**REMARKS BY THE HON MINISTER COMMERCE INDUSTRY & LABOUR AT THE PRESENTATION OF SAMOA’S SECOND UPR TUESDAY 3RD MAY, 2016**

Mr. President

Distinguished representatives of the Members States &

Observer States of the Human Rights Council.

Ladies and Gentlemen

It is an honour for me to address the Working Group of the Human Rights Council on this second cycle of reporting under the Universal Periodic Review mechanism.

Firstly, allow me to introduce my delegation:

1. Ms Peseta Noumea Simi - CEO for the Ministry of Foreign Affairs and Trade,
2. Ms Constance Rivers - Associate Public Solicitor for the Office of the Attorney General,
3. Ms Olive Vaai, Foreign Service Officer, Ministry of Foreign Affairs and Trade.
4. Ms Pierina Katoanga – Second Secretary, Samoa Mission to the United Nations, NY.

My delegation and I have travelled a long way to be here today, this is a reflection of Samoa’s commitment to engage with you in this important process. Samoa views the UPR as an important opportunity not only to reflect on our human rights record but also to provide responses to recommendations received at the May 2011 UPR review and to provide answers to the advance written questions we had received from member states prior to our leaving Samoa namely Slovenia, United Kingdom, Mexico and Spain

The recommendations received by the Government of the Independent State of Samoa are provided thematically and will be addressed individually.

Mr President

**National Human Rights Institution (NHRI)**

Samoa noted the recommendation made with regard to the establishment of the National Human Rights Institution, which was established in 2013 under the Ombudsman Act. Since establishment, it has been very proactive and committed to national and international engagement by producing Samoa’s first human rights state report 2015, as well as undertaking human rights training, outreach and awareness campaigns throughout the country using all forms of the media.

The NHRI has been conscientiously working towards its accreditation in compliance with the Paris Principles, to the International Coordinating Committee of National Human Rights Institutions where, when deemed compliant, will then make Samoa the first accredited NHRI in the Pacific Region

Mr President.

**On Women’s Rights / Domestic Violence/Employment (Women, Gender Equity and Non-discrimination);** recommendations made with respect to women’s rights, the fight against domestic violence and violence against women and children, have all been supported

Samoa achieved a critical milestone in the legislation landscape with the passing of the Family Safety Act 2013, which provides greater protection of families and handling of domestic violence and related matters through the use of protection orders. Additionally, the Family Court of Samoa was established in 2014 in an effort to protect the vulnerable who are mainly the women and children and youth offenders. Linked to these developments is the establishment of the Drugs and Alcohol Court in 2015 which gets support from gender programs to fund officers of the court. Both the Family Court and Drugs and Alcohol Courts are presided over by female Supreme Court judges. Initial set up of the courts was supported through secondment of NZ based female judges to Samoa one of whom is Samoan.

Another notable legislation enacted is the Crimes Act 2013, which introduced several significant changes to provisions relating to sexual offences such as the increase in maximum penalties for most offences, more inclusive definition of these offences, including a variety of forms of unwanted sexual contact and the criminalization of marital rape.

The non legislative measures for the prevention of violence against women and children are catered for under the Gender program funded by the Government of Australia, the UN country team and with complementary support by an Australian Government funded Gender regional program. Non government organisations are contracted to deliver public awareness and community conversations through traditional drama cultural songs and dance.

In relation to the recommendation on the improvement of the situation of women in Samoan society and political life, Samoa has shown its commitment to ensuring greater participation of women in political and public life by unanimously passing the Constitutional Amendment in June 2013 that introduced the 10% quota of women representatives into the national Legislative Assembly. We wish to emphasize that this is the minimum (floor) and it does not prohibit more women from entering into political roles in future general elections. Our elections in March resulted in the first female to hold the position of Deputy Prime Minister and Deputy Leader of the Ruling Party namely the Human Rights Protection Party as well as having the record number of women running as candidates and the highest number ever to be elected to parliament at 5..

Mr President, Samoa recognizes that more women in parliament can influence and sensitise a more balanced discussion of gender issues at that level as well as encourage a way forward to harmonize traditional/customary practices with the law in regards women in politics and the empowerment of women in general.

