



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined second to fourth periodic reports of Samoa<sup>\*\*</sup>

#### I. Introduction

1. The Committee considered the combined second to fourth periodic reports of Samoa (CRC/C/WMS/2-4) at its 2106th and 2107th meetings (see CRC/C/SR.2106 and 2107), held on 17 and 18 May, and adopted the present concluding observations at its 2132nd meeting, held on 3 June 2016.

2. The Committee welcomes the submission of the combined second to fourth periodic reports of the State party and the written replies to the list of issues (CRC/C/WMS/Q/2-4/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the ratification of or accession to the following instruments:

(a) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2016;

(b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2016;

(c) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2016;

(d) The International Convention for the Protection of all Persons from Enforced Disappearance, in 2012;

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\* Reissued for technical reasons on 13 July 2016.

\*\* Adopted by the Committee at its seventy-second session (17 May-3 June 2016).



- (e) The International Covenant on Civil and Political Rights, acceded on 15 February 2008;
  - (f) The ILO Minimum Age Convention, 1973 (No. 138), in 2008;
  - (g) The ILO Worst Forms of Child Labour Convention, 1999 (No. 182), acceded on 30 June 2008.
4. The Committee notes with appreciation the adoption of the following legislative measures:
- (a) The Prisons and Corrections Act No. 11, in June 2013;
  - (b) The Labour and Employment Relations Act No.7, on 5 April 2013;
  - (c) The Family Safety Act No. 8, on 5 April 2013;
  - (d) The Amendment of the Ombudsman Act No. 12, on 30 May 2013;
  - (e) The Education Act No. 9, on 26 June 2009;
  - (f) The Community Justice Act No. 5, on 25 January 2008;
  - (g) The Young Offenders Act No. 25, on 29 October 2007.
5. The Committee welcomes the following institutional and policy measures:
- (a) The adoption of minimum service standards for early childhood education centres in Samoa, in 2015;
  - (b) The adoption of the National Policy and Plan of Action for Children (2010-2015);
  - (c) The expansion of the mandate of the Ombudsman's Office, which is the national human rights institution, so that it can receive and investigate individual human rights complaints and violations, in 2013;
  - (d) The establishment of the Samoa Law Reform Commission, in 2008.

### **III. Main areas of concern and recommendations**

#### **A. General measures of implementation (arts. 4, 42 and 44 (6))**

##### **Reservations**

6. The Committee reiterates its concern at the reservation made by the State party to article 28 (1) (a) of the Convention on the Rights of the Child.

**7. In the light of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in 1993, the Committee recommends that the State party consider withdrawing the reservation made to article 28 (1) (a) of the Convention on the Rights of the Child.**

##### **Legislation**

8. The Committee welcomes the establishment, in 2008, of the Samoa Law Reform Commission, the Commission's work on the legislative compliance review undertaken of the Convention and the preparation of the strategic policy brief to address policy gaps and legislative harmonization. The Committee is concerned, however, that some legislation, in particular the Infants Ordinance of 1961 and the Youth Offenders Act of 2007, still has to

be harmonized with the Convention. It also notes that the State party intends to adopt the Child Care and Protection Bill by the end of 2016.

9. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to implement the revisions recommended by the Samoa Law Reform Commission and bring the existing legislation into conformity with the Convention;**

(b) **Expedite its efforts to adopt the Child Care and Protection Bill.**

**Comprehensive policy and strategy**

10. The Committee welcomes the adoption and implementation of the National Policy and Plan of Action for Children (2010-2015) and the current impact assessment of the National Policy. It also notes the State party's intention to reform all the national policies led by the Ministry of Women, Community and Social Development. It remains concerned, however, at:

(a) The absence of preliminary information on the results of the National Policy and of a follow-up plan;

(b) The lack of an integrated approach between the government ministries that are monitoring and coordinating the National Policy and those implementing it, including non-governmental organizations.

