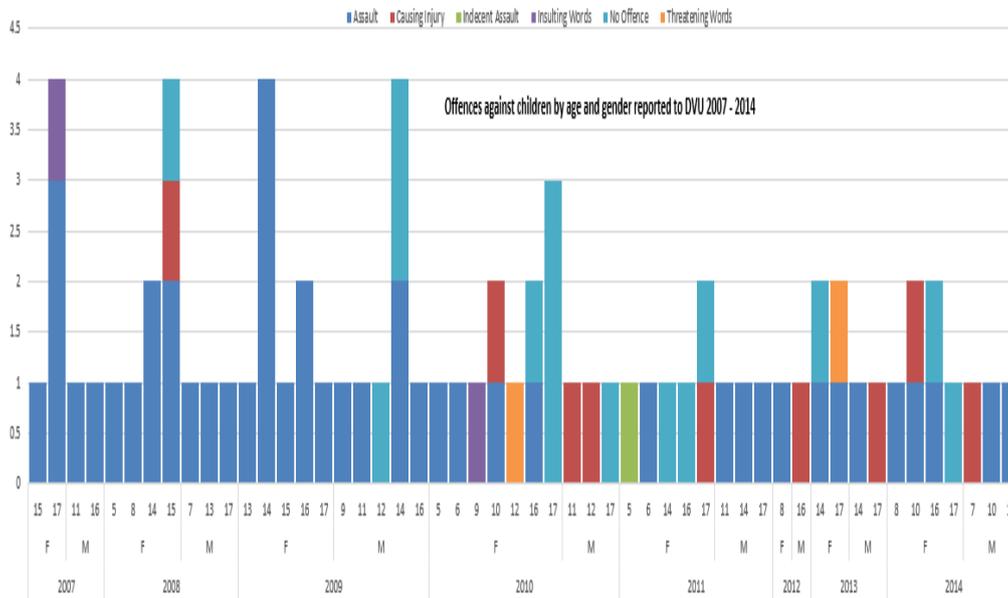


2. (a)

86. In the case of a child being exposed to domestic violence, the current practice is for the Domestic Violence Unit to interview the child to assess safety at home. Police refer the child to Samoa Victim Support Group for shelter if necessary and follow up referrals on a regular basis. Parents wishing to see their children whilst they are accommodated at SVSG are required to go through Police who liaise with SVSG to ensure child safety and readiness to meet with parents. Police inform and explain case progression through the courts to child witnesses and also explain children’s role in court to them. This is done in the presence of SVSG staff as a calming and safety measure. These processes are believed to assist children to tell the truth in court.

87. The Domestic Violence Unit provided data for cases where children were physically or emotionally abused by a relative between 2007 and 2014. Graph 2 shows that assaults are the most common offences against children and that in almost every year there are more female victims than males. The youngest child that was assaulted was 5 years old and the oldest was 17 years old.

Graph 2



2. (b)

88. As lead coordinating agency for data we have struggled to source this data. Table 4 below is some information we have managed to source from the Ministry of Justice, Courts and Administration (MJCA) around sexual and incest offences. It highlights for us that we need to generate the same data on offence type for each year as some years we generate some offence types and other year's different offence types.

Table 4

Year	Cases completed - Sexual and Incest Offending			
	Offence Type	Female	Male	Total
2012	Incest	14	28	42
	Indecency with girl under 12		39	39
	Indecent assault on woman or girl		7	7
	Sexual intercourse by man with young girl living in the family		14	14
	Sexual intercourse or indecency with girl between 12 and 16		107	107
	Sexual intercourse with girl under 12		15	15
Total 2012		14	210	224
2013	Incest		6	
	Indecency with girl under 12		14	
	Indecent assault on woman or girl		32	
	Sexual intercourse by man with young girl living in the family		3	
	Sexual intercourse or indecency with girl between 12 and 16	1	62	
	Sexual conduct with a person under 16		14	
	Sexual intercourse with girl under 12		20	
	Sexual conduct with child under 12		4	
Total 2013		1	155	156
2014	Incest	65	68	
	Indecency with girl under 12		10	
	Indecency with girl between 12 and 16		2	
	Indecent assault on woman or girl		7	
	Sexual conduct with child under 12		12	
	Sexual conduct with a person under 16		43	
	Sexual intercourse by man with young girl living in the family		4	
	Sexual intercourse or indecency with girl between 12 and 16		10	
	Sexual intercourse with girl under 12		1	
	Sexual intercourse with girl between 12 and 16		3	
Total 2014		65	160	225

