

Responses to Recommendations

SAMOA

Review in the Working Group: 9 May 2011
 Adoption in the Plenary: 22 September 2011

Samoa’s responses to recommendations (as of 05.01.2011):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
73 recs. accepted (among which 31 are considered as already implemented or in the process of implementation); 5 rejected; 43 pending	Out of the 43 pending, 15 were accepted, 5 were in the process of implementation (75.13, 75.14, 75.15, 75.16 and 75.17 -> accepted), 8 rejected, 16 received an unclear position and 1 was left pending ¹	The delegation was not present. The Secretariat of the Council circulated a table containing Samoa’s final responses to the 43 pending. This table has only two type of responses: enjoy the support and noted (does not enjoy the support), respectively 35 and 9 recs ² . These responses differ from the ones in the addendum but we chose to follow this table	Accepted: 108 Rejected: 14 No clear position: 0 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/18/14:

A - 73.1. Consider, in a progressive manner and with the necessary technical assistance, the ratification of the principal outstanding international human rights instruments (Chile);

A - 73.2. Consider ratifying international human rights conventions to which it is not yet a party (Nicaragua);

A - 73.3. Consider ratifying, as soon as possible, fundamental international human rights instruments and their optional protocols to which Samoa is not yet a party (Brazil);¹

¹ Two recommendations were split.
² One recommendation was split.

A - 73.4. Consider ratifying (Slovenia, United Kingdom), consider the possibility of ratifying (Argentina), consider signing and ratifying (Indonesia), consider the possibility of acceding to and/or ratifying (Ecuador) the International Convention on the Elimination of All Forms of Racial Discrimination (Slovenia, United Kingdom, Argentina, Indonesia, Ecuador);

A - 73.5. Consider ratifying (Slovenia), consider the possibility of ratifying (Argentina), consider signing and ratifying (Indonesia), consider the possibility of acceding to and/or ratifying (Ecuador) the International Covenant on Economic, Social and Cultural Rights (Slovenia, Argentina, Indonesia, Ecuador) and its Optional Protocol (Ecuador);

A - 73.6. Consider ratifying (Slovenia, United Kingdom), consider the possibility of ratifying (Argentina), consider signing and ratifying (Indonesia), consider the possibility of acceding to and/or ratifying (Ecuador), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Slovenia, Argentina, United Kingdom, Indonesia, Ecuador) and its Optional Protocol (United Kingdom, Ecuador);

A - 73.7. Consider the possibility of ratifying the Convention on the Rights of Persons with Disabilities and, meanwhile, pursue efforts aimed at promoting the rights of persons with disabilities and their access to public places (Morocco);

A - 73.8. Consider ratifying (Slovenia), consider the possibility of acceding to and/or ratifying (Ecuador) the Convention on the Rights of Persons with Disabilities (Slovenia, Ecuador) and its Optional Protocol (Ecuador);

A - 73.9. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Spain);

A - 73.10. Consider the possibility of acceding to the main universal human rights treaties to which Samoa is not a party, including the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities, by seeking, if need be, technical assistance from OHCHR (Algeria);

A - 73.11. Consider signing and ratifying international instruments to which it is not a party, especially the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, and the Convention on the Rights of Persons with Disabilities (Costa Rica);

A - 73.12. Consider ratification of other core human rights treaties, such as the International Covenant on Social, Economic and Cultural Rights and the Convention on the Rights of Persons with Disabilities (Philippines);

A - 73.13. Enact the Family Safety Bill without delay (New Zealand);

A - 73.14. Deepen the harmonization process of its internal norms in the light of the international human rights standards and commitments in order to guarantee equal rights between men and women in all areas of social life (Argentina);

A - 73.15. Pursue its efforts to establish a human rights commission in accordance with the Paris Principles before its next UPR in 2015 (Canada);

A - 73.16. Establish at the earliest a national human rights institution compliant with the Paris Principles (France);

A - 73.17. Consider the possibility of establishing a national human rights institution in accordance with the Paris Principles (Argentina);