The pre-elections program to enhance political awareness of the public of the potential role women can play served its purpose well. Never before has there been such a popular issue clearly highlighted and one which caused much interest in the outcomes of the elections. The seeds have been sown and that there is advocacy of continuing the momentum into the next elections and even the encouragement of women to sit on statutory boards.. Academia in collaboration with the Ministry of Women Community and Social Development and Non governmental organisations are initiating discussions with the small number of villages that still do not recognize female title holders to determine their perceptions and why they do not accept that women can play such a role effectively

Samoa has also enacted the Labour and Employment Relations Act 2013 which has introduced significant changes to Samoa’s employment laws for both employers and employees such as new maternity and paternity leave entitlements, the increase from 2 months to 3 months of paid leave and the introduction of new fundamental employment rights including, no forced labour and equal pay for equal work. The government of Samoa will be launching soon the “Samoa National Employment Policy” which provides a framework for employment under three pillars namely: labour supply, labour demand and policy framework. This will ensure equal opportunity employment for all including women and youth. The Youth Employment program supported by the UN country team in their efforts to Deliver as One as well as other development partners focuses on establishing an incubator with appropriate technical assistance and support to encourage micro to small scale enterprises by youth and women. Government support is also provided to the Women in Business incorporated organisation which gives women and their usually low income families the chance to earn money through small agri-businesses under the “Farm to Table” initiative. The program complements national initiatives to promote import substitution as well as the use of value chains to encourage more efficient and effective production and consumption and enhance economic empowerment of women.

Mr President; such good practices by the Women in Business organisation has also attracted financial support under the WTO/ Enhanced Integrated Framework (EIF) to build a storage and processing warehouse to value-add products for niche export markets.

Similarly the Small Business Enterprise Centre provides equal access for women and men under the Small Business Loan Guarantee Scheme providing securities for business loans from the Commercial Banks. The Government of Samoa continues to support financial deposits with the Banks to cover the scheme. More than 2000 small businesses with just over 50% ownership by women have access to finance under this scheme for their businesses.

A privately run successful microcredit scheme, continues to build on its female clientele to the extent that the commercial banks have opened their doors for larger loans for these business women.

In addition, the Samoa Development Bank administers a Micro-finance scheme targeting women’s community groups on economic development activities. There are no restrictions for women in accessing finance in Samoa from any Bank or Financial Institution.

The Government of Samoa now has passed the Personal Property Securities Act 2013 which facilitates access to finance and transactions for businesses. The law also recognises the right for both men and women to own property and using such personal assets for business transactions

**Children’s rights, Mr President are gaining greater understanding by the public and support.**

The education of Samoa’s children is key in the development of our nation as a whole; this is emphasized in the Education Act 2009 which focuses on the importance of compulsory education for the age cohort 5-14 years old. Samoa has supported the recommendation made for access to education to ensure that there is universal primary school education under the Samoa School Fees Scheme initially supported by the Governments of Australia and New Zealand but is now fully funded by the Government of Samoa. Similarly a school fee paying scheme is provided at secondary level but only for Year 9-Year 11 to encourage higher retention rates from primary to secondary level. Greater attention is being paid to the emerging discrepancies where there are more girls than boys enrolling at all levels of education and males performing less well than females.

The school fee paying schemes have contributed significantly to achieving the Millennium Development Goal 3 on universal primary education. Enrolment rates had increased which point to the fact that more children were attending school. The enforcement of the Compulsory Education Act anecdotal evidence suggests that street vendors only come out after school hours. Enforcement of the Child Labour Act is the issue to be tackled.

Samoa is fully dedicated to an inclusive education system which supports the integration of children with special needs into mainstream schools. The Inclusive Education Program initiative is carried out in partnership with the Government of Australia, and involves both public and private and mission schools. The Government has identified private institutions that can provide service delivery for children with disabilities such as SENESE International Support Services, Loto Taumafai and Aoga Fiamalamalama.

Significant reforms have also been made to tackle corporal punishment in schools, whereby the Education Act 2007 prohibits corporal punishment in schools. The Childcare Protection Bill which domesticates the Convention on the Rights of the Child will encompass the protection of children from violence and set out standards for approved carers. Samoa continues to conduct awareness raising campaigns to ensure that alternative forms of discipline are administered in a manner consistent with the child’s human dignity and in conformity with the Convention, in particular, Article 28, paragraph 2. Some of Samoa’s development partners have also institutionalised child protection policies in the sectors they are engaged in and fund under their development cooperation programs.

**Mr President, Capacity Building Assistance is required by all small islands developing states Samoa inclusive.**

Samoa has to date sought and received support for capacity building from the Secretariat of the Pacific Community, development partner funded projects, the EU, UNDP and UNICEF. Samoa will continue to seek assistance from UN agencies towards the implementation and fulfilment of its human rights obligations.

In the designing and planning of national programs that are co-funded by Samoa’s development partners, a rights based approach is used so that there is meaningful engagement with all stakeholders and that the appropriate safeguards measures are in place (social, economic and environmental)

**On Disability**, the Government of Samoa has taken the necessary steps to ensure that legislative compliance reviews are undertaken and cost implementation assessments are in place for Samoa to harmonize its human rights legislation with international standards. The Disability Taskforce established by cabinet directive works closely with Nuanua o le Alofa, the focal point of contact for people with disabilities in partnership with other non-governmental organizations promoting inclusive participation for people with disabilities at all levels.

The Australia –Samoa partnership invested in 2 major programs for people with disability, the Disability program and the Inclusive Education program. The Disability program was designed to assist the Government of Samoa to move towards ratification of the CRPD now planned to be done by December 2016.