11. **The Committee recommends that the State party:**

(a) **Report on the impact assessment of the National Policy in its next periodic report;**

(b) **Develop and adopt a new national plan of action for children that is informed by the previous plan and its results;**

(c) **Strengthen coordination between the government ministries responsible for monitoring and coordinating the National Plan and those implementing it, including non-governmental organizations.**

**Coordination**

12. The Committee is concerned that the decisions made by the National Council for the Convention on the Rights of the Child, a body mandated to provide policy advice and oversee overall implementation and monitoring of the Convention, are not sufficiently shared among the National Council's members. The Committee is also concerned about the insufficient support provided to the Ministry for Women, Community and Social Development, which takes the lead on the promotion, implementation and monitoring of the Convention.

13. **The Committee recommends that the State party:**

(a) **Strengthen coordination and information-sharing among the members of the National Council for the Convention on the Rights of the Child to ensure that policy decisions also reach those responsible for implementing the Convention at the national and community levels;**

(b) **Mainstream children's issues through the National Council in all government ministries;**

(c) **Provide sufficient human, technical and financial resources to the National Council and the Ministry of Women, Community and Social Development.**

**Allocation of resources**

14. While noting that the budget allocations to sector ministries dealing with children have increased, the Committee is concerned that the budget line for services aimed at the protection of children is the smallest within the Ministry of Women, Community and Social Development. The Committee is also concerned at the insufficient financial assistance available to non-governmental organizations providing services to children.

15. **The Committee recommends that the State party, in planning its future budgets, take into account the recommendations made in 2007 during the day of general discussion on the theme “Resources for the rights of the child: responsibilities of States”. Specifically, the Committee recommends that the State party:**

(a) **Increase allocated budgetary resources for children to the maximum extent possible in accordance with article 4 of the Convention and, in particular, increase the budget and expenditures for services aimed at the protection of children within the Ministry of Women, Community and Social Development;**

(b) **Ensure the availability of adequate financial and other resources to enable civil society organizations to effectively provide services, including by seeking resources through international cooperation.**

**Data collection**

16. The Committee welcomes a number of statistical indicators included in the 2011 census conducted by the Samoa Bureau of Statistics, as well as the inter-agency referral system for children at risk of harm, the 2015 international independent assessment guidelines for the management of information and a number of nationwide surveys targeting children, in particular the baseline report of 2013. It notes that the Child Protection Information System was developed in 2007, but regrets that it has not been more widely used and that it lacks resources and funding to function.

17. **The Committee recommends that the State party:**

(a) **Utilize the data collected through the various surveys, including the baseline report and the 2011 census, to improve and strengthen legislation, policies and programmes related to children;**

(b) **Provide adequate financial, human and technical resources to the Child Protection Information System, including for training on its use.**

**Independent monitoring**

18. The Committee welcomes the amendment to the Ombudsman Act of 2013 establishing the Office of the Ombudsman as the national human rights institution and notes that that institution is able to receive, investigate and address complaints by children. The Committee is concerned, however, about the inadequate resources available for the institution to effectively carry out its mandate on children’s rights.

19. **The Committee recommends that the State party ensure that the national human rights institution has adequate resources to effectively discharge its mandate on children’s rights.**

**Dissemination, awareness-raising and training**

20. The Committee welcomes the fact that the Convention has been translated into Samoan and that the Convention and the previous concluding observations have been widely distributed. It also welcomes the awareness-raising programmes that have been developed, the training sessions on the Convention that have been conducted around the

country and the development of a policy to further promote the Convention at the village level. The Committee is concerned, however, at the belief, particularly widespread among church leaders and at the village level, that human rights and traditional law (*fa'asamoa*) are in contradiction with each other.

21. **The Committee recommends that the State party:**

(a) **Strengthen community awareness-raising programmes and efforts in order to ensure that the provisions and principles of the Convention are widely recognized and understood and make sure that children, parents and community and church leaders play a key role in such initiatives;**

(b) **Strengthen awareness at the national level, in particular among the government officials and ministries that work directly on children's rights;**

(c) **Engage with community and church leaders in a discussion on children's rights in the context of Samoan culture with a view to changing behaviour and social attitudes to the Convention.**

## **B. Definition of the child (art. 1)**

22. The Committee is concerned that under the Marriage Ordinance Act 1961 the minimum age for marriage is set at 18 years for boys and at 16 years for girls and that exceptions allowing for boys and girls to marry at even younger ages are sometimes made. The Committee is also concerned that the Young Offenders Act of 2007 applies only to persons between 10 and 17 years of age and is thus inconsistent with the definition of the child under the Convention.

