



STATE OF HUMAN RIGHTS REPORT



"HOW FAR HAVE WE COME?"

June 2019



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Human rights are integral to the development and wellbeing of any individual, community and country. They reflect minimal standards necessary for people to live with dignity. It ensures that the basic needs of people such as their right to food and water, education etc. are met so they can take full advantage of all opportunities. Human Rights also give people the freedom to choose how they live, how they express themselves, what religion they want to practice and many others *all within the boundaries of human responsibility*. By guaranteeing life, liberty, equality and security, human rights protect people against abuse and violence by those who are in positions of power.

Since 2015, the Ombudsman/ National Human Rights Institution of Samoa (Office) has submitted four State of Human Rights Reports (SHRR) to Parliament. Our previous SHRR's focused on various issues which were of most concern at the time. These include the violation of the rights of women and children, the rights of persons with disability (PWD), rights of prisoners as well as the profound issues of climate change and family violence. This year, rather than looking at a completely new issue, our 2019 SHRR (the Report) will take a look back and assess actions undertaken by the Government to date to address recommendations contained in its SHRR 2015, 2016 and 2017.

The Independent State of Samoa from its inception guarantees the rights of its citizens through the inclusion of fundamental human rights in its Constitution.¹ In the early 1990s, the protection of the rights of the people of Samoa was further strengthened through the signing of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1992 followed by the Convention on the Rights of a Child (CRC) in 1994, and most recently the Convention Against Torture (CAT) in 2019.

I applaud and commend the Government for its continuous commitment to human rights through the ratification of six of the nine core human rights conventions, as well as through various activities and work undertaken to address discrimination in society. To date and as this Report will highlight, a lot of progress has been made and various human rights issues depicted in our SHRR recommendations have been addressed. However, there is still work to be done to ensure the full enjoyment by Samoans of their rights. I urge the Government to continue its commitment to progress in this endeavor.

This SHRR is intended to inform Parliament of the progress and the current status of matters brought to Parliament's attention in previous SHRRs rather than to make fresh proposals for its consideration. Secondly, the Report hopefully will assist ministries of Government in their continuing review and implementation of the particular human rights matters that fall within their individual mandates. The few recommendations offered in this report are intended for the consideration of ministries in their continuing reviews.

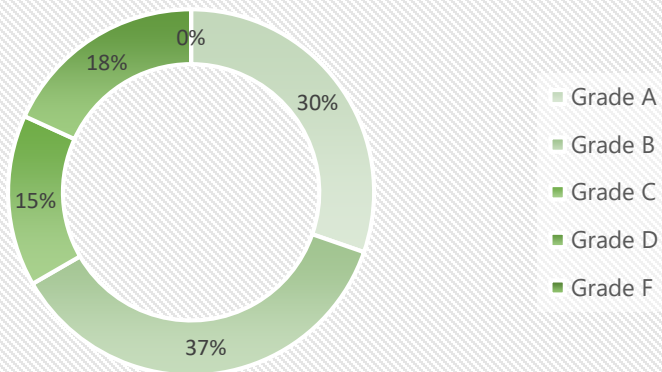
I would like to express my gratitude to our stakeholders who have greatly contributed in the making of this Report through their submissions and feedback. We hope this Report will be a useful resource for future goal setting and realigning of priorities in your respective organisations, to ensure that people in Samoa live in a society where human rights of everyone is respected.



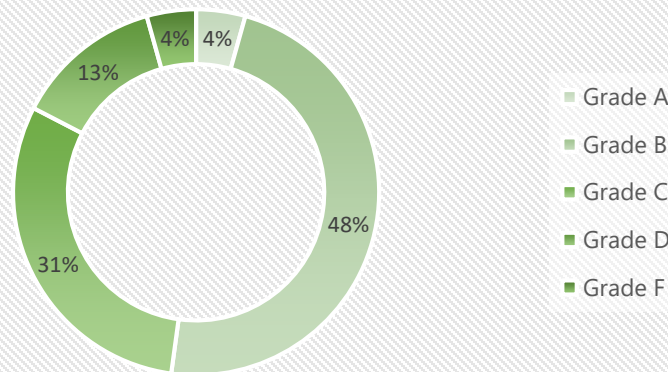
Maiava Iulai Toma
Ombudsman

¹ *Constitution of the Independent State of Samoa 1960*, Articles 5 – 15.

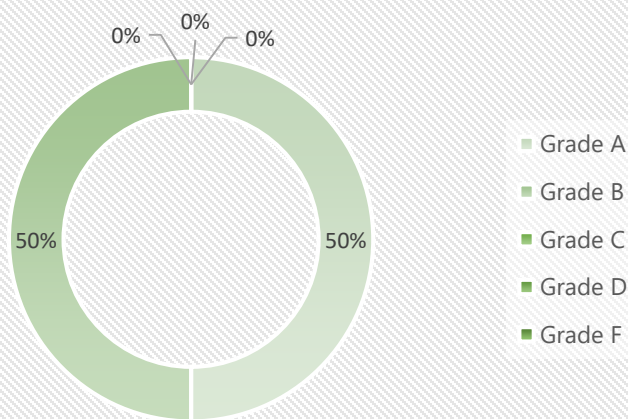
2015 SHRR overall grading of recommendations



2016 SHRR overall grading of recommendations



2017 SHRR overall grading of recommendations



The State has carried out commendable efforts in addressing recommendations in the 3 SHRR's through law and policy change, projects, programmes, activities etc. Overall, the State has achieved a **B grade average** which means that majority of the implementation of the recommendations fall within the **50-75%** bracket.

However, challenges such as lack of funding, resources, effective measures in place to assist with implementation, and monitoring and evaluation, as well as poor cooperation between organisations and in data collection and management continue to present barriers for the State hindering effectively implementation of recommendations. Therefore, it is important that the State continues to seek and develop relevant and appropriate as well as cost-effective solutions and strategies to sustain and progress work into the future.

1. Mandate and objectives

The Office which is also the National Human Rights Institution (NHRI) of Samoa is established under the *Ombudsman (Komesina o Sulufaiga) Act 2013* (Ombudsman Act 2013). An NHRI is an independent mechanism that protects and promotes human rights and plays an important role in linking International Human Rights Instruments to national implementation.

Pursuant to the *Ombudsman Act 2013*, the Office is to prepare a report on the status of Human Rights in Samoa for the previous year. It is an annual report submitted to Parliament on the 30 June every year for scrutiny and discussion. The report covers matters including:

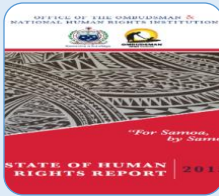
- a) recommendations about reforms and other measures, whether legal, political or administrative, which could be taken to prevent or redress human rights violations;
- b) any action taken by the Government on recommendations in any previous report; and
- c) any action taken by the Government to promote and protect human rights.

2. Previous SHRRs

The Office's previous SHRR's focused on various human rights issues of significance and made recommendations for the Government to address through its relevant agencies. The Reports (with the exception of the 2018 SHRR) have all been tabled and discussed in Parliament. For our 2019 SHRR, rather than focusing on a new topic, the Office has decided to conduct a follow-up or audit of the recommendations in its 2015, 2016 and 2017 SHRR. The overall objectives of the follow-up exercise include:

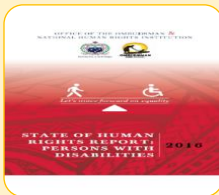
- a) to assess work (both past, current and future) undertaken by relevant agencies to implement recommendations contained in our 2015, 2016 and 2017 SHRRs particular to them (accountability and follow-up exercise).
- b) to ensure that recommendations in previous reports have actually been carried out and whether progress has been made.
- c) to identify existing and future challenges that has prevented the effective implementation of recommendations;
- d) to highlight strategies that would further assist and reinforce implementation of recommendations.

We acknowledge that a lot of work carried out by government agencies coincide with our recommendations. This report will highlight these as well as make necessary recommendations to address existing gaps.



2015

The report was the first ever attempt to comprehensively survey the state of Human Rights in Samoa. It provided a snapshot of the pressing human rights issues at the time. It contained 33 Recommendations.



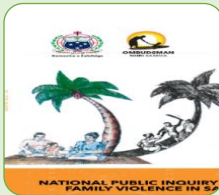
2016

The report explained the CRPD and discussed the Government of Samoa's obligations under it. It assessed the status of rights of PWDs in education, health, employment etc. and what the State needed to do to ensure compliance with the CRPD. The Report contained 23 Recommendations.



2017

The Report focused on the impact of climate change on the full enjoyment of human rights in Samoa. It highlighted the impacts climate change impact in Human Rights terms, and also considered how the Government of Samoa can embrace a human rights approach to climate change policies. The Report contained 9 Recommendations.



2018

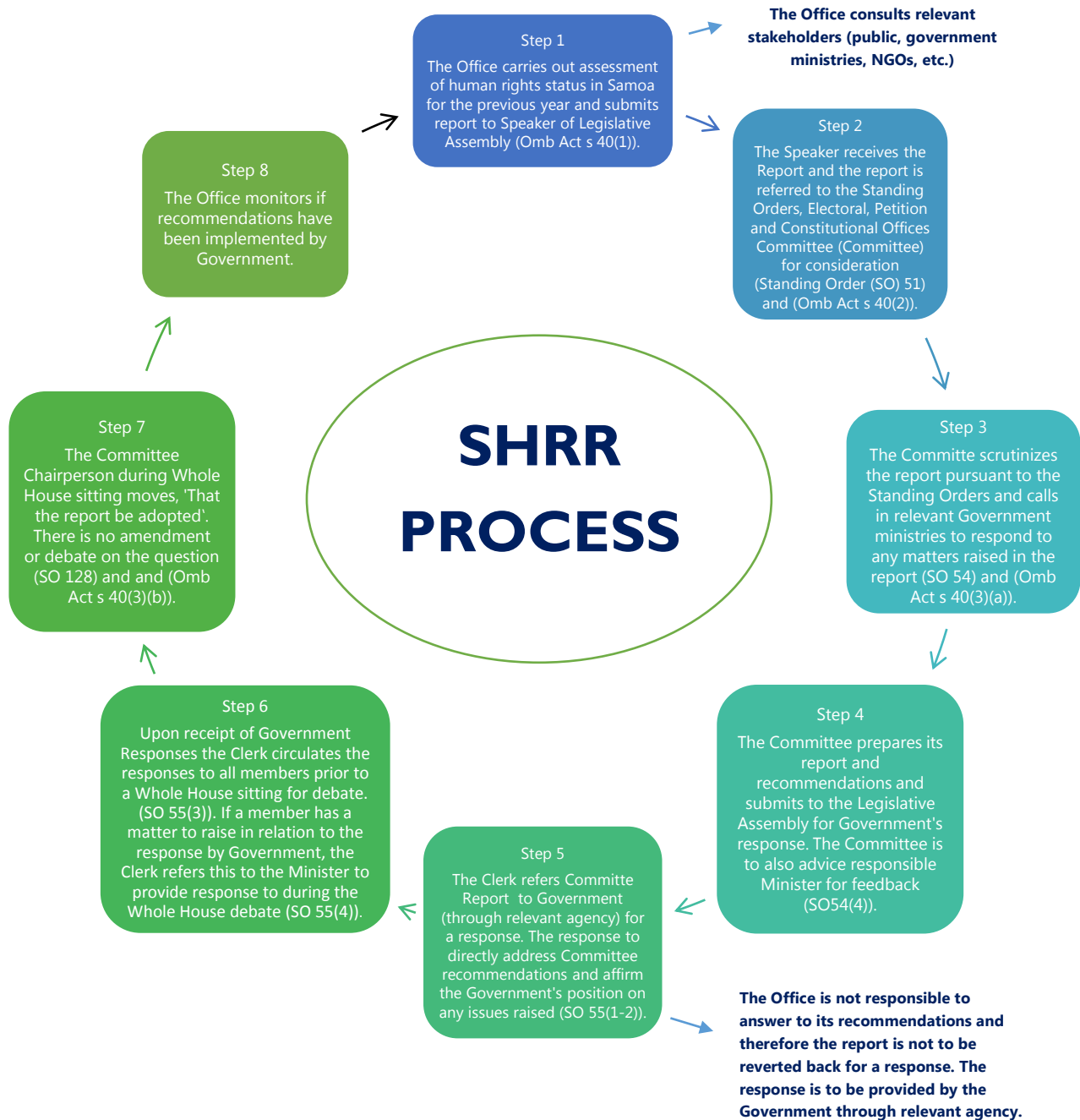
The Report which was also the first ever National Public Inquiry undertaken by Samoa and in the Region focused on 'Family Violence' with emphasis on violence against women and girls and the impact of violence in the upbringing of children. The report looked at the causes and triggers of family, its impact and proposed solutions based on the Fa'asamoa, faith and human rights to help address the issue. The Report contained 39 Recommendations.

3. “Process” of discussing SHRR in Parliament and subsequent actions by the Government and relevant agencies

One of the issues identified by the Office since the publication of its first SHRR is the misunderstanding and confusion as to who is responsible for implementing or responding to recommendations contained in such reports. As explained in the mandate section above, the Office under its legislation is required to provide a SHRR to Parliament annually which assesses the human rights situation in Samoa and make recommendations for the Government to consider. The Office under this mandate is also required to follow up on actions undertaken by the Government. Recommendations contained in the SHRR's are targeted to specific government ministries (as actors of the State) in the different fields of governmental endeavor. Implementation is therefore through these various responsible government ministries and agencies. It is through their activities that the Government meets its obligations under the different Human Rights Conventions that Samoa is a party to and it is from them that Parliamentary Committees should seek responses on issues raised by the Office's SHRR. For example, if a recommendation is in relation to improving access to health, then the most relevant government agency to address this would

be Ministry of Health; if the recommendation is to improve water supply to rural communities the responsible agency would be Samoa Water Authority. There are also recommendations targeted to Non-Governmental Organisations (NGOs) as well as to the Office. All in all, recommendations are wide-ranging and therefore cooperation and collaboration is essential.

To better understand the process of discussing SHRR in Parliament as outlined in section 40 of the *Ombudsman Act 2013*, below is a diagram that illustrates this process and who is responsible for implementing the outcomes and so forth.



4. Samoa's Human Rights Obligations

As a member of the United Nations, Samoa accepts the provisions of the Universal Declaration of Human Rights (UDHR) and the UN Charter. The Government has indicated a strong commitment to the promotion and protection of human rights. Evidence of this is through the Government's commitment at its Universal Periodic Review (UPR) in 2016 with the United Nations Human Rights Council to eventually ratify all core international human rights treaties, the recent ratification of CAT, and continued support for the Office in the implementation of its human rights mandate.

To date Samoa is a party to six of the nine core human rights conventions. These include, CEDAW, CRC, the Convention on the Rights of Persons with Disability (CPRD), the Convention for the Protection of All Persons from Enforced Disappearance (CED), the International Covenant on Civil and Political Rights (ICCPR), and CAT. The three remaining treaties that Samoa has yet to sign up to are, the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW).²

As a signatory and party to 6 of the 9 core conventions (together with other international Agreements relating to climate change, trade and labor and others) Samoa is obliged to undertake the legal rights and obligations contained in these treaties.³ For example, putting in place measures to eliminate discrimination, ensure equal access to and equal opportunities and others. Further, the Government is also obligated to provide reports to the UN, at least every four years, on measures they have taken to comply with their treaty obligations.⁴

5. Fa'asamoa and Human Rights

The promotion of human rights has not always been an easy feat. It was evident that there is a common misconception that the concept of human rights is a Western construct. This misconception is compounded by the belief that human rights are individual rights that threaten the collective focus of Fa'asamoa.

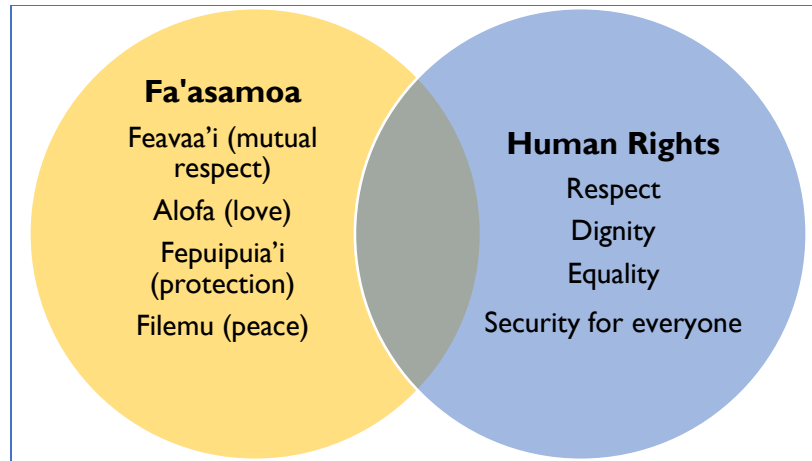
One of the main challenges for our society is to reconcile Fa'asamoa and the international system of human rights protection. However, the Office stands strong in its view that the two concepts are complementary and mutually reinforcing. International human rights law recognizes collective and cultural rights⁵ which properly used, should reinforce Fa'asamoa and individual rights in the rapidly changing modern world. Human rights and the Fa'asamoa share core values and are therefore inextricably linked.

² Ministry of Foreign Affairs and Trade update. Source on File.

³ United Nations, "Towards Universal Participation and Implementation", 2011. Retrieved from https://treaties.un.org/doc/source/events/2011/Press_kit/fact_sheet_1_english.pdf. Accessed 14 June 2019.

⁴ United Nations, "Towards Universal Participation and Implementation", 2011. Retrieved from https://treaties.un.org/doc/source/events/2011/Press_kit/fact_sheet_1_english.pdf. Accessed 14 June 2019.

⁵ See Article 27 International Covenant for Civil and Political Rights. See also United Nations Declaration on the Rights Indigenous Peoples.



Fa'asamoa and Human Rights share similar core values

6. Timeline and Methodology

a) Consultations with relevant authorities: March – May 2019

The Office sought assistance from relevant implementing Government agencies identified in the 3 SHRRs, to provide progress reports containing relevant, accurate and comprehensive information on past, current and future work undertaken to respond to the recommendations. To facilitate this, the Office had put together a spreadsheet template for making comments.

The consultations were done via email and letters and submissions were submitted in both physical and electronic form. The consultation process took place from March – May 2019. In addition to the relevant Government agencies, relevant NGOs were also invited to provide input. These included Nuanua o le Alofa (NOLA), Samoa Victim Support Group (SVSG), Samoa Umbrella for Non-Governmental Organisations (SUNGO), Samoa National youth Council (SNYC), Samoa Faafafine Association Inc. (SFA) and Women in Business Development Incorporated (WIBDI).

b) Desktop research: plans, strategies, Government reports etc.

The Office also carried out desktop research looking at existing government sector plans, strategies, policies and news articles documenting progress and activities by the Government relating to the recommendations. This desktop review does not cover every work or project that has been undertaken by the Government and international development partners etc. but captures areas of most relevance.

c) Challenges

One of the major challenges in compiling this report was the lack of submissions and information provided by relevant agencies. This has made it difficult to accurately assess the progress made by the Government in response to recommendations in the SHRRs. Regardless of this, the Office has endeavored to make assessments based on submissions received and research carried out.

7. Report structure

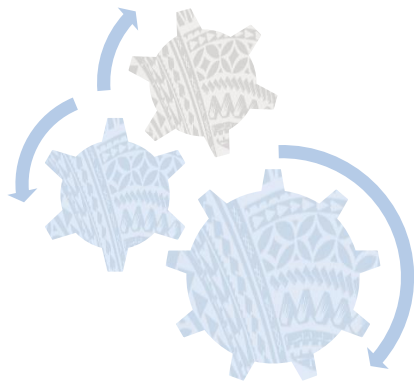
The following sections describe the findings of the Office based on the submissions from stakeholders, with a particular focus on work undertaken and progress made in response to the recommendations contained in the 2015, 2016 and 2017 SHRR.

The report is organized by year per theme/ issue where each issue will be assessed and evaluated taking into account Samoa's human rights obligations. A grade or progress rating regarding work undertaken to date to implement the Office's recommendations will be given and recommendations made accordingly.

8. Categorization of progress of recommendations

Based on work carried out by the relevant agencies, the grades used to classify level of implementation are explained below:

| Grade | Implementation Level | Severity Description |
|----------|--|---|
| A | Satisfactory Implementation (75%-100%) | Recommendation almost satisfactorily executed. Minimal gaps and challenges exist preventing full implementation. |
| B | Large Implementation (50%-75%) | The recommendation is implemented to a reasonable and sufficient extent. This is due to but not limited to, major work carried out and some follow-up action conducted, minor gaps exist with some strategies in place to combat challenges and issues affecting implementation. Full implementation of the recommendation should be monitored. |
| C | Partial Implementation (25%-50%) | The recommendation has been implemented to some extent. This is due to but not limited to, some work has been carried out and have addressed recommendations to some extent, however there are still major gaps affecting satisfactory implementation as well as existing challenges delaying implementation. |
| D | Minimal Implementation (1%-25%) | The requirement of implementing the recommendation is to some degree met. This is due to but not limited to, implementation has just begun or is in progress, work undertaken has an indirect impact on the implementation of the recommendation. |
| F | No Implementation (0%) | No work has been carried out to date. |



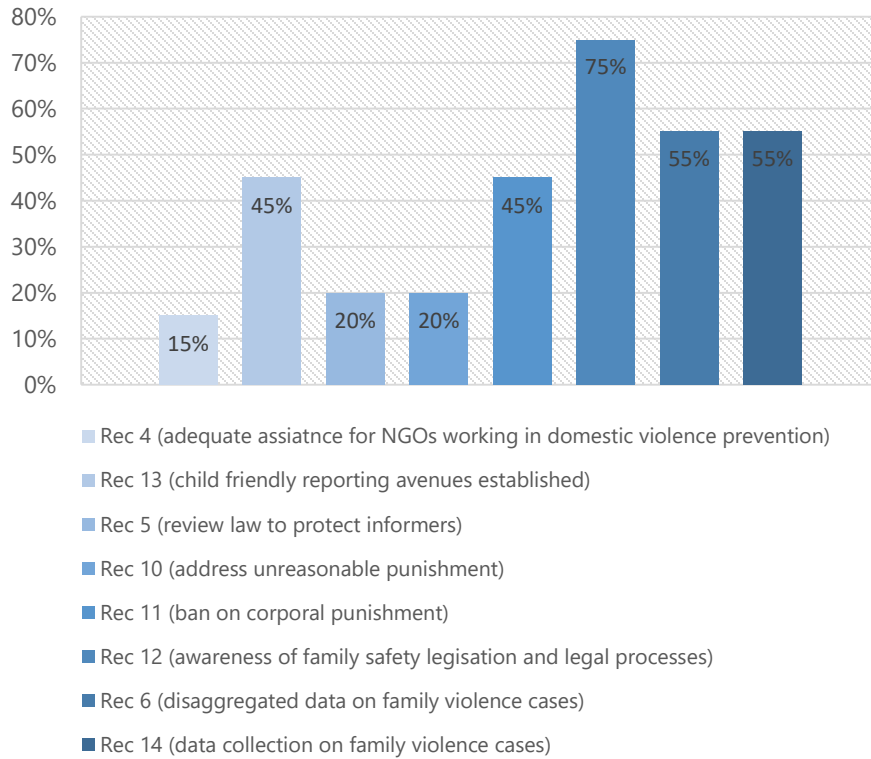
2015 SHRR: PROGRESS REPORT

IMPORTANT NOTE:

Although submissions provided by relevant agencies document work undertaken by Government to date since the Office's 2015 SHRR, it does not cover all activities and programmes being undertaken which in one way or another contribute to the implementation of the recommendations in the 3 SHRRs. The lack of information provided has been supplemented with research undertaken by the Office of sector and development plans, government strategies and policies, projects, as well as media articles.

| | |
|--|--|
| | Grading and overall rating (%) of implementation: This is based on the Implementation Categorization table above. percentages are based on work undertaken successfully as well as existing gaps e.g. need for M&E, sustainability etc. |
| | Areas for government to actively consider and progress: these provide guidance as to areas in which Government Ministries need to consider in their continuing reviews to ensure that the recommendations are implemented. For this, references are made to relevant recommendations of the Inquiry Report into Family Violence in the hope that implementing it will cover the previous recommendation and address the issue. |
| | Recommendations: these are matters that requires priority attention and consideration by the State . |

FREEDOM FROM VIOLENCE



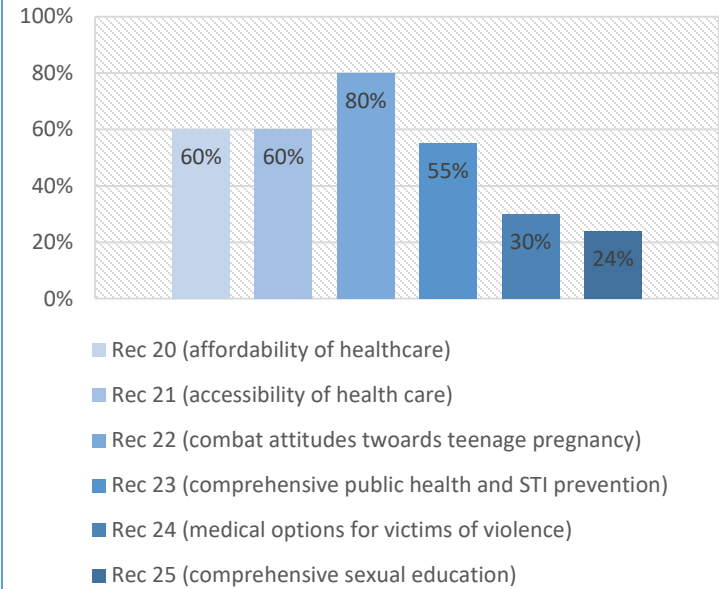
POLITICAL PARTICIPATION AND FREEDOM

Rec 2 (Guidelines for Alii and Faipule to consider women’s participation): **35%**