A - 73.18. Establish a national human rights institution in order to further strengthen its human rights policies (Thailand);

A - 73.19. Establish a national human rights institution in compliance with the Paris Principles (Spain);

- A - 73.20. Expedite the establishment of a national human rights institution in compliance with the Paris Principles, while taking into account the characteristics of Samoa, including its culture, policies and legislation (Indonesia);
- A - 73.21. Establish an independent national human rights institution in compliance with the Paris Principles (South Africa);
- A - 73.22. Consider the establishment of a national human rights institution in accordance with the Paris Principles (Costa Rica);
- A - 73.23. Envisage the establishment of the national human rights institution in compliance with the Paris Principles (Morocco);
- A - 73.24. Continue to seriously consider setting up a national human rights institution (Philippines);
- A - 73.25. Continue its work for the realization of its priorities contained in chapter 6 of its national report (Nicaragua);
- A - 73.26. Continue to seek technical cooperation and assistance from the international community, such as OHCHR and UNFPA, in relevant areas, particularly capacity-building for preparing its national reports under human rights conventions to which Samoa is a party (Thailand);
- A - 73.27. Request assistance from OHCHR in preparing a common core document to streamline treaty reporting (Maldives);
- A - 73.28. Issue a standing invitation to the United Nations special procedures (Slovenia); consider extending a standing invitation to the United Nations special procedures (Brazil);²
- A - 73.29. Implement fully the recommendations of the Committee on the Elimination of Discrimination against Women, including by increasing efforts to improve the provision of sexual and reproductive health services so as to reduce maternal morbidity and prevent teenage pregnancies (Slovenia);³
- A - 73.30. Conduct awareness-raising activities to change socio-cultural practices and stereotypes that impinge on gender equality (Argentina);
- A - 73.31. Further enhance measures against violence against women and children, including by ensuring appropriate assistance to victims and active detection efforts by law enforcement authorities (Japan);
- A - 73.32. Immediately criminalize rape within marriage (Norway);⁴
- A - 73.33. Enact a comprehensive anti-trafficking law and make proactive efforts to identify and assist trafficking victims (United States);
- A - 73.34. Support the work of organizations devoted to promoting accessibility and the rights of persons with disabilities (Mexico);
- A - 73.35. Continue implementing strategies and plans for national socio-economic development (Cuba);
- A - 73.36. Continue implementing programmes and measures aimed at ensuring universal health care and quality education services for all its population (Cuba);
- A - 73.37. Significantly promote sexual education, in particular oriented towards adolescent girls and boys, paying special attention to the prevention of early pregnancy and to the control of sexually transmitted diseases and HIV/AIDS (Mexico);
- A - 73.38. Redouble efforts to promote universal education and ensure compliance with legislation on compulsory education (New Zealand);
- A - 73.39. Take further measures to ensure that all children enjoy their right to a free and compulsory primary education (Morocco);

A - 73.40. Seek to enhance its programmes on human rights education and training in schools and for public officials, in cooperation with the international community (Philippines);

A - 73.41. Continue its leading international efforts to tackle global warming, including by reminding developed countries and major emitting States of their obligation to help promote and protect human rights in Samoa by reducing greenhouse gas emissions to safe levels (Maldives);

A - 73.42. Involve civil society organizations in the follow-up to this review (United Kingdom).

74. The following recommendations enjoy the support of Samoa, which considers that they are already implemented or in the process of implementation:

A - 74.1. Ratify the Convention on the Elimination of All Forms of Discrimination against Women (Norway);

A - 74.2. Endorse and promote the National Policy for Women, which addresses issues of discrimination against women, and ensure the speedy enactment of the Family Safety Bill 2009 (Canada);

A - 74.3. Continue the process towards a speedy implementation of the Family Safety Bill, currently being considered, which will render effective the relevant provisions of the Convention on the Elimination of all Forms of Discrimination against Women and the Convention on the Rights of the Child relating to domestic violence issues (Chile);

A - 74.4. Consider elaborating norms relating to persons with disabilities (Chile);