23. **The Committee encourages the State party to revise its legislation in accordance with the Samoa Law Reform Commission's recommendations in the Child Care and Protection Bill in order to ensure that the minimum age for marriage is established at 18 years for both girls and boys, and to remove all exceptions that allow marriage under that age. The Committee recommends that the State party harmonize the Young Offenders Act of 2007 with the provisions of the Convention by changing the age of children to which the Act applies to 18 years.**

## **C. General principles (arts. 2, 3, 6 and 12)**

### **Non-discrimination**

24. The Committee notes that the State party's Constitution provides protection from discrimination on various grounds. It is concerned, however, that children continue to face de jure and de facto discrimination on the basis of gender and disability.

25. **The Committee recommends that the State party:**

(a) **Take more proactive measures to end all forms of discrimination against children, paying special attention to discrimination against girls and children with disabilities;**

(b) **Take steps to bring customary practices into full compliance with the Convention, particularly in relation to girls' inheritance of chiefly titles and membership in village councils.**

**Respect for the views of the child**

26. The Committee welcomes the establishment of the Samoa National Youth Council and the passing of key legislation that gives children the right to be heard in judicial court proceedings. The Committee is still concerned, however, that the Council lacks adequate financial and human resources for its effective functioning and that traditional attitudes may limit children's right to freely express their views within their family, in schools and in the community.

27. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

(a) **Implement the relevant legislation, in particular the Family Safety Act and the Crimes Act, and adopt the Child Care and Protection Bill;**

(b) **Provide adequate financial and human resources to the Samoa National Youth Council for its functioning;**

(c) **Take measures to strengthen the implementation of the right of the child to be heard in accordance with article 12 of the Convention;**

(d) **Conduct awareness-raising programmes, including campaigns, to promote the meaningful and empowered participation of all children in the family, in the community and in schools, paying particular attention to girls and children in vulnerable situations.**

**D. Civil rights and freedoms (arts. 7, 8 and 13-17)****Birth registration**

28. The Committee notes that the State party has made some progress in terms of birth registration coverage among children under 5 years of age, from 48 per cent in 2009 to 59 per cent in 2014, and that there is a new computerized registration system with a number of features for detecting false registrations. It remains concerned, however, that the number of registered births continues to be low and that there are differences in the number of birth notifications depending on whether a child is born in a national health facility or in a village with the help of traditional birth attendants. The Committee is also concerned that birth registration is not free and that the stigmatization of young and unwed mothers hinders the registration of correct information, as when children are reportedly registered by their grandparents.

29. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to implement free and early birth registration procedures and to issue birth certificates and that it place a special focus on children in rural areas;**

(b) **Improve the registration of births occurring outside hospital facilities and consider the use of mobile birth registration teams to cover remote communities;**

(c) **Ensure the accuracy of registration details for babies born to young and unwed mothers;**

(d) **Develop strategies to change the social mindset and negative attitudes towards unwed mothers;**

(e) **Provide the financial, human and technical resources necessary to improve the efficiency of the new computerized registration system;**

(f) **Launch extensive awareness-raising programmes on the importance of birth registration and the process by which children are registered.**

## **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

### **Corporal punishment**

30. The Committee notes with appreciation that the Education Act of 2009 prohibits corporal punishment in schools. It also notes measures such as the national violence-free school policy, the minimum service standards for primary and secondary schools and the training of teachers on the ban of corporal punishment. The Committee is seriously concerned, however, that corporal punishment:

(a) Despite being outlawed in schools and in early childhood settings, is not prohibited in other settings, such as in the family, in alternative care institutions and in private schools;

(b) Is reportedly still widely used in schools and by caregivers holding traditional beliefs and attitudes on disciplinary measures;

(c) Is not clearly prohibited under the Crimes Act and the Family Safety Act, both of 2013, which do not explicitly repeal the “right to administer reasonable punishment” set out in the Infants Ordinance of 1961.