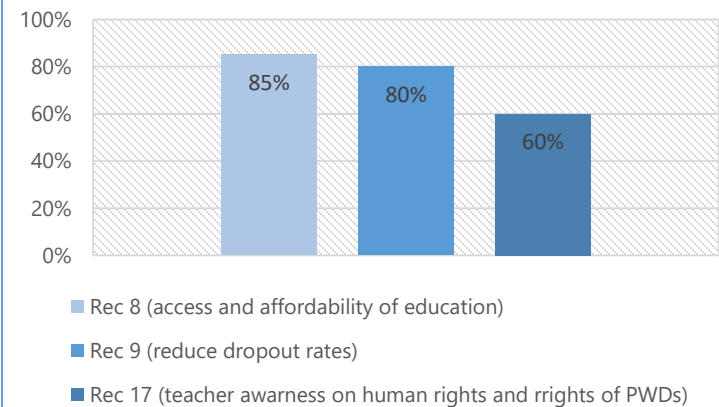
RIGHT TO WATER

Rec 26 (funding of water sector plan): **90%**

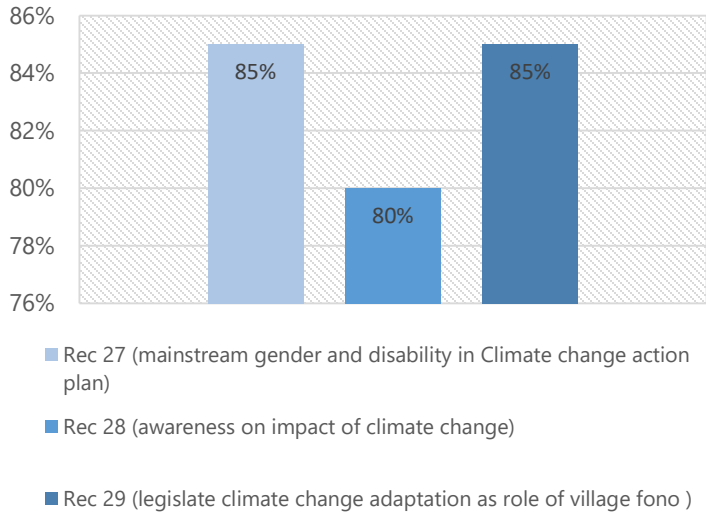
RIGHT TO HEALTH



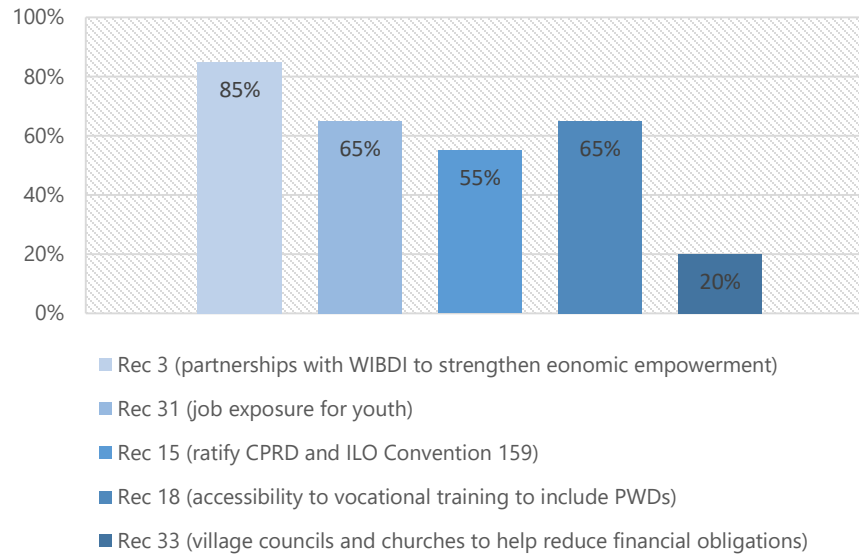
RIGHT TO EDUCATION



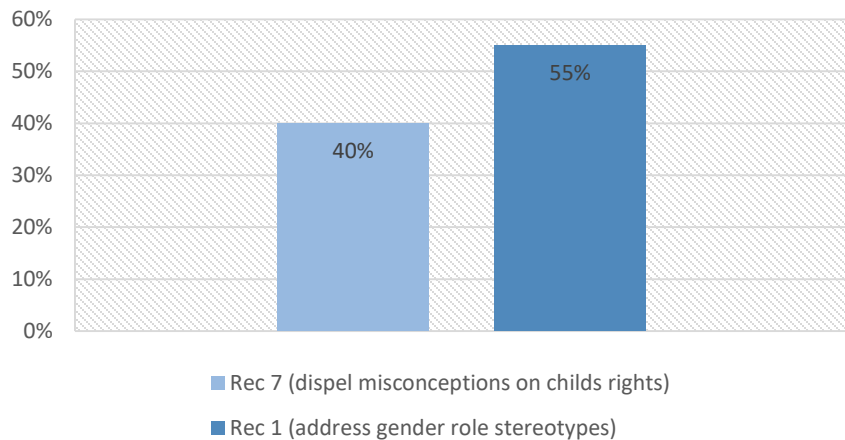
ENVIRONMENTAL HEALTH AND CLIMATE CHANGE



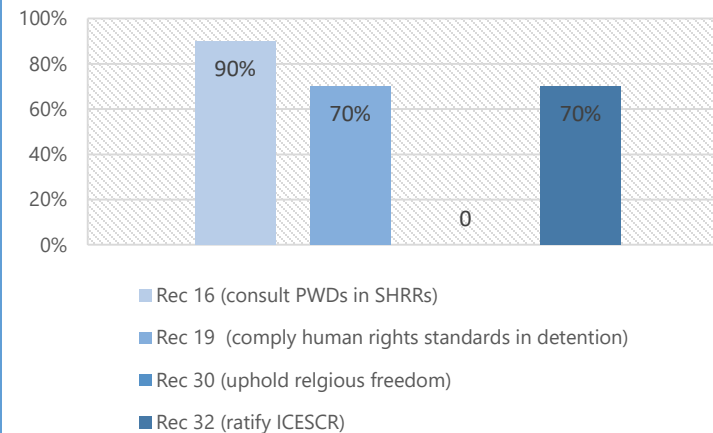
ECONOMIC PARTICIPATION AND FREEDOM



FREEDOM/ ACCESS TO INFORMATION



OTHER AREAS



FREEDOM/ ACCESS TO INFORMATION

1. Gender role stereotyping and rights of women

| | |
|-----------------------|--|
| Recommendation | 1. National Human Rights Institution (NHRI) to launch Women’s Rights Campaign in collaboration with Ministry of Women Community and Social Development (MWCSO), Ministry of Education Sports and Culture (MESC), Sui Tamatai o Nu’u (STN), and relevant NGOs to provide education about and raise awareness on gender role stereotyping and its effects on women, targeting both men and women at all levels of society, particularly in rural areas. |
| Submissions | <p>Inclusion of women in decision making especially in school activities is important. The Government has conducted education awareness programs for 21 Educational Districts on the Schools Minimum Service Standards (MSS) since 2010 advocating on the equal number of female and male gender in the School Committee. The School Committee together with the School Principal and Parents and Teachers Association/Board/Old Boys & Girls Association provides overall management and governance for the school. This initiative is documented in the Schools MSS. Progress is seen in the inclusion of female in these School Committees and the MESC continues to enforce this initiative going forward. However, in the village setting, things are done differently especially in terms of decision making. The proposed change is slowly accepted by the village councils. MESC will continue to provide awareness programmes as a way forward. In relation to curriculum targeted to break down stereotypes, Human Rights education is covered in the Social Studies Curriculum (Society, Culture and Heritage Strand, Values Explorations Strand) for both Primary and Secondary. Further efforts to strengthen this are through the annual competitions done at school, district and national levels. Human Rights are also covered in the curriculum for Samoan (Aia Tatau ma le Va Tapuia) and through reading materials to improve literacy.⁵</p> <p>The Government through the MWCSO has developed a draft <i>Strategy for Family and Community Safety 2017-2021</i> which looks at strategies to combat issues including sex roles and stereotyping. It is anticipated that this strategy will challenge the deeply-rooted socio-cultural norms and attitudes towards women and girls (especially in relation to violence) by involving both the men and women in collective family social program. With public education and awareness as one of the key outcomes of the Strategy, the Division for Women in collaboration with its partners conducted public education programs targeting men, women, mothers and daughters, young couples, teen mums, village councils and women’s committees promoting using effective communication skills to resolve family conflicts in a non-violent manner as well as capitalizing on the Community Conversation tool</p> |

⁵ Ministry of Education Sports and Culture, written submission. 2 April, 2019.

which is based on an interactive process of mutual observing, listening and making decisions collectively to address issues of gender inequality.⁶

SVSG with funding support from the UN Women Fund for Gender Equality implemented a 2 year project from 2016 - 2018 to address the gender equality issues faced by the nofotane women in Samoa. The Project goal was for Nofotane women of Samoa to have improved access to sustainable employment and increased participation in domestic and community matters. The Project achieved beyond expectation:⁷

- (1) out of the targeted 500 nofotane earners, the project produced 600+ nofotane earners;
- (2) The project targeted an increased knowledge for 900 village leaders to speak positively about the nofotane women, their economic empowerment and their inclusion in domestic and community matters. As a result of the project, a total of 2,060 local leaders have now openly recognized and supported women's rights in Samoa (2016-2018);
- (3) Out of the 5,170 nofotane women who attended the livelihood training (target - 5,000), 98% or 5,066 noted an improved understanding of their employment rights following the trainings (from pre-post training surveys);
- (4) 646 (out of the target 500) self-employed nofotane women earned a living from the small business initiatives being set up;
- (5) The multimedia awareness campaign had sensitized 6,490 of the general public through information brochures distributed, questionnaires completed, and nofotane posts on the social media. It further raised nation-wide awareness through radio and television programs, and consulted 175 locals in Upolu and 206 in Savaii, during two open public forums;
- (6) All of the 628 employers of domestic workers who attended workplace consultation workshops noted an increased understanding of their legal responsibilities. 502/628 domestic workers are now enjoying the benefits of being legally protected under the new *Labor and Employment Relations Regulation 2016* as their employees have accepted their responsibilities by having them register with the Accident Compensation and the Samoa National Provident Fund for their entitlements.

The Office conducted its first ever National Inquiry into Family Violence in 2016. The Inquiry Report published in 2018 addresses violence against women as a human rights violation. It covers various issues including the impact of gender roles and stereotyping and how these has contributed to

⁶ Government of Samoa, "Sixth Periodic Report on the Convention on the Elimination of All Forms of Discrimination Against Women 2017", para 44-45, p 13.

⁷ Samoa Victim Support Group, written submission. 16 May 2019.

| | |
|--------------------------|---|
| | <p>family violence in Samoa. It was discovered that in the case of children, stereotypical gender roles are taught from birth, reinforcing the patriarchal society, teaching girls to be subservient, encouraging sexual entitlement of boys, and creating an environment of impunity for perpetrators. In the context of women generally, evidence suggested that men and women do not enjoy equal status in Samoan society and patriarchy reigns. This lies at the heart of the majority of family violence.⁸</p> |
| <p>Evaluation</p> | <p>The Government has raised awareness for 21 Educational Districts on the Schools MSS since 2010 which looks at advocating for equal representation of men and women on schools committees. Such awareness has led to some schools having female representatives on School Committees where women now have an equal representation with men regarding overall management and governance for these schools. However, the challenge is that there are cases where the practice is not extensively carried out by all schools due to existing governance structures which continue to present barriers for participation of women in decision making at the village level. To combat this issue the Government plans to continue its awareness raising campaigns to ensure that women’s rights especially in relation to decision making in school activities is being recognized and promoted in the different school districts.</p> <p>Furthermore, the Government has put in place a draft strategy that aims to further strengthen awareness raising efforts to address gender role stereotyping in villages and communities. The Government through MESC also includes an aspect of human rights education in the national curriculum which looks at human rights and Fa’asamoa values. However, the issue remains of the comprehensiveness and extent of these awareness programmes and also the curriculum to adequately deal with the issue of stereotyping and raise awareness of the rights of women. Work is also required in relation to monitoring the impact and effectiveness of the awareness programmes and whether information is filtering down into the community. These issues were highlighted in the Office’s Inquiry Report.</p> <p>The Inquiry Report highlighted that in order to address issues around gender role and stereotyping it is crucial that in promoting a gender equal approach to parenting based on the Fa’asamoa and human rights to be developed. This will help address patriarchy, female subservience and male sexual entitlement in the case of children. Comprehensive and effective programmes need to be established, practical guidance formulated to assist</p> |

⁸ Samoa Office of the Ombudsman/ NHRI, “National Public Inquiry into Family Violence Report 2018”, pp. 127-128.

| | |
|---|--|
| | with implementation as well as effective monitoring of impact of such programmes. ⁹ The same applies for women and girls generally. ¹⁰ |
| Grading and overall rating (%) of implementation | 55%. Grade B. |
| Areas for Government to actively consider and progress | <p>Ensure awareness programmes tackling issues of gender role stereotyping are comprehensiveness and that information filters down to the community through the use STNs and Sui o Nuu.</p> <p>Review and update the curriculum to ensure that it adequately addresses the issue of gender role stereotyping and raise awareness of human rights.</p> <p>Actively progress the finalization of the draft Strategy for Family and Community Safety to complement aware raising efforts.</p> |

2. Rights of women and children

| | |
|-----------------------|---|
| Recommendation | 7. Dispel the misconception about the rights of the child for both parents and children through community education campaigns and programmes led by the NHRI in collaboration with MWCSD, MESC, and relevant NGOs. |
| Submissions | <p>The Community Day program conducted by MESC gives the community/parents the opportunity to see their child's classroom and education resources/assessment results. The program allows parents to understand the value of the rights of children to education. It was an initiative that gave birth to the many strategies that followed whereby the mothers were given the opportunity to help with their children reading i.e. "Reading mums program" or "community day program" that is implemented up to date. The initiative continues through the Literacy and Numeracy schools annual program. Further, MESC in conducting village awareness programmes engage with school Committees, parents, village mayors and STN to discuss not only Compulsory Education under the law but the rights of children to education.¹¹</p> <p>As a result of the 2015 SHRR, NHRI Samoa launched its Friendly School Program to try and dispel misconceptions around the rights of children. NHRI Samoa is in its 3rd year of conducting its Friendly School Program which unpacks misconceptions around rights of children and human rights in general. The Program is carried out in collaboration with MESC and covers topics of Rights and Responsibilities, and the relationship between human rights and Fa'asamoa principles and values.¹²</p> |

⁹ See recommendation 7, Samoa Office of the Ombudsman/ NHRI, "National Public Inquiry into Family Violence Report 2018."

¹⁰ See recommendation 8, Samoa Office of the Ombudsman/ NHRI, "National Public Inquiry into Family Violence Report 2018."

¹¹ Ministry of Education Sports and Culture, written submission. 2 April, 2019.

¹² NHRI Samoa. Source on file.

| | |
|---|---|
| Evaluation | <p>The Government has been proactive in advocating the importance of the rights of children to education and that it is compulsory that every child attends school in Samoa. Interactive programmes to illustrate the importance of these have been carried out and seem to have had an impact (although the true extent is unknown). However, there is still a big gap in that the issue is not being fully addressed head on due to limited or no programmes specific to raising awareness among parents of the rights of the child and how these rights do not interfere with their responsibilities as custodians.</p> <p>The Office's Friendly School Program has proven to be very useful in that it has informed students from both primary and college about their rights and responsibilities. Although it has been able to raise awareness among students, one of the major challenges is the extent and coverage. Currently, the program is only for students and does not extend to include communities and parents. One of the reasons for this is due to the lack of human and financial resources to carry out such extensive activity. Therefore, priority was given to students. The Office hopes that with the support of Government it will be able to extend and ensure that the program covers other demographics especially parents who seem to have misconceptions about the rights of children.</p> |
| Grading and overall rating (%) of implementation | 40%. Grade C. |
| Areas for Government to actively consider and progress | Ministries particularly the MWCS D and MESC and other NGOs to work with the Office to conduct community awareness programmes on the rights of children to ensure that it covers every demographic. Awareness to cover CRC articles and principles and their application targeting parents, teachers and communities. |

POLITICAL PARTICIPATION AND FREEDOM

1. Legislative and policy reform

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| Recommendation | 2. MWCS D, the Office of the Attorney General (AGO) and the Samoa Law Reform Commission (SLRC), in consultation with NHRI, to consider the drafting of Guidelines for the Village Fono Act requiring Alii and Faipule to take into account women's participation in decision making within the village. |
| Submissions | <p>AGO submitted that no guidelines in relation to the above recommendation have been drafted to date.</p> <p>SLRC in its CEDAW compliance review in 2015 which addressed issues of political participation of women considered that non-legislative measures may be more appropriate to address these issues, as opposed to legal interventions such as the drafting of guidelines. This is because any legal interventions may be viewed as too intrusive into the affairs of the village. It proposed that there should be more programs focusing in enhancing the</p> |

roles of women and changing mind sets of men and women's roles in the village. SLRC noted that it is custom in every village to consider and respect the customary role of women as advisors.¹³

Since 2015, MWCS D has carried out various initiatives and programs focusing on empowering women to take part in decision making roles and raise awareness of the importance of their contribution to the development of societies. For instance, prior to the 2016 election the Increasing Political Participation of Women in Samoa (IPPWS) jointly funded by United Nations Development Programme (UNDP) and Samoa Women Shaping Development Program aimed to increase community awareness of the importance of ensuring women are able to influence the national development processes through increasing their opportunities for political leadership. At the national level, villages often have Village Women's Committees that play significant roles in village administration of villages where women are involved in decision making. However, these committees are not specifically recognized in statute. Furthermore, women Matai also take part in village council meetings (115 out of the 151 villages).¹⁴

SUNGO in partnership with UNDP, United Nations Entity for Gender Equality and the Empowerment of Women Joint Programme carried out outreach and education programmes on the increased political participation of women. The programmes were targeted and focused on the 4 key areas of,

1. Voter Eligibilities and Rights,
2. Importance of Registering and Voting,
3. The amendments in the *Constitutional Amendment Act 2013* and the *Electoral Act 1963*,
4. Supporting women candidates irrespective of her political affiliation.

The outreach programme targeted all districts in Samoa. The Office of Ombudsman and the Office of the Electoral Commission (OEC) presented and explained and informed citizens of their roles and human rights based on the International Standards on Elections. The Standards emphasis 3 rights central to elections: Right to take part in government, Right to vote and to be elected, and Right to equal access to public service. SUNGO acknowledges the support of both Government and NHRI Samoa and considers that partnerships between government agencies and non-governmental organisations will be vital in the future and will shape

¹³ Samoa Law Reform Commission, written submission. 27 March 2019.

¹⁴ Government of Samoa, "Sixth Periodic Report on the Convention on the Elimination of All Forms of Discrimination Against Women 2017", para 19, 77, 84, 85, 44-45, pp. 20-21.

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| | awareness raising in the future to ensure that government initiatives are implemented at the ground level. ¹⁵ |
| Evaluation | The Government has invested into empowering women to take part in decision making roles especially at the national level through awareness and capacity building workshops focusing on political leadership. At the village level, although women (Matai or not) in most villages play an influential role in administrative matters and in some instances sit on village council meetings, they are still systemically obstructed in their participation. For instance, there are some villages who have bans on female matais due to various reasons including the argument by Matais is that the village council is not appropriate for women because of the kinds of discussions that take place which may be inappropriate for women. ¹⁶ The focus on non-legislative measures (e.g. trainings etc.) rather than legislative measures has been viewed as a more appropriate option to increase women’s voices in decision-making rather than putting it into law. This is because legislative measures has the potential of interfering with village affairs and will undermine the authority of the Village Fono. Despite measures being taken, the issue of under representation and lack of women participation in decision making in both national and village level ignores and violates the right to women to be heard and represented in affairs that directly affect them and their families. |
| Grading and overall rating (%) of implementation | 35%. Grade C. |
| Areas for Government to actively consider and progress | Actively progress (through appropriate means) representation of women in decision-making at both village and national level. Recommendation 11 of the Family Violence Inquiry Report 2018 refers. |

ECONOMIC PARTICIPATION AND FREEDOM

1. Programmes

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| Recommendation | 3. Government to create genuine and durable partnership with WIBDI to promote broader uptake of its economic empowerment programmes, including its development model that focuses on families, particularly in rural areas. |
| Submissions | WIBDI represents employer’s organization under the Samoa National Tripartite Forum (SNTF). The SNTF is a decision making forum under the administration of the Ministry of Commerce Industry and Labour (MCIL) that negotiates, consults and exchange information amongst representatives of governments, employers and workers on key issues of common interest that relate to the promotion of social justice and decent work in Samoa. The Trade and Manufacturing Sector (TMS) have partnered |

¹⁵ Samoa Umbrella for Non-Governmental Organisations, written submission. 20 May 2019.

¹⁶ Samoa Office of the Ombudsman/ NHRI, “National Public Inquiry into Family Violence Report 2018”, pp. 235-236.

up with WIBDI and offered funding on their several projects that promote economic empowerment in the past years. The challenge MCIL faces with WIBDI as a member of SNTF is their inconsistent attendance during meetings. WIBDI is one of the key implementing agencies under the Trade, Sector Support Program of the Enhanced Integrated Framework project.¹⁷

The TMS aims to strengthen the Public Private Partnership concept with its stakeholders, in-line with the government's objective of 'enhancing the participation of private sector in national development.'¹⁸ It envisages the ongoing government assistance to the private sector and enhancing their capacities to conduct business. TMS also foresees the strengthening of public-private partnership through continuous market testing of State Owned Enterprises and the outsourcing of these entities in order for the private sector to thrive. MCIL also works with other implementing agencies/ key stakeholders under the TMS. These include Samoa Trust Estates Corporation, Samoa Research Organisation of Samoa, Samoa Chamber of Commerce, Small Businesses Enterprise Corporation and Samoa Farmer Association. The Private Sector Organisation (PSO) grant will continue as a transaction on behalf of the State, contributing to PSO such as the above mentioned key stakeholders. TMS will ensure PSO grants will increase to benefit all PSOs and community based organisations to promote inclusiveness by their respective funding as well as developing strict guidelines to ensure appropriate use of these funds.¹⁹

WIBDI on the other hand continues to provide programmes for communities through its capacity building initiatives for youth and women in the areas of farming, agri-business and business management. WIBDI acknowledges the support by Government investing in areas including the production fine mat weaving and the organic program.²⁰ The programme has been spearheaded by steering committees created by Government and which WIBDI is involved. WIBDI in addition to the Government has also been able to get its support from its partner in New Zealand and Australia.²¹

In addition to WIBDI, other NGOs like SVSG has also carried out economic empowerment programmes for women. SVSG's programme under the UN Women Fund for Gender Equality had empowered 5,000+ unemployed nofotane women with livelihood skills to assist with their income generation abilities. From the 5,000 unemployed nofotane women targeted by the project, 10% or 500 nofotane was the target earners; the

¹⁷ Ministry of Commerce Industry and Labour, written submission. 29 March 2019.

¹⁸ See Strategy for the Development of Samoa 2017-2021, Outcome 5.

¹⁹ Ministry of Commerce Industry and Labour, written submission. 29 March 2019.

²⁰ WIBDI works in 183 Samoan villages and nurtures certified organic agricultural enterprises that annually puts more than SAT\$600,000 into the hands of rural families.

²¹ Consult WIBDI website at <https://www.womeninbusiness.ws/partners.html>.

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| | project produced 646 nofotane earners who are now breadwinners in their families. ²² |
| Evaluation | <p>Currently the Government through the TMS has provided support and financial assistance for PSOs to enhance their capacities to conduct business. There is currently a grant in place which allows PSOs to request funding to assist with their progress and development. The TMS which includes various Government entities have over the years worked together with WIBDI on various projects that promote economic empowerment. However, it has been noted that cooperation from WIBDI has been lacking therefore making it a challenge to establish durable partnership.</p> <p>WIBDI continues to provide trainings for its stakeholders and has been able to get support from Government not only financially but in the boosting of certain initiatives through establishment of steering committees. Commendable efforts have also been carried out by other NGOs to bridge the gap. For example, SVSG been proactive in empowering nofotane women have provided durable and sustainable programmes to economically empowering them so that they can take care of their families.</p> <p>Despite existing issues with participation, partnerships between the Government and WIBDI have been established with room for improvement. Further, funding opportunities provided by Government exist to assist with the development of not only WIBDI but TMS agencies.</p> |
| Grading and overall rating (%) of implementation | 85%. Grade A. |
| Areas for Government to actively consider and progress | Continuously work together and provide adequate support to PSOs (such as WIBDI, SVSG and other) for greater sustainability of economic empowerment programmes and strengthen partnership. PSOs should also utilize opportunities provided by Government to ensure that their businesses are sustainable. |

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| Recommendation | 31. Create exposure to the labor market for youth and introduce entry-level jobs. |
| Submissions | In 2016, a total number of 708 youth made up the total workforce of the formal Private Sector. Majority of them (258) were employed in the Wholesale/Retail Trade industry. Manufacturing and the Accommodation industry, Finance industry came next with 158 youths employed, and with less than 50 in industries such as Construction, Administrative and Support services, Education and the Information and Communication. ²³ One of the major challenges facing youth and those looking for employment generally is the lack of skills and the need for training available. The Survey |

²² Samoa Victim Support Group, written submission. 16 May 2019.

²³ Ministry of Commerce Industry and Labor, 2016 Labour Market Survey, 2016, p.13. Retrieved from <https://www.mcil.gov.ws/wp-content/uploads/2017/12/2016-LMS-ORIGINAL-FINAL-REPORT-2.pdf>.

indicated therefore a need for government, private entities, the business community and the training institutions to provide relevant training that matches what is required at the industry level, as well as the need for Government to collaboratively with industries in the development of training plans to be aligned with the industrial packages or the skills that are required within industries.²⁴

Later in 2017, SNYC in partnership with the Pacific Leadership Program and the International Labor Organisation (ILO) launched the Samoa Tracer Youth Employment Survey.²⁵ The Survey revealed that 58.61% of youth in Samoa were unemployed and 41.39% were involved in income-generating activities. For the unemployed youth, it was highlighted that some of the contributing factors to this include family obligations, uninterested in finding jobs and also the lack of awareness of available opportunities. Further, the high rate of school drop-outs at primary and secondary level (78.93%) leading to incomplete education, the lack of work experience and required skills all contribute to the issue.²⁶

The Government has worked to create programmes and also initiatives to combat the issue. The labor market information system in place with MCIL ensures the accessibility of youths to job information available in the market. By doing so they can easily access from home using internet to fill the requirements needed to find jobs. MCIL carries out jobseekers training every year to upgrade jobseekers on basic skills in findings jobs. Co-ordination of industry awareness and ONE MCIL roadshow inclusive career workshops jointly implemented with stakeholders is another avenue, to accommodate and to increase awareness of youth in searching for employment. MCIL in trying to assist youths in the informal sector signed a Memorandum of Understanding with the SNYC to share information of unemployed people looking for jobs for best utilization of jobseekers to certain opportunities available. Feedback from almost every jobseeker trained indicates that they have been employed not long after participation in jobseekers training.²⁷

The Government is paying 50% of apprenticeship fees, employers 30% and students 20%. Tax breaks from employers/ businesses can help enhance the scheme in widening its scope by adding more trades, better workplace for apprentices, better salaries and more highly qualified tradespeople graduated every year. Furthermore, the Government is also upgrading

²⁴ Ministry of Commerce Industry and Labor, 2016 Labour Market Survey, 2016, p. 27. Retrieved from <https://www.mcil.gov.ws/wp-content/uploads/2017/12/2016-LMS-ORIGINAL-FINAL-REPORT-2.pdf>.

²⁵ The Survey covered a number of 800 youth from 14 villages across Upolu and Savaii.

²⁶ Samoa National Youth Council, Samoa Youth Tracer Survey, 2017. Retrieved from <http://www.plp.org.fj/wp-content/uploads/2017/06/Samoa-National-Youth-Council-Tracer-Youth-Employment-Survey-Report-June-2017.pdf>.

²⁷ Ministry of Commerce Industry and Labour, written submission. 29 March 2019.

