



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Independent State of Samoa and welcome the constructive engagement of the Government of Samoa during the 39<sup>th</sup> session of the UPR Working Group in November 2021.

As the final outcome report on the review of Samoa was recently adopted by the Human Rights Council at its 49<sup>th</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Samoa – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and recommendations made by 54 delegations and the presentation made and responses provided by the delegation of Samoa. I have also considered the actions taken by the Government of Samoa to implement the 92 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I am pleased that Samoa has ratified several core international human rights instruments, including the Convention on the Rights of Persons with Disabilities, in 2016, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2019, and the three Optional Protocols to the Convention on the Rights of the Child, in 2016.

I acknowledge the challenge of implementing the recommendations received and adopting the necessary laws and policies and would encourage taking a holistic and victim-centered approach to determine prioritisation of efforts and funding.

I note, however, the studies revealing very high rates of gender-based violence and violence against children and would like to recommend that Samoa undertake further necessary legislative and policy measures to address this issue, taking into consideration the recommendations made by the Committee on the Elimination of Discrimination against Women in 2018 (CEDAW/C/WSM/CO/6), the Committee on the Rights of the Child in 2016 (CRC/C/WSM/CO/2-4), the Working Group on the issue of discrimination against women and girls in law and in practice, following its mission to Samoa in 2017 (A/HRC/38/46/Add.1) and the 2018 National Public Inquiry into Family Violence in Samoa. My office stands ready to provide any assistance that might be required in this regard.

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H.E. Ms. Fiame Naomi MATA' AFA  
Prime Minister and Minister of Foreign Affairs and Trade  
Independent State of Samoa



I would encourage Samoa to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I also encourage Samoa to continue strengthening the National Mechanism for the Implementation, Reporting and Follow-up Taskforce for comprehensive reporting and follow-up to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking them to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at: [http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf)

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting States with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage the Government of Samoa to consider submitting a mid-term report on follow-up to the third cycle of the review by 2024.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Samoa in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet  
High Commissioner for Human Rights

cc: Ms. Simona MARINESCU  
United Nations Resident Coordinator  
Independent State of Samoa

Ms. Heike ALEFSEN  
Regional Representative of the United Nations High Commissioner for Human Rights  
OHCHR Regional Office for the Pacific  
Republic of Fiji



## **Annex**

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Ratifying the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- Continuing to cooperate with my Office, in particular in identifying and developing capacity-building and technical assistance programmes, and, if relevant, requesting technical support to advance in the ratification of the main international human rights instruments to which the country is not yet party, to ensure the timely submission of reports to the treaty bodies, and to ensure the incorporation into the national legal system of the obligations deriving from ratified human rights treaties.

### **National human rights framework**

- Taking measures to ensure that the Office of the Ombudsman is adequately resourced to carry out its functions effectively and independently in accordance with the Paris Principles.

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### *Development, the environment, and business and human rights*

- Continuing the efforts to operationalize the national development plan and making progress towards achieving the Sustainable Development Goals.
- Continuing efforts to adapt to and mitigate climate change and ensuring that policies and actions on these matters have a human rights approach, and continuing to consolidate national policies and programmes aimed at meeting Sustainable Development Goal 13 and the 2030 Agenda that allow for greater and more efficient adaptation of the population to the effects of climate change, seeking, where relevant, international assistance in support of such efforts and to implement the 100 per cent renewable energy goal by 2025.

#### **B. Civil and political rights**

##### *Right to life, liberty and security of person*

- Taking the necessary steps to combat discrimination and violence against women and children, and on the basis of sexual orientation and gender identity; and enforcing measures to increase awareness of gender-based violence, especially against women and children.
- Strengthening the legal and policy frameworks to address the high incidence of domestic, family and gender-based violence, including by tackling root causes, continuing to provide community support services for victims, and ensuring perpetrators are brought to justice; and

fully implementing the recommendations made at the end of the 2018 public inquiry into family violence in Samoa.