31. **The Committee recommends that the State party:**

(a) **Revise its existing legislation and ensure that the Child Care and Protection Bill explicitly prohibits all forms of corporal punishment in all settings, including at home, in the community, at schools and in the justice system, without any exception;**

(b) **Explicitly repeal clauses related to the “right to administer reasonable punishment” in the Infants Ordinance of 1961 as a matter of priority;**

(c) **Immediately and effectively implement the Education Act of 2009 prohibiting corporal punishment in schools and the national violence-free school policy and, in this regard, strengthen teacher training on positive discipline and ensure that behaviour management guidelines are part of the teacher service training programmes;**

(d) **Strengthen the complaints mechanism in schools so that children can safely and confidentially report teachers who continue to use corporal punishment;**

(e) **Strengthen awareness-raising programmes, training sessions and other activities to promote a change in the mindset on corporal punishment, particularly in schools, in the family and at the community level.**

### **Violence against children**

32. The Committee welcomes the passing of the Family Safety Act of 2013 and the organization of awareness-raising programmes for children on the prevention of sexual violence and of workshops in communities to address violence against children, in particular workshops in rural areas, with a focus on children with disabilities. The Committee remains seriously concerned, however, at:

(a) The high level of abuse of and domestic violence against children, especially in villages;

- (b) The reportedly high level of sexual abuse, including sexual harassment by teachers in schools and incest, and the significant underreporting due to the fear of stigma;
- (c) The current legislation not criminalizing all forms of sexual acts against children as a separate crime and a definition of rape that is not gender-neutral;
- (d) The custom of reporting and settling cases through the village councils, which may result in action being taken against the victims or their families rather than against the perpetrators;
- (e) The fact that children are not sufficiently aware that reporting mechanisms and protection orders exist;
- (f) The inadequacy of structures in place to support child victims of violence, such as shelters and counselling, most of which are run by one non-governmental organization;
- (g) The absence of a legal framework and of mechanisms for monitoring the non-governmental organizations offering services and assistance to child victims;
- (h) The shortage of specialized personnel and the lack of resources for the Domestic Violence Unit of the police, which offers counselling services;
- (i) The risk of abandonment of children born out of wedlock owing to the existence of negative attitudes by the family and the community;
- (j) The lack of information and statistical data on the nature, extent and causes of child abuse and neglect, as well as sexual exploitation and abuse.

33. **In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals on ending abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee recommends that the State party:**

- (a) Encourage community-based programmes aimed at preventing and tackling domestic violence, child abuse and neglect, sexual exploitation and abuse, and pay particular attention to and address the gender dimension of violence;**
- (b) Take all measures necessary to ensure that child victims of violence receive psychological and recovery services, that they are aware of the reporting procedure and the existence of protection orders, and that they are encouraged to report cases of domestic violence, in particular child sexual abuse, to the authorities;**
- (c) Amend legislation to ensure that all sexual acts involving children are criminalized as a separate crime, that the definition of rape is gender-neutral and that the protection of persons who report incidents of violence against children is included in the Family Safety Act of 2013;**
- (d) Conduct awareness-raising activities to combat the stigmatization of children born out of wedlock, which can lead to their abandonment, and the stigmatization of child victims of sexual exploitation and abuse, including incest, and ensure accessible, confidential, child-friendly and effective reporting channels for such violations;**
- (e) Provide a legal framework and mechanisms for monitoring the non-governmental organizations offering services and assistance to child victims by adopting the Child Care and Protection Bill;**
- (f) Take all measures necessary to ensure that the Domestic Violence Unit of the police has adequate human, technical and financial resources, particularly for specialized personnel dealing with cases of violence against children, to enable it to**



offer counselling services, and that sufficient support is provided to non-governmental organizations that provide shelter, counselling and rehabilitation services to child victims of abuse;

(g) Systematically collect information on all cases of domestic violence against children, including sexual abuse, child abuse, incest, neglect, ill-treatment and domestic violence, and undertake a comprehensive assessment of the extent, causes and nature of such violence.