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| | <p>national competency standards according to the growing technology. The apprenticeship impact assessment project was carried out to improve the administration and facilitation of the apprenticeship scheme includes the need to review the curriculum of the seven existing trades and the formulation of the new trade namely electronic technology.²⁸</p> <p>Other non-government and private institutions have also undertaken and initiated programmes to assist youth in obtaining work. For instance, the Oloamanu Training Centre in 2018 introduced the Preliminary Certificate for Vocational Education Training (PVET) programme. The PVET programme will provide training opportunities for youths who drop out of school at Year 10 level who will undergo training in English, Mathematics and Computing studies. One of the challenges identified however, was the sustainability of the programme especially in relation to funding and continued interest.²⁹ SNYC conducts a Youth Employment Program which focuses on providing youth with information (on vacancies, employer skills demand, preparing job applications, interview skills and work ethics), and employment services to facilitate their successful entry to the labor market. This program is currently being done in collaboration with MCIL.³⁰</p> <p>The Samoa Qualifications Authority (SQA) has also through its national quality assurance systems for recognizing qualifications has included non-formal learning. This provides opportunities and opens the door for recognition of learning and skills outside the formal system, most importantly it creates value for learners and skilled people at all levels in the community.³¹</p> |
| Evaluation | <p>Various surveys reveal fluctuating trends in youth unemployment in Samoa up until 2017. The high number (58.61%) however is still of major concern. Work undertaken by Government through its information sharing platforms as well as apprenticeship programmes have proven to be of benefit and has facilitated opportunities for youth in obtaining work. Partnerships formed with non-government groups have also strengthen efforts to combat the problem. For instance, the signing of the Memorandum of Understanding between MCIL and the SNYC on information sharing has been seen vehicle for unemployed youth especially at the community level for getting jobs.³² Skill-building training opportunities offered by private institution and Government, together with qualification recognition of non-formal learning have assisted with ensuring that youth not only have the skills and knowledge required for</p> |

²⁸ Ministry of Commerce Industry and Labour, written submission. 29 March 2019.

²⁹ Samoa Observer, “Oloamanu to tackle youth unemployment”, 13 December 2017. Retrieved from <https://www.samoaoobserver.ws/category/samoa/26620?cont=true#>.

³⁰ See Samoa National Youth Council website at <http://www.snyc.org.ws/index.php/activities/project/youth-employment-program>.

³¹ See Samoa Qualifications Authority website at http://www.sqa.gov.ws/?page_id=458.

³² See Samoa Qualifications Authority website at http://www.sqa.gov.ws/?page_id=458.

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| | <p>work, but also allow for greater opportunities for those who are trained in a non-formal setting to be recognized and be employed.</p> <p>However, challenges still remain and further work is required especially in relation to further investment in training opportunities for youth, awareness of opportunities available especially in finding the most appropriate and effective medium of getting the information, as well as accessibility of information especially for those who live in rural areas or do not have resources to access such information. Moreover, there is still a great need for more useful and tailored economic empowerment programmes for youth in various areas and fields to ensure that various options are available and youth have the opportunity to pursue work in areas that they feel are more suited to their capability and capacity.</p> |
| Grading and overall rating (%) of implementation | 65%. Grade B. |
| Recommendation | Continuously provide support (opportunities, resources and information) for youth and ensure they are equipped with the necessary knowledge and skills to undertake employment through developing more tailored economic empowerment programmes in various fields that will give youth more option to realize their potential and outcomes. |

2. Legislative and policy reform

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| Recommendation | 15. Government to consider fully ratifying CRPD without reservation and ILO Convention 159 - Vocational Rehabilitation and Employment (Disabled Persons), 1983. |
| Submissions | <p>Samoa ratified CRPD in 2016 without reservation. First state report due this year. As of October 2018, MCIL is working on ratifying ILO Conventions No 103 (Maternity Protection Convention), No 156 (Workers with Family Responsibilities Convention), and No 189 (Domestic Workers Convention) to be ratified by 2020.³³</p> <p>To assist PWDs in vocational rehabilitation and employment, various projects have been undertaken by Government and disability NGOs to provide trainings and opportunities for PWDs in relation to vocational employment through the Apprenticeship Scheme where anyone can access. There have also been trainings and information sharing workshops conducted to ensure that PWDs have access to employment information to assist with finding jobs. However, despite the availability of these opportunities work is still required to ensure they are supported with relevant and disability-sensitive information to enable PWDs take full advantage of them. Since State reporting on CRPD is due this year, it is important that Government ensures that accurate and relevant information is reflected highlighting both achievements and challenges to better</p> |

³³ Ministry of Foreign Affairs and Trade, written submission. 2 April 2019.

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| | <p>inform its decisions in offering equal and better access to working opportunities for PWDs.</p> <p>Government is currently working on a draft disability legislation which will cover issues relating to PWDs in Samoa taking into account recommendation of the legislative compliance review.³⁴</p> |
| Evaluation | <p>Ratification of the CRPD by the Government without reservation was a great step in recognizing and promoting the rights of PWDs in Samoa. Samoa is currently in the process of ratifying 3 ILO Conventions. However, there is no sign that ILO Convention 159 - Vocational Rehabilitation and Employment (Disabled Persons), 1983 will be included. Despite this, there are programmes in place to fill this gap i.e. the Apprenticeship Scheme. Based on submissions, no PWDs have attended. To date, MCIL conducts awareness programs around the country in schools, youth groups etc. to promote the Scheme where everyone is eligible to access to including PWDs. The National University of Samoa as a training provider provides facilities and special conditions for PWDs. MCIL also works with NOLA to conduct job search skills training and provide its members with information on employment.³⁵ Furthermore, Government is now working on a draft disability legislation which will hopefully address issues relating to PWDs in Samoa in all areas of social, economic and political life.</p> |
| Grading and overall rating (%) of implementation | 55%. Grade B. |
| Areas for Government to actively consider and progress | <p>Sustain efforts to ensure that employment opportunities are inclusive of PWDs through a more targeted approach where opportunities are supported with relevant and disability-sensitive information to ensure that PWDs are able to take advantage of them.</p> <p>Sustain the intention to ratify ILO Convention 159 - Vocational Rehabilitation and Employment (Disabled Persons), 1983 in 2020.</p> |

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| Recommendation | <p>18. As recommended in MWCSO's Mid Term Review, MCIL to review the accessibility of their vocational training programmes in line with ILO Convention 159 – Vocational Rehabilitation and Employment (Disabled Persons), 1983 and recommend how they can be made more inclusive.</p> |
| Submissions | <p>The Apprenticeship Scheme was an initiative by the Government for full participation of everyone include PWDs. However, since the commencement of the <i>Apprenticeship Scheme Act 1972</i> and Regulations 1973 there was no record of PWDs that attended the program. Currently, awareness programs are conducted around the country in schools, youth groups etc. to promote the Scheme and equal participation where everyone</p> |

³⁴ Attorney General's Office, written submission. 30 May, 2019.

³⁵ Ministry of Commerce Industry and Labour, written submission. 29 March 2019.

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| | <p>is eligible to access. The National University of Samoa as a training provider provides facilities and special conditions for PWDs.³⁶</p> <p>Government is currently working on a draft disability legislation which will cover issues relating to PWDs in Samoa taking into account recommendation of the legislative compliance review.³⁷</p> |
| Evaluation | <p>The Government has created opportunities for ensuring that everyone including PWDs have access and take advantage of. Private Institutions also offer assistance for PWDs in regard to training. However, further measures are required to ensure PWDs are aware of vocational training programmes offered. There process of drafting a disability legislation for Samoa to take into account the needs of PWDs with disability is also a good step towards ensuring the PWDs are included in all areas to ensure they are included in development and that their rights are promoted.</p> |
| Grading and overall rating (%) of implementation | 65%. Grade B. |
| Areas for Government to actively consider and progress | <p>Greater awareness of vocational training programmes and opportunities for PWDs community.</p> |

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| Recommendation | <p>33. Village councils and churches to consider alternative ways to minimise cultural and religious financial obligations, particularly for financially vulnerable community members.</p> |
| Submissions | <p>No comments provided. However, MWCSO hopes through the Community Sector Development Plan that each district in Samoa will be responsible for drafting up development plans which will address various issues including social issues and those relating to financial and development.³⁸</p> |
| Evaluation | <p>It was highlighted in the Office's Inquiry Report that cultural and religious and financial obligations may have significant bearing on the issue of family violence. The competitive nature of cultural and church contributions and the failure of village leaders, families and churches to control amounts has placed undue financial stress on families which can act as a trigger for family violence, increasing its prevalence nationally.³⁹</p> |
| Grading and overall rating (%) of implementation | 20%. Grade D. |

³⁶ Ministry of Commerce Industry and Labour, written submission. 29 March 2019.

³⁷ Attorney General's Office, written submission. 30 May, 2019.

³⁸ Ministry of Women Community and Social Development, Community Development Sector 1st Annual Forum, 13-14 November 2018, TATTE Building, Sogi.

³⁹ See finding 44 and 45, Samoa Office of the Ombudsman/ NHRI, "National Public Inquiry into Family Violence Report 2018".

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| Areas for Government to actively consider and progress | Encourage the village fono, churches and communities to actively find alternative ways and introduce effective measures to minimize financial contributions by families. Recommendations 21 and 35 of the Family Violence Inquiry Report 2018 refers. |
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FREEDOM FROM VIOLENCE

1. Resources and funding

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| Recommendation | 4. Government to provide dedicated funds and adequate assistance to all NGOs working on the protection of families, especially in rural areas, in cooperation with the Domestic Violence Unit (DVU). In particular, priority must be given to building a Family Violence Shelter in collaboration with SVSG to meet the needs of victims of violence. |
| Submissions | <p>The DVU works closely with SVSG to provide assistance to victims of violence especially in relation to filing of protection orders. In relation to counselling of victims, the Ministry of Police (MOP) usually refers them to SVSG for support or other relevant NGOs.⁴⁰</p> <p>SVSG seeks to protect and promote the rights of victims and the most vulnerable populations such as women and children, specifically the right to be free from abuse. In doing so, it carries out advocacy and casework, provide shelter for children, community awareness and violence prevention in communities. It also has village representatives who assist victims of violence in rural areas through provision of information of services available for assistance and also reporting.⁴¹ SVSG is also the only organization who provides a shelter for children of abuse and also for women and girls. To date, there has been no assistant from Government in building a Family Violence Shelter. The shelter facilities operated by SVSG are for children victims of gender based violence, fully funded by individual donors with the support of the local churches and business communities. The only Government support towards the victims under SVSG's care is through MESC, providing funds to pay for the teachers and trainers of the School of Hope (under the government education scheme).⁴²</p> <p>SVSG's rehabilitation programs for the children victims of gender based violence is inclusive of the relevant Psychosocial Support required for the children such as continuing education on Campus, livelihood skills, spiritual, trauma and anger management counseling, sports development, music, arts & crafts and more recently, peace garden initiative. Support for the offenders of violence continued with SVSG's Advocacy Programs for men, women and young offenders (anger management, stress management, couple counseling, alcohol abuse counseling etc.⁴³</p> |

⁴⁰ Ministry of Police, written submission. 18 April 2019.

⁴¹ See Samoa Victim Support Group at <http://www.samoavictimsupport.org/>.

⁴² Samoa Victim Support Group, written submission. 16 May 2019.

⁴³ Samoa Victim Support Group, written submission. 16 May 2019.

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| Evaluation | <p>Although there is support by the Government for victims of abuse through the DVU with regards to protection orders, but it seems that majority of the practical work is being conducted by NGOs i.e. counseling, shelter etc. This was confirmed in the Office’s Inquiry Report which highlighted that currently, Government through the relevant agencies only provide assistance for victims of violence through protection orders. However, these are not universally accessible due to lack of awareness or affordability of legal services. For many years, Government has relied on the goodwill of communities and NGOs who are simply not equipped to deal with the full scale of the problem to provide support.</p> <p>The Office has firmly stated in its Inquiry Report that it is the responsibility of the Government to provide these services for victims of violence to ensure they get the rights help and support. The Office reiterates its recommendation for the provision of government funded shelters, which even SVSG has highlighted as necessary.⁴⁴ Whilst the current shelter provision is providing a critical level of care for many victims of family violence it is in no way sufficient. Alternatively, if Government is not willing to provide the service themselves the Office recommended that it can choose to support the privatization of shelter services by providing financial support through an open tender process.⁴⁵</p> |
| Grading and overall rating (%) of implementation | 15%. Grade D <i>(Note that this recommendation only takes into account work by Government and not that of NGOs).</i> |
| Areas for Government to actively consider and progress | Recommendation 14 of the Family Violence Inquiry Report 2018 refers. |

2. Reporting

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| Recommendation | 13. NHRI, in collaboration with MWCSD’s Child Protection Unit and Criminal Investigations Department of MOP, to investigate and develop child friendly reporting avenues for child abuse, sexual assault and incest. |
| Submissions | In September 2017, the draft <i>Child Care and Protection (CCP) Bill</i> was submitted to Cabinet for consideration and approval. The draft CCP Bill is drafted in light of Samoa’s obligations under international conventions and standards, in particular under the CRC with the key principles of the CRC enumerated as the ‘Guiding principles’ for the CCP Bill (i.e. the Bill recognizes that the safety, well-being and best interest of a child are paramount to its administration). Further, the Bill includes no-derogation provision, subjecting all other enactments to be constructed, read and applied subject to the Bill and in case of any inconsistency with other enactments, the provisions of the Bill will prevail. However for policy |

⁴⁴ Samoa Office of the Ombudsman/ NHRI, “National Public Inquiry into Family Violence Report 2018”, pp. 258-259
⁴⁵ Samoa Office of the Ombudsman/ NHRI, “National Public Inquiry into Family Violence Report 2018”, p. 259.

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| | <p>reasons the CCP Bill was put on hold until an effective implementation strategy for legislative framework envisaged by the CCP Bill was established. In this regard, MWCSO in 2018 initiated the process to develop a <i>National Child Care and Protection Policy and Action Plan (2019-2024)</i> to guide its program implementation and form the basis of its policy and strategic advice for a child protection framework i.e. CCP Bill.⁴⁶ The Policy is aimed at addressing child care and protection issues in Samoa; one key output of the Policy is the development of implementation strategies designed to prevent child abuse, violence, exploitation and neglect which require strong legislative and regulative frameworks in place to enforce such protection strategies. It will also include avenues to assist with the reporting of child abuse in Samoa both at the village and national level.⁴⁷</p> <p>MWCSO carried out a workshop with NGOs doing child care protection work to discuss and look at global and regional approaches to child protection systems design in order to strengthen the national child protection systems in Samoa. In 2019, MWCSO to further boost work in the area developed a workshop which looked at the development of an Interagency essential service guide for survivors-based service with a specific focus on child protection. The guide will outline and highlight avenues for reporting for cases of child abuse in Samoa.</p> <p>In relation to the abuse of children in schools by teachers through corporal punishment and disciplines, MESC has reporting avenues where cases are dealt with by the school and referred to Police for investigation.⁴⁸</p> <p>The Office’s Inquiry noted the grave impact of violence both physical and sexual abuse on children. The Inquiry also highlighted that cases of violence against children are rarely reported. Most children do not report their abuse and some who do are not believed or beaten into silence.⁴⁹</p> |
| <p>Evaluation</p> | <p>Cases of child abuse in Samoa are a serious issue and have greatly affected the wellbeing and development of children. Relevant and adequate mechanisms are greatly needed and required to ensure that children get the support and help they deserve. The lack of reporting avenues in place for children especially given their vulnerability and fear of speaking up contributes further to their vulnerability. The Government has highlighted that the CCP Bill will contain provisions looking at reporting avenues for</p> |

⁴⁶ See Ministry of Women Community and Social Development, Child Care and Protection Policy Terms of reference, 2018. Retrieved from <http://www.mwcsd.gov.ws/images/2018/TOR-Consultant-for-CP-Policy-final-25JUN2018.pdf>.

⁴⁷ See Ministry of Women Community and Social Development, Child Care and Protection Policy Terms of reference, 2018. Retrieved from <http://www.mwcsd.gov.ws/images/2018/TOR-Consultant-for-CP-Policy-final-25JUN2018.pdf>.

⁴⁸ Ministry of Education Sports and Culture, written submission. 2 April 2019.

⁴⁹ Samoa Office of the Ombudsman/ NHRI, “National Public Inquiry into Family Violence Report 2018”, p. 82.

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| | <p>cases of child abuse in Samoa. However, the CCP Bill has taken so long and still has yet to become law. Only recently the Government has worked in formulating of a policy to assist with the implementation of the Bill – work that should have been carried out at an earlier stage. The delay of action by the Government means that children in Samoa will continue to face violence and abuse. Such inaction also highlights the lack of prioritization on such crucial issues that has affected our children.</p> <p>However, the Office is optimistic and commends the initial steps taken by Government to conduct workshops to strengthen services and in the developing of the CCP Policy which will hopefully provide avenues for reporting of child abuse and address various other issues and provide protection for the children of Samoa.</p> |
| Grading and overall rating (%) of implementation | 45%. Grade C. |
| Recommendation | Actively progress finalization and implementation of CCP Policy and subsequently the CCP Bill which will ensure adequate support and care is available for children. Recommendation 23 of the Family Violence Inquiry Report 2018 refers. |

3. Legislative and policy review

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| Recommendation | 5. AGO and SLRC to consider reviewing the <i>Family Safety Act 2013</i> for the inclusion of protections for persons who report incidence of violence, including sexual violence. |
| Submissions | <p>Following Attorney General’s approval SLRC proposed terms of reference on 2 October 2018 to review family laws of Samoa. The review focuses on the 6 core family laws namely, <i>Infants Ordinance 1961, Marriage Ordinance 1961, Divorce And Matrimonial Causes Ordinance 1961, Maintenance And Affiliation Act 1975, Family Safety Act 2013</i> and <i>Family Court Act 2014</i>. The review will be conducted from 2019-2021. This is the first ever review of the 6 core family laws of Samoa and the aim is to update these laws to suit the current context of Samoa. It will be an opportunity to fully review the <i>Family Safety act 2013</i>, in light of the issues identified in the Ombudsman SHRR amongst other issues and make recommendations.⁵⁰</p> <p>Currently, the family law review is at the preliminary research/ consultation stage and in the context of the <i>Family Safety Act 2013</i> a review of “family violence” may be part of a separate more extensive review.⁵¹</p> |
| Evaluation | <p>The Office’s Inquiry report made a number of recommendations regarding the review of the <i>Family Safety Act 2013</i> to:</p> <ul style="list-style-type: none"> cover financial or economic abuse in the definition of violence; |

⁵⁰ Samoa Law Reform Commission, written submission. 27 March 2019.

⁵¹ Attorney General’s Office, written submission. 30 April, 2019.

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| | <ul style="list-style-type: none"> include provision for required timeframe for the serving of protection orders; require the Village Fono to help enforce and monitor protection orders; and reiterating the protection for those who report family violence. <p>The Report also recommended that a comprehensive monitoring and evaluation framework be set up for all family safety legislation.</p> <p>Based on the Government response, the Inquiry recommendation is timely as the Government through the SLRC and AGO is currently in the process of reviewing the <i>Family Safety Act 2013</i> along with other family law legislations that makes up the fabric of family laws of Samoa.⁵² It is highlighted that such review will look at the issues identified by the Office’s SHRRs relating to family violence and family safety. The Office will be closely monitoring and making submissions to this review to ensure that it considers its recommendations.</p> |
| Grading and overall rating (%) of implementation | 20%. Grade D. |
| Areas for Government to actively consider and progress | Government to continue work in this area. |

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| Recommendation | 10. 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. |
| Submissions | <p>The CPP Bill does not define ‘unreasonable punishment’ nor does the CRC enunciate the kinds of discipline that should be used in relation to children. However existing laws in Samoa provide legal parameters as to the sorts of punishment/ treatment that are considered abusive or excessive and there prohibited. For example, <i>Education Act 2009, Infants Ordinance 1961</i>.⁵³</p> <p>The Office’s Inquiry report considered the legal interpretation of reasonable punishment. It noted that the current legislative framework in Samoa makes it against the law for anyone to use any corporal punishment in any setting⁵⁴, however section 14 of the <i>Infant Ordinance 1961</i> allows parents to administer ‘reasonable punishment’. As a result there is legal uncertainty as to what it means. The consequence of this lack of clarity and uncertainty is that there are people all along the spectrum of what is acceptable and there is no way of saying to any one person that their actions towards children</p> |

⁵² See Recommendation 23, Samoa Office of the Ombudsman/ NHRI, “National Public Inquiry into Family Violence Report 2018.”

⁵³ Attorney General’s Office, written submission. 30 April, 2019.

⁵⁴ Education Act 2009, section 23.

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| | are going too far. ⁵⁵ Therefore, having a clear definition of where the line between discipline and violence is of vital necessity and importance. ⁵⁶ |
| Evaluation | The CCP Bill developed in 2013 has yet to be enacted. The Government has taken steps to carefully consider it to be in line with Samoa’s obligations and also to ensure that it is practical and relevant to context. Therefore, it is currently developing the CCP Policy to assist with implementation. The CCP Bill is anticipated to address various issues relating to child care in Samoa including care for abused children and the kind of support they and their families require. It also considers a referral system to deal with abuse cases of children. Unfortunately, the draft Bill does not define ‘reasonable or unreasonable punishment’. Despite other laws providing guidance they are vague and there is confusion as to its interpretation. The Office’s inquiry report acknowledges the difficulty in defining ‘unreasonable discipline’ especially due to the different interpretations of what is considered reasonable and what is not. ⁵⁷ However, it is important that discussions on this matter take place to ensure that people including parents have some guidance as to what constitutes discipline versus violence. |
| Grading and overall rating (%) of implementation | 20%. Grade D. |
| Recommendation | Consider the impact of “unreasonable punishment” on the lives and development of children and develop a suitable and proper definition for it. Consider in the finalization of the CCP Bill and the Family law review. Recommendations 1 and 5 of the Family Violence Inquiry Report 2018 refers. |

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| Recommendation | 11. MESC to step up efforts to enforce the ban on corporal punishment in schools. |
| Submissions | MESC continues to remain firm with corporal punishment is not to be administered by anyone on students within school or any school activities during school hours as stipulated in the <i>Education Act 2009</i> . MESC internal processes are in place to address teachers who applied corporal punishment or physical abuse on students. Matters reported to the Office are investigated and reported to MOP for further investigation and charges to be filed. ⁵⁸ The <i>National Safe Schools Policy</i> was launched in 2017. Awareness workshops were conducted to raise school community, teaching staff and students understanding of such a policy. It was also implemented in 2017 in the schools encouraging schools to develop their School Discipline policies as required under the national policy. ⁵⁹ |

⁵⁵ Samoa Office of the Ombudsman/ NHRI, “National Public Inquiry into Family Violence Report 2018”, p. 72.

⁵⁶ Samoa Office of the Ombudsman/ NHRI, “National Public Inquiry into Family Violence Report 2018”, p. 122.

⁵⁷ The Inquiry report comprehensively looks at the interpretation of ‘reasonable punishment’ in the Samoa legal context and how the interpretation by some has led to constitute violence. See Part III: 7.1 and PART IX: 13.1.

⁵⁸ Ministry of Education Sports and Culture, written submission. 2 April, 2019.

⁵⁹ Ministry of Education Sports and Culture, written submission. 2 April, 2019.

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| | <p>The Office’s Inquiry Report considered the issue of corporal punishment in schools and it highlighted its negative impact and how it does not necessarily achieve its aim of disciplining students if it was practiced. The Inquiry revealed that whilst corporal punishment in schools is banned, it was also clear that it has not yet been fully implemented and that teachers are not fully equipped to deal with students especially when they misbehave and most would resort to violence as it is a short cut for spiritual guidance and positive discipline. It might be an easy way out, but the consequences are overwhelmingly negative.⁶⁰</p> <p>Earlier in 2018, the Government also introduced the use of ‘reasonable force’ in schools in an effort to combat inter-school violence. The Office made a submission to the relevant parliamentary committee opposing the move and explained how it will be a step backwards for Samoa and also inconsistent with the Government’s international obligations under the CRC. The Office urged the Committee to fully consider the Inquiry report and its recommendation on the issue before a final decision is made. Unfortunately, the amendment was passed. It was highlighted by MESC that it is currently carrying out workshops for teachers to ensure that they fully understand the application of such amendment and to reinforce the idea that corporal punishment is still prohibited.⁶¹</p> |
| <p>Evaluation</p> | <p>Corporal punishment as highlighted in the Office’s Inquiry report does not achieve its aims; it has significant negative societal outcomes and detrimental to the wellbeing and development and does not serve the best interests of the child. Violence and the use of force of any kind is no different and not in any way and isolated matter due to inherent linkages. This is because violence begets violence.</p> <p>The Office commends the effort by Government in the development of the National Safe Schools Policy in 2017 as well as conducting of awareness raising workshops for teachers and students on the policy and encouraging schools to develop their School Discipline policies as required under the national policy. Moreover, the Government is also in the process of carrying out workshops on the application of the use of ‘reasonable force’ in light of the new amendment.</p> <p>However, in light of the Inquiry findings comprehensive consideration by Government of the impact of violence and discipline of children is required to ensure that they are able to develop fully in a place free from any form of violence. Continuous effort is also needed to ensure full implementation of the law as well as equip teachers to fully grasp its application and</p> |

⁶⁰ Samoa Office of the Ombudsman/ NHRI, “National Public Inquiry into Family Violence Report 2018”, p. 155.

⁶¹ Ministry of Education Sports and Culture, written submission. 2 April, 2019.

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| | understand the consequences. As a signatory to the CRC such measures will contribute to Samoa's overall compliance. |
| Grading and overall rating (%) of implementation | 45%. Grade C. |
| Areas for Government to actively consider and progress | Provide support to teachers regarding application of the law and encourage schools to have in place School Discipline policies consistent with the law and obligations under CRC. Recommendation 13 of the Family Violence Inquiry Report 2018 refers. |

4. Data collection and management

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| Recommendation | 6. NHRI and DVU to enter into a Memorandum of Understanding 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. |
| Submissions | <p>MOP has just established a Statistic Unit since early 2018 responsible for providing statistics reports to the Commissioner and Executive. The data provided by all units of MOP are referred to the Statistic Unit and is verified using the Police Pro system. MOP received various requests from external agencies for data from different areas of our work and the statistic unit is responsible with compiling of these data. The data is also published in our quarterly report on all police matters.⁶²</p> <p>The Office's Inquiry report found that there is a very poor standard of record keeping and data collection across Ministries and NGOs, which severely undermines the ability to implement effective programmes and responses to violence. Currently, the Ministry of Justice and Courts Administration (MJCA) and MOP collect data on family violence which has assisted to inform report and policies. Generally, there is still a lack of a centralized system and that data is not disaggregated to allow for better targeting of assistance.⁶³</p> |
| Evaluation | NHRI Samoa has yet to enter into a Memorandum of Understanding with the MOP regarding data collection on cases of domestic and sexual violence. The Government has however, been proactive and in 2018 established the Statistic Unit within the MOP to collate disaggregated data on cases of sexual and domestic violence in Samoa which is then disseminated to agencies upon request. Despite these developments, there is a still a challenge in relation to the comprehensiveness of the data collected and whether or not it captures all relevant information. This is an area that urgently requires further strengthening and with the initial steps taken by Government, the Office hopes that accurate and reliable information will be gathered and disseminated to inform policy and decision making. |

⁶² Ministry of Police, written submission, 18 April, 2019.

⁶³ Samoa Office of the Ombudsman/ NHRI, "National Public Inquiry into Family Violence Report 2018", p. 168.

