

# SAMOA



**STATEMENT BY**

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DEVELOPMENT OF THE INDEPENDENT STATE OF SAMOA**

**TO THE**

**FIFTY-SECOND SESSION OF THE COMMITTEE ON THE  
ELIMINATION OF DISCRIMINATION AGAINST WOMEN**

**ON THE**

**CONSIDERATION OF THE REPORT OF SAMOA  
UNDER ARTICLE 18 OF THE CONVENTION  
ON THE ELIMINATION OF ALL FORMS OF  
DISCRIMINATION AGAINST WOMEN**

**NEW YORK**

**19 JULY 2012**

**Please check against delivery**

Madam Chairperson,

Distinguished Members of the Committee on the Elimination of Discrimination against Women (CEDAW),

It gives me great pleasure to present Samoa's Combined Fourth and Fifth Periodic report and to address the Committee at its Fifty Second Session in consideration of the reports submitted by States Parties, under article 18 of the Convention.

We bring you greetings from Samoa and we welcome the opportunity to engage in dialogue with the Committee in recognition of progress made in accelerating the status of women in Samoa, since we first reported in 2005. In addressing the Committee, our Statement is structured as follows:

An introduction of my Delegation;

Followed by a brief introduction by way of an overview of the direction of Government's development agenda and lastly;

An update since 2009 under the 4 Substantive Parts of the Convention which will include a reference to our issues and challenges in taking the CEDAW agenda forward.

Madam Chair, my Delegation comprises of:

1. His Excellency, Aliioaiga Feturi Elisaia, Ambassador and Permanent Representative of Samoa to the United Nations;
2. Leituala Kuiniselani Toelupe Tago Elisara, Chief Executive Officer of the Ministry of Women, Community and Social Development, which is the national focal point for CEDAW and provides Chairmanship for the CEDAW Partnership and Women's Advisory Committee;
3. Ms Palanitina Tupuimatagi Toelupe, Director General of Health; founding member of the CEDAW Partnership and member of the Women's Advisory Committee;

4. Ms Leilani Tuala-Warren, Executive Director for the Samoa Law Reform Commission and member of the CEDAW Partnership;
5. Ms Maureen Francella Strickland-Simonet, Counsellor and Deputy Permanent Representative of the Permanent Mission of Samoa to the United Nations;
6. Ms Ida Tifitifi Fuimaono, First Secretary, Permanent Mission of Samoa to the United Nations; and
7. Myself, Gatoloaifaana Amataga Alesana Gidlow, Associate Minister of Women, Community and Social Development, Deputy Chairperson for Women's Advisory Committee and former Minister of Health.

Madam Chair,

The Government of Samoa reiterates its commitment to fulfilling its obligations as a State Party to CEDAW. This is reflected in progress made thus far in advancing the status of women, and while we recognise that there are challenges in promoting gender equality in Samoa, the information made available is evident of Government's commitment towards ensuring equality for women. You have also been provided with documentation on progress made since 2005 in the context of the Concluding Remarks of the Committee, presented to our Government to consider.

Much of this progress has focused on strengthening the legal and policy framework, as well as facilitating support for new programmatic areas in order to make advancements for women and girls. The focus on institutional reform towards improving service delivery and the regulatory role of Government, has also continued. Efforts have been concentrated on enhanced collaboration and harmonisation with the development partners so as to facilitate an enabling environment for translating policies into results, for all Samoans including women and girls. This has been the strategic direction of the Government of Samoa's Development Agenda, in the last 6 years and will continue.

Madam Chair,

Allow me to highlight, Samoa's progress made thus far, since the compilation of our Combined Fourth and Fifth Periodic Report in 2009. These highlights will be provided under the clusters of articles in accordance with the 4 substantive parts of the Convention as follows:

**PART I - ARTICLES 1 - 6: MEASURES TO BRING ABOUT THE ADVANCEMENT OF WOMEN:**

Under Part 1 - Articles 1 to 6, on measures to bring about the advancement of women, a series of legislative reviews have taken place, some of which have translated to Acts of Parliament. The Combined Fourth and Fifth Periodic Report made reference to the review of some key legislations which are pertinent to domesticating CEDAW and CRC in Samoa. Consequently, Parliament has passed the Divorce and Matrimonial Causes Act 2012 which applies a 'no fault' based system for grounds of dissolution of marriage. While the issue of the legal marriage age for males and females has not been addressed in the Crimes Bill, it was addressed in the Policy Paper prepared by the Samoa Law Reform Commission, and will be revisited in their current review of the Legislative Compliance Report on CRC for Samoa.