**F. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

**Children deprived of a family environment**

34. The Committee is concerned at the lack of a legal framework for monitoring alternative care institutions run by non-governmental organizations and for monitoring family-based care for children, as well as at the limited services and the lack of alternative care quality assurance standards in the State party. It is also concerned at the limited capacity to monitor and oversee the status and conditions of children placed in alternative care. The Committee is further concerned at the lack of monitoring and intervention mechanisms, in particular for the system of “informal adoption” within the extended family.

35. Drawing the State party’s attention to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex), the Committee recommends that the State party implement the findings of the Samoa Law Reform Commission to improve alternative care options and, in particular, that it:

(a) Establish a legal framework for monitoring family-based care for children and alternative care institutions run by non-governmental organizations and establish a system of foster care for children who cannot stay with their families, ensuring that institutionalization is used as a last resort;

(b) Provide all necessary services and support to families and alternative care providers;

(c) Establish quality standards for all available forms of alternative care options and take children’s views into consideration in any decision made about alternative care;

(d) Ensure periodic review of the placement of children in foster care and institutions and monitor the quality of care therein, including by providing channels for reporting, monitoring and remedying the maltreatment of children;

(e) Ensure that children are separated from their parents only as a measure of last resort, when it is in their best interests and when it is necessary for their protection;

(f) Establish intervention mechanisms and strengthen the capacity to monitor the system of “informal adoptions” within the extended family.

**Adoption**

36. The Committee notes that a formal adoption system is in place in the State party, but remains concerned that there is not enough information available on the scope, registration, monitoring and intervention mechanisms available.

37. **Recalling its previous concluding observations (see CRC/C/WSM/CO/1, para. 40), the Committee recommends that the State party:**

(a) **Undertake a formal national study and strengthen data collection on adoption with a view to understanding the scope of that practice and to adopting adequate policies and measures;**

(b) **Establish intervention mechanisms and strengthen the capacity of the Ministry of Women, Community and Social Development to register, regulate and monitor adoptions, and encourage the registration of children through the formal adoption process;**

(c) **Consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, of 29 May 1993.**

#### **Children of incarcerated mothers**

38. The Committee is concerned that detention facilities are insufficiently equipped for the needs of incarcerated mothers with babies.

39. **The Committee recommends that that the State party provide children of incarcerated mothers with appropriate and adequate services and facilities in prisons.**

### **G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)**

#### **Children with disabilities**

40. The Committee notes with appreciation the establishment of the National Disability Centre, the disability task force, the revised National Policy for Persons with Disabilities 2016-2020, the Inclusive Education Policy for Students Living with Disability (2014) and the draft minimum service standards for primary and secondary schools, all of which aim to make schools accessible to children with disabilities and to ensure a safe learning environment for such children. It also notes the commitment of the State party to ratifying the Convention on the Rights of Persons with Disabilities by the end of 2016. The Committee is concerned, however, about:

(a) The lack of information about the results achieved by the National Policy for Persons with Disabilities 2009-2012 and the corresponding implementation plan;

(b) The stigmatization of children with disabilities, including children with mental disabilities, owing to cultural attitudes;

(c) The limited access to inclusive education and the lack of well-trained specialized teachers, especially for children with mental disabilities, and the limited access to all public buildings, public spaces and service delivery in all areas, especially in rural schools and communities;

(d) The limited funding available to non-governmental providers of services such as rehabilitation programmes and shelters for abandoned babies with disabilities.

41. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:**

(a) **Systematically evaluate the National Policy for Persons with Disabilities 2016-2020 and the corresponding implementation plan and use the findings of the assessment to formulate future policies;**

(b) **Develop and launch awareness-raising programmes with a view to changing social misconceptions about children with disabilities, including children with mental disabilities, and eliminating stigmatization, in particular in rural areas and in the family;**

(c) **Strengthen its efforts to implement the Inclusive Education Policy for Students Living with Disability and allocate sufficient resources for programmes such as the Samoa School Fees Grant Programme, which supports families of children with disabilities;**

(d) **Ensure, including through international cooperation, that there are enough specialist teachers and professionals providing individual support in all schools and that professionals are adequately trained so that children with all kinds of disabilities can effectively enjoy their right to quality inclusive education;**

(e) **Improve access to all public buildings, spaces and services in all areas, especially in rural schools and communities;**

(f) **Provide adequate resources to non-governmental organizations that run services, rehabilitation programmes and shelters for children with disabilities;**

(g) **Consider ratifying the Convention on the Rights of Persons with Disabilities as soon as possible.**

#### **Health and health services**

42. The Committee welcomes the Strategy for the Development of Samoa 2016-2020 and the Samoa Health Sector Plan 2008-2018, in which children are a priority, as well as the initiatives on breastfeeding. It notes with appreciation that health and physical education is a core subject in primary school. The Committee is concerned, however, that:

(a) Health care is free only for children up to 5 years of age and for children in a vulnerable situation;

(b) The vaccination coverage is low, in both urban and rural areas;

(c) Health services and personnel remain inadequate in terms of coverage, number and quality, in particular in rural areas;

(d) There are disparities in access to basic health services between urban and rural areas;

(e) There is no update on the results of the National Policy on HIV/AIDS 2011-2016;

(f) The stigmatization of people living with HIV/AIDS hampers access for children, teenagers and pregnant women to free HIV testing and free antiretroviral therapy;

(g) Access to water and sanitation is limited in some schools;

(h) The limited number of health and physical education teachers is restricting the implementation of the subject in school.

43. **In the light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of target 3.b of the Sustainable Development Goals on, inter alia, providing access to affordable essential medicines and vaccines, the Committee recommends that the State party:**

(a) **Expand access to free medical care and treatment for all children;**

- (b) Consider implementing policy changes and awareness-raising initiatives among parents to increase the coverage of children vaccinated against preventable diseases in the State party;
- (c) Ensure that there are enough well-trained health workers for all children and pregnant women, as well as obstetric neonatal care facilities, in particular in rural areas;
- (d) Strengthen its efforts to improve access to basic health-care services for all children, in particular in rural and remote areas, and provide more resources to mobile clinics so that they can reach more people in rural areas;
- (e) Continue its initiatives in favour of breastfeeding, including by encouraging flexible working arrangements and longer maternity leave, especially in the private sector;
- (f) Systematically evaluate the National Policy on HIV/AIDS 2011-2016 and use the findings of the assessment to formulate future policies;
- (g) Increase awareness of HIV/AIDS with a view to changing negative attitudes and stereotyping and to promote access to free HIV testing and antiretroviral therapy, paying particular attention to pregnant adolescents and children born to mothers with HIV;
- (h) Ensure that all schools have access to clean drinking water, sanitation and hygiene facilities and include the specific needs of children with disabilities in all programmes relating to access and use of water, sanitation and hygiene facilities;
- (i) Ensure that there are enough health and physical education teachers to include health and physical education as a core subject and introduce it at an earlier level of primary school.

#### **Mental health**

44. The Committee welcomes the National Health Prevention Policy 2012-2017 and the Child and Health Adolescent Policy 2013-2018, which focuses on the mental health of adolescents and the establishment of specialized Alcohol and Drugs Court. It remains concerned, however, that the mental health of adolescents still does not receive enough attention in the State party, that there are negative attitudes towards mental health issues in society and that there is a shortage of specialized personnel, such as child psychologists. It is also concerned about the high rate of suicide among adolescents, often related to depression and teenage pregnancy.