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| Grading and overall rating (%) of implementation | 55%. Grade B. |
| Areas for Government to actively consider and progress | Further strengthen data collection and management systems to ensure comprehensive information on cases of domestic violence is collected and recorded to assist policy formulation and development. Recommendation 22 of the Family Violence Inquiry Report 2018 refers. |

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| Recommendation | 14. A Memorandum of Understanding is agreed between NHRI and Criminal Investigations Department 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. |
| Submissions | See above |
| Evaluation | See above |
| Grading and overall rating (%) of implementation | See above |
| Areas for Government to actively consider and progress | See above |

5. Programmes

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| Recommendation | 12. MWCSO and MJCA, in consultation with NHRI, to work with the village fono, relevant authorities and engaged NGOs to increase public awareness of the <i>Family Safety Act 2013</i> and how to engage in its legal proceedings. |
| Submissions | MJCA has been carrying out a lot of awareness programmes on the laws relating to access to justice. For instance, various awareness programmes on the <i>Family Safety Act 2013</i> were conducted in various villages when it came into force. Since this time, MJCA received a big number of applications for protection orders. Recently, this has slowly decreased. One of the reasons for this is because most families are opting to resolve their differences and feel that protection orders will affect family links and relationships. Family Group Conferences have been very successful in resolving family disputes. Both victims and perpetrators are afforded the opportunity to have their say and reconcile. MJCA has been able to raise awareness of family violence in schools and communities. However, whilst this is admirable, it requires a more holistic approach involving all relevant sectors of Government, NGOs and stronger support services if it is to be successful. ⁶⁴ |

⁶⁴ See also Samoa Office of the Ombudsman/ NHRI, "National Public Inquiry into Family Violence Report 2018", pp. 184-185-186.

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| | <p>MJCA also intends to work with the MWCSO and reinforce and strengthened its involvement in villages through district development plans. Through the district development plan MJCA intends to strengthen the links between the community sector and Law and Justice Sector. MJCA also worked in church communities and villages who have invited the ministry to carry out awareness in their communities. In the long run, MJCA plans to make awareness a regular thing and that it will try and work collectively with other stakeholders to go out to communities together and deliver information etc.⁶⁵</p> <p>Recently, the R.E.A.C.H⁶⁶ initiative has contributed to a concerted effort among government agencies to raise awareness of laws relating to access to justice. Such initiative not only raises awareness of the law but also of the processes e.g. how a substitute can come and lodge an application for a protection order rather than the victim, forms to be filled out and how to fill out these forms, as well as the role of local institutions such as Alii and Faipule in maintaining peace and working together with MJCA. One of the challenges is the sustainability of the program especially it is donor funding which is only for a certain number of years. To combat this issue the Ministry plans to absorb the R.E.A.C.H project and then work with other stakeholders to pull resources together to run the initiative.⁶⁷</p> |
| Evaluation | <p>The Office commends efforts by the Government through the MJCA in raising awareness of the <i>Family Safety Act 2013</i> in schools and communities across Samoa. Also the R.E.A.C.H initiative has been a beneficial drive bringing together government agencies in a concerted effort to raise awareness of the law and ensuring that people in the community get the information and help they need and have access to justice. It is important that this continues and is sustainable. Therefore, continuous investment by the Government is required and necessary to ensure success.</p> |
| Grading and overall rating (%) of implementation | 75%. Grade A. |
| Areas for Government to | <p>Sustain R.E.A.C.H initiative and relevant agencies to collaborate in raising awareness on laws and provide information regarding access to justice.</p> |

⁶⁵ Ministry of Justice and Courts Administration, consultations. 16 May, 2019.

⁶⁶ R.E.A.C.H or the Rights, Empowerment and Cohesion initiative (a mobile service delivery approach) is an integrated government platform to deliver knowledge and awareness about justice, government and women’s services to remote and vulnerable populations. It aims to enhance citizen access to justice and government services for rural, maritime and otherwise remote citizens in Samoa through integration of services and remote delivery by service providers with the focus on reaching the furthest behind first. The R.E.A.C.H initiative supports Samoa to achieve Sustainable Development Goals (SDGs) with a focus on SDG 16 which is commitment to promote just, peaceful and inclusive societies and SDG 5 which is to achieve gender equality and empowerment of women and girls.

⁶⁷ Ministry of Justice and Courts Administration, consultations. 16 May, 2019.

RIGHT TO EDUCATION

1. Resources and funding

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| Recommendation | 8. To use education as a means to combat poverty, the Government, communities, and families must address barriers to education (e.g. hidden costs, child labour) through the recognition of a collective responsibility for the welfare of children. |
| Submissions | <p>In 2013, as a present to the Samoa Government for the achievement of 50 years of political independence, the New Zealand Government offered funding to extend the School Fee Grant Scheme (SFGS) to the first three years of secondary schooling. The scheme also included a gradual phasing out of donor support and complete responsibility of funding of the SFGS for Years 1-8 (primary) and Years 9-11 (secondary) through the Government budget, by the end of 2017. This objective has been achieved.</p> <p>There are other government funds which are allocated to a variety of use in MESCS's budget all intended for distribution and use in the schools. In 2018, the Government decided to consolidate all funding for the schools, government, mission and private in one package. Hence the One Government Grant (OGG). This is a strategy by the Government of Samoa to rationalize the resourcing and consolidate government funding for all schools in Samoa. OGG is a schools resourcing framework through which the Government provides support for operations for all schools including mission and private schools. By providing schools with adequate funds this will enable them to achieve and exceed the Schools MSS and to help the continuous improvement of Learning and Teaching. All government, mission, private, and early childhood education centers as well as Special Schools will receive funding under OGG. Through the OGG it is intended that all children in Samoa will have access to fee free and compulsory education from Years 1 to 13. This also means that the Government may now remove the reservation in the ratification of the CRC for free and compulsory education for all children. SFGS/ OGG for 2019 cover all primary and secondary students from Year 1- 11 as well as now for Year 12 and 13. SFGS and OGG have been streamlined under the Ministry's Corporate Services division with an established unit of 2 Officers.⁶⁸</p> <p>Education and the role of parents are encouraged through all programs such as the Home School Partnership, Samoa Schools Innovation for Literacy, Numeracy and Science. Also the role of school committees and through MSS, families and their involvement is encouraged. A more robust media awareness program is planned to target and increase parents and community involvement. There is an advertisement to improve awareness</p> |

⁶⁸ Ministry of Education Sports and Culture, written submission. 2 April, 2019.

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| | <p>in the importance of early childhood education and the input of the community. MESC holds an annual conference which provides an avenue to raise awareness and use education as a means to combat the various challenges in society. Partnerships also with relevant Government agencies are in place to strengthen community's role and involvement. For example, the Guardians Campaign with Conservation International Project working with MESC to promote the protection of the environment and encouraging the role of parents and community members.⁶⁹</p> <p>MCIL in collaboration with MWCSO and other inter-agencies partake in resolving these issues through child vending taskforce with MWCSO as the lead agency. Our labor inspectors do not have the authority to prevent children from street vending as it is not stipulated in the <i>Labor and Employment Relations Act 2013</i> (LERA). However, we do have a vital role in reporting children vending on the streets during school hours to responsible agencies such as police and/or MESC. MCIL has the authority to prevent child labor or children under the age of 15-18 to participate in employment activities in the formal sector through provisions in the <i>LERA 2013</i> and its Regulations 2016. Discussion commenced between MWCSO and MCIL with the possibility of child vending issue to be transferred under MCIL. However street vending is a social issue and is identified in the informal sector. Alternatively, MCIL only monitors labor related matters/ issues in the formal sector.⁷⁰</p> <p>SVSG in collaboration with ILO initiated its Buddy-Up Program in 2019. The aim of the program is building the child vendors self –esteem and confidence so that they can rise up from the challenges on the street and experience the world of work.⁷¹</p> |
| Evaluation | <p>The Government through the OGG has been able to provide funds for government, mission and private schools in Samoa. This has allowed for resourcing of schools to be able to cater for the needs of children and students. Further, the Samoa SFGS since its inception in 2013 where it provided free education for Years 1-11 up until 2017 has been extended this year to also include Years 12 and 13. This is a positive move by the Government as it will address hidden costs of education and will greatly assist families and students receive free education. Such move also makes Samoa fully compliant with Article 28 of the CRC (for children to have compulsory and free for all).</p> |

⁶⁹ Ministry of Education Sports and Culture, written submission. 2 April, 2019.

⁷⁰ Ministry of Commerce Industry and Labour, written submission. 29 March, 2019.

⁷¹ Samoa Victim Support Group, written submission. 16 May, 2019. See also Samoa Victim Support website under “Buddying Up with Child Vendors at <http://www.samoavictimsupport.org/news-2/buddying-up-with-child-vendors> and, Samoa Observer, “Programme embraces Samoa’s child vendors”, 21 January, 2019. Retrieved from <https://www.samoaoobserver.ws/category/samoa/15274>.

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| | In relation to the issues of child labor, the Government has established an inter-agency response and has developed a child vending taskforce which are responsible for monitoring children selling goods during school hours. The collaborative work between the MCIL, MWCSD and MESC in addressing this issue should therefore be commended. Furthermore, work by NGOs like SVSG in assisting child vendors realize their hopes and dreams should also be applauded and supported by Government. In moving forward, it is important that robust measures are in place to ensure that the issue of child vending (regardless of whether in the formal or informal setting) as well as other issues that prevent children from attending schools are in place and that these are monitored and evaluated. |
| Grading and overall rating (%) of implementation | 85%. Grade A. |
| Areas for Government to actively consider and progress | Sustain SFGS and OGG to ensure that students both at primary and secondary receive free education. Regularly monitor and evaluate strategies combating the issue of child vending (regardless of whether in the formal or informal setting) as well as other issues that prevent children from attending schools. |

2. Legislative and policy reform

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| Recommendation | 9. MESC to take steps to reduce dropout rates in secondary schools. |
| Submissions | <p>The National Safe Schools Policy disallows any form of violent behaviour in the school environment. This includes cyber bullying and stigmatization. Discrimination against young pregnant girls either in school or off school premises is covered in this policy. MESC is committed to providing positive and appealing environments where children and young people feel safe, connected, respected, achieve success and are fully engaged in education. This policy provides guidance for all schools on promoting a safe, respectful and supportive school environment. It has been developed to assist Samoan school communities with developing a safe and positive teaching and learning environment for all.⁷²</p> <p>The <i>Education Act 2009</i> ensures that pregnant or married students are not prevented from attending school. The Act provides that a child must and has a right to attend school if they fall within the compulsory age bracket (now under the <i>Education Amendment Act 2019</i>: Age 4 to Age 16). As far as the Act is concerned, pregnant and married students that within the compulsory school age are entitled to education as much as any other student. Schools are equally governed by the School Principal and the School Committee. Any female student needing special attention if faced with problems like pregnancy is well taken care of by School Principal and female teachers. Support is provided for all schools in terms of clarifying</p> |

⁷² Ministry of Education Sports and Culture, written submission. 2 April, 2019.

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| | <p>and advice on policies to support the right of pregnant girls which has happened in the past. These female students were allowed to attend school and sit national exams while pregnant.⁷³</p> <p>The <i>National Technical and Vocational Education and Training (TVET) Policy</i> for secondary schools to promote pathways for students where they have choices available to take either the academic or vocational stream. MESC also works in partnership with SQA, University of the South Pacific and other Government agencies in promoting careers and employment pathways. There are challenges with the low status as many parents are not aware of TVET courses and pathways leading to many students not opting to take TVET courses. This needs to be addressed through increased marketing of TVET in schools and communities.⁷⁴</p> |
| Evaluation | <p>The Government through both law and policy has implemented measures to address the issue of high dropout in secondary schools as well as discrimination against pregnancy teenage girls in schools. The National Safer Schools Policy developed in 2017 assists school communities with developing a safe and positive teaching and learning environment for all. The <i>Education Act 2009</i> also contains provisions that ensure that pregnant or married students are not prevented from attending school if they wish to do so. Students who also require support especially girls who fall pregnant while in school, receive help from teachers and schools are encouraged to have in place policies that cater for such situations. Despite such developments, it is crucial that existing policies are implemented effectively. There is no information to suggest the effectiveness of these policies and also the working of the law in practice. Therefore, monitoring and evaluation of these is necessary and required to assess their effectiveness.</p> <p>In preventing dropout rates, the Government has taken initiative in investing in the development of TVET in schools. Such programme has offered other avenues for students to continue studying in areas that are not purely academic based. However, the lack of awareness of TVET courses in schools and communities still presents a barrier for many students and parents.</p> |
| Grading and overall rating (%) of implementation | 80%. Grade A. |
| Areas for Government to actively consider and progress | Regularly monitor and evaluate the effectiveness of laws and policies relating to preventing of discrimination against pregnant teenage girls and violence in schools. |

⁷³ Ministry of Education Sports and Culture, written submission. 2 April, 2019.

⁷⁴ Ministry of Education Sports and Culture, written submission. 2 April, 2019.

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| | <p>Encourage and assist schools in putting in place internal policies to combat violence and discrimination in schools.</p> <p>Raise awareness of TVET courses within schools and communities and ensure they are accessible to students who wish to pursue such courses.</p> |
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3. Programmes

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| Recommendation | 17. MESC and MWCSO, in collaboration with NHRI, to develop workshops for teachers on PWDs and human rights, including strengthening inclusive education. |
| Submissions | <p>Trainings have been held to equip teachers with strategies to teach students with a disability (SWD) in their classrooms. Four cohorts of teachers have taken the Education Support course at Australia-Pacific Technical College where they are trained on ways to support the education of SWDs. A Memorandum of Understanding is now in place between MESC and the service providers and special schools to improve support for SWDs. There is also an Inclusive Education (IE) Policy and Implementation Plan to strengthen support for SWDs in schools and work with the community. As part of the IE Policy, MESC has implemented a Champion School Model for IE with 3 pilot schools and through this, parents and community members are encouraged to be involved.⁷⁵ Human Rights and IE are integrated into the curriculum areas and annual programs run by MESC. The Disability-Inclusive Education Handbook for Teachers developed in Fiji under the auspices of Australia's Department of Foreign Affairs Access to Quality Education Program, in partnership with the Fiji Ministry of Education, Heritage and Arts has been adapted and contextualized by MESC for Samoa's schools. This handbook will be shared and disseminated to schools during the next quarter of 2019.⁷⁶</p> |
| Evaluation | <p>The Government has taken various steps towards ensuring that students especially those students with a disability receive adequate support and quality education through the development of the IE Policy as well as the training of teachers on ways to support education for SWD. It has also streamlined and integrated IE into its curriculum as well as education programmes that it conducts each year. To further assist teachers, MESC has also adapted and contextualized overseas practices to be shared with teachers to ensure that they are equipped with the necessary knowledge to deliver IE for students. This is a positive step which should be prioritized.</p> <p>Although commendable effort has been taken to strengthen IE in Samoa, there is a challenge with resourcing as well as the comprehensiveness of the curriculum being developed. It is important that with the progress made so far that time is given to monitor and evaluate impact to ensure that IE is well established in Samoa.</p> |

⁷⁵ Ministry of Education Sports and Culture, written submission. 2 April, 2019.

⁷⁶ Ministry of Education Sports and Culture, written submission. 2 April, 2019.

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| Grading and overall rating (%) of implementation | 60%. Grade B. |
| Areas for Government to actively consider and progress | Further strengthen IE in Samoa and ensure relevant strategies and measures are in place and consider developing a comprehensive curriculum (covering human rights) for all schools. |

RIGHT TO HEALTH

1. Affordability

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| Recommendation | 20. Government to address the community's perception of affordability of health care through health literacy campaigns |
| Submissions | <p>The Samoa Family Health Association (SFHA) carries out awareness programmes in school and communities raising awareness of various issues relating to health. These include, sexual health and reproductive rights, contraceptives and sexually transmitted infections (STI) prevention all of which are all affordable or at no cost and accessible. SFHA also conducts mobile clinics in villages across Samoa allowing for greater accessibility to health care.⁷⁷</p> <p>Under the last <i>Health Sector Plan 2013-2018</i>, the Ministry of Health (MOH) as one of its key output (Output 2.1.6) highlighted the need for greater accessibility and affordability of health care services and supplies for the people of Samoa. This would be delivered by the Ministry as well as all health care agencies and sector partners through increasing the capacity of hospitals as well as investing in ensuring that medicines are readily available for patients. The end goal is to improve public access for all Samoans to publicly fund health care facilities with clear guidelines on accessibility and affordability, complementary to private sector; elimination of deficits in National Health Service (NHS) Pharmacy stock of WHO Essential Medicines list; and the development of public dental health program with clear guidelines on accessibility and affordability, complementary to private sector. The Ministry is assisted by various NGOs and faith based organisations in raising awareness on various health issues such as STIs. Non-communicable diseases and others.⁷⁸</p> |
| Evaluation | There has been a lot of planning as highlighted in the <i>Health Sector Plan 2013-2018</i> towards ensuring a healthy Samoa. Various activities were scheduled and proposed to promote appropriate and affordable health services which enables equal access by all as well as addressing the health needs and health rights of vulnerable members, communities and people. The Plan provides that in order for these to be achieved partnership with other groups is necessary and required. This is where groups such as the |

⁷⁷ See Samoa Family Health Association Facebook page. Accessed 9 May, 2019.

⁷⁸ Ministry of Health, Health Sector Plan 2008 – 2018, 2008. Retrieved from https://www.mof.gov.ws/Portals/195/EPPD/2018_Update/Health%20Sector%20Plan%202008-2018.pdf.

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| | <p>SFHA and others have been able to provide services to the people through their free mobile clinics and awareness programmes. Such partnership and strategy has been very effective and has ensured accessibility for some people living in both urban and rural areas. However, there is still room for improvement to ensure that health care services are accessible and affordable for all. Particularly those living in remote locations and vulnerable groups such as the elderly, persons of diverse sexual orientation and gender identity (SOGI) and PWDs. MOH is currently in the process of finalizing its new sector plan which will hopefully address these issues. Nevertheless, it is important that greater awareness of services is continuously required to ensure that the public receive adequate health care.</p> |
| Grading and overall rating (%) of implementation | 60%. Grade B. |
| Areas for Government to actively consider and progress | <p>Finalization of the new health sector plan and ensure that it addresses issues around awareness of services, accessibility of health and affordability.</p> <p>Continue partnerships with relevant agencies to ensure a healthy Samoa through awareness raising, resource allocation and capacity building.</p> |

2. Accessibility

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| Recommendation | 21. Government to address quality issues and gap in accessibility for rural and remote areas. |
| Submissions | <p>In 2016, the Minister for Health made it a key priority to strengthen district hospitals with the associated community health care to provide for early prevention, diagnosis and management of illness and disease. This will improve and provide solutions to long standing issues of accessibility and waiting times and overcrowding of the main hospital. Earlier in 2015, the Government opened the Sataua Hospital further strengthening health services for the communities living in north western Savaii.⁷⁹ In 2018, the Satupa’itea District Hospital was also opened funded by the Government Japan. Such developments are important for families and communities in Savaii because many of them travel all the way to Apia for treatment. The new hospitals will provide health services for thousands of people in this part of the country.⁸⁰</p> |

⁷⁹ Samoa Government website, “New hospital opens in Savaii”, 25 April, 2015. Retrieved from <http://www.samoagovt.ws/2015/04/new-hospital-opens-in-savaii/>.

⁸⁰ Samoa Observer, “Satupa’itea Hospital opens”, 3 August, 2018. Retrieved from, <https://www.samoaoobserver.ws/category/samoa/19484>.

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| | <p>The <i>Health Sector Plan 2013-2018</i> highlights as a priority outcome the need to strengthen community healthcare through the development of distinct roles, standards and workforce to service district hospital services.⁸¹</p> <p>In collaboration with the MOH, SFHA carries out mobile clinics to rural communities where they are provided with information on sexual health and reproductive rights as well as receive free medical checks.⁸²</p> |
| Evaluation | <p>Government has taken commendable efforts to address issues relating to access to health for rural and remote areas through the construction of hospital facilities in certain districts. The move will help families have access to health care services in their districts and therefore receive a quicker response. In addition, organisations such as the SFHA has also been instrumental in ensuring that people in remote areas have access to health care through its mobile clinics carried out around the country every year. However, there is still areas that require further strengthening especially in regards to human resource and capacity of district hospital to cater for the needs of the people that it provides for. Having facilities is a great achievement especially for those in remote locations, but the lack of qualified and adequate staff and resources to service these facilities will mean that the public will not get the proper care they deserve. Although the Health Sector Plan provides for further strengthening of these areas is it important that greater investment is required to ensure that district health facilities are fully equipped and operational to cater for the people's health care needs.</p> |
| Grading and overall rating (%) of implementation | 60%. Grade B. |
| Recommendation | <p>Government to prioritize and continuously provide both human and financial resources (together with having proper and comprehensive policies and measures in place) for district hospitals so that people have quality access to health care.</p> |

3. Programmes

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| Recommendation | <p>22. MWCS D to expand its Mothers and Daughters programme to become nationwide and consider a similar programme for fathers and sons in order to combat negative social and cultural attitudes towards teenage pregnancy</p> |
| Submissions | <p>MWCS D has in collaboration with its stakeholders have been conducting ongoing mothers and daughters' village outreach programs which addresses social issues including teenage pregnancy, sexual reproductive health and rights. Although the prime focus initially was on mothers and daughters, it has also looked at mother-father and parent-child</p> |

⁸¹ Ministry of Health, Health Sector Plan 2008 – 2018, 2008, p. 27. Retrieved from https://www.mof.gov.ws/Portals/195/EPPD/2018_Update/Health%20Sector%20Plan%202008-2018.pdf.

⁸² See Samoa Family Health Association Facebook page. Accessed 9 May, 2019.

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| | relationship with regards to positive parenting and appropriate child-care. The program contents goes as far as discussion of cultural and religious attitudes associated with teenage pregnancy, school dropout and sexual and physical violence against women and children. ⁸³ |
| Evaluation | The Government has taken positive steps and has extended its mother and daughters programmes to also include parent and child and between parents focusing on various areas including positive parenting, appropriate child care and others. This is a great move and one that should be carried out continuously especially with issues of violence becoming more prevalent in Samoa. In doing so, there is also a need to ensure that all relevant agencies play their part in working together with MWCSO to conduct such programmes. |
| Grading and overall rating (%) of implementation | 80%. Grade A. |
| Areas for Government to actively consider and progress | Government to continue work in this area and ensure it is regularly monitored and evaluated. |

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| Recommendation | 23. MOH, NHS, SFHA, in consultation with NHRI, UNFPA and UNAIDS to launch comprehensive public health campaigns, in particular addressing increased understanding and acceptance of condom and contraceptive use at political, religious and traditional leadership levels. |
| Submissions | <p>The <i>Health Sector Plan 2013-2018</i> provides the need for strengthening of community actions towards living a healthy lifestyle through collaborative effort and support for improved diet and exercise options for Samoans – e.g. home fruit and vegetable gardens; work with school canteens etc.⁸⁴ Therefore, MOH and NHS through the <i>National Non-Communicable Disease Policy</i> and <i>National Health Promotion Policy</i> have carried out various awareness programmes to encourage people to live healthy lifestyles by eating healthy and exercise regularly. These programmes have been carried out in various villages across Upolu and Savaii and have raised a lot of interest from the public.</p> <p>In relation to STI and communicable disease awareness, a large number of non-governmental and community based organisations provide support in this space: HIV/Aids prevention, drug and alcohol abuse, nutritional information, sexual and reproductive health. For instance, the Samoa Fa’afafine Association have conducted a lot of health related awareness programs particularly in HIV/AIDS and STI. The Youth Division of the</p> |

⁸³ Government of Samoa, “Sixth Periodic Report on the Convention on the Elimination of All Forms of Discrimination Against Women 2017”, para 10.

⁸⁴ Ministry of Health, Health Sector Plan 2008 – 2018, 2008, pp. 44-45. Retrieved from https://www.mof.gov.ws/Portals/195/EPPD/2018_Update/Health%20Sector%20Plan%202008-2018.pdf.

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| | <p>MWCSD have also conducted awareness programs on HIV/AIDS and STI as well as other health related issues such as nutrition, drugs, alcohol, and tobacco.⁸⁵</p> <p>SFHA has also consistently carried out School Awareness Programs focusing on sexual and reproductive health rights, comprehensive Sexuality Education focusing on STI & HIV, Relationships, and Teenage Pregnancy. There are also Community Awareness Programs covering similar topics.⁸⁶</p> |
| Evaluation | <p>A great deal of work has been carried out by the Government through the MOH and NHS to raise awareness on living a healthy lifestyle in Samoa. Various activities and programmes have been initiated and developed to help combat Non-communicable diseases. These have all been developed to help shift the mindset of communities to live and eat healthy. Public health campaigns on STI and sexual health education have also been extensively carried out by various NGOs raising awareness among students and community members of issues of unsafe sex, teenage pregnancy as well as drugs and alcohol. SFHA is one of the key organisations that has been consistent in carrying out awareness in this space working in collaboration with the MOH.</p> <p>Despite the benefits, there are still gaps especially in relation sexual health which require urgent attention and action. The 2018 Global AIDS Monitoring Report by the MOH highlighted the increase in the number of STIs e.g. there is currently a high percentage of the population with chlamydia.⁸⁷ It was also found that there is a low condom use as well as a low voluntary testing rate amongst the general population furthering the risk of contracting STIs and posing considerable threats to morbidity and possible mortality in both adults of reproductive age and newborn.⁸⁸ These results indicate that despite awareness and programmes being carried out, there is still either a lack of awareness or that more effective and robust measures need to be undertaken to address and combat this issue.</p> <p>Recently, a call was made to incorporate sex education in schools to help raise awareness about how to protect against HIV/AIDS.⁸⁹ However, this was shut down by the Government claiming that this responsibility lies</p> |

⁸⁵ Ministry of Health, Health Sector Plan 2008 – 2018, 2008, p. 61. Retrieved from https://www.mof.gov.ws/Portals/195/EPPD/2018_Update/Health%20Sector%20Plan%202008-2018.pdf.

⁸⁶ See Samoa Family Health Association Facebook page. Accessed 9 May, 2019.

⁸⁷ Samoa Observer, “Sexually transmitted infections major issue”, 10 July, 2018. Retrieved from <https://www.samoaoobserver.ws/category/samoa/27353>.

⁸⁸ Ministry of Health, Samoa Global AIDS Monitoring Report 2018, 2018. Retrieved from https://www.unaids.org/sites/default/files/country/documents/WSM_2018_countryreport.pdf.

⁸⁹ Samoa Observer, “Sex education essential for schools”, 3 December, 2018. Retrieved from <https://www.samoaoobserver.ws/category/samoa/2062>.