2. (c)

89. The data below in Table 5 has been provided by Ministry of Education, Sports and Culture (MESC). It shows those teachers with judgments entered against them. This is part of the MESC standard procedure governing public servants.

Table 5

<i>Reported Cases of Assault in Primary and Secondary Government Schools to MESC 2012 - 2015</i>				
Perpetrators	Perpetrator Gender	Year Committed	Victim Gender	Type of Assault

Reported Cases of Assault in Primary and Secondary Government Schools to MESC 2012 - 2015

Teacher	Male	2015		Assault
Teacher	Male	2015		Assault
Teacher	Male	2014		Assault
Teacher	Female	2013	Female	Assault (hitting student with meter ruler)
Teacher	Female	2013	Female	Assault (hitting student with stick)
Teacher	Female	2013	Female	Assault (cohesion/harassment)
Teacher	Female	2013	Male	Assault (pushing head of a student in lavatory)
Teacher	Female	2013	Male	Assault (slap)
Teacher	Male	2013	Female	Sexual harassment
Teacher	Female	2012	Female	Assault (struck student with a stick caused visible bruises on her palms and bottom)
Teacher	Male	2012	Male	Assault (causing actual bodily harm with injuries to the face)

3. (a-d)

90. Apart from data supplied from SVSG we have no other recorded data available.

91. Samoa Victim Support Group (SVSG) is a non-government organisation with 10 years' experience of providing for the physical, academic, emotional and social needs of infants and children aged 0-18 years old who have experienced sexual and/or physical violence and have been abandoned by their families or need care for shorter periods of time whilst their families re-establish themselves, ready for caretaking responsibilities again. SVSG provides counselling for child victims to assist in their psychological recovery. The data below captured in Table 6 was provided by SVSG which shows the number of children the agency has accommodated from 2011 to 2015, with more aggregated data for 2015, reporting the reason for their placement, their age, gender and whether they have a disability.

Table 6

2011	2012	2013	2014
65	79	94	129
2015	No. of girls	No. of boys	Total
House of Blessings (0-3 years old)			
Abandoned Babies	1	1	
Incest Case	1	5	
TOTAL	2	6	8
House of Hope (4-12 years old)			
Domestic Violence	3	9	
Incest	13		
Indecent Assault	4		
TOTAL	20	9	29
House of Dreams (13-18 years old)			
Special case (drugs)	2		
Domestic Violence	5	6	

<i>2015</i>	<i>No. of girls</i>	<i>No. of boys</i>	<i>Total</i>
Incest	20		
Pregnant (Incest)	4		
Rape	7		
TOTAL	38	6	44
Disabilities	6	3	9
TOTAL	66	24	90

3. (e)

92. The Ministry of Justice, Courts and Administration (MJCA) are the responsible agency for documenting adoption orders. The most recent information from MJCA provided by way of orders granted from the Court records 419 adoptions orders for 2010/11, 712 for 2011/12 and 790 for 2012/13. At the time of reporting it is unknown how many of these were in-country and how many inter country and 2013/14 and 2014/15 adoption orders were not available. What was noted as reported from MJCA experience was that approximately 95% of adoption applications were filed by Samoan parents who reside in Samoa or overseas and 5% adoption applications filed by non Samoan parents residing overseas.