45. **The Committee recommends that the State party:**

- (a) Systematically evaluate the National Health Prevention Policy 2012-2017 and its accompanying plan of action and use the findings of the assessment to formulate future policies;
- (b) Raise awareness about mental health issues with a view to changing negative social attitudes;
- (c) Take all measures necessary, including regional cooperation, to increase capacities and the number of personnel specialized in children with mental health issues;
- (d) Improve the mental health and counselling services available in the State party and ensure that they are accessible and sensitive to adolescents;

(e) **Allocate adequate resources to the Mental Health Unit and its mental health counselling services and to the non-governmental organizations providing mental health-care services and helplines;**

(f) **Launch a study on the drivers of teenage suicide; strengthen suicide prevention strategies, including by addressing the stigmatization of mental health and teenage pregnancy as main root causes of suicide; launch awareness-raising programmes about suicide in schools and youth groups; and provide the results of the evaluation of the National Youth Policy 2011-2015 and its impact on future policies.**

#### **Adolescent health**

46. The Committee is concerned about:

(a) The high rate of teenage pregnancies and of sexually transmitted infections among adolescents;

(b) The fact that sex education programmes do not pay sufficient attention to all aspects of prevention, including the prevention of sexually transmitted infections;

(c) The lack of information on the results of the existing sexual and reproductive health education model, in line with which children are educated by their parents;

(d) Abortion being a criminal offence in the State party, without any exceptions made in cases of rape or incest, and about the fact that this prohibition leads teenage girls to commit suicide and undergo unsafe abortions, thereby putting their life and health at risk;

(e) The limited access of teenage girls to safe reproductive and sexual health services, especially in rural areas, and their limited access to birth control methods, also due to a fear of stigmatization;

(f) Negative cultural attitudes and discrimination related to teenage pregnancy and reports that pregnant girls are banished or beaten by their families;

(g) The lack of information on the main achievements of the National Health Prevention Policy 2012-2017 on alcohol consumption, smoking and substance abuse among adolescents, and the limited number of programmes and services available to those affected by substance abuse.

47. **In the light of its general comment No. 4 (2003) on adolescent health and development, the Committee recommends that the State party:**

(a) **Adopt a comprehensive sexual and reproductive health policy for adolescents that pays attention to all aspects of prevention, including the prevention of sexually transmitted infections and early pregnancies;**

(b) **Provide the results of the review of the current model of sexual and reproductive health education, in line with which children are educated by their parents, and develop strategies to progressively make sexual and reproductive health education part of the mandatory school curriculum;**

(c) **Decriminalize abortion in cases of rape, incest and other unwanted pregnancies and ensure access to safe abortion and post-abortion care services, irrespective of whether abortion is legal or not. The views of the girl should always be heard and respected in abortion-related decisions;**

(d) **Improve adolescent girls' access to reproductive health-care and related services and increase support to reproductive health and family planning services, especially in rural areas;**

(e) **Scale up efforts to increase knowledge of and access to affordable contraceptive methods, in particular among adolescent boys;**

(f) **Provide information on the achievements of the National Health Prevention Policy 2012-2017 related to substance abuse, address the incidence of substance abuse by children and adolescents by, inter alia, providing children and adolescents with accurate and objective information as well as life skills education on preventing the abuse of substances — including tobacco and alcohol — and develop accessible and youth-friendly substance dependence treatment and harm reduction services.**

#### **Impact of climate change on the rights of the child**

48. The Committee takes note of the policies and action plans in place to address climate change and manage natural disasters. It is concerned, however, that more could be done to take into account the special needs of children, including children with disabilities, when planning disaster risk reduction preparedness, response and recovery programmes.