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| | with the parents. ⁹⁰ This lack of consideration and political will is problematic and will mean that STI rates will continue to increase as well as other social issues such as teenage pregnancy and sexual violence. ⁹¹ |
| Grading and overall rating (%) of implementation | 55%. Grade B. |
| Areas for Government to actively consider and progress | Government to actively raise awareness and have in place comprehensive policies to increase understanding and acceptance of condom and contraceptive use at all levels of society. Recommendation 12 of the Family Violence Inquiry Report 2018 refers. |

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| Recommendation | 25. MOH, MESC and NHS to engage with UN partners to implement comprehensive sexual education (CSE) in accordance with UNFPA's Operational Guidance in order to empower young people to protect their health, wellbeing and dignity. |
| Submissions | <p>SFHA have been proactive in raising awareness on sexual and reproductive health rights in communities working with the health sector.⁹² SFHA together with MOH have also been strong advocates for CSE to be part of the school curriculum over the years.</p> <p>MESC is in the initial stages and working with MOH, SFHA and UNFPA to further strengthen the CSE/ family life education (FLE) component of the curriculum. A total of ST\$104,247 has been donated by UNFPA to MESC to conduct the following for 2019:</p> <ul style="list-style-type: none"> • FLE Situational Analysis to inform Plan of Action • technical assistance to Develop FLE Plan of Action • FLE extracurricular activities (advocacy component). |
| Evaluation | <p>Despite the efforts by the MOH working with various NGOs to raise awareness on sexual and reproductive rights there is still a significant gap in relation to comprehensive sexual education in Samoa. Only recently, the Government has commenced work to review and strengthen the FLE component of the school curriculum. This is a good first step and one that should be prioritized and continuously developed.</p> <p>The Office's Inquiry Report in 2018 identified that there is a general absence of sexual education in the school curriculum further contributing to issues of sexual violence and teenage pregnancy.⁹³</p> |

⁹⁰ Radio NZ, "Samoa Govt. says no to sex education", 11 December, 2018. Retrieved from <https://www.rnz.co.nz/international/pacific-news/377995/samoa-govt-says-no-to-sex-education>.

⁹¹ Samoa Office of the Ombudsman/ NHRI, National Public Inquiry into Family Violence Report 2018 found that there is a general absence of sexual education and healthy relationships education in schools which contributes to family violence in Samoa.

⁹² See Samoa Family Health Association Facebook page. Accessed 9 May, 2019.

⁹³ See Finding 22 Samoa Office of the Ombudsman/ NHRI, "National Public Inquiry into Family Violence Report 2018."

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| | As mentioned above calls to include sex education in schools were rejected by Government claiming it to be an issue that parents need to deal with and not schools. This stance indicates ignorance on the part of the Government to raise awareness among the general population in order to be informed of their sexual and reproductive rights, violating their human rights. There is therefore an urgent need to unpack the misconceptions of people about what sex education is. |
| Grading and overall rating (%) of implementation | 24%. Grade D. |
| Recommendation | Put in place measures to facilitate comprehensive sexual education in schools and communities to help and empower young people to protect their health, wellbeing and dignity. Recommendation 12 of the Family Violence Inquiry Report 2018 refers. |

4. Resources and funding

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| Recommendation | 24. Government to consider the serious plight of, and viable medical options for, the victims of rape and incest as well as financially support SFHA and SVSG in the provision of comprehensive family counselling services for these cases. |
| Submissions | SVSG currently provides counselling services for victims of abuse and violence including victims of rape and incest. It also provides a shelter and a school to help young girls receive education. These have all been carried out with the support from international and local donors. ⁹⁴ MOH works closely with the SFHA providing funds to assist SFHA with its operation e.g. to improve services on family planning and others. ⁹⁵ |
| Evaluation | Currently, there is a lack of focus by the MOH on issues of family violence which include rape and incest as a matter of ‘public health’. There is also a lack of resources and systems in place to refer victims to as well as lack of trainings of professional to deal with such cases. This is problematic as they place victims at further risk and harm. The current approach by the health system is to treat and release patients who come within their care and with the current strain on resources this means that the public will continue to face challenges in receiving adequate and proper healthcare. Despite investment by MOH in SFHA to assist with its operations it is still not enough to cater for the needs of the public. |
| Grading and overall rating (%) of implementation | 30%. Grade C. |

⁹⁴ Samoa Victim Support Group, written submission. 16 May 2019.

⁹⁵ Samoa Observer, “Family planning now more accessible”, 11 August, 2018. Retrieved from <https://www.samoaoobserver.ws/category/samoa/26820>.

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| Areas for Government to actively consider and progress | <p>Continue support for SFHA as well as other NGOs to further strengthen counselling services for victims of violence in Samoa. Recommendation 17 of the Family Violence Inquiry Report 2018 refers.</p> <p>Ensure victims of family violence are provided with adequate support through allied health system. Recommendations 26 and 27 of the Family Violence Inquiry Report 2018 refers.</p> |
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RIGHT TO WATER

1. Resources and funding

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| Recommendation | 26. Government to provide adequate and sustainable funding for the implementation of the <i>Water for Life Sector Plan 2012 - 2016</i> and the <i>National Sanitation Policy 2010</i> within the national budget. |
| Submissions | <p>The <i>Water for Life Sector Plan 2012-2016</i> was supported and funded through Government funding covering Recurring Expenditures (personnel and operating) which is comprised of about 65% of its total budget each year of the plan. The remainder of the funding was obtained from the European Union through Financing Agreements under EDF10 (Phase 2) and European Development Fund 11 which covered about 30% (for capital investments/ costs of the sector), and 5% covered by Projects implemented by the sector. Consequently, the Water and Sanitation sector has made notable improvements over the years with major improvements to its processes (policy, plans, and legislations), systems (institutional arrangements, coordination frameworks) and infrastructures (water supply and sanitation networks) through the continuous support of the government, European Union Budget Support and other projects.⁹⁶</p> <p>Some of the achievements of the implementation of the 2010-2016 include:</p> <ul style="list-style-type: none"> • strengthened sector governance, leadership, coordination, M&E, communications, capacity building and orientation; • rehabilitated water catchment areas through the continuous collaboration between the government and the relevant communities in the rehabilitation of key water catchment areas, development of watershed management plans, by-laws, promoting sustainable land management practices in the upper catchment areas; • increase in water supply coverage to the most vulnerable areas through the services of SWA (83% of the population), Independent Water Scheme (IWS) (15%) and the Rainwater Harvesting Programs (2%) to the areas with little or no water supply, major reduction in Non- Revenue Water ((FY17/18) 3% reduction from previous year) hence assist in improving the collection efficiency of SWA revenue; |

⁹⁶ Ministry of Natural Resources and Environment, written submission. 10 May, 2019.

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| | <ul style="list-style-type: none"> • improvements in drinking water quality as per the Samoa National Drinking Water Standards (98% average compliance for the Malololelei, Alaoa and Fuluasou treated schemes (FY17/18)) and improvements in health and diseases surveillance systems; • increase in access to improved sanitation services (98% of the population) and infrastructures, proper management of wastewater disposal, increase in sanitation and hygiene education and awareness programs, increased compliance with appropriate septic tank standards and codes; and • Improvements to flood mitigation measures and increased resilience to flooding incidences within the CBD through rehabilitation and continuous upgrades to the urban drainage systems and increased resilience to climate change and disaster risks. <p>However, there are still remaining challenges may include faced by the sector and thee include:</p> <ul style="list-style-type: none"> • climate change impacts on water resources and the sector's developments; and • capacity constraints of technical staff; • Financial sustainability of the sector. <p>In 2016, the sector updated its sector plan to the current plan in place <i>Water for Life Sector Plan 2016-2020</i>. The existing <i>National Sanitation Policy 2010</i> of the sector is earmarked for review soon.⁹⁷</p> <p>In moving forward, the sector continues to mainstream climate change adaptation and disaster risks resilience considerations in its planning processes in collaboration with the Disaster Management Office (DMO); the sector has recently updated its Sector's <i>Capacity Building Strategy and Action Plan 2018-2021</i> and now working on securing funds and acquired the necessary resources for the implementation of the sector's capacity building plan; strengthening the financial sustainability of SWA, IWS , LTA and other income- generating entities of the sector and sustain efforts towards sector priorities/ programs through government support and donor support (EU Budget support and projects). In addition, continue to strengthen durable and sustainable partnerships with existing and potential development partners.⁹⁸</p> |
| Evaluation | <p>The Government has managed to adequately fund the implementation of the <i>Water for Life Sector Plan 2012 - 2016</i> and the <i>National Sanitation Policy 2010</i> through the national budget and donor funding from the European Union and other projects. Such implementation has resulted in various benefits including among others:</p> |

⁹⁷ Ministry of Natural Resources and Environment, written submission. 10 May, 2019.

⁹⁸ Ministry of Natural Resources and Environment, written submission. 10 May, 2019.

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| | <ul style="list-style-type: none"> rehabilitated water catchment areas; development of watershed management plans, by-laws; increase in water supply coverage to the most vulnerable areas; improvements in drinking water quality as per the Samoa National Drinking Water Standards; increase in access to improved sanitation services and infrastructures; increased compliance with appropriate septic tank standards and codes; improvements to flood mitigation measures; and increased resilience to flooding incidences. <p>Further, in 2016, the sector developed the <i>Water for Life Sector Plan 2016-2020</i> updating the 2010-2016 Plan. The Government is also planning to review its <i>National Sanitation Policy 2010</i> soon.</p> <p>However, the Government acknowledges the challenge of financial sustainability of the sector as well as its capacity. To combat these issues the Government plans to continue supporting the Plan with existing means and to continue to strengthen durable and sustainable partnerships with existing and potential development partners.</p> |
| Grading and overall rating (%) of implementation | 90%. Grade A. |
| Areas for Government to actively consider and progress | Government to sustain and continue work in this area. Regularly monitor and evaluate impact. |

ENVIRONMENTAL HEALTH AND CLIMATE CHANGE

1. Legislative and policy reform

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| Recommendation | 27. MNRE to mainstream gender and disability concerns into the NPCCC to ensure that the human rights of vulnerable groups are adequately protected in the implementation of activities. |
| Submissions | Communities are expected to have Disaster Risk Management (DRM) & climate change adaptation (CCA) action plans, and due to the nature of CCA works as it is a cross-cutting field, there isn't any available statistics (with us) on the total number thus far on CCA programs alone at the village level, keeping in mind that most if not all sectors have CCA activities that incorporates inclusion of women and vulnerable groups for such activities. So the statistics for the combination of both DRM and CCA action plans would definitely be more than 14%. ⁹⁹ |

⁹⁹ Ministry of Natural Resources and Environment, written submission. 10 May, 2019.

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| | Gender mainstreaming has been a crucial part of our community work especially for our Community Disaster & Climate Risks Management Program (CDCRM) program and for all project-funded community work that DMO is implementing. ¹⁰⁰ So the inclusion of women in the governance, policy making and implementation of activities stipulated in the action plans is highly considered and encouraged. It is hoped that the transition of these roles that are put in place under donor projects be incorporated into daily community developments ensuring sustainability and longevity even after a project lifetime. Registrations have always been gender specific/ and disaggregated data has been collected of People with Disabilities at the village household level. DMO works with or uses data from Samoa Bureau of Statistics (SBS) to verify and update our collected data. ¹⁰¹ |
| Evaluation | Community action plans on DRM and CCA are highly encouraged by Government and necessary support has been provided to assist village communities. However, the challenge remains of the lack of accurate data on how many villages have taken up this initiative. There has also been work carried out with regard to mainstreaming of gender and other issues in the CDCRM program as well as for all DMO project work being carried out in the community. The mainstreaming of gender in such programs gives the opportunity for women to be involved in the decision making, governance and implementation of activities. Although the inclusion of women is a positive move, it is also important to consider the contribution of other marginalized groups in the community whom are all vulnerable to the effects of climate change. Groups including children, youth, SOGI and others. It is also important that Government sustains these efforts. |
| Grading and overall rating (%) of implementation | 85%. Grade A. |
| Areas for Government to actively consider and progress | Government to sustain and continue work in this area. Regularly monitor and evaluate impact. |

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| Recommendation | 29. Government to consider revision of the <i>Village Fono Act 1990</i> to include DRM and climate change adaptation as part of the responsibilities of the village fono and ensure that village councils and communities are appropriately trained in DRM and climate change adaptation. |
| Submissions | There is a 100 % guarantee that village councils are involved in DRM. Again, with the CDCRM delivery involves first consultations with village council through the MWCS. The CDCRM programme targets all the 360 plus villages in Samoa which is a very comprehensive programme that offers the |

¹⁰⁰ See Ministry of Natural Resources and Environment website at <https://www.mnre.gov.ws/community-disaster-climate-risks-management-program-cdcrm/>.

¹⁰¹ Ministry of Natural Resources and Environment, written submission. 10 May, 2019.

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| | <p>opportunity to village councils and their communities to be trained on CCA and DRM. Villages are trained on the basic skills and understanding on measures to take in the course of disasters, where they act as the first line of response using their own resources available and village capacity. The CDCRM then allows for communities especially the village councils to establish and develop village disaster and climate change adaptation plans should they need to activate whenever a disaster strikes. The village council forms a key committee that reports directly to DMO following assessments at times of disasters.¹⁰²</p> |
| Evaluation | <p>Commendable non-legislative efforts have been undertaken by Government to assist Village Fono members in addressing DRM and CCA issues. This has been through trainings, development of plans and a committee that reports to Government as well as provision of resources. To ensure these programmes and activities are effective and sustainable continuous monitoring and evaluation is therefore required.</p> |
| Grading and overall rating (%) of implementation | 85%. Grade A. |
| Areas for Government to actively consider and progress | <p>Government to sustain and continue work in this area. Regularly monitor and evaluate impact.</p> |

2. Programmes

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| Recommendation | <p>28. MNRE and DMO, in collaboration with UNDP, to undertake education and awareness-raising in communities and with the village council to prepare for possible climate change induced displacement and resettlement.</p> |
| Submissions | <p>MNRE currently has a National Action Plan (NAP) for DRM which is aligned to Samoa’s National Disaster Management Plan (NDMP) and National Environment Sector Plan (NESP) amongst others. The NAP highlights the development of DRM policies with integrated gender and vulnerable group needs. There is also a Monitoring and Mainstreaming Tool developed under the NDMP where we advocate for the inclusion of DRM, Gender, CCA and PWD considerations into sector plans and integrated into policies throughout Government. Furthermore, there is a ‘Gender in DRM’ policy which focuses on gender equity ensuring that women are involved across all phases of DRM. A similar policy was developed for PWD’s. Both policies have been endorsed by the Disaster Advisory Committee and is available publicly available especially to support with implementing activities that considers People with Disabilities and for Gender Mainstreaming. Having both Policies in place highly supports the position</p> |

¹⁰² Ministry of Natural Resources and Environment, written submission. 10 May, 2019.

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| | that DMO is at in advocating and considering the rights of PWD and mainstreaming gender in all the four phases of DRM. ¹⁰³ |
| Evaluation | Government's presence in village communities raising awareness on the impact of climate change has been tremendous. The DMO undertake education and awareness raising actions to take when a disaster strikes as well as actions to take prior. Further, it has developed policies which takes into account the role of women as well as PWDs. However, there is uncertainty as to the level of awareness among the people of such policies and their application. Further, despite the focus being on disaster preparedness there is little information to suggest greater understanding of the population about the further consequences such as displacement and how this will have an impact on them and their lives and livelihood. This information is crucial to ensure that people are fully informed of the impacts of climate change. |
| Grading and overall rating (%) of implementation | 80%. Grade A. |
| Areas for Government to actively consider and progress | Raise comprehensive awareness about the consequences of displacement and impact on the lives and livelihood of communities, as well as of policies in place. Regularly monitor and evaluate impact of programmes. |

OTHER AREAS

1. Participation in reporting

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| Recommendation | 16. NHRI to ensure greater inclusion of PWDs in future consultations for the State of Human Rights Report and specifically raise awareness of the term "equal participation" and its implications for PWDs. |
| Submissions | NHRI Samoa works very closely with Nuanua o le Alofa (NOLA) in the promotion and protection of the rights of PWDs. In 2016, the Office in its SHRR prior to Samoa's ratification of CPRD, solely focused on the rights of PWDs in that report. There were extensive consultations with PWDs organisations as well as with families who have children with disability across Upolu and Savaii. The Report was published in 2016 and it highlighted various issues affecting with PWDs particularly the lack of inclusion of PWDs in various areas of life both social and economic as well as political. NHRI Samoa to date continues to work and consult NOLA and disability person organisations in its SHRR as well as other in its other projects relating to the promotion and protection of human rights in Samoa. |
| Evaluation | The Government has yet to fully address recommendations contained in the Office 2016 SHRR and progress in considering the report itself has been slow and is given little attention and priority. |

¹⁰³ Ministry of Natural Resources and Environment, written submission. 10 May, 2019.

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| Grading and overall rating (%) of implementation | 90%. Grade A. |
| Areas for the Office to actively consider and progress | Government to continue work in this area. |

2. Ratification and compliance with international obligations

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| Recommendation | 32. Government to consider fully ratifying ICESCR without reservation in order to realize community development in full, particularly for the most vulnerable groups. |
| Submissions | Samoa has committed since its UPR in 2016 to ratify all remaining core human rights conventions. Most recent ratification was CAT. The Government is now looking at the other Conventions bearing in mind we still need to meet reporting obligations for existing conventions. The remaining core human rights conventions to be ratified (3): Convention on the Elimination of All Forms of Racial Discrimination (ICERD); Convent on Economic, Social and Cultural Rights (ICESCR); Convention on Protection of the Rights of All Migrant Workers and Members of Their Families (ICMRW). ¹⁰⁴ |
| Evaluation | Samoa to date has ratified 6 of the 9 core human rights conventions. This is huge step for Samoa in its effort to ensure that the rights of everyone are promoted and protected. However, progress particularly in the ratification of ICESR has been slow and this has been due to various reasons especially regarding the suitability and translation of the Convention into the local context which requires careful assessment. The Office is delighted that there are plans to ratify ICESCR and other remaining core human rights conventions soon. |
| Grading and overall rating (%) of implementation | 70%. Grade B. |
| Areas for Government to actively consider and progress | Government to actively progress in this area. |

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| Recommendation | 19. Continued partnership between the NHRI, MOP, and SPSC to ensure that the conditions of detention meet minimum human rights standards. |
| Submissions | MOP has upgraded police cells in Tuasivi for detaining custody prisoners as well as worked closely with NHRI Samoa in conducting human rights trainings for recruits to raise awareness and capacity of human rights standards when carrying out police work. ¹⁰⁵ |

¹⁰⁴ Ministry of Foreign Affairs and Trade, written submission. 2 April, 2019.

¹⁰⁵ Ministry of Police, written submission. 18 May, 2019.

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| | The Samoa Prisons and Correctional Services (SPCS) since the Office's first Detention Inspection Report in 2015, has put in place measures to address issues of accommodation, food, water and other areas to be compliant with minimum human rights standards in places of detention. ¹⁰⁶ |
| Evaluation | <p>Since 2015 the Office has undertaken three inspections of places of detention which covered police custody cells and prison facilities in both Savaii and Upolu. During these inspections the Office identified various issues particularly with institutions not meeting minimum human rights standards in relation to conditions of detention. The Office noted progress made for example the upgrading of police cells in Tuasivi as well as improvement of water supply and others. However, the challenge still remains where minimum standards are not fully practiced and in some instances ignored. The Office is currently conducting a follow-up of its recommendations of its 2015, 2016 and 2017 detention inspections report to assess the work undertaken by prison facilities in particular to address the recommendations in these reports. This assessment will make up the 2019 Detention Inspection Report.</p> <p>Further to the inspections, the Office also carries out trainings for officers of Police and Prisons and human rights standards that they need to be aware of when carrying out there work. This is also carried out every year for police recruits. One of the gaps however, is the limited follow-up to assess effectiveness of trainings.</p> |
| Grading and overall rating (%) of implementation | 70%. Grade B. |
| Areas for the Office to actively consider and progress | The Office to comprehensively monitor and evaluate the effectiveness of its trainings on international human rights standards. |
| Recommendation | MOP and SPCS to put in place measures (both policy and practice) consistent with international standards to ensure compliance minimum human rights standards in places of detention. |

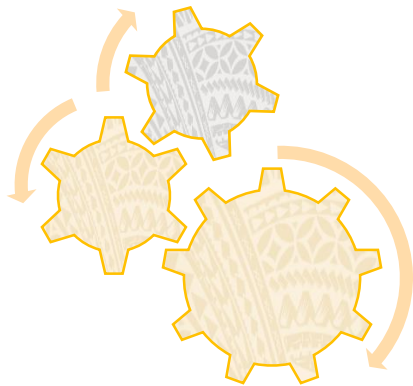
3. Religious freedom

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| Recommendation | 30. Government to uphold the findings of the COI and NHRI to monitor on an annual basis within its State of Human Rights Report any restrictions on religious freedom. |
| Submissions | n/a |
| Evaluation | In June 2017, the Samoan Parliament unanimously passed the <i>Constitution Amendment Act (No. 2) 2017</i> to shift references to Christianity into the body of the Constitution of Samoa rather than just in the preamble where it |

¹⁰⁶ See NHRI Samoa Detention Centre Inspections Reports 2015, 2016 and 2017 regarding measures by SPCS to address human rights issues in prisons. Link: <https://ombudsman.gov.ws/places-of-detention-inspection-reports/>.

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| | has been since Samoa's independence. ¹⁰⁷ This moves gives the text more potential to be used in legal processes. The change does not affect in any way the freedom of religion contained in Article 11 of the Constitution. |
| Grading and overall rating (%) of implementation | n/a |

¹⁰⁷ See Constitution Amendment Act (No. 2) 2017. Retrieved from <http://www.palemene.ws/new/wp-content/uploads/Constitution-Amendment-Act-No.2-2017-Eng.pdf>.



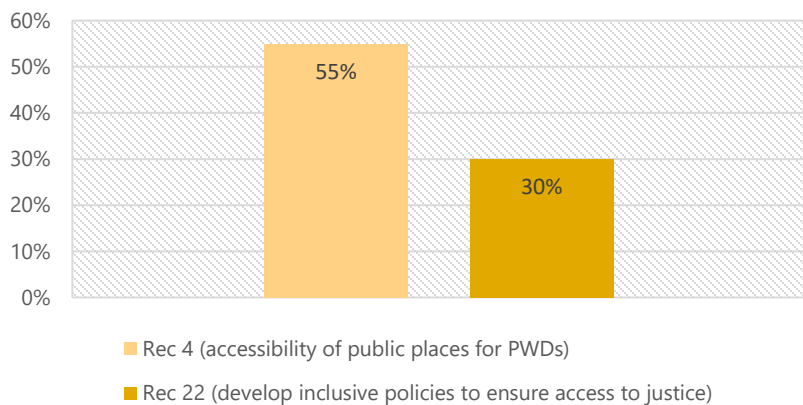
2016 SHRR: PROGRESS REPORT

IMPORTANT NOTE:

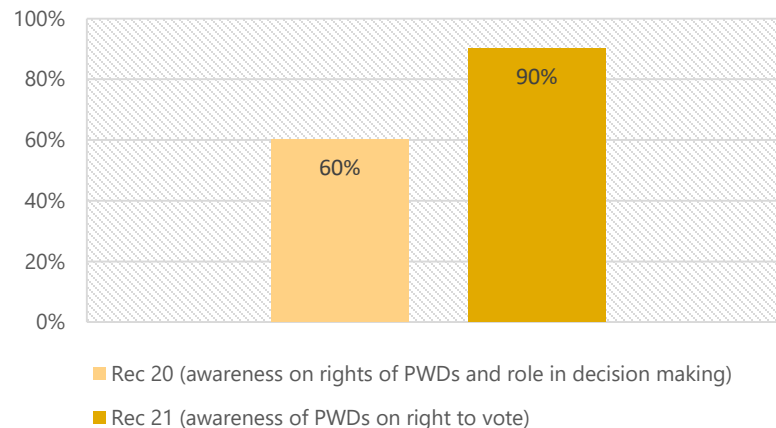
Although submissions provided by relevant agencies document work undertaken by Government to date since the Office's 2015 SHRR, it does not cover all activities and programmes being undertaken which in one way or another contribute to the implementation of the recommendations in the 3 reports. The lack of information provided has been supplemented with research undertaken by the Office of sector and development plans, government strategies and policies, projects, as well as media articles.