A - 74.5. Continue harmonizing its national legislation in line with commitments assumed at the international level (Nicaragua);

A - 74.6. Give high priority to the work of the National Disabilities Taskforce (New Zealand);

A - 74.7. Strengthen the institutional infrastructure for ensuring, promoting and protecting human rights (Ecuador);

A - 74.8. Finalize the National Policy for Women within a reasonable time frame (Hungary);

A - 74.9. Fully implement the National Policy for Persons with Disabilities (Australia);

A - 74.10. Further enhance national policies to promote the rights of women (Philippines);

A - 74.11. Design specific policies to improve the situation of women in Samoan society and political life (Spain);

A - 74.12. Provide members of its police force with training on human rights and improve inmate conditions in detention facilities (Canada);

A - 74.13. Address improving the conditions in its penitentiary facilities as outlined in the Government's Law and Justice Sector Plan (Slovakia);

A - 74.14. Develop efficient and transparent mechanisms to prevent violence, particularly against women, girls and boys, and ensure that these mechanisms have the necessary capacity and resources to tackle this issue (Mexico);

A - 74.15. Prioritize legislation on women's rights and domestic violence, and implement domestic policies aimed at eliminating violence against women (Australia);

A - 74.16. Amend its domestic law to criminalize domestic violence (United Kingdom);

A - 74.17. Conduct additional campaigns to elevate public awareness about domestic violence, similar to the country's 2009 Say No to Rape campaign (United States);

A - 74.18. Implement policies to ensure the promotion of the rights of women and children, specifically with regard to combating domestic violence and ending discrimination against women (South Africa);

A - 74.19. Adopt and implement appropriate, efficient policy to address the sexual exploitation of children (Slovakia);

A - 74.20. Implement fully the recommendations of the Committee on the Rights of the Child, including by taking measures to address the issue of child labour, prohibiting corporal punishment, and raising the minimum age of criminal responsibility to an internationally acceptable level (Slovenia);

A - 74.21. Ban corporal punishment as a disciplinary measure in schools and in homes, and conduct awareness campaigns so as to reduce the scope of such action (Norway);

A - 74.22. Design policies which strengthen the rights of the child, and in that regard, sensitize the population to end corporal punishment and child labour (Spain);

A - 74.23. Address the elimination of child labour in the ongoing 1972 Labour and Employment Act review (Slovakia);

A - 74.24. Continue and intensify the fight against social scourges, with a focus on reducing domestic violence and juvenile delinquency (Algeria);

A - 74.25. Improve equal access to justice, including legal assistance and information and education about legal and human rights, to those who cannot afford private representation (Canada);

A - 74.26. Enhance its investigation of complaints of abuse by police (United States);

A - 74.27. Continue to guarantee freedom of religion and to ensure the preservation and promotion of the cultural characteristics and distinctness of "fa'asomoa" (Indonesia);

A - 74.28. Enhance the rights of women regarding civic participation (Turkey);

A - 74.29. Use the UPR process to better involve civil society for further promotion and protection of human rights in Samoa (Hungary);

A - 74.30. Introduce necessary measures in the field of anti-discrimination and equal remuneration for men and women for work of equal value (Turkey);

A - 74.31. Implement inclusion measures that ensure access for people with disabilities to better employment opportunities (Costa Rica);

75. The following recommendations will be examined by Samoa, which will provide responses in due time, but no later than the eighteenth session of the Human Rights Council in September 2011. The response of Samoa to these recommendations will be included in the outcome report adopted by the Council at its eighteenth session:

A - 75.1. Accede to further international human rights treaties (Turkey);

A - 75.2. Sign and ratify the International Convention on the Elimination of All Forms of Racial Discrimination (Spain);

A - 75.3. Sign (Germany, Spain), and ratify (Germany, Spain, Maldives) the International Covenant on Economic, Social and Cultural Rights (Germany, Spain, Maldives) and its Optional Protocol (Germany);

A - 75.4. Confirm its commitment towards the abolition of the death penalty by ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, which abolishes the death penalty under all circumstances (France);

A - 75.5. Become a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (New Zealand);

A - 75.6. Sign (Germany, Spain) and ratify (Germany, Spain, Maldives) the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Germany, Spain, Maldives) and its Optional Protocol (Germany, Maldives);

A - 75.7. Consider ratifying (Slovenia), consider the possibility of ratifying (Argentina), consider the possibility of acceding to and/or ratifying (Ecuador) the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Slovenia, Argentina, Ecuador);

75.8.