93. Samoa does not have all this data as requested. However MESC has been collecting data on special need students in 2014 and 2015. According to information gathered, there were 138 (primary and secondary) students with special needs enrolled in schools in 2014, and an increase to 181 students recorded in 2015. One special school, namely Aoga Fiamalamalama provided information on enrolment. It is not a comprehensive picture of the whole children population attending special needs schools but it is encouraging in that they started disaggregating data by age, gender, type of disability,

94. type of targeted programme and geographic location. Enrolments are not large but in terms of children, in 2014, was an enrolment of 37 and in 2015, an enrolment of 34. Note there are some cases of students with no birth certificates. They have some encouraging buddy systems in place but it appears to Management that children's welfare needs are not always being met by primary care givers.

95. Table 7 below is data provided by one of Samoa's prominent early intervention community based program providers based on their nationwide work. In saying that we are encouraged that Samoa's National Human Rights Institute as part of its Human Rights Reporting has just commenced consultations for a country report on Persons with Disabilities. Its primary objective is to gather as much information as possible from PWD themselves and their families, schools and communities with a specific chapter on Children with Disabilities. This is expected to be a rich information source with case studies including a look at the legislative and policy framework and attitudes and perceptions. The report is expected to be tabled with our Parliament in July this year.

Table 7

<i>Early Intervention Community Based Rehab Program conducted by Loto Taumafai Society -Children data focus</i>			
	<i>Children living with Families (0-18)</i>	<i>Total Females (0-18)</i>	<i>Total Males (0-18)</i>
2013	179	74	105
	<i>Attending Primary School</i>	<i>Total Females</i>	<i>Total Males</i>
	14	3	11
	<i>Attending Secondary School</i>	<i>Total Females</i>	<i>Total Males</i>
	3	2	1
2014	<i>Children living with Families (0-18)</i>	<i>Total Females (0-18)</i>	<i>Total Males (0-18)</i>

Early Intervention Community Based Rehab Program conducted by Loto Taumafai Society -Children data focus

	185	76	109
	Attending Primary School	Total Females	Total Males
	22	8	14
	Attending Secondary School	Total Females	Total Males
	3	2	1
2015	Children living with Families (0-18)	Total Females (0-18)	Total Males (0-18)
	190	79	111
	Attending Primary School	Total Females	Total Males
	26	9	17
	Attending Secondary School	Total Females	Total Males
	3	2	1

96. Data that was supplied by lead agency Ministry of Education, Sports and Culture (MESC) is recorded below in Table 8 – Table 14

Table 8 Completion Rate

Primary	2013	2014	2015
Male	85	86	87
Female	89	85	89

Table 9 Completion Rate

Secondary	2013	2014	2015
Male	41	41	44
Female	54	60	62

Table 10 Repetition Rate

Primary	2013	2014	2015
Male	219 (0.5%)	129 (0.3%)	285 (0.7%)
Female	164 (0.6%)	118 (0.3%)	181 (0.4%)

Table 11 Repetition Rate

Secondary	2013	2014	2015
Male	157 (0.9%)	212 (1.2%)	219 (1.3%)
Female	92 (0.6%)	172 (1.0%)	169 (1.0%)

Table 12 Net Enrolment Rate %

Primary	2013	2014	2015
Male	52	51	53
Female	49	49	49

Table 13 Net Enrolment Rate %

	2013	2014	2015
Secondary			
Male	33	33	32
Female	35	37	35

Table 14 Dropout Rates by Year Level

Year	1-2	2-3	3-4	4-5	5-6	6-7	7-8	8-9	9-10	10-11	11-12	12-13
2012-2013	0	0*	0*	0	0*	0	0*	10	5	13	7	31
2013-2014	9	1	0	3	3	2	3	6	5	22	0	5
2014-2015	5	0*	1	0*	2	1	1	7	9	22	3	31

Note: Dropout rates marked with * indicate these were negative rates and are being converted to zeros (0's). Negative rates indicate more students enrolled in a given year level than those promoted to the given year level due to either having a number of transfers, new or repeating students in the given year level.

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