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| | Grading and overall rating (%) of implementation: This is based on the Implementation Categorization table above. percentages are based on work undertaken successfully as well as existing gaps e.g. need for M&E, sustainability etc. |
| | Areas for government to actively consider and progress: these provide guidance as to areas in which Government Ministries need to consider in their continuing reviews to ensure that the recommendations are implemented. For this, references are made to relevant recommendations of the Inquiry Report into Family Violence in the hope that implementing it will cover the previous recommendation and address the issue. |
| | Recommendations: these are matters that requires priority attention and consideration by the State . |

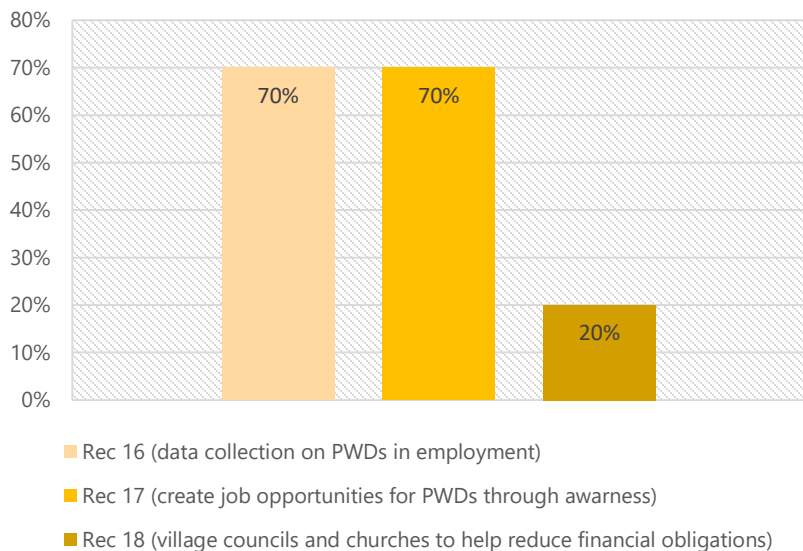
ACCESS TO SERVICES



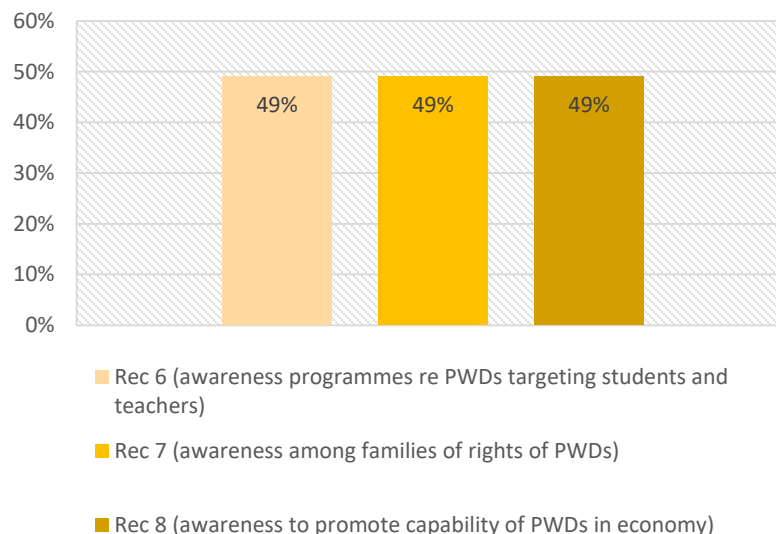
POLITICAL PARTICIPATION AND FREEDOM



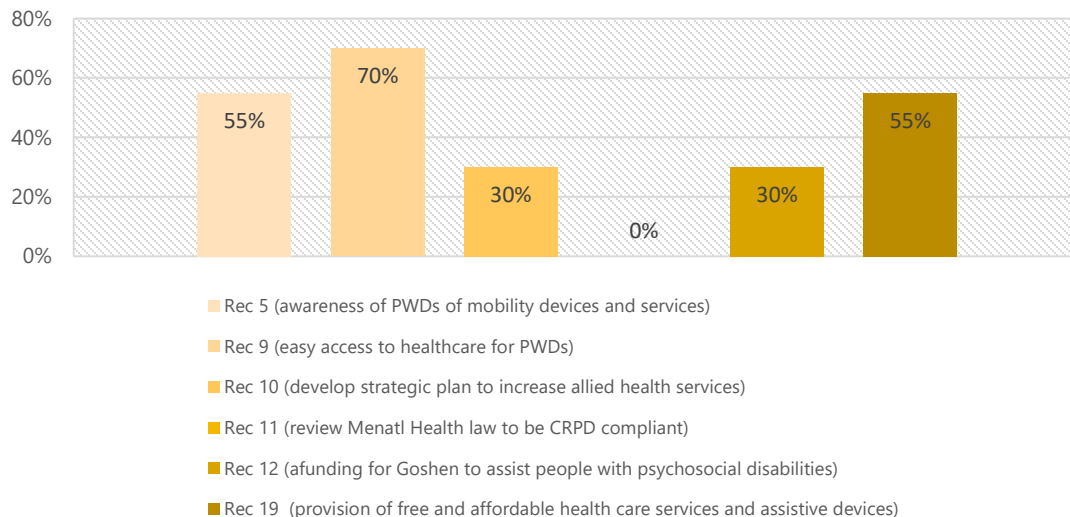
ECONOMIC PARTICIPATION AND FREEDOM



FREEDOM/ ACCESS TO INFORMATION



RIGHT TO HEALTH

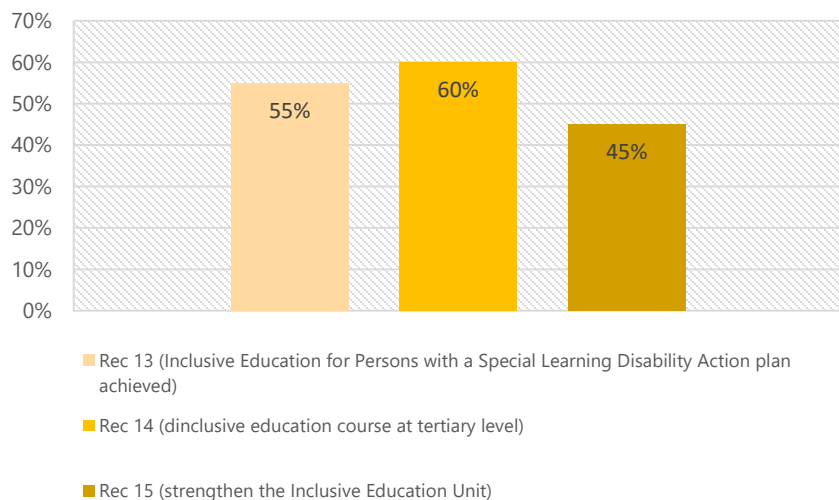


FREEDOM FROM VIOLENCE

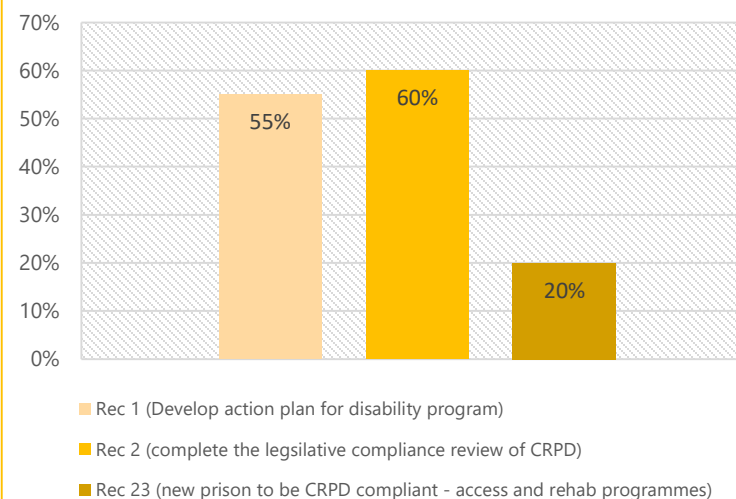
Rec 3 (Guidelines for reporting abuse for women with disability): **24%**

Commendable efforts have been carried out in the areas of education, economic empowerment and political participation and freedom for persons with disabilities. Areas in which more work is needed to ensure satisfactory implementation include health, access to information and services, as well as freedom from violence.

RIGHT TO EDUCATION



OTHER AREAS



FREEDOM FROM VIOLENCE

1. Legislative and policy reform

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| Recommendation | 3) The MOP should develop clear guidelines for reporting abuse and sexual exploitation of women with disabilities. These guidelines should be gender, age and disability sensitive. |
| Submissions | The <i>Family Safety Act 2013</i> provides the general requirement for police on handling cases of domestic violence. MOP standard practice is that female officers are responsible for interviewing female victims of sexual cases as they feel safe when a female officers is present. The victims of sexual cases are referred by Police to the SVSG for counseling support and protection from perpetrators. ¹⁰⁸ These are factored into the interagency guide developed by MWCSO and its partners. The role of NOLA in this work is to ensure women with disabilities are represented into all aspects of the guide which looks at everything. ¹⁰⁹ |
| Evaluation | Although there is law and standard practice guiding police in handling cases of violence including cases for women with a disability and women generally, information available does not suggest the availability of guidelines and policies that incorporate or includes these standard practices. It is important that, these standards and practices are recorded to ensure that police have guidelines in place for guidance rather than relying solely on practice. |
| Grading and overall rating (%) of implementation | 24%. Grade D. |
| Recommendation | Develop inclusive manuals and guidelines to assist police officers and staff deal with cases of violence against women rather than relying on practice. NHRI Samoa to monitor. |

ACCESS TO SERVICES

1. Legislative and policy reform

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| Recommendation | 4) Government should consider the following to ensure accessibility for people with disabilities: <ul style="list-style-type: none"> a) adopt an action plan that identify existing barriers to accessibility; b) ensure such action plans are strictly implemented; c) set time frames with specific deadlines; d) provide the human and material resources necessary to remove these barriers; e) strengthen their monitoring and regulatory framework to ensure accessibility; f) provide CRPD training and capacity building for staff that are responsible for the monitoring of these standards. |
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¹⁰⁸ Ministry of Police, written submission. 18 May, 2019.

¹⁰⁹ Nuanua o le Alofa, written submission. 20 May, 2019.

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| <p>Submissions</p> | <p>The Government recently published its National Building Code in 2017. The National Building Code stipulates that all public and commercial buildings should have reasonable access and accommodate the needs of PWDs. It provides standards that are to be followed in ensuring that buildings are accessible and PWD friendly. These include, lifts, escalators and moving walks.¹¹⁰ Similarly, the Land Transport Authority (LTA) has stipulated that parking spaces be designated for PWDs in all public parking facilities. However, a lack of awareness in Samoa regarding these spaces persists as members of the public continue to use parking spaces designated for PWDs.¹¹¹</p> <p>The <i>Samoa Disability Programme 2013-2017 (SDP)</i> led by the MWCSO and funded by the Australian and Samoan Government is currently in its second phase and consultations on its design have recently completed. Extension of the programme considers issues of accessibility for PWDs. It also sets out timeframes and action points to be taken in ensuring that PWD have access to services and resources such as mobility devices and others. Under the Plan, relevant agencies are also tasked to carry out these actions and ensure that they are successfully implemented.¹¹² Under the 2013-2017 programme, it was identified that there is a need for continuous work by the Ministry of Works Transport and Infrastructure (MWTI) to address barriers to transport & infrastructure.</p> <p>The Transport Sector in 2017 launched the Enhanced Road Access Project (ERAP). Various stakeholders were consulted including Disability Persons Organisations (DPOs). The key task under this project was to address how conditions can be improved for PWDs. Overall, the desired outcome of the project is that PWDs are not only better able to navigate spaces and are able to do so with greater ease, but also feel safer in doing so. This is in line with the primary outcome of ERAP, which is to provide more sustainable access for all road users.¹¹³ Other benefits of the project include, promote awareness within the community and among government ministries regarding the challenges faced and the needs of vulnerable communities, as well as institutional strengthening through greater collaboration and on-going communication between NOLA and</p> |
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¹¹⁰ Ministry of Works, Transport and Infrastructure, National Building Code of Samoa, 1 February, 2017. Retrieved from <https://www.cip-icu.ca/Files/APE-2017-Projects/NBC-Draft-2017-February15-FINAL-for-STAPLES-8x11.aspx>.

¹¹¹ Samoa Bureau of Statistics, Ministry of Women, Community and Social Development, Pacific Community and UNICEF Pacific, 2018 Samoa Disability Report: An analysis of 2016 Census of Population and Housing. UNICEF, Suva, 2018. Retrieved from <http://www.sbs.gov.ws/index.php/new-document-library?view=download&fileId=2259>.

¹¹² Ministry of Women Community and Social Development, Samoa Disability Program Aide Memoir 2018. Source on File.

¹¹³ World Bank, Improving Access and Disaster Preparedness for Persons with Disabilities in Samoa, 2017. Retrieved from <https://reliefweb.int/report/samoa/improving-access-and-disaster-preparedness-persons-disabilities-samoa>.

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| | <p>the LTA in Samoa. For this project the principal beneficiaries are PWDs located primarily within Apia.¹¹⁴</p> <p>Not much or very little has been done in this space.¹¹⁵</p> |
| Evaluation | <p>The Government since ratification of has put in place various policies and implemented various projects to assist with the issue of accessibility for PWDs. The development of the <i>National Disability Policy 2016-2020</i> outlines issues faced as well as work to be undertaken to ensure inclusiveness. Various projects including the ERAP has enabled greater accessibility of PWDs during day-to-day situations ensuring social inclusion. Furthermore, the NBC 2017 also considers standards that that take into account the needs of PWDs in relation to access. The new phase of SDP i.e. the <i>Samoa Disability Partnership Programme 2018-2022</i> (SDPP) further supports this inclusion by also looking at ensuring greater accessibility of PWDs to services offered by Government.</p> <p>However, challenges remain especially in relation to sustainability as well as ensuring that projects and activities carried out by the Government benefits all PWDs and not only those residing in Apia or urban areas. This will require the Government working with disability NGOs to ensure that the needs of PWDs are fully catered for and realized. Furthermore, it is also important that with SDPP, an effective monitoring and evaluation framework should be in place to ensure that the program is successfully implemented.</p> |
| Grading and overall rating (%) of implementation | 55%. Grade B. |
| Areas for Government to actively consider and progress | Continuously work with disability NGOs to develop and implement activities and projects to ensure that buildings and public places are accessible and benefits every PWDs both in urban and rural areas. Monitor and evaluate effectiveness. |

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| Recommendation | 22) MOP and MJCA should mainstream all their policies so they are disability inclusive and ensure that people with disability have equal access to justice |
| Submissions | Policies of the ministries are yet to be inclusive of PWDs. However, MJCA intends to factor in PWD as well as other issues such as gender and other in it next sector planning i.e. Law and Justice Sector Plan 2020+. For the time being, MJCA does provides assistance for PWD who come in conflict |

¹¹⁴ World Bank, Improving Access and Disaster Preparedness for Persons with Disabilities in Samoa, 2017. Retrieved from <https://reliefweb.int/report/samoa/improving-access-and-disaster-preparedness-persons-disabilities-samoa>.

¹¹⁵ Nuanua o le Alofa, written submission. 20 May, 2019.

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| | <p>with the law e.g. hire an interpreter, exclude them from group activities that might not be suitable for them due to the status of other offenders.¹¹⁶</p> <p>The standards practice for police when it comes to dealing with PWDs is to treat them the same as everyone else but also to ensure that their needs are met. There is currently, no specific policy for PWDs but there is a standard practice.¹¹⁷</p> |
| Evaluation | <p>Currently, neither the MJCA nor MOP have in place policies and strategies inclusive of PWDs. Although there are existing standard practices that are carried out when dealing with PWDs in relation to provision of interpreters during a court trial, as well as during times of interrogation. These current practices are to be acknowledged and commended. However, these only go so far in that without having policies in place there is still exclusion of PWDs preventing them from having equal access to justice. Having policies in place that are inclusive of PWDs and other vulnerable groups is important as it will help guide officers in the conducting of their duties and also ensure that PWDs receive the proper support that they need.</p> |
| Grading and overall rating (%) of implementation | 30%. Grade C. |
| Recommendation | MJCA and MOP to develop and implement inclusive policies to ensure that everyone including PWDs have adequate access to justice. |

ECONOMIC PARTICIPATION AND FREEDOM

1. Data collection and management

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| Recommendation | <p>16) MCIL and PSC in collaboration with SBS should carry out an extensive survey to obtain disaggregated data on the number of people with disabilities who are employed to ensure their needs are catered for.</p> |
| Submissions | <p>MCIL carried out the Labor Market Survey in 2016 that obtained data on number of PWD employed. MCIL in collaboration with the Samoa Bureau of Statistics (SBS) and other relevant agencies have managed to obtain disaggregated data through the extensive survey carried out in 2016 on people with disabilities to ensure their needs are catered for and used to construct a monograph. MCIL contributed in writing the first monograph for disabilities specifically in the employment section during workshops in 2018.¹¹⁸</p> <p>In 2018, SBS published the Samoa Disability Monograph which analyses data on PWDs gathered during the 2016 Population and Housing Census. Data collected during the 2016 Census includes data on the living conditions of PWDs, information on education as well as employment.¹¹⁹</p> |

¹¹⁶ Ministry of Justice and Courts Administration, consultations. 16 May, 2019.

¹¹⁷ Ministry of Police, written submission. 18 May, 2019.

¹¹⁸ Ministry of Commerce Industry and Labour, written submission. 29 March, 2019.

¹¹⁹ Samoa Bureau of Statistics, Ministry of Women, Community and Social Development, Pacific

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| | SBS intends to carry out an extensive survey specifically on PWDs taking into account all questions developed by the Washington Group as part of the SDP. It is anticipated that this survey will contain comprehensive data on PWDs in Samoa in all areas. ¹²⁰ |
| Evaluation | So far the Government has through SBS and MCIL collected data relating to employment on PWDs. Such information has assisted in the development of the 2018 disability monograph analyzing the situation on PWDs in areas of education, health and employment. This information is greatly beneficial and will assist Government policy making process. Government has also alluded to a further comprehensive survey specifically for PWDs in future to be carried out under the SDP. This is a positive move and one that should be prioritized to ensure that there is accurate and comprehensive data on in this area to help inform Samoa's development plans. However, despite the availability of this data, challenges in relation to access and availability of jobs for PWDs still exist. |
| Grading and overall rating (%) of implementation | 70%. Grade B. |
| Areas for Government to actively consider and progress | Strengthen existing measures (both in policy and practice) relating to employment to be inclusive of PWDs. |

2. Programmes

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| Recommendation | 17) Government should improve its efforts in creating job opportunities for PWDs through awareness within the public and private sector focusing on the benefits of employing of people with disabilities. |
| Submissions | The Public Service Commission (PSC) as part of the <i>Public Administration Sector Plan 2013/14-2017/18</i> undertook a stock take of agencies under its jurisdiction in FY17/18 on whether they were integrating gender and vulnerable group's needs into their policy development processes. One of the key findings from the assessment was that while disability as an issue has been addressed in government policies, there is still a need for effective implementation of the same. It was recommended that disability, like gender and all other cross cutting issues, must continue to be mainstreamed across government policies. While there are no explicit policy statements or preferential treatment that might encourage PWDs to apply for employment in the public service, PSC is guided by the <i>Public</i> |

Community and UNICEF Pacific, 2018 Samoa Disability Report: An analysis of 2016 Census of Population and Housing. UNICEF, Suva, 2018. Retrieved from <http://www.sbs.gov.ws/index.php/new-document-library?view=download&fileId=2259>.

¹²⁰ Samoa Bureau of Statistics, Ministry of Women, Community and Social Development, Pacific Community and UNICEF Pacific, 2018 Samoa Disability Report: An analysis of 2016 Census of Population and Housing. UNICEF, Suva, 2018. Retrieved from <http://www.sbs.gov.ws/index.php/new-document-library?view=download&fileId=2259>.

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| | <p><i>Service Act 2004</i> noting that decisions are made on their merits and without discrimination. The Act also notes that all eligible persons must have a reasonable opportunity to apply for employment in the public service and that there must be equal employment opportunity in the public service. Therefore, in developing of the new Public Administration Sector Plan, Government intends to include strategies that aim to provide a safe and enabling environment for all including PWDs.¹²¹</p> <p>MCIL through public awareness have encouraged employers to recruit PWDs in workplaces and is further emphasized in section 20 of <i>LERA 2013</i> and part 6 of the Regulations. PWD enjoy benefits in workplaces through these labor law sections. PWD have noted to be able to register in MCIL’s jobseekers program and it is increasing over the years. The disaggregated data from SBS emphasized PWDs mainly anticipating in self-employment and it is a success. The biggest gap identified in the private sector is the nature of workplaces where they are not disability-friendly making it difficult to find jobs. Private sector employers do not have the source of funds available to cater for the needs of PWDs once employed. Employers admitted in our previous awareness that though they want to hire PWD but they are not suitable for the workplaces.¹²²</p> <p>MWCSD initiated the “Tua i le Vao-ola” Community Economic Development Strategy to assist unemployed PWDs and persons without disabilities in their search for employment. Training and internships are provided for those who register and, once completed, they are often rewarded with permanent employment.¹²³</p> <p>NOLA advocates for inclusive awareness programmes for PWDs who seek employment. It works in partnership with the Samoa Chamber of Commerce, MCIL, PSC and Small Business Enterprise Centre to provide PWDs with access to employment information and advice on small business skills, start-ups and employment opportunities.¹²⁴ Awareness of the capability of PWDs to be employed is still limited despite policies in place. NOLA continues to raise awareness of the public on equal employment opportunities for all.¹²⁵</p> |
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¹²¹ Public Service Commission, written submission. 2 April, 2019.

¹²² Ministry of Commerce Industry and Labour, written submission. 29 March, 2019.

¹²³ Samoa Bureau of Statistics, Ministry of Women, Community and Social Development, Pacific Community and UNICEF Pacific, 2018 Samoa Disability Report: An analysis of 2016 Census of Population and Housing. UNICEF, Suva, 2018. Retrieved from <http://www.sbs.gov.ws/index.php/new-document-library?view=download&fileId=2259>.

¹²⁴ Samoa Bureau of Statistics, Ministry of Women, Community and Social Development, Pacific Community and UNICEF Pacific, 2018 Samoa Disability Report: An analysis of 2016 Census of Population and Housing. UNICEF, Suva, 2018. Retrieved from <http://www.sbs.gov.ws/index.php/new-document-library?view=download&fileId=2259>.

¹²⁵ Nuanua o le Alofa, written submission. 20 May, 2019.

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| Evaluation | <p>A lot of progress has been made by Government in relation to creating job opportunities for PWDs through awareness within the public and private sector focusing on the benefits of employing of PWDs. Various information sharing as well as capacity building programmes have also been carried out to further assist PWD in obtaining employment. NOLA as Samoa's national DPO works in collaboration with Government and other NGOs to raise awareness among PWDs about employment opportunities, and the employment sector of the benefits of employing PWDs. Apart from these programmes, there are also provisions under the law that prohibits discrimination in employment on the basis of a disability. Both <i>LERA 2013</i> and the <i>Public Service Act 2004</i> contain provisions which allow for inclusion and recognition of PWDs.</p> <p>However, Government has acknowledged that gaps remain in that PWDs still find it difficult to access jobs especially in the private sector due to cost and employers in the private sector are reluctant or not able to hire PWDs because workplaces are not suitable to their needs. There is also a gap in policy. It has been identified that while disability as an issue has been addressed in government policies, there is still a need for effective implementation of the same.</p> |
| Grading and overall rating (%) of implementation | 70%. Grade B. |
| Areas for Government to actively consider and progress | Assist private sector to ensure that workplaces are suitable for PWDs to work in. |
| Recommendation | Ministries (including private sector) to actively observe and mainstream disability issues across government policies similar to other cross-cutting issues of gender, climate change, human rights and others. |

3. Legislative and policy reform

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| Recommendation | 18) Recommendation No. 33 of the first State of Human Rights Report 2015 is reiterated which provides that "Village councils and churches to consider alternative ways to minimize cultural and religious financial obligations, particularly for financially vulnerable community members". |
| Submissions | No comments provided. However, MWCS D hopes through the Community Sector Development Plan that each district in Samoa will be responsible for drafting up development plans which will address various issues including social issues and those relating to financial and development. ¹²⁶ |
| Evaluation | So far, there has been no firm action taken to minimize cultural and religious obligations in Samoa. Many of these decisions rest with the |

¹²⁶ Ministry of Women Community and Social Development, Community Development Sector 1st Annual Forum, 13-14 November 2018, TATTE Building, Sogi.

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| | <p>families themselves. The Government has encouraged families however to consider the impact of such burden on families and has noted that the decision is with the family.</p> <p>The Office’s Inquiry report also noted that this issue has greatly contributed to the issue of family violence and recommended that measures be put in place to address this issue. For example,¹²⁷</p> <ul style="list-style-type: none"> • Churches to set limitations on church obligations, linked to financial capacity of families. • Village Fonos to introduce by-laws to limit contribution to fa’alavelave. • Develop church guidelines and introduce limitations on giving based on family income. • Families to take responsibilities and to consider alternative ways to minimise cultural and religious financial obligations. |
| Grading and overall rating (%) of implementation | 20%. Grade D. |
| Areas for Government to actively consider and progress | Encourage the village fono, churches and communities to actively find alternative ways and introduce effective measures to minimize financial contributions by families. Recommendations 21 and 35 of the Family Violence Inquiry Report 2018 refers. |

POLITICAL PARTICIPATION AND FREEDOM

1. Programmes

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| Recommendation | 20) MWCSO in collaboration with NOLA and all community networks (e.g. SN, STN, Youth, and Church) should work to create a more inclusive environment by creating awareness about the rights of PWDs and increasing their participation within the village settings. |
| Submissions | <p>OEC also carried out 3 outreach programs underlining the registration process and areas of accessibility for PWDs. Internally, 3 awareness programs for OEC staff to widen their knowledge and understanding on matters pertaining to PWD were carried out. This also involved awareness on handling matters with resources available to PWD that enables them to access and cast their votes on polling day. OEC since 2015 to date continues its close relationship with NOLA and other PWD organisations/groups through trainings provided by these organisations for OEC staff in terms of understanding the needs and means of better communication with PWD.¹²⁸</p> <p>The <i>Samoa National Disability Policy</i> which is currently being reviewed provides for Government through the MWCSO to work with NOLA to carry</p> |

¹²⁷ See Recommendations 21 and 35 of the Samoa Office of the Ombudsman/ NHRI, “National Public Inquiry into Family Violence Report 2018.”

¹²⁸ Office of the Electoral Commissioner, written submission. 7 May, 2019.

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| | <p>out awareness across Upolu and Savaii on the rights of PWDs including their right to participate in decision-making processes.¹²⁹ However, the policy lacks the specific focus on elimination of discrimination against women with disabilities which is fully addressed by the Samoa National Policy for Gender Equality 2016-2020.¹³⁰</p> <p>NOLA has established networks with village communities and this is going well and has greatly assisted the work of the organization.¹³¹</p> |
| Evaluation | <p>Progress has been made in relation to raising awareness of PWDs right to vote and participate in elections. This is an important aspect of democracy where everyone has the ability to vote. Furthermore, networks have been recently developed and there have been awareness programmes focusing the rights of PWDs. However, challenges still exist especially with regard to PWDs having a voice in decision making processes. Having the ability to vote and being able to vote is good, but being part of the decision-making process is a different thing altogether and the voices of PWDs are currently lacking in this space. The Office’s Inquiry Report highlighted this issue and provides that this lack of participation removes the interests of PWDs and others from the process meaning that decisions will not take into account their needs or experiences.</p> |
| Grading and overall rating (%) of implementation | 60%. Grade B. |
| Areas for Government to actively consider and progress | <p>Government to continue work in this area and ensure that PWDs voices are considered in decision-making processes at both national and local level. Recommendation 11 of the Family Violence Inquiry Report 2018 refers.</p> |

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| Recommendation | <p>21) OEC in collaboration with MWCSO and NOLA should increase their efforts to raise awareness within families with people with disabilities about the importance of people with disabilities’ right to vote.</p> |
| Submissions | <p>OEC in collaboration with NOLA and other government agencies before the 2016 General Election collected a data through carrying out registration field work specifically for PWD so that the Office can identify areas of priorities for PWD to have easy access when casting their votes. A total of 49 PWD voters were registered, 29 from Savaii and 20 from Upolu. Consequently, 2 polling stations set up specifically for PWD during the General Election, 1 for Savaii and 1 for Upolu. OEC also carried out 3 outreach programs underlining the registration process and areas of accessibility for PWDs. Internally, 3 awareness programs for OEC staff to widen their knowledge and understanding on matters pertaining to PWD</p> |

¹²⁹ Ministry of Women Community and Social Development, National Disability Plan 2011-2016. Source on File.

¹³⁰ Government of Samoa, “Sixth Periodic Report on the Convention on the Elimination of All Forms of Discrimination Against Women 2017.”

¹³¹ Nuanua o le Alofa, written submission. 20 May, 2019.

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| | <p>and handling matters with resources available to PWD that enables them to access and cast their votes on polling day. OEC since 2015 to date continues its close relationship with NOLA and other PWD organisations/groups through trainings provided by these organisations for OEC staff in terms of understanding the needs and means of better communication with PWD.¹³² The <i>Electoral Act 2019</i> also provides accessibility for PWD by choosing whether to vote at pre-polling period or on polling day. Furthermore, our Office has engaged the Blind Association to assist in translating the new Electoral laws in brailled form so that people who are visually impaired are able to access and understand it.¹³³</p> <p>There are systems in place to ensure this.¹³⁴</p> |
| Evaluation | <p>Commendable effort has been taken by Government to raise awareness among PWDs of their 'right to vote'. Measures through law and practice have been introduced to allow for greater participation of PWDs in the election process such as the provision under the 2019 Electoral Act which provides accessibility for PWD by choosing whether to vote at pre-polling period or on polling day. Furthermore, the initiative to translate electoral laws to make it more accessible for persons who are vision-impaired is commendable and should be acknowledged.</p> |
| Grading and overall rating (%) of implementation | 90%. Grade A. |
| Areas for Government to actively consider and progress | Government to continue work in this area. |

FREEDOM/ ACCESS TO INFORMATION

1. Rights of PWDs

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| Recommendation | 6) NOLA in collaboration with MESC should ensure that all schools are covered in the awareness programs that targets children and teachers. |
| Submissions | A Memorandum of Understanding was signed between MESC and service providers and special schools to strengthen the work done for SWDs. This includes NOLA and more efforts need to be made by all parties to work collaboratively in raising awareness and coordinate all activities for efficiency and effectiveness. MESC is rolling out a champion school model with schools to further provide advocacy within communities and strengthen the focus on SWDs in the mainstream. Awareness programs are also incorporated into MESC's national events such as the Literacy, Numeracy and Science national program and National Training Programs. |

¹³² Office of the Electoral Commissioner, written submission. 7 May, 2019.