R - Lift the reservation made to article 28, paragraph 1 (a), of the Convention on the Rights of the Child

A - and ratify the two current Optional Protocols thereto, on the involvement of children in armed conflict (2000) and on the sale of children, child prostitution and child pornography (2000) (Hungary);

A - 75.9. Take the necessary measures to ensure the signature and ratification of the two Optional Protocols to the Convention on the Rights of the Child (Canada);

A - 75.10. Sign the two Optional Protocols to the Convention on the Rights of the Child (Morocco);

A - 75.11. Consider ratifying the two Optional Protocols to the Convention on the Rights of the Child (Slovenia, United Kingdom); consider the possibility of acceding to and/or ratifying the Optional Protocols of the Convention on the Rights of the Child (Ecuador);

A - 75.12. Ratify the two Optional Protocols to the Convention on the Rights of the Child (Maldives);

A - 75.13. Ratify and implement the Convention on the Rights of Persons with Disabilities (New Zealand);

A - 75.14. Accede to the Convention on the Rights of Persons with Disabilities (Australia);

A - 75.15. Ratify and implement the Convention on the Rights of Persons with Disabilities and ensure non-discrimination against persons with disabilities by, inter alia, developing specific legislation regarding the rights of persons with disabilities and providing adequate resources, including technical assistance, to the recently established Taskforce Committee (Thailand);

A - 75.16. Ratify the Convention on the Rights of Persons with Disabilities, fully incorporating the provisions of the Convention into its national legislation (Slovakia);

A - 75.17. Sign and ratify the Convention on the Rights of Persons with Disabilities (Germany, Spain) and its Optional Protocol (Germany);

A - 75.18. Consider the possibility of ratifying (Argentina), consider signing and ratifying (Indonesia), consider the possibility of acceding to and/or ratifying (Ecuador) the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Argentina, Indonesia, Ecuador);

A - 75.19. Take further steps to promote the protection of human rights, such as becoming a party in a timely manner to the main international human rights instruments, including, inter alia, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, and by continuing to work to ensure the conformity of the domestic legal system with international human rights instruments (Japan);

A - 75.20. Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Slovakia);

R - 75.21. Consider the possibility of incorporating progressively into its domestic legislation the provisions set out in the international instruments mentioned in paragraphs 73.4, 73.5, 73.6, 73.8, 75.7, 75.11 and 75.18, once it has proceeded to their ratification (Ecuador);

A - 75.22. Finalize, with international technical and financial assistance, measures for the creation of a national human rights institution (Algeria);

A - 75.23. Establish a national human rights institution and consider designating the national preventative mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Maldives);

A - 75.24. Implement with high priority its intention to establish a mechanism to monitor human rights (New Zealand);

A - 75.25. Conduct a public awareness campaign to ensure public understanding of the role of the human rights monitoring mechanism (New Zealand);

A - 75.26. Consider establishing an independent body for the promotion and monitoring of the Convention on the Rights of the Child (Brazil);

A - 75.27. Develop a national plan of action that provides a road map to ensure that international human rights commitments are reflected in domestic legislation (Maldives);

A - 75.28. Take measures to reduce gender imbalance in the legislative and executive branches of Government (Norway);

A - 75.29. Take appropriate measures to make the promotion of gender equality an explicit component of its national development plan and policies and to include in its Constitution or other appropriate domestic legislation a definition of discrimination against women (Brazil);

R - 75.30. Amend its national law to guarantee equality between men and women and ensure that customs and traditional practices cannot be used in law to discriminate against women (United Kingdom);