The Crimes Bill is now being translated for tabling in Parliament and provides for the following:

- Inclusion of Marital rape as an offence, including repealing immunity towards spouses, as well as extending its definition to include penetration of any orifice by any object, by any person, without consent;
- An exception to allow for legal abortion, if it is to preserve the life of the mother;
- Prostitution continues to be an offence in the new Crimes Bill 2012. Those who solicit prostitution are now caught under the new offence of solicitation.
- Part XIII now deals with smuggling and trafficking in people with hefty penalties.

Madam Chair,

- The first and second reading of the Family Safety Bill 2011 has been completed and includes a provision of specific harassment laws including sexual harassment. The Bill has now reached the Select Committee Stage. This means that, if time permits, the Family Safety Bill could possibly be passed before the end of this year. We accept that it has taken some time for this Bill to reach Parliament, but there were issues critical to the success of this Bill, which needed to be ironed out before it became law.

Another piece of legislation which has taken some time to be tabled in Parliament is the Labour and Employment Bill 2011. This Bill provides for six weeks paid maternity leave for women in the private sector including new provisions for unfair dismissal which will improve labour conditions for all women. The Labour and Employment Relations Bill 2011 has already gone through the first and second readings in Parliament.

At the policy level, several policies have been endorsed by Cabinet since 2009. These include the Policies for Women, Youth, Children and Persons with Disabilities. In terms of Health, some policies have also been endorsed by Cabinet towards improving the Health System and includes the National HIV/AIDS Prevention Policy 2011 and the National NCD Prevention and Control Policy 2011, to name a few. The work of the Samoa Law Reform Commission has also been instrumental in developing Policy Discussion Papers for the purposes of informing new legislation in response to the emerging issues and concerns in Samoa. In saying this, the Legislative Compliance Reviews for CEDAW and CRC and Samoa are used to inform the relevant policy discussion papers, as reflected in some of the related Acts of Parliament and Bills referred to earlier. These policies not only provide the direction for law reform, service delivery and program intervention, but they also help to inform development assistance as they seek to explore the linkages and synergies in the delivery of the relative aid programs for Samoa.

Madam Chair,

Aside from the focus on policy development and law reform, the establishment of some high level forums and or mechanisms to date also provide room for advancing the status of women in Samoa.

The Women in Leadership Advocacy Group for Healthy Living (WinLA) was established in 2010. This forum is currently chaired by the Honourable Fiame Naomi Mataafa, Minister for Justice and consists of all current Women Parliamentarians and Women Heads of Government Organisations. While the forum was founded on the principles of health promotion, the mission of WinLA continues to expand to take on a much broader focus to include the orientation of women to become informed future leaders across the public and private sectors.

Also in 2010, the Government received international technical and financial assistance towards the establishment of a National Human Rights Commission to monitor and promote human rights, including the rights of women and girls. This will be set up under the Office of the Ombudsman and it is anticipated that this institution will be responsible for the delivery of all public awareness campaigns to ensure public understanding of human rights, in addition to its monitoring role and other services it may offer.

In line with the principles of the Paris Declaration on Donor Harmonisation for Development Assistance in Samoa, 3 key support facilities have been established; namely, the Public Sector Improvement Facility, the Private Sector Support Facility, and the Civil Society Support Program. These mechanisms mobilise financial assistance for the relevant groups and organizations to apply for funding. All these have since provided additional financial support for various women NGOs, women

private sector organisations and women's community based organisations and have contributed to the advancement of women across the different sectors of society.

## **PART II - ARTICLES 7 TO 9: WOMEN IN POLITICAL AND PUBLIC LIFE:**

Madam Chair,

Relative to the articles on women in political and public life, earlier this year, a proposed amendment to the Constitution to allow for a minimum number of seats for women, has gone through its second reading in parliament. This constitutional amendment makes a specific provision to support the political participation of women for the first time in Samoa and is a significant step forward in increasing the political participation of women. In support of this Bill, consultations were held to raise the awareness of women. These consultations have been led by the Ministry of Women, Community and Social Development in collaboration with WinLA, targeting rural women and those from across the various sectors at national level.

While we appreciate that the minimum 10% seats proposed for women in this constitutional amendment falls short of the 30% target promoted in the context of CEDAW, this is indeed a significant step forward for Samoa, as it now puts the discussion of women's participation in politics on the Political Agenda for the first time. This for us is a milestone achievement as it will further support the foundation for realising gender equality, relative to Part II of the Convention.

Madam Chair,

The Government of Samoa recognises that there continues to be some barriers in accessing chiefly titles by women as a result of certain village bylaws that have been applied to date. We note that more education and advocacy will help eliminate these barriers over time.