¹³³ Office of the Electoral Commissioner, written submission. 7 May, 2019.

¹³⁴ Nuanua o le Alofa, written submission. 20 May, 2019.

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| | <p>The outreach programs carried out by NOLA are being carried out to improve awareness in the communities and schools.¹³⁵</p> <p>NOLA as part of its annual plan continues to carry out a school visit project. This work focuses on reinforcing the value of inclusive education for all through appropriate services and practical measures. Furthermore, it has already established partnerships with parents, village representatives and church leaders. This is an ongoing work in our annual plan.¹³⁶</p> |
| Evaluation | Government is slowly working towards ensuring that awareness programmes on PWDs target all schools in Samoa. It has put in place a Memorandum of Understanding with disability service providers to strengthen the work of SWD. However, it has been acknowledged that more work is needed so that everyone works together to ensure the efficient and effective carrying out of such programmes. Government has worked hand-in-hand with NOLA to carry out of awareness in communities and schools of PWDs. |
| Grading and overall rating (%) of implementation | 49%. Grade C. |
| Areas for Government to actively consider and progress | Further strengthen partnerships with DPOs and ensure that resources are provided for the effective and efficient carrying out of awareness programmes in schools and communities on PWDs. |

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| Recommendation | 7) NOLA in collaboration with MWCSD and the community networks (e.g. STN, SN, Youth and Church) should increase their efforts in raising awareness within the family unit about the rights of persons with disabilities. |
| Submissions | See above |
| Evaluation | See above |
| Grading and overall rating (%) of implementation | See above |
| Areas for Government to actively consider and progress | See above |

2. Economic capability of PWDs

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| Recommendation | 8) MCIL, PSC, MWCSD, in collaboration with NOLA and Chamber of Commerce should carry out more awareness raising activities to promote |
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¹³⁵ Ministry of Education Sports and Culture, written submission. 2 April, 2019.

¹³⁶ Nuanua o le Alofa, written submission. 20 May, 2019.

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| | the capabilities of PWDs in the employment sector and the contribution they can make in the development of their communities. |
| Submissions | <p>While there have been no specific awareness raising activities carried out to promote the capabilities of PWDs, the PSC does provide a platform for this kind of activity during its annual Public Service Day. The PSC welcomes the opportunity to partner with relevant NGOs to design awareness programs that targets PWDs and highlighting their potential and capabilities.¹³⁷</p> <p>MCIL in collaboration with NOLA have raised awareness on the sign language week for MCIL employees through its presentation. MCIL also carried out awareness programs for PWD in both Upolu and Savaii assisting PWD on basic skills in finding jobs. NOLA invites MCIL to conduct proper job search skills training for PWD at their organization.¹³⁸</p> <p>There has been awareness raising in this space. We also work with employers to implement an internship program where persons with disabilities are employed for a period of time in selected work places.¹³⁹</p> |
| Evaluation | Some work has been carried out by Government to raise awareness among PWDs regarding employment opportunities. Platforms have also been provided by Government for DPOs to be a part of to obtain information on employment. However, although such awareness is beneficial for PWDs, but there is not much focus in raising awareness in the employment sector of the benefits and capability of PWDs. Therefore, it is crucial that partnerships with DPOs are formed or further strengthened to ensure that not only PWDs are informed of the opportunities available, but most importantly the employment sector is aware of the capability and capacity of PWDs. |
| Grading and overall rating (%) of implementation | 49%. Grade C. |
| Areas for Government to actively consider and progress | <p>Strengthen existing partnerships with DPOs to ensure PWDs are informed of the employment opportunities available.</p> <p>Raise comprehensive awareness among the employment sector of the capability and capacity of PWDs.</p> |

¹³⁷ Public Service Commission, written submission. 2 April, 2019.

¹³⁸ Ministry of Commerce Industry and Labour, written submission. 29 March, 2019.

¹³⁹ Nuanua o le Alofa, written submission. 20 May, 2019.

RIGHT TO EDUCATION

1. Legislative and policy reform

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| Recommendation | 13) MESCC should prioritise the preparation of an Action Plan of how to achieve the Inclusive Education for Persons with a Special Learning Disability (IEPSLD) including: <ul style="list-style-type: none"> a) set realistic timeframes; b) identify the budget, c) how to raise the capacity of the personnel (i.e.: the current teachers, teacher aides, student teachers), d) reasonable accommodation through the universal design of educational facilities; e) support measures (such as the appropriate curriculum, assessment and test criteria, teaching in the appropriate method through Braille, electronic readers, sign language). |
| Submissions | There is currently an Action Plan in place for IEPSLD. Last year in October we undertook a mid-point review of the Inclusive education policy implementation plan to identify good practices and lessons from implementation of the Inclusive Education Policy (2014-2018), and to make amendments to the Implementation Plan (2018-2020). Based on Inclusive Education Policy Implementation Plan Road Map 2018-2020, various priorities from the previous Plan have been achieved with some in progress. There are also those that have yet completed. In the IE Policy, reasonable accommodation are ratified under different legislative framework, however there is no data to indicate the successful application of these policies in schools. ¹⁴⁰ |
| Evaluation | Government has reviewed its current IEPSLD to assess its achievements and shortfalls and has so far made progress especially with the setup of the IE Unit within MESCC. However, there is still more work needed to ensure effective implementation of the Policy by the Ministry and schools alike. Therefore, proper and effective monitoring and evaluation is required to achieve this. |
| Grading and overall rating (%) of implementation | 55%. Grade B. |
| Areas for Government to actively consider and progress | Sustain and continuously implement the IEPSLD Action Plan to ensure that all goals have been achieved. Regularly monitor and evaluate progress to ensure effective implementation. |

¹⁴⁰ Ministry of Education Sports and Culture, written submission. 2 April, 2019.

2. Programmes

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| Recommendation | 14) MESC should work in collaboration with NUS to develop the current inclusive education course into a full program, and provide initiatives to encourage students to undertake this profession. |
| Submissions | Meetings have been held between NUS and MESC on the development of an IE course for pre-service. It is expected the course will commence in semester 2 of 2019. Teachers have also gone through a course at APTC to up skill them in skills to support students with disability in schools. The fifth cohort is currently attending the course for semester I and the next cohort will start in semester II this year. ¹⁴¹ |
| Evaluation | Government has taken steps in the development of IE course for tertiary education learning. This is a positive move and one that should be prioritized and continuously strengthened. Courses have also been offered by regional institutions for teachers to ensure that they are equipped with the necessary skills to cater for everyone including SWD. |
| Grading and overall rating (%) of implementation | 60%. Grade B. |
| Areas for Government to actively consider and progress | Continuously strengthen the development of IE course for tertiary education learning and ensure that teachers through capacity building trainings are equipped with the necessary knowledge and skills to cater for students including SWDs. |

3. Resources and funding

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| Recommendation | 15) MESC should activate and strengthen the Inclusive Education Unit within MESC to implement the IEPSLD in coordinating with the service providers. |
| Submissions | <p>The IE unit within MESC has been strengthened through the provision of volunteers from Australia. However there is a need to provide more resources for this unit as well as taking forward the recommendation in the MESC organizational review report to do this.¹⁴²</p> <p>The establishment of the IE Unit is a great achievement for PWDs however, there is still the issue of the Unit having very limited resources.¹⁴³</p> |
| Evaluation | Despite efforts undertaken to strengthen the IE Unit through aid assistance, the challenge of resources and capacity to ensure a fully equipped and functional IE Unit is needed. Having a fully equipped and resourced Unit will ensure greater inclusion in schools and also compliance with international obligations. |

¹⁴¹ Ministry of Education Sports and Culture, written submission. 2 April, 2019.

¹⁴² Ministry of Education Sports and Culture, written submission. 2 April, 2019.

¹⁴³ Nuanua o le Alofa, written submission. 20 May, 2019.

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| Grading and overall rating (%) of implementation | 45%. Grade C. |
| Recommendation | Sustain the newly established IE Unit so that it is fully and adequately resourced and equipped to ensure greater inclusion in schools and compliance with international obligations. |

RIGHT TO HEALTH

1. Programmes

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| Recommendation | 5) The NHS and MOH, in collaboration with NOLA, should carry out awareness activities to ensure that people with physical disabilities and families/careers are aware of the benefits of the mobility devices and the services that are available at MDS. |
| Submissions | <p>Through the SDP 2013-2018 it was able to provide for services both relating to mobility as well as hearing services. At the end of the program it was noted that there was improved accessibility of services (mainstream & disability-specific). For example, the establishment of Mobility Device Service (MDS) and Diabetic Foot Clinic. This work was implemented by MOH working in collaboration with NOLA. It was also highlighted by the program that there is a need for continuous support for MDS through the MOH and to have this service expand to Savaii.¹⁴⁴</p> <p>NOLA has continuously raised awareness among people with physical disabilities and families/careers of the benefits of the mobility devices and the services that are available.¹⁴⁵</p> |
| Evaluation | NGOs such as NOLA have been at the forefront of raising awareness of the benefits of mobility devices and services among PWDs and their families and careers to ensure that receive adequate assistance. The Government through the <i>SDP 2013-2017</i> has with the assistance of the Australian Government been able to provide mobility devices and a service for some PWDs. However, challenges regarding adequate distribution and availability of resources mean that not all PWDs receive the same support and assistance. |
| Grading and overall rating (%) of implementation | 55%. Grade B. |
| Areas for Government to actively consider and progress | Work with NOLA and development partners to ensure that PWDs and their families are fully aware and receive the benefits of mobility devices and services through comprehensive awareness raising, and also to expand MDS to Savaii. This should be a covered under SDPP. |

¹⁴⁴ Ministry of Women Community and Social Development, Samoa Disability Program 2013-2018 Evaluation Report. Source on File.

¹⁴⁵ Nuanua o le Alofa, written submission. 20 May, 2019.

2. Accessibility

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| Recommendation | 9) The NHS and MOH should ensure that people with disabilities have access to free or affordable health care in Samoa via the implementation of a subsidy card for people with disabilities. |
| Submissions | NOLA provides free access to sexual health and rights services and information. ¹⁴⁶ SDP 2013-2017 and general health services offer PWDs with support in relation to healthcare. PWDs are able to access services and also request for resources such as wheelchairs and others for assistance. |
| Evaluation | The Government has made available resources and information to assist PWDs with access to free and affordable health care in Samoa. Such resources help with mobility and also information that assist with raising awareness of sexual health and rights. Although these are efforts to be commended, there is still room for improvement and more is needed to ensure that PWDs have greater accessibility to health services in Samoa. |
| Grading and overall rating (%) of implementation | 70%. Grade B. |
| Areas for Government to actively consider and progress | Government to continue work in this area and ensure resources and information on health care is available to PWDs. |

3. Affordability

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| Recommendation | 19) Government should increase support services for people with disabilities and their families such as the provision of free and affordable health care services and assistive devices. |
| Submissions | There is little to no action being taken to assist PWDs get free and affordable health care. ¹⁴⁷ However, through the SDP 2013-2017, PWDs have been able to receive assistance regarding assistive and mobility devices through the MOH. This program is currently in its second phase. ¹⁴⁸ |
| Evaluation | Based on the SDP 2013-2017 Government with the support of the Australian Government has been able to provide assistance for PWDs regarding provision of mobility devices and hearing aids. This is a good step in ensuring that PWDs receive adequate support with their health. However, despite the benefits of the program there is still a lack of support and commitment by Government to provide free and affordable health care for PWDs. Although assistance is being provided there is still not enough to cater for the disability population and PWDs still face barriers in relation to access and affordability of health care in Samoa. It is hoped that the next phase of the Samoa Disability Program will address this issue. |

¹⁴⁶ Nuanua o le Alofa, written submission. 20 May, 2019.

¹⁴⁷ Nuanua o le Alofa, written submission. 20 May, 2019.

¹⁴⁸ Ministry of Women Community and Social Development, Samoa Disability Program 2013-2018 Evaluation Report. Source on File.

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| Grading and overall rating (%) of implementation | 55%. Grade B. |
| Areas for Government to actively consider and progress | Provide PWDs with adequate healthcare assistance to ensure that they have easy access and are able to afford the services offered. This can be achieved under SDPP. |

4. Legislative and policy reform

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| Recommendation | 10) The NHS and MOH should collaborate to develop a strategic plan to increase allied health services and undertake awareness raising activities in schools promoting the roles of allied health professionals. |
| Submissions | To date no action has been taken to address the recommendation. ¹⁴⁹ |
| Evaluation | There seems to be no or very little work carried out to ensure a fully functional and operational allied health system in Samoa. Despite the legislation enacted in 2014 to establish the Allied Health Profession Council who are responsible for this undertaking there are existing issues relating to resources, guidelines, systems and the lack thereof. The Offices' Inquiry Report found that Samoa does not have a functional and effective allied health system for victims of family violence, and there is also a lack of awareness regarding the services available and the role of allied health professionals' play. ¹⁵⁰ |
| Grading and overall rating (%) of implementation | 30%. Grade C. |
| Areas for Government to actively consider and progress | Recommendation 27 of the Family Violence Inquiry Report 2018 refers. |

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| Recommendation | 11) The NHS should consult with the OAG about how the <i>Mental Health Act 2007</i> should be amended so that it is compliant with the CRPD. |
| Submissions | Nothing has been done in this space. ¹⁵¹ |
| Evaluation | There is little information to determine if work has been undertaken. In the case that nothing has been carried out or is planned for future, it is important the Government considers and ensure that the above recommendation is implemented. |
| Grading and overall rating (%) of implementation | 0%. Grade F. |

¹⁴⁹ Nuanua o le Alofa, written submission. 20 May, 2019.

¹⁵⁰ Samoa Office of the Ombudsman/ NHRI, "National Public Inquiry into Family Violence Report 2018", pp. 180-181.

¹⁵¹ Nuanua o le Alofa, written submission. 20 May, 2019.

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| Recommendation | Government through the MOH should ensure that the <i>Mental Health Act 2007</i> is reviewed and amended to be compliant with CRPD and also in light of the completed legislative compliance review. |
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5. Funding and resources

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| Recommendation | 12) The Government should provide funding to the Goshen Trust so that the can adequately provide services for people with acute psychosocial disabilities. |
| Submissions | <p>Upon MOH request Cabinet has endorsed an annual grant to Goshen Trust of \$30,000 tala under MOH Below the Line Budget Component. In addition, the Ministry for FY18/19 is providing an additional \$210,000 for renovations of accommodations for GOSHEN mental patients. This does not include the continuing partnership arrangement with our Mental Health Unit in terms of health care provision.¹⁵²</p> <p>In assisting with offenders with mental health problems the Ministry has plans to work with MOH for assistance. However, it has been very challenging to initiate and develop the partnership. As a result, it has been difficult especially with cases where the courts come across persons with a mental problem. The ministry has drafted a Memorandum of Understanding between itself, MOH and SPCS to assist in dealing with offenders who have mental health issues. This is still in the pipeline and just awaiting on MOH response.¹⁵³</p> <p>To date Government has shown little or no support of PWDs with psychological disorders.¹⁵⁴</p> |
| Evaluation | The Government has taken steps to assist Goshen cater for its patents through the provision of more funds to help with renovations of its facilities. Further, it continues to work with the MHU to assist mental health patients. However, other submissions suggest that there are existing challenges and barriers making it difficult to ensure the persons with psychological disabilities receive the right support that they need. Such challenge are mainly in relation to the lack of financial and psycho-social support as well as establishing partnerships due to competing priorities and also lack of interest. |
| Grading and overall rating (%) of implementation | 30%. Grade C. |
| Areas for Government to actively consider and progress | Provide holistic support for persons with psychological disabilities through programmes to assist with their rehabilitation and sustain these programmes. |

¹⁵² Ministry of Health, written submission. 10 May, 2019.

¹⁵³ Ministry of Justice and Courts Administration, consultations. 16 May, 2019.

¹⁵⁴ Nuanua o le Alofa, written submission. 20 May, 2019.

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| | Health Sector to work together with other agencies to support offenders with a psychological disability. |
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OTHER AREAS

1. Funding and resources

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| Recommendation | 1) The Government should develop an Action Plan in order to co-fund the SDP 2013-2017 with the aim to completely fund the SDP 2013-2017 upon its completion. |
| Submissions | MWCSD with the assistance of Australian Government has completed SDP 2013-2017 and recently the second phase i.e. SDPP. Working in partnership with NOLA and relevant agencies including MOH and MESC, SDPP will address gaps identified in SDP 2013-2017 and further ensure that PWDs receive adequate support and have access to services to ensure they are accessible. ¹⁵⁵ SDPP includes plans to include other partners in progress. ¹⁵⁶ |
| Evaluation | The Government with assistance of the Australian Government has been able to complete SDP 2013-2107 and also recently completed the SDPP continuing activities to address barriers faced by PWDs in health and education sector. Although there is progress and work undertaken to date is commended there are still signs of poor support from Government in regards to fully absorbing the continuation of the programmes. This is a concern especially when donor support ends affecting the sustainability of the programme and ultimately putting PWDs at a further disadvantage. |
| Grading and overall rating (%) of implementation | 55%. Grade B. |
| Areas for Government to actively consider and progress | Sustain work in this area and ensure that gaps identified in the SDP 2013-2017 are fully and adequately addressed. Activities under SDPP also need to be monitored and evaluated to ensure effectiveness. |

2. Ratification and compliance with international obligations

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| Recommendation | 2) OAG, MWCSD and SLRC should complete the LCR and ensure that it fully harmonizes all of Samoa's laws with the CRPD. |
| Submissions | The legislative compliance review has been completed and laws approved in 24 November 2016 by Cabinet. The Disability Bill is being drafted in accordance with the CRPD and legislative compliance review and will be based on the proposed Samoa National Disability Policy. In the meantime, some of the avenues for promotion of rights of PWDs in Samoa include establishment of the Disability Taskforce and national committee |

¹⁵⁵ Ministry of Women Community and Social Development, Samoa Disability Program 2013-2018 Evaluation Report. Source on File.

¹⁵⁶ Nuanua o le Alofa, written submission. 20 May, 2019.

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| | <p>overlooking national disability issues; development of the national policy for PWDs and the Inclusive Education Policy for SWD by MESCS.¹⁵⁷</p> <p>One of the recommendations of the legislative compliance review is to domesticate any discrimination into existing laws and look at establishing disability legislation. This work is in progress with a proposal submitted to the disability rights fund for financial support. NOLA, MWCSO, SUNGO and Samoa Blind Persons Association were part of this correlation. Relevant changes will be made to this work to suit the MWCSO's new position.¹⁵⁸</p> |
| Evaluation | <p>The Government has successfully completed the LCR of the CPRD and has carried out various activities to implement recommendations of the review. These include the establishment of the Disability Taskforce, Disability Policy as well as Inclusive Education Unit within the MESCS. Further, the Government in response to one of the key recommendations of the review is working with relevant agencies to develop and draft disability legislation consistent with the CPRD. These initiatives should be commended and continued to be pursued to ensure that PWDs in Samoa are included in all areas of life and development in Samoa.</p> |
| Grading and overall rating (%) of implementation | 60%. Grade B. |
| Areas for Government to actively consider and progress | <p>Work with both international and national agencies to continue strengthening efforts in making Samoa disability-inclusive both in law and practice.</p> <p>Actively progress the drafting of the disability legislation and ensure this is in line with CRPD.</p> |

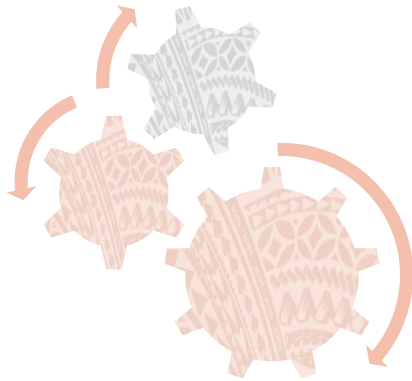
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| Recommendation | <p>23) SPCS should ensure that the new prisons should be compliant with the CRPD including access to and around the building and rehabilitation programs.</p> |
| Submissions | <p>The new prison at Tanunamalala will hopefully address issues raised by the Office in its Detention Report including the above recommendation in relation to accessibility. In relation to programmes, SPCS offer both spiritual and vocational programmes to assist prisoners with their rehabilitation. These programmes are general and are available to everyone.¹⁵⁹</p> |
| Evaluation | <p>It is unclear from information gathered as to whether the new prison has features suited for PWD. The Office will be undertaking an inspection of the new facility later in the year to assess this issue and also the prison</p> |

¹⁵⁷ Ministry of Education Sports and Culture, written submission. 2 April, 2019.

¹⁵⁸ Nuanua o le Alofa, written submission. 20 May, 2019.

¹⁵⁹ Samoa Prisons and Corrections Services, consultations. 2019. Source on File.

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| | <p>facility generally to assess its compliance with international human rights standards.</p> <p>Although rehab programmes currently offered are important and useful for inmates, they are still not adequate to cater for the rehabilitative needs of inmates especially for those with a disability. The absence of programmes inclusive of PWDs further presents barriers for them and places them at further disadvantage. Therefore, serious work is needed to ensure that rehabilitation programmes are diverse and inclusive to cater for the needs of every prisoner.</p> |
| <p>Grading and overall rating (%) of implementation</p> | <p>20%. Grade D.</p> |
| <p>Areas for Government to actively consider and progress</p> | <p>SPCS to put in place measures and mechanisms for prison facilities to ensure it is accessible and disability-friendly.</p> <p>SPCS to review and revamp its rehabilitation programmes to ensure they are diverse options and that it is inclusive of the rehabilitative needs of all prisoners detained in prison. These programmes should be constantly monitored and evaluated.</p> |



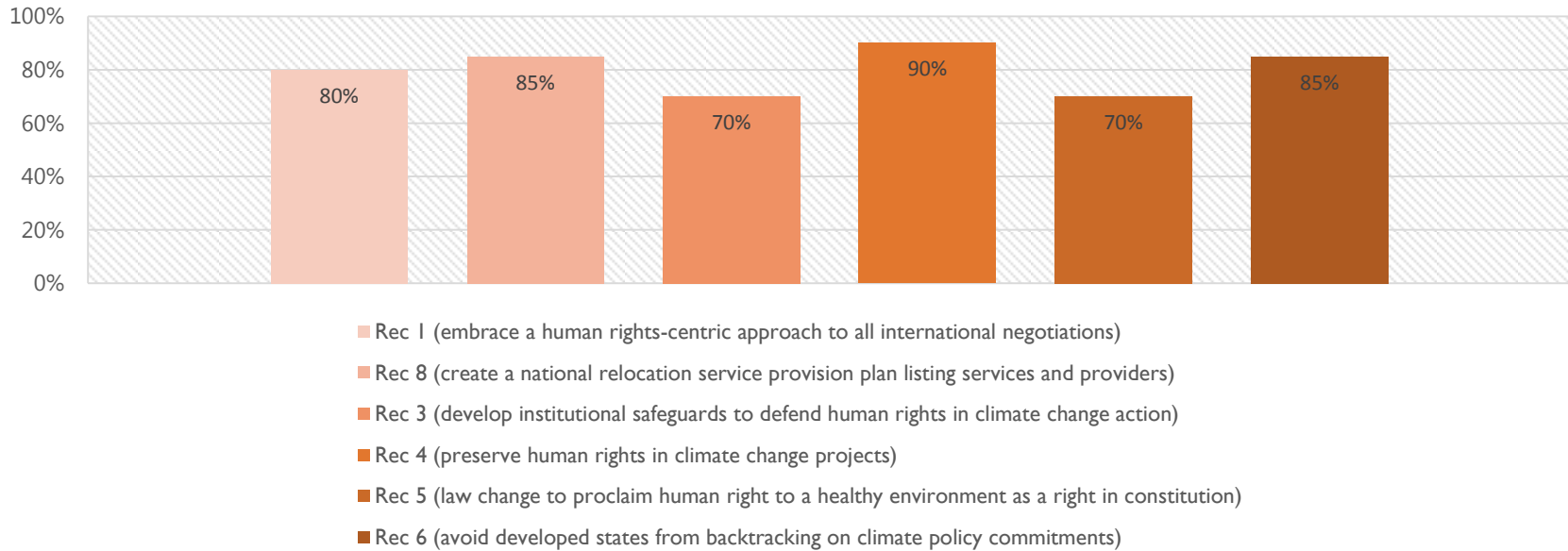
2017 SHRR: PROGRESS REPORT

IMPORTANT NOTE:

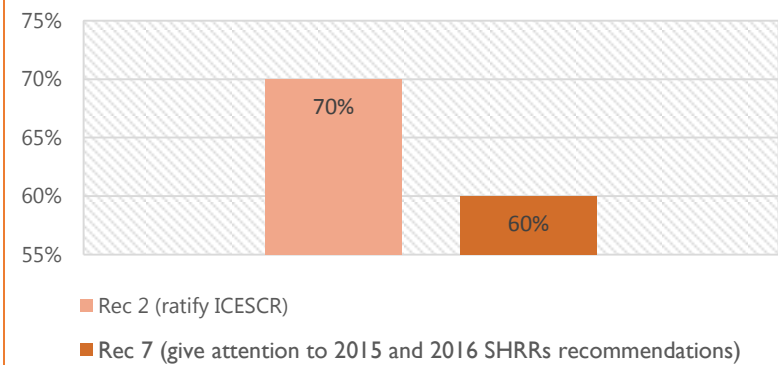
Although submissions provided by relevant agencies document work undertaken by Government to date since the Office's 2015 SHRR, it does not cover all activities and programmes being undertaken which in one way or another contribute to the implementation of the recommendations in the 3 reports. The lack of information provided has been supplemented with research undertaken by the Office of sector and development plans, government strategies and policies, projects, as well as media articles.

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| | Grading and overall rating (%) of implementation: This is based on the Implementation Categorization table above. percentages are based on work undertaken successfully as well as existing gaps e.g. need for M&E, sustainability etc. |
| | Areas for government to actively consider and progress: these provide guidance as to areas in which Government Ministries need to consider in their continuing reviews to ensure that the recommendations are implemented. For this, references are made to relevant recommendations of the Inquiry Report into Family Violence in the hope that implementing it will cover the previous recommendation and address the issue. |
| | Recommendations: these are matters that requires priority attention and consideration by the State . |

ENVIRONMENTAL HEALTH AND CLIMATE CHANGE



OTHER AREAS



There has been great progress in the climate change space in Samoa. Commendable work has been carried out by the Government to assist with climate change action and disaster risk management. Almost all recommendations are satisfactorily implemented. Some of the existing challenges including limited funding and resources and lack of effective monitoring continue to present barriers to full and effective implementation of recommendations.