R - 75.31. Introduce amendments to its domestic legislation and administrative regulations aimed at eradicating all forms of discrimination against women, children, persons with disabilities and, in general, all groups in vulnerable situations (Ecuador);

R - 75.32. Introduce amendments to its domestic legislation and administrative regulations aimed at abolishing all forms of torture and other cruel, inhuman or degrading treatment or punishment (Ecuador);

A - 75.33. Carry out additional prison facility improvements, and invite independent human rights observers to monitor conditions within the prisons (United States);

A - 75.34. Circulate and implement the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) as part of its Law and Justice Sector Plan and seek appropriate assistance from OHCHR and the United Nations Office on Drugs and Crime in its implementation (Thailand);

A - 75.35. Ensure that the Professional Standards Unit of the Police complete its investigations in a timely fashion, and that it expand police training to address concerns about abuse by police (United States);

A - 75.36. Review its legislation to bring the criminal responsibility of children in line with international standards (Costa Rica);

A - 75.37. Equalize the legal minimum age of marriage for girls and boys (Norway);

R - 75.38. Fulfil its commitment to equality and non-discrimination by repealing all legal provisions that criminalize sexual activity between consenting adults and investigate all cases of discrimination based on sexual orientation and gender identity (Canada);

R - 75.39. Repeal laws criminalizing relations between consenting adults of the same sex (France);

R - 75.40. Repeal all provisions which may be applied to criminalize sexual activity between consenting adults and adopt appropriate legislative measures to include sexual orientation and gender identity in equality and non-discrimination laws (Norway);

A - 75.41. Continue its reconsideration of laws that restrict the human rights of individuals based on sexual orientation or gender identity, and repeal all such laws (United States);

A - 75.42. Make public, upon its completion, the report of the Commission of Inquiry set up to investigate alleged violations of religious freedom (Ireland);

R - 75.43. Adopt domestic laws and administrative regulations aimed at eradicating all forms of discrimination against persons of foreign origin, members of ethnic or linguistic minorities, refugees, asylum-seekers and migrant workers, by ensuring the enjoyment of their fundamental rights, irrespective of their migration status (Ecuador).

76. The following recommendations did not enjoy the support of Samoa:

R - 76.1. Consider the possibility of acceding to and/or ratifying International Labour Organization Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries (Ecuador);

R - 76.2. Welcome an amendment to its Juvenile Justice Law and set the minimum age of criminal responsibility at 16 years of age (Turkey);

R - 76.3. Raise the minimum age of criminal responsibility in compliance with international standards (Slovakia);

R - 76.4. Implement fully the recommendations of the Committee on the Elimination of Discrimination against Women, including by repealing discriminatory provisions in the family law (Slovenia);⁵

R - 76.5. Give men and women equal rights of inheritance (Norway).⁶

Notes

1 The recommendation as read out during the interactive dialogue: “Consider ratifying, as soon as possible, fundamental international human rights instruments and their protocols to which Samoa is not yet a party and extending a standing invitation to the United Nations special procedures”.

2 The recommendation as read out during the interactive dialogue: “Consider ratifying, as soon as possible, fundamental international human rights instruments and their protocols to which Samoa is not yet a party and extending a standing invitation to the United Nations special procedures.”

3 The recommendation as read out during the interactive dialogue: “Implement fully the recommendations of the Committee on the Elimination of All Forms of Discrimination against Women, including by repealing discriminatory provisions in the family law, and by increasing efforts to improve the provision of sexual and reproductive health services so as to reduce maternal morbidity and prevent teenage pregnancies.”

4 The recommendation as read out during the interactive dialogue: “Immediately criminalize rape within marriage and give men and women equal rights of inheritance.”

5 The recommendation as read out during the interactive dialogue: “Implement fully the recommendations of the Committee on the Elimination of All Forms of Discrimination against Women, including by repealing discriminatory provisions in the family law, and by increasing efforts to improve the provision of sexual and reproductive health services so as to reduce maternal morbidity and prevent teenage pregnancies.”

6 The recommendation as read out during the interactive dialogue: “Immediately criminalize rape within marriage and give men and women equal rights of inheritance.”

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