Furthermore, we also recognise that not many women are on the Statutory Boards but the Committee is advised that the membership of these Boards have been reduced since 2009, in line with the continuous institutional reforms. It must be noted that more often than not, women themselves do not apply to these positions and there is a need to continue with the education and orientation of women to take on and apply for membership on these Boards, which is in line with the direction of the National Policy for Women.

**PART III - ARTICLES 10 - 14, ELIMINATION OF DISCRIMINATION IN EDUCATION, EMPLOYMENT, HEALTH, ECONOMIC, SOCIAL AND CULTURAL LIFE:**

Madam Chair,

Some developments have further taken place relative to the elimination of discrimination of education, employment, health, economic, social and cultural life and these are as follows:

In the Education Sector, the issue of corporal punishment has been addressed at various levels:

➤ The institutional strengthening program in the education sector has resulted in the new Education Act 2009. This Act now provides for zero tolerance for corporal punishment in schools, in addition to the Operational Policies administered by the Ministry of Education, Sports and Culture which promotes a violence free environment in education. Some of the provisions in the Education Act 2009 include:

- Section 23 (1) Every school and early childhood education centre must have a discipline policy.
- Section 23 (2) A discipline policy must not include or permit the use of:
  - (a) any form of punishment that may cause harm to the recipient;
  - or



- (b) any form of punishment that humiliates or is intended to humiliate the recipient.
- Section 56 - Ministry and village schools must develop a discipline policy subject to Section 23.

At the policy level, a Behavioural Management Guideline has been developed. This Guideline is a tool for improving student behaviour and welfare. This tool helps educate and train school principals, teachers and students on adopting an approach of behaviour management that encourages mutual respect, courtesy, and develop personal responsibility and discipline.

A Minimum Service Standards for Schools has also been developed and applied. This document provides the minimum standards for school operations and interactions within the school environment. It is an important development as it ensures an acceptable and adequate level and quality of education which should minimise any risk of discrimination that boys and girls may be exposed to in the school environment.

Madam Chair,

We appreciate that the application and monitoring of these tools is a challenge. However, their availability is a starting point for all the stakeholders and partners involved in its implementation and monitoring. We also accept, that to ensure the effective application of these tools and guidelines, there needs to be enhanced collaboration and partnerships between the relevant stakeholders as the Ministry of Education is not placed to do it alone, although their leadership and coordination role is crucial in affecting these policy changes.

Relative to girls with disabilities, the Inclusive Education Program funded by the Australian Government, now provides opportunities for girls with disabilities to be

educated in regular schools. Opportunities also continue to be made available for specialised schools for children with disabilities.

In relation to the Convention on the Rights of Persons with Disabilities (CRPD), consultations have taken place on how Samoa should move forward with the ratification of the Convention for People with Disabilities. Cabinet has also been consulted on a proposal for signing the Convention to await full ratification at a later date. As a result of these consultations, work has begun on the conduct of Legislative Compliance Review for Samoa against the requirements of CRPD, including the initial steps taken to conduct a Cost Benefit Analysis if Samoa was to ratify CRPD. If completed, Samoa will be the first for the Pacific Region, and would help inform the next steps for Samoa towards becoming a States Party to CRPD.

Madam Chair,

Several developments have taken place in the Health Sector which have strengthened the access to health services for women and girls. The evolving health sector reform since 2006 has contributed to a strengthened Health System. The separation of roles whereby the Ministry of Health becomes the Health Regulator for all health services including the National Health Service would ensure universal access, equality and affordability of health services. The construction of the new national hospital facility continues. This would help uplift the standard and quality of the health service to women and girls relative to hospital facilities. All these institutional and infrastructure developments would be utilised to the advantage of women and girls in the spirit of CEDAW and gender mainstreaming in the health sector.

In addition, Samoa has also domesticated a series of international and regional frameworks in order to achieve stronger health systems founded on a whole of country and whole of government integrated health approach. The prevalence of NCDs among women is a concern which has become the focus of several targeted

interventions in the health sector. Improving nutrition through the Family and Community Wellbeing Program continues. The advocacy by the Samoa Parliamentary Advocacy Group on Healthy Living (SPAGHL) has also put some controversial health issues on the agenda of the political leaders. It is also comforting for Samoa, that the recently endorsed UN Political Declaration on NCD Prevention and Control will soon be tabled in Parliament for the purposes of domesticating it to further strengthen efforts to combat the rising numbers of NCDs in Samoa through enhanced political will and a strengthened multisectoral approach.

The conduct of the National Health Fair in 2011 also led by SPAGHL provided for the first time, a whole of government/whole of country community based screenings for communities. The initiative which was welcomed as the services of the health professionals, were made available in the villages for all to access. All these efforts, in addition to the endorsement by Cabinet of relevant health policies, would help combat non communicable diseases for all Samoans within the context of ensuring "HEALTH FOR ALL SAMOANS" including women and girls.

