



An Islands Initiative to  
For the Promotion & Protection of  
International Human Rights in the Pacific

Oceania Human Rights

**Samoa**

**39<sup>th</sup> Session**

**October/November 2021**

## **Introduction**

The stakeholder submission was born out of bold conversations and beauty of the island nation conducted in a country visit in March 2020 and continued with candid consultations with civil society remotely. Oceania Human Rights brings together voices of directly impacted peoples and communities determined to promote and protect human rights in the Pacific. Oceania Human Rights started the submission building on the 84<sup>th</sup> Extra-Ordinary Session of the United Nations Convention on the Rights of the Child in the Talanoa tent featuring multiple side events reflecting the national human rights movement priorities. Oceania Human Rights continued the conversation with rainbow of human rights NGOs highlighting the most imminent issues to be included during the 3<sup>rd</sup> cycle of the UPR. Oceania Human Rights is committed to recommendations that can contribute to positive social change rooted in Pacific culture and universal human rights.

## **Core Human Rights Concerns & Challenges**

### **Climate Justice**

Samoa is facing increased challenges due to climate change. Rising sea levels are impacting many economic, social and cultural rights including the right to self-determination, water, food, and health. There are also increased severe weather events that are detrimental to the well-being of the people of Samoa. A human rights based approach to adaptation and mitigation will provide path forward for Pacific Islands States.

Samoa is vulnerable to the climate crisis. Samoa is committed to the Paris Agreement and the 2030 Agenda. Samoa must adopt a human rights based approach involving the people in the decision-making process for both international instruments in the Nationally Determined Contribution (NDCs) for the upcoming UN Framework Convention on Climate

Change Conference of Parties in Glasgow in 2021 and Voluntary National Review (VNR) in future High Level Political Forums.

While Samoa contributes only slightly to carbon, the government must decarbonize its economy and commit to adaptation and mitigation campaigns across the country.

Samoa partners with regional institutions of higher education to develop a national education curriculum to teach youth about climate crisis and prepare future generations for careers in climate justice. Samoa also offer university courses and degrees teaching about being agents of social change for climate crisis.

Samoa should support traditional voyaging canoes and their programs to share examples of adaptation among islands to thrive during the current climate crisis so will be available as floating classrooms and also to assist with aid during extreme weather facing Pacific Islands States.

### **Right to a Clean, Healthy Environment, including Right to Water & Sanitation**

Water is a human right. All people of Samoa must have right to clean, healthy environment. There must be greater priority for accessibility to clean water. Children and families must be a priority in development. The UN SDGs specifically #6 must be priority in public planning.

### **International Human Rights Instrument Ratification & Implementation in National Framework for Fundamental Freedoms**

Samoa must uphold international human rights instruments and undertake national action to ratify the core international human rights treaties.

Samoa can improve its international human rights record by immediate ratification of the remaining covenants and conventions beginning with the International Covenant on Economic, Social & Cultural Rights (ICESCR). Upon ratification, Samoa must prepare its first report before the 4<sup>th</sup> cycle of the UPR. Samoa should also ratify the Optional Protocols of each international human rights instrument providing for individual petitions to the committees.

### **Samoa Continue Role as Leader in Region to Promote and Protect Human Rights**

Samoa was the first Pacific Island State to be reviewed regarding the 17 UN Sustainable Development Goals (SDGs) and also hosted first ever regional human rights treaty body review with the UN Committee on the Rights of the Child.

Samoa must continue exercising leadership and promote a regional human rights instrument to close the gap between the global and on the ground in the islands. Samoa should host a regional human rights meeting to develop a regional human rights commission and eventual court.

### **Human Rights Education in Samoa**

Samoa must ensure human rights education from kindergarten to university curriculum. There must be amendments to current curriculum so students learn about their rights.

Samoa should partner with regional universities in the Pacific to host teacher trainings and national consultations to create a National Action Plan for human rights education.

Human Rights Education must be multidisciplinary covering sustainable development, climate justice and international human rights ensuring equality and equity.

### **Domestic Violence and Abuse of Women & Children**

The recent report by the Samoa Ombudsman National Human Rights Institution offered startling statistics and stories showing how rampant family violence is in society. The 2018 National Inquiry indicates a new direction must begin immediately.

Regarding domestic violence and corporal punishment, there must be action beyond the studies. Samoa must allocate resources to local and regional NGOs committed to a human rights based approach to combat all forms of family violence.

### **Independence of Judiciary**

There are rising concerns about new laws and long term consequences blurring the various branches of government. The laws grant greater executive power to dismiss and discipline judicial officers as well as remove the bill of rights application to land matters. There is universal condemnation by the Samoa Law Society and even the UN Special Rapporteur on the Independence of Judges and Lawyers. Both provide recommendations that should be immediately adopted and acted upon. Even more alarming is the increasing spirit of

reprisals facing those human rights defenders.

Samoa should immediately ensure checks and balances as well as strengthening the role of three branches of government to ensure independence of the judiciary from executive interference.

### **Decriminalization of Sexual Orientation & Gender Identity and Protection for LGBTQIA+ Rights**

Fa'afine and Fa'afatama are both unique to Samoa culture. Transgender people still face harassment and painful discrimination. The stigma toward transgender must be challenged through vigorous education programs.

Samoa should host screenings of The Rogers to generate greater respect for SOGI rights in Samoa.

For more information and to create initiatives together to realize human rights please contact [joshuacooperhawaii@gmail.com](mailto:joshuacooperhawaii@gmail.com)