- Establishing a national referral system for victims and survivors of violence, in line with the Inter-agency Essential Services Guide for Responding to Gender-Based Violence and for Child Protection

*Administration of justice, including impunity, and the rule of law*

- Continuing efforts to strengthen human rights training and training programmes for law enforcement officials.
- Consider establishing community law centres to enhance access for women to justice, in rural areas in particular, taking into account the needs of disadvantaged groups of women.
- Raising the minimum age of criminal responsibility in accordance with international standards.
- Ensuring the independence of the judiciary.

*Right to participate in public and political life*

- Consider amending the Electoral Act 1963 to allow women with or without a *matai* title to stand for election and taking legislative measures to address restrictions on female *matai* title-holders in all villages.

*Prohibition of all forms of slavery*

- Enhancing mechanisms and enforcement to prevent, disrupt and adequately punish human trafficking for sexual and labour exploitation.

**C. Economic, social and cultural rights**

*Right to work and to just and favourable conditions of work*

- Taking all necessary measures to guarantee the rights of all workers, in particular freedom of association and collective agreement, in accordance with the fundamental principles of the International Labour Organization (ILO) and the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

*Right to social security*

- Adopting measures to establish a countrywide State-sponsored social welfare system to provide social protection guarantees to all persons in the country, including those working in the informal sector and those living in rural areas.

*Right to an adequate standard of living*

- Maintaining the priority given to the development of social protection systems and access to affordable basic services, with an emphasis on the protection of vulnerable sectors of the population.



### *Right to health*

- Implementing legislative reforms related to the right to health that guarantee universal access to health services and taking adequate measures to improve access to health care and to enhance policies and the implementation of measures to ensure that all citizens, in particular the older persons, women, children, persons with disabilities and persons living in rural areas, have access to essential health services.
- Improving measures to reduce the prevalence of non-communicable diseases, including through health education, awareness-raising and providing services.
- Considering implementing policy changes and awareness-raising initiatives among parents to increase the coverage of children vaccinated against preventable diseases.
- Raising awareness about mental health issues with a view to changing negative social attitudes.
- Enhancing measures to reduce maternal mortality, including by improving antenatal care and providing quality training for health-care workers.
- Adopting a comprehensive sexual and reproductive health policy and comprehensive sexuality education for adolescents covering all aspects of prevention, including the prevention of sexually transmitted infections and early pregnancies, and eliminating the age limit for testing for HIV and other sexually transmitted infections; and revising the existing family life education curriculum to align it with the international technical guidance on sexuality education.

### *Right to education*

- Continuing to strengthen policies for access to quality and universal public education, especially with regard to students with special educational needs, and dismantling barriers related to the hidden costs of education, in particular in rural areas, and providing an adequate budget to the education sector.
- Taking measures to increase enrolment and decrease the high dropout rates at the secondary school level, in particular for pregnant girls.

## **D. Rights of specific persons or groups**

### *Women*

- Taking steps to further enhance the participation of women in the political and public spheres and implementing measures to increase women's participation in entrepreneurship, as well as promoting equal opportunities for women in the workplace.
- Developing comprehensive legislation on gender-based violence against women, and preventing and investigating related crimes and applying stricter sentences to perpetrators.
- Effectively implementing the Family Safety Act of 2013 and encouraging community-based programmes aimed at preventing and tackling domestic violence and paying particular attention to and addressing the root causes of gender-based violence against women.



### *Children*

- Finalizing the process of adopting the Child Care and Protection Bill and allocating sufficient human and financial resources to ensure its effective implementation; and continuing to strengthen efforts to further promote the rights of children, including by implementing the Samoa National Child Care and Protection Policy 2020–2030.
- Considering revising its existing legislation and ensuring that the Child Care and Protection Bill explicitly prohibits all forms of corporal punishment in all settings.
- Enforcing existing legislation prohibiting child labour and exploitation, and continuing with efforts to identify and protect children engaged in street trading from the worst forms of child labour.

### *Persons with disabilities*

- Continuing efforts to promote the rights of persons with disabilities and their access to public places.
- Examining the possibility of drafting specific laws on disability, using a human rights-based approach, which guarantee equal rights and the inclusion of persons with disabilities in all aspects of life, and adopting and adequately resourcing the implementation of the national disability policy.
- Taking additional measures to improve access to justice for persons with disabilities and the access of persons with disabilities to health services, and supporting the work of health professionals and organizations dedicated to persons with disabilities.