Madam Chair,

In terms of the elimination of discrimination in the social and cultural life, there has been a renewed focus on climate resilience and preparedness, since the experience of the Tsunami in 2009. Several projects and initiatives are now catered towards building Climate Resilience in terms of Climate Adaptation and Mitigation. A Pilot Program on Climate Resilience is now in place and will help support efforts at national and community level to ensure effective Disaster Risk Reduction and Disaster Management at all levels. The review of the National Disaster Management Plan has also led to some institutional strengthening in the Disaster Management Office and across all sectors, in view of Samoa's experience in 2009. Enhancing social protection through the continuous implementation of community based programs also form part of facilitating climate resilience and all of these efforts will ensure that

Samoa will be better placed to respond to disasters so as to minimise the negative impacts on the population, especially women and girls.

Madam Chair,

The work of the Village Women Representatives in the past year has resulted in increased engagement and participation of women and girls in gender violence advocacy, disaster preparedness and response management programs, school enrolment and vocational training opportunities, improved birth registration for children and livelihood programs for the unemployed mothers and young women, to name a few. The network of Village Women Representatives as the Government Liaison Offices in the villages will continue to be strengthened as a mechanism to ensure participation and representation of rural women in the various development initiatives in Samoa.

While many opportunities have been afforded for building the technical capacities of the Village Women Representatives, we are aware of the gap in the allowances paid to the Village Women Representatives and the Village Representatives. The Ministry of Women, Community and Social Development continues to advocate for an increase of the allowances for Village Women Representatives, which is anticipated to happen over time, in view of resource constraints.

Madam Chair,

We note the references made to the changing roles of women when they get married. The roles of Samoan women are well defined. The Samoan '*tamaita'i*' (young woman) grows up knowing that there is a traditional process of learning, service and development that must be followed in order to be respected, acknowledged and recognised as a future woman leader. Samoan women traditionally are family covenants. They live and uphold the family honour and they have a series of traditional roles which ensure that the family's identity and traditional standing is

maintained. When they marry and live with their husband's family, their status is also determined by the status of their husband. If the husband is an untitled man whose role is to serve the family, the wife's role is also to serve in support of her husband's role. If the husband is a chief, his status will also translate to the respect and status accorded of a chief's wife. The service that is provided by the untitled man and his wife, is the pathway to leadership and authority as the untitled husband eventually becomes the chief of the family and his wife will then become the chief's wife and be treated accordingly.

**PART IV - ARTICLES 15 AND 16, EQUALITY WITH MEN BEFORE THE LAW  
IN THE EXERCISE OF RIGHTS AND IN FAMILY MATTERS:**

Madam Chair,

In addition to the developments referred to earlier in terms of the Equality with men before the law in the exercise of rights and in family matters, several initiatives are now in place as a result of the work of the Law and Justice Sector. These include the strengthening of capacities of law enforcement agencies to better manage cases of domestic violence. Some financial support has also been made available under the Law and Justice Sector, to support the work of NGOs which are instrumental in providing counselling and support services for victims, including victims of violence. A significant development in the Ministry of Police and Prisons is the extension of the Pacific Prevention of Domestic Violence Program assistance which was instrumental in the establishment of the Domestic Violence Unit in the Ministry of Police.

Community outreach programs supporting workshops for women and girls in the rural villages and working with boys and men at the village council level, and church leaders through the work of the Men Against Violence Advocacy Group and the National Council of Church have also continued. These outreach programs also help support and strengthen the traditional structures which continue to play a vital part in assisting with the rehabilitation process and interventions for victims of

violence. This helps facilitate easier integration of victims, back into their families and communities and ensures that they are not isolated from their main support system, which is their family.

Madam Chair,

These arrangements have often been challenged by Human Rights Activists especially if the perpetrator of violence is also from within the family. However, the Samoan cultural context under the leadership of the family 'matais' and under the protective role of the Village Council, guarantees that the protection of the victims becomes the collective responsibility of the whole family and village.

Madam Chair and members of the Committee;

Samoa has come a long way in terms of achieving its state's obligations having ratified CEDAW in line with the strategic direction of our development agenda. We have recently celebrated our 50 years of Independence and it is also 50 years of further development of Samoan women. We pay tribute to our ancestors who had the foresight in our cultural way of life, which provided a very prestigious position of Samoan Women. We acknowledge the vision of our leaders who ratified CEDAW to advance the development of women. We also acknowledge the partnerships we have been able to establish with the civil society organisations, and more importantly the assistance of our many development partners and friends who have contributed to Samoa's 50 years of development.

Madam Chair,

We note with humility the challenges that we still have to address in order to realise our State's obligations under CEDAW.

Thank you for your attention.