ENVIRONMENTAL HEALTH AND CLIMATE CHANGE

1. Legislative and policy framework

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| Recommendation | 1. The Ministry of Foreign Affairs and Trade (MFAT) and the MNRE should embrace a human rights-centric approach to all international negotiations on climate change and all national climate change policies and programmes. |
| Submissions | <p>Samoa applies a human rights based approach to implementing its sustainable development agenda and also it is key to its international positions including climate change. Samoa emphasized this issue in its first National Voluntary Report on the Sustainable Development Goals (SDGs) in 2016 when it declared that it will use a rights based approach to implementing the SDGs. This also augurs well with the Government's advocacy of equal access to development benefits for rural as well as urban communities This is because the promotion, respect, protection and fulfilment of all human rights and fundamental freedoms for all, without distinction of any kind, is indispensable to ensuring that no one is left behind. Samoa also raised these in its interventions at the recent Human Rights Council meetings in Geneva, and climate change, environment and disaster risk reduction has a dedicated section in Samoa's last UPR. Through the DMO, focus is on strengthening and supporting contingency planning and provisions for disaster preparedness and response, emergency relief and population evacuation, in particular for people in vulnerable situations, including inter alia women and girls, displaced persons, children, older persons and people with disabilities.¹⁶⁰</p> <p>The integration and mainstreaming of gender, human rights and climate and disaster resilience and responses are reflected through national planning under the <i>Samoa Development Strategy (SDS) 2017-2020</i> and the more detailed Sector Plans, with commitments to the international protocols Samoa is party to: including Agenda 2030, SDGs; Samoa Pathway; Paris Agreement and the Pacific Framework for Regionalism. The national plans and strategies reflect a rights centric approach to our international position on any negotiations including climate change.¹⁶¹</p> |
| Evaluation | <p>The Government has taken positive steps in ensuring that a human rights approach is taken in its negotiations on climate change action at the international level through making interventions at the Human Rights Council meetings in Geneva. The Government has emphasized in its first National Voluntary Report on the SDGs in 2016 declaring that its intention to use a rights based approach to implementing the SDGs in Samoa.¹⁶² Furthermore, engaging in regional talks such as the SAMOA Pathway and Pacific Island Forum meetings where climate change and human rights</p> |

¹⁶⁰ Ministry of Foreign Affairs and Trade, written submission. 2 April, 2019.

¹⁶¹ Ministry of Foreign Affairs and Trade, written submission. 2 April, 2019.

¹⁶² Ministry of Foreign Affairs and Trade, Samoa National Voluntary Report on the SDGs presentation, 2016.

Retrieved from <https://sustainabledevelopment.un.org/content/documents/21376samoa%20presentation.pdf>.

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| | <p>issues are greatly discussed. At a national level, the Government has implemented various strategies, activities and programmes on climate change action which incorporates human rights considerations. For instance the current <i>SDS 2017-2020</i> and <i>Community Development Sector Plan 2016-2021</i> integrates both human rights and gender considerations. Further, programmes carried out by the MNRE in relation to disaster risk management also ensure that human rights and gender are covered. However, it is important to consider that outcomes of negotiations are disseminated for the public's information and also ensure that the voices of the communities are heard through comprehensive consultations at the grassroots level.</p> |
| Grading and overall rating (%) of implementation | 80%. Grade A. |
| Areas for Government to actively consider and progress | Government to continue work in this area. |

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| Recommendation | <p>3. MNRE and MWCSO, with support from the Office, should jointly develop institutional safeguards to defend the human rights of the Samoan people in all climate change adaptation and mitigation projects, including relocation and resettlement efforts.</p> |
| Submissions | <p><i>Planning and Urban Management Act 2004</i> provides for environmental and social considerations relating to developments and use of land - more specifically on impacts rather than human rights per se. Extensive consultations were undertaken with communities (all districts and villages) to develop District Community Integrated Management Plans (CIMP) that focus on interventions to enhance community and environment response to impacts of climate change. The views/insights of the communities led to the drafting of these CIMP. Draft Relocation Strategy/Roadmap has been developed including 15 Draft Village Relocation plans/guidelines for the more vulnerable villages. These plans describe a process / way forward on matters for consideration if and when villages relocate further inland emphasis was on trying to minimise impacts on coastal communities rather than human rights per se. The biggest challenge is finding funds to implement interventions on ground for all districts and villages to minimise impacts of climate change and as well as to monitor the positive changes occurring from said interventions.¹⁶³</p> <p>The <i>Community Development Sector Plan 2016-2020</i> outlines activities, programmes and provide institutional safeguards to defend the human rights not only in the context of climate change but also in combating</p> |

¹⁶³ Ministry of Natural Resources and Environment, written submission. 10 May, 2019.

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| | <p>violence. In the climate change action space, MWCSO working in collaboration with MNRE will support the integration and promotion of Sustainable Land Management (SLM) approaches and practices into sustainable community development. This include initiatives such as sustainable agricultural practices to promote sustainable and resilient livelihoods. In addition, streamlining community - led monitoring and enforcement processes will be supported by MWCSO. These will be implemented using existing village governance structures and mechanisms to strengthen compliance to environmental safeguards for community development at the household and community levels through Aiga ma Nuu Manuia Programme.¹⁶⁴ The overall aim and outcome is to improve Community Resilience and Preparedness to Climate Change and Natural Disaster.</p> |
| Evaluation | <p>The Government has put in place measures and safeguards to help reduce the impact of climate change and assist vulnerable communities. It has worked closely with the village councils and community members to develop plan for instance in regards to relocation. These plans describe a process / way forward on matters for consideration if and when villages relocate further inland. Although, human rights are not specifically referenced but such actions reflect that human rights of these communities are being protected and safeguarded. The Government has through its <i>Community Development Sector Plan</i> highlighted the importance of ensuring that communities are resilient and well prepared in light of climate change impacts. However, there are remaining issues which in many ways hinder the effective implementation of programmes and activities. These mainly relate to the lack resources and monitoring to ensure that activities and programmes implemented are effective and help safeguard the human rights of village communities.</p> |
| Grading and overall rating (%) of implementation | 70%. Grade B. |
| Areas for Government to actively consider and progress | Government to sustain and continue work in this area. Monitor and evaluate impact. |

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| Recommendation | 5. The Government of Samoa should consider an amendment to Article 15 of the Constitution of Samoa that proclaims a human right to a healthy environment and the rights of future generations. |
| Submissions | No amendment/ proposed amendment to Constitution made to date. ¹⁶⁵ |

¹⁶⁴ Ministry of Women Community and Social Development, Community Development Sector Plan 2016-2020, 2016, p. 10.

¹⁶⁵ Attorney General’s Office, written submission. 30 May, 2019.

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| Evaluation | Although there have been no steps taken to amend the law that proclaims a human right to a healthy environment and the rights of future generations, various activities and programmes undertaken and currently in place contribute to ensuring that such rights are being promoted and protected. |
| Grading and overall rating (%) of implementation | 70%. Grade B. |
| Recommendation | Strengthen policies and sustain programmes and activities already in place to ensure a healthy environment for all now and in the future. Where necessary and appropriate, make relevant changes to the legislative framework to further guarantee human rights from impact of climate change. |

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| Recommendation | 8. MNRE, Electric Power Corporation (EPC), and MWTI should jointly create a national relocation service provision plan, which will codify the responsibility of the government to provide services to areas where hazard zone communities will be relocated to in advance of resettlement. |
| Submissions | EPC continues to extend its electricity services to the public who had relocated from coastal areas to inner lands, based on applications from the public. However it is difficult for EPC to develop a plan for extension of its power lines to inner lands unless villages and Government agree to relocate people from the coastal areas. ¹⁶⁶ |
| Evaluation | The Government has actively worked to ensure that services are being provided to communities who have relocated inland as a result of climate change. However, there are challenges in relation to the decision by villages to relocate and also Government, as this determines the extension of the services. |
| Grading and overall rating (%) of implementation | 85%. Grade A. |
| Areas for Government to actively consider and progress | Actively encourage village coastal communities who are at high risk of being affected by climate change to relocate (through awareness raising) and provide necessary resources and assistance in planning and executing the relocation. |

2. Negotiations

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| Recommendation | 4. MWCS D should be explicitly tasked with preserving human rights through its participation in all climate change adaptation projects and programmes. |
| Submissions | MWCS D works closely with MNRE as outlined in the <i>Community Development Sector Plan 2016-2020</i> to support the integration and promotion of Sustainable Land Management approaches and practices into sustainable community development. This include initiatives such as |

¹⁶⁶ Electric Power Corporation, written submission. 27 March, 2019.

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| | <p>sustainable agricultural practices to promote sustainable and resilient livelihoods. In addition, supporting the streamlining of community-led monitoring and enforcement processes, through the use of existing village governance structures and mechanisms to strengthen compliance to environmental safeguards for community development at the household and community levels through Aiga ma Nuu Manuia Programme.¹⁶⁷</p> <p>As Umbrella Organisation, SUNGO and Pacific CSO reps presented to Pacific Leaders meeting Feb 2019 in Apia, the Pacific CSO Position Paper, advocating among other issues, the priority of climate change and disaster risks, for Leaders to include in current negotiations for an ACP/EU Post Cotonou Agreement.¹⁶⁸</p> |
| Evaluation | MWCSD has been actively involved in planning and preparation of climate change adaptation projects and programmes. It has worked closely and in partnership with various responsible ministries to ensure that the needs of the community are prioritized and taken into account in all phases of project planning and implementation. This is a positive move and should be continued in future to ensure that the rights of village communities are not greatly affected by the impacts of climate change. |
| Grading and overall rating (%) of implementation | 90%. Grade A. |
| Areas for Government to actively consider and progress | Government to continue work in this area. |

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| Recommendation | 6. MFAT should consider embracing the position that any backtracking from announced climate policy commitments by developed nations would constitute a violation of the human rights of the Samoan people. |
| Submissions | All the Parties to the Paris Agreement and all Climate related agreements particularly Pacific Island Small Island States and Samoa continue to call on all nations not to back track on their commitments. This recommendation is in line with Samoa’s longstanding position on climate change that for Samoa, climate change is a matter of survival and this is well documented also in many regional and international fora and frameworks. To date there is no evidence of backtracking. While there is always a call for more access to climate financing, what Samoa need to ensure is that it has adequate capacity to be able to maximally utilise resources available to it. All our development partners are ensuring that we and other Pacific small islands developing states receive technical support where there are gaps. An added advantage to each of the Pacific island states is that where there are |

¹⁶⁷ Ministry of Women Community and Social Development, Community Development Sector Plan 2016-2020, 2016, p. 10.

¹⁶⁸ Samoa Umbrella for Non-Governmental Organisations, written submission. 20 May, 2019.

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| | gaps in skills for negotiating with development partners our recourse is to work under the Blue Pacific framework as a collective that gives strength and influence to our position as a region. ¹⁶⁹ |
| Evaluation | The fact that climate change for the Pacific and Samoa is a matter of survival, illustrates the seriousness and the importance of pushing and encouraging developed states to not back track from their climate policy commitments which Samoa has and continues to do in its meetings and engagement with the developed world. The Government has been firm on its stance that developed states have an obligation to combat climate change impacts of the small island countries including Samoa. |
| Grading and overall rating (%) of implementation | 85%. Grade A. |
| Areas for Government to actively consider and progress | Government to continue work in this area and actively seek technical support to address gaps in skills for negotiating with development partners. |

OTHER AREAS

1. Ratification and compliance with international obligations

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| Recommendation | 2. The Government of Samoa should ratify ICESCR and its relevant optional protocols in full and without reservation. |
| Submissions | Samoa has committed since its UPR in 2016 to ratify all remaining core Human Rights Conventions with the most recent ratification being UNCAT. The Government is now looking at the other Convention bearing in mind the need to meet reporting obligations for existing conventions. Remaining Core HR Conventions to Be Ratified (3): Convention on the Elimination of All Forms of Racial Discrimination (ICERD); Convent on Economic, Social and Cultural Rights (ICESCR); Convention on Protection of the Rights of All Migrant Workers and Members of Their Families (ICMRW). ¹⁷⁰ |
| Evaluation | So far the Government has ratified 6 of the 9 core Human Rights Convention and plans to ratify the remaining 3 in the coming years. This will be after careful assessment is carried out to ascertain the practicality of such conventions. Ratifying of the remaining core human rights conventions is crucial to ensure that the basic needs of everyone as stipulated under the ICESR are promoted and protected and therefore must be prioritized. |
| Grading and overall rating (%) of implementation | 70%. Grade B. |
| Recommendation | Government to actively progress in this area. |

¹⁶⁹ Ministry of Foreign Affairs and Trade, written submission. 2 April, 2019.

¹⁷⁰ Ministry of Foreign Affairs and Trade, written submission. 2 April, 2019.

2. Follow-up action

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| Recommendation | 7. Parliament should expeditiously give proper attention to both the 2015 and 2016 SHRRs provided by the Office. |
| Submissions | Parliament has considered the Office's 2015, 2016, 2017 and 2018 SHRR. All four reports have been assessed by the relevant Parliamentary committee and recommendations have been issued to government for responses. ¹⁷¹ |
| Evaluation | To date, Parliament has discussed and tabled the Office's 2015, 2016 and 2017 SHRRs. Government responses to these reports have also been provided in relation to recommendations by the relevant parliamentary committee. However, so far, there is no information to suggest results and outcomes of these discussion in Parliament have been disseminated or relayed to the relevant ministry for action. It is the view of the Office that part of problem is the lack of awareness of Parliament and also Government of the process for implementing recommendations contained in these reports. |
| Grading and overall rating (%) of implementation | 60%. Grade B. |
| Areas for Office to actively consider and progress | NHRI Samoa to work with the Legislative Assembly, Ministry of the Prime Minister and Cabinet (as Cabinet's secretariat) and all government agencies to raise awareness of the process and the role of the Government in implementing recommendations contained in the SHRRs. NHRI Samoa to also ensure that modalities are in place to help ministries understand its recommendations to assist with implementation. |

¹⁷¹ Legislative Assembly of Samoa. Email correspondence, 15 May, 2019. Source on File.

FREEDOM FROM VIOLENCE

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| Recommendation | Actively progress finalization and implementation of CCP Policy and subsequently the CCP Bill which will ensure adequate support and care is available for children. Recommendation 23 of the Family Violence Inquiry Report 2018 refers. |
| Recommendation | Consider the impact of “unreasonable punishment” on the lives and development of children and develop a suitable and proper definition for it. Consider in the finalization of the CCP Bill and the Family law review. Recommendations 1 and 5 of the Family Violence Inquiry Report 2018 refers. |

RIGHT TO HEALTH

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| Recommendation | Government to prioritize and continuously provide both human and financial resources (together with having proper and comprehensive policies and measures in place) for district hospitals so that people have quality access to health care. |
| Recommendation | Government through the MOH should ensure that the <i>Mental Health Act 2007</i> is reviewed and amended to be compliant with CRPD and also in light of the completed legislative compliance review. |

RIGHT TO EDUCATION

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| Recommendation | Put in place measures to facilitate comprehensive sexual education in schools and communities to help and empower young people to protect their health, wellbeing and dignity. Recommendation 12 of the Family Violence Inquiry Report 2018 refers. |
| Recommendation | Sustain the newly established IE Unit so that it is fully and adequately resourced and equipped to ensure greater inclusion in schools and compliance with international obligations. |

COMPLIANCE WITH INTERNATIONAL HUMAN RIGHTS STANDARDS AND PRACTICES

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| Recommendation | MOP and SPCS to put in place measures (both policy and practice) consistent with international standards to ensure compliance minimum human rights standards in places of detention. |
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| Recommendation | Develop inclusive manuals and guidelines to assist police officers and staff deal with cases of violence against women rather than relying on practice. NHRI Samoa to monitor. |
| Recommendation | MJCA and MOP to develop and implement inclusive policies to ensure that everyone including PWDs have adequate access to justice. |
| Recommendation | Ministries (including private sector) to actively observe and mainstream disability issues across government policies similar to other cross-cutting issues of gender, climate change, human rights and others. |

ENVIRONMENTAL HEALTH AND CLIMATE CHANGE

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| Recommendation | Strengthen policies and sustain programmes and activities already in place to ensure a healthy environment for all now and in the future. Where necessary and appropriate, make relevant changes to the legislative framework to further guarantee human rights from impact of climate change. |
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ECONOMIC PARTICIPATION AND FREEDOM

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| Recommendation | Continuously provide support (opportunities, resources and information) for youth and ensure they are equipped with the necessary knowledge and skills to undertake employment through developing more tailored economic empowerment programmes in various fields that will give youth more option to realize their potential and outcomes. |
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FULL LIST OF RECOMMENDATIONS – 2015 STATE OF HUMAN RIGHTS REPORT

1. NHRI to launch Women's Rights Campaign in collaboration with MWCSO, MESC, Sui Tamatai o Nu'u (STN), and relevant NGOs to provide education about and raise awareness of gender role stereotyping and its effects on women, targeting both men and women at all levels of society, particularly in rural areas.
2. MWCSO, the Office of the Attorney General (AGO) and the Samoa Law Reform Commission (SLRC), in consultation with NHRI, to consider the drafting of Guidelines for the Village Fono Act requiring Alii and Faipule to take into account women's participation in decision making within the village.
3. Government to create genuine and durable partnership with WIBDI to promote broader uptake of its economic empowerment programmes, including its development model that focuses on families, particularly in rural areas.
4. Government to provide dedicated funds and adequate assistance to all NGOs working on the protection of families, especially in rural areas, in cooperation with DVU. In particular, priority must be given to building a Family Violence Shelter in collaboration with SVSG to meet the needs of victims of violence.
5. AGO and SLRC to consider reviewing the Family Safety Act 2013 for the inclusion of protections for persons who report incidence of violence, including sexual violence.
6. NHRI and DVU to enter into a Memorandum of Understanding (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.
7. Dispel the misconception about the rights of the child for both parents and children through community education campaigns and programmes led by the NHRI in collaboration with MWCSO, MESC, and relevant NGOs.
8. To use education as a means to combat poverty, the Government, communities, and families must address barriers to education (e.g. hidden costs, child labour) through the recognition of a collective responsibility for the welfare of children.
9. MESC to take steps to reduce dropout rates in secondary schools.
10. 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.
11. MESC to step up efforts to enforce the ban on corporal punishment in schools.
12. MWCSO and MJCA, in consultation with NHRI, to work with the village fono, relevant authorities and engaged NGOs to increase public awareness of the Family Safety Act and how to engage in its legal proceedings.
13. NHRI, in collaboration with MWCSO's Child Protection Unit and CID, to investigate and develop child-friendly reporting avenues for child abuse, sexual assault and incest.

14. A Memorandum of Understanding (MOU) is agreed between NHRI and CID 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.
15. Government to consider fully ratifying CRPD without reservation and ILO Convention 159 - Vocational Rehabilitation and Employment (Disabled Persons), 1983.
16. NHRI to ensure greater inclusion of PWDs in future consultations for the State of Human Rights Report and specifically raise awareness of the term "equal participation" and its implications for PWDs.
17. MESC and MWCSO, in collaboration with NHRI, to develop workshops for teachers on PWDs and human rights, including strengthening inclusive education.
18. As recommended in MWCSO's Mid Term Review, MCIL to review the accessibility of their vocational training programmes in line with ILO Convention 159 - Vocational Rehabilitation and Employment (Disabled Persons), 1983 and recommend how they can be made more inclusive.
19. Continued partnership between the NHRI, MOP, and SPSC to ensure that the conditions of detention meet minimum human rights standards.
20. Government to address the community's perception of affordability of health care through health literacy campaigns.
21. Government to address quality issues and gap in accessibility for rural and remote areas.
22. MWCSO to expand its Mothers and Daughters programme to become nationwide and consider a similar programme for fathers and sons in order to combat negative social and cultural attitudes towards teenage pregnancy
23. MOH, NHS, SFHA, in consultation with NHRI, UNFPA and UNAIDS to launch comprehensive public health campaigns, in particular addressing increased understanding and acceptance of condom and contraceptive use at political, religious and traditional leadership levels.
24. Government to consider the serious plight of, and viable medical options for, the victims of rape and incest as well as financially support SFHA and SVSG in the provision of comprehensive family counselling services for these cases.
25. MOH, MESC and NHS to engage with UN partners to implement CSE in accordance with UNFPA's Operational Guidance in order to empower young people to protect their health, wellbeing and dignity.
26. Government to provide adequate and sustainable funding for the implementation of the Water for Life Sector Plan 2012 - 2016 and the National Sanitation Policy 2010 within the national budget.
27. MNRE to mainstream gender and disability concerns into the NPCCC to ensure that the human rights of vulnerable groups are adequately protected in the implementation of activities.
28. MNRE and DMO, in collaboration with UNDP, to undertake education and awareness-raising in communities and with the village council to prepare for possible climate change induced displacement and resettlement.

29. Government to consider revision of the Village Fono Act 1990 to include disaster risk management (DRM) and climate change adaptation as part of the responsibilities of the village fono and ensure that village councils and communities are appropriately trained in DRM and climate change adaptation.
30. Government to uphold the findings of the COI and NHRI to monitor on an annual basis within its State of Human Rights Report any restrictions on religious freedom
31. Create exposure to the labour market for youth and introduce entry-level jobs.
32. Government to consider fully ratifying ICESCR without reservation in order to realise community development in full, particularly for the most vulnerable groups
33. Village councils and churches to consider alternative ways to minimise cultural and religious financial obligations, particularly for financially vulnerable community members.

FULL LIST OF RECOMMENDATIONS – 2016 STATE OF HUMAN RIGHTS REPORT

- 1) The Government should develop an Action Plan in order to co-fund the SDP 2013-2017 with the aim to completely fund the SDP 2013-2017 upon its completion.
- 2) OAG, MWCSO and SLRC should complete the LCR and ensure that it fully harmonises all of Samoa's laws with the CRPD.
- 3) The MOP should develop clear guidelines for reporting abuse and sexual exploitation of women with disabilities. These guidelines should be gender, age and disability sensitive.
- 4) Government should consider the following to ensure accessibility for people with disabilities:
 - a) adopt an action plan that identify existing barriers to accessibility;
 - b) ensure such action plans are strictly implemented;
 - c) set time frames with specific deadlines;
 - d) provide the human and material resources necessary to remove these barriers;
 - e) strengthen their monitoring and regulatory framework to ensure accessibility;
 - f) provide CRPD training and capacity building for staff that are responsible for the monitoring of these standards.
- 5) The NHS and MOH, in collaboration with NOLA, should carry out awareness activities to ensure that people with physical disabilities and families/careers are aware of the benefits of the mobility devices and the services that are available at MDS.
- 6) NOLA in collaboration with MESC should ensure that all schools are covered in the awareness programs that targets children and teachers.
- 7) NOLA in collaboration with MWCSO and the community networks (e.g. STN, SN, Youth and Church) should increase their efforts in raising awareness within the family unit about the rights of persons with disabilities.
- 8) MCIL, PSC, MWCSO, in collaboration with NOLA and Chamber of Commerce should carry out more awareness raising activities to promote the capabilities of people with disabilities in the employment sector and the contribution they can make in the development of their communities.

- 9) The NHS and MOH should ensure that people with disabilities have access to free or affordable health care in Samoa via the implementation of a subsidy card for people with disabilities.
- 10) The NHS and MOH should collaborate to develop a strategic plan to increase allied health services and undertake awareness raising activities in schools promoting the roles of allied health professionals.
- 11) The NHS should consult with the OAG about how the MH Act should be amended so that it is compliant with the CRPD.
- 12) The Government should provide funding to the Goshen Trust so that they can adequately provide services for people with acute psychosocial disabilities.
- 13) MESC should prioritise the preparation of an Action Plan of how to achieve the IEP/SLD including:
 - a) set realistic timeframes;
 - b) identify the budget,
 - c) how to raise the capacity of the personnel (ie: the current teachers, teacher aides, student teachers),
 - d) reasonable accommodation through the universal design of educational facilities;
 - e) support measures (such as the appropriate curriculum, assessment and test criteria, teaching in the appropriate method through Braille, electronic readers, sign language).
- 14) MESC should work in collaboration with NUS to develop the current inclusive education course into a full program, and provide initiatives to encourage students to undertake this profession.
- 15) MESC should activate and strengthen the Inclusive Education Unit within MESC to implement the IEP/SLD in coordinating with the service providers.
- 16) MCIL and PSC in collaboration with SBS should carry out an extensive survey to obtain disaggregated data on the number of people with disabilities who are employed to ensure their needs are catered for.
- 17) Government should improve its efforts in creating job opportunities for people with disabilities through awareness within the public and private sector focusing on the benefits of employing people with disabilities.
- 18) Recommendation No. 33 of the first State of Human Rights Report 2015 is reiterated which provides that "Village councils and churches to consider alternative ways to minimise cultural and religious financial obligations, particularly for financially vulnerable community members".
- 19) Government should increase support services for people with disabilities and their families such as the provision of free and affordable health care services and assistive devices.
- 20) MWCS/D in collaboration with NOLA and all community networks (e.g SN, STN, Youth, Church) should work to create a more inclusive environment by creating awareness about the rights of people with disabilities and increasing their participation within the village settings.
- 21) OEC in collaboration with MWCS/D and NOLA should increase their efforts to raise awareness within families with people with disabilities about the importance of people with disabilities' right to vote.
- 22) MOP and MJCA should mainstream all their policies so they are disability inclusive and ensure that people with disability have equal access to justice.

23) SPCS should ensure that the new prisons should be compliant with the CRPD including access to and around the building and rehabilitation programs.

FULL LIST OF RECOMMENDATIONS – 2017 STATE OF HUMAN RIGHTS REPORT

1. The Ministry of Foreign Affairs and Trade (MFAT) and the MNRE should embrace a human rights-centric approach to all international negotiations on climate change and all national climate change policies and programmes.
2. The GoS should ratify ICESCR and its relevant optional protocols in full and without reservation.
3. MNRE and MWCSO, with support from the Office, should jointly develop institutional safeguards to defend the human rights of the Samoan people in all climate change adaptation and mitigation projects, including relocation and resettlement efforts.
4. MWCSO should be explicitly tasked with preserving human rights through its participation in all climate change adaptation projects and programmes.
5. The GoS should consider an amendment to Article 15 of the Constitution of Samoa that proclaims a human right to a healthy environment and the rights of future generations.
6. MFAT should consider embracing the position that any backtracking from announced climate policy commitments by developed nations would constitute a violation of the human rights of the Samoan people.
7. Parliament should expeditiously give proper attention to both the 2015 and 2016 SHRRs provided by the Office.
8. MNRE, Electric Power Corporation (EPC), and Ministry of Works, Infrastructure and Transportation (MWTI) should jointly create a national relocation service provision plan, which will codify the responsibility of the government to provide services to areas where hazard zone communities will be relocated to in advance of resettlement.

FULL LIST OF STAKEHOLDERS

| Government agencies | Non-Governmental agencies |
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| Ministry of Justice and Courts Administration Ministry of Education Sports and Culture Ministry of Women Community and Social Development Ministry of Works Transport and Infrastructure Office of the Attorney General Ministry of Police Samoa Prisons and Correction Services Ministry of Health Ministry of Natural Resources and Environment Ministry of Commerce Industry and Labor Ministry of Foreign Affairs and Trade Electric Power Corporation Office of the Electoral Commissioner Public Service Commission Samoa Law Reform Commission Office of the Legislative Assembly | Nuanua o le Alofa Samoa Faafafine Association Samoa Umbrella for Non-governmental organisations Samoa Victim Support Group Samoa National Youth Council Women in Business Development Inc. Samoa Chamber of Commerce |



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