**On Legislative review and policy measures:**

The Government of Samoa is committed to ensuring the treaties already ratified particularly CRC, CEDAW and CRPD (to be ratified) are incorporated in national laws and implementation plans. To this end, Samoa is working with relevant government agencies and offices to ensure the principles contained in ratified treaties are incorporated in national laws and prograns for implementation.

**With regard to Justice and Law Reforms**:

One of the key goals of the Public Administration Sector Plan 2014-2018 is working towards establishment of an independent anti-corruption Commission. The Sector intends to seek technical assistance from Samoa’s development partners for the design and structure of the commission.

Currently, there is an anti-corruption partnership between the National Prosecution Office, the Chief Auditor and Controller and the Police. Freedom of Information Act must be based on national policy direction. Despite the absence of such an Act, there is freedom to access and disseminate information and there is freedom of expression.

The implementation of the Law and Justice sector plan saw the separation of the Ministry of Police and Correctional Services. The upgrading of prison facilities includes relocation to a bigger site and constructing new infrastructure to be funded out of the national budget. The proposed new infrastructure include the provision of rehabilitative programs for inmates so that reintegration into communities is facilitated. These include appropriate health and counselling facilities.

**Mr President under the Law and Justice sector reforms,** the government of Samoa has also looked into the rehabilitation of deported returnees, The Office of the Attorney General under the auspices of the Law and Justice Sector collaborated to set up the first Charitable Trust in the Pacific for returnees. The main goal of the Samoa Returnees Charitable Trust Integration Assistance Program is to provide both resettlement services which has counselling support, family reunification links and temporary accommodation to ensure a strategic intervention to the growing number of returnees and potentially growing anti-social behaviour.

Establishing a mechanism to support deportees through the period of their arrival and resettlement in Samoa will assist both from a security perspective in preventing the development of a cultural underclass linked to transnational criminal organisations and involved in criminal activity, and from a human rights perspective, enabling the deportees to become responsible, contributing members of the Samoan community. The initiative is establishing vocational networks to allow returnees to prove to the community that they want to contribute to society, that they are law-abiding citizens and deserve a second chance. The successful implementation and sustainability of this program is premised on the support of the traditional social structures including extended families, faith based organisations

**Some important changes have emerged from the Health sector Mr President.**

* Maternity Leave: is up to 6 months – paid leave has been extended from 8 to 12 weeks with 5 days parental leave
* Abortion is illegal but can be done only on medical grounds if there is danger to the life of the pregnant woman.
* The focus of the United Nations Fund for Population Activities in Samoa is on strengthening national capacity to deliver family planning and reproductive health services and to deliver sexual and reproductive health services for young people. Implementation is focused on setting up strategically located youth health centres where they have access to such services with privacy guaranteed. A growing group of youth peer educators have been trained to lead peer learning in sexual and reproductive health services within the faith based youth organisations with support from the ministries of community development health and education

**Treaties Signed and Ratified**

**Mr President,**

The Government remains committed to ensure that it ratifies all core human rights conventions to safeguard the citizens and their rights thereof and hence accepted the recommendations in this regard.

Samoa will be the first Pacific Island country to ratify the three optional protocols for the Convention on the Rights of the Child (CRC):

Samoa has submitted the Instruments of Ratification for the three (3) Optional protocols of the CRC on (i) the involvement of children in armed conflict, (ii) on the sale of children, (iii) child prostitution and child pornography. This shows Samoa’s strong commitment in the protection of children from harmful practises that may affect their rights and freedoms ..

Samoa is working towards the ratification of the Convention on the Rights of People with Disabilities (CRPD) as disability rights is one of the biggest human rights issues. Samoa will continue to work with international and regional partners on the development of a specific standalone disability legislation to support the full implementation of the convention, following this, Samoa would then ratify the CRPD Convention by December, 2016.

Samoa looks forward to the establishment of a National Monitoring Review Framework to be housed in MFAT to efficiently monitor and evaluate all human rights reporting so that our human rights reporting with obligations will go through a consultative process in a timely manner.

**In concluding Mr President;**

On behalf of the Government of the Independent State of Samoa, I would like to thank all the delegations that have provided comments to Samoa’s UPR. Samoa welcomes technical and financial assistance provided by the international community to implement its human rights commitments. Our responses recognize that Samoa’s approach to human rights is not static but it is informed by continuing debate at all levels.

We also wish to thank our Troika, Ecuador, Congo and India for the guidance provided as well as the countries that sent us advance questions, Slovenia the United Kingdom, Mexico and Spain….. We hope that we have answered most of those questions in our opening statement and will elaborate on others as part of our responses this morning. I wish to also note our appreciation of the invaluable assistance of the Secretariat.

Samoa is determined to continue to work to comply with its international human rights obligations and to pursue its close cooperation with all stakeholders in its efforts to meet these commitments.

Thank you, Mr. President