49. **The Committee draws the attention of the State party to target 13.b of the Sustainable Development Goals on promoting mechanisms for raising capacity for effective climate change-related planning and management. In particular, it recommends that the State party:**

(a) **In developing policies or programmes to address climate change and disaster risk management, such as the National Policy on Combating Climate Change, ensure that the special vulnerabilities and needs of children, as well as their views, are taken into account;**

(b) **Increase children’s awareness of and preparedness for climate change and natural disasters by incorporating the issue of climate change into the school curriculum and in teacher training programmes and increase the physical safety and resilience of school infrastructure;**

(c) **Include assistance and other support to children with disabilities during emergencies and natural disasters in disaster response protocols;**

(d) **Collect disaggregated data identifying the types of risk faced by children when disasters occur in order to formulate international, regional and national policies, frameworks and agreements accordingly;**

(e) **Provide information on whether child protection issues have been included in the Strategy for the Development of Samoa 2016-2020.**

## **H. Education, leisure and cultural activities (arts. 28-31)**

#### **Education, including vocational training and guidance**

50. The Committee welcomes the Samoa School Fees Grant Scheme and its extension to secondary education, as well as the improved enrolment rates and the reduction in dropout rates at the primary school level. The Committee is concerned, however, about:

(a) The hidden costs of education, such as registration fees, uniforms, transportation and lunches, in particular in rural areas;

(b) Low enrolment rates and high dropout rates at the secondary school level, which are also a consequence of the fact that the assistance provided through the Samoa School Fees Grant Scheme lasts only until year 11;

(c) The risk of pregnant girls dropping out of school owing to discrimination and stigmatization;

(d) Gender gaps in primary and secondary school, characterized by a lower enrolment rate of boys;

(e) Insufficient implementation of the minimum service standards for early childhood education.

**51. In the light of its general comment No. 1 (2001) on the aims of education and taking note of target 4.1 of the Sustainable Development Goals on ensuring that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes, the Committee recommends that the State party:**

(a) **Provide sufficient and sustainable funding to the Samoa School Fees Grant Scheme so that assistance can last throughout secondary school;**

(b) **Address the barriers related to the hidden costs of education, in particular in rural areas, and provide a sufficient budget to the education sector;**

(c) **Take measures to increase enrolment and decrease the high dropout rates at the secondary school level, in particular for pregnant girls who are pressured to leave school because of stigma and discrimination, and ensure that pregnant teenagers and adolescent mothers are supported and assisted in continuing their education in mainstream schools;**

(d) **Analyse the root causes for the lower enrolment of boys in primary and secondary schools and implement appropriate actions to remedy the situation;**

(e) **Establish a monitoring mechanism to ensure that early childhood centres implement the minimum service standards for early childhood education, develop indicators for monitoring improvement and allocate sufficient financial resources for early childhood education.**

## **I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d) and 38-40)**

### **Economic exploitation, including child labour**

52. The Committee welcomes the establishment of the working group on child labour, the adoption of relevant legislation such as the Education Act of 2009 and the Labour and Employment Relations Act of 2013, which prohibit children under the age of 15 from being involved in labour, except for light work, and the publication of *An Employers' Guide for Eliminating Child Labour*. The Committee is concerned, however, that the "hazardous child labour list" (a list of labour activities hazardous to children) has not yet been adopted, that children continue to work as vendors and that school absenteeism remains a challenge and is often forced by parents. The Committee is also concerned that children are not sufficiently aware of the existence of child-specific complaints mechanisms able to effectively receive, monitor and investigate reports of child exploitation.

**53. The Committee recommends that the State party:**

(a) **Take all the measures necessary to implement existing legislation prohibiting child labour and exploitation and pass the Labour Employment Relations Amendment Bill 2015 prohibiting the use of children to sell goods on the streets;**

(b) **Adopt and implement the “hazardous child labour list”, develop a strategy for eliminating the worst forms of child labour, identify ways to enforce child labour laws, provide training for labour inspectors to enforce child labour laws and provide sufficient resources for the implementation of those laws;**

(c) **Adopt and implement the recommendations made by the Samoa Law Reform Commission in relation to child labour;**

(d) **Determine the conditions under which light work may be permitted and the number of hours during which children may be employed in such work;**

(e) **Take measures to address the socioeconomic factors contributing to child labour, including by raising the awareness of parents;**

(f) **Raise children’s awareness about the existence of a child-specific complaints mechanism that can receive, monitor and investigate reports of child exploitation;**

(g) **Collect data on the nature and extent of and trends relating to the worst forms of child labour in order to inform current and future policies and strategies.**

#### **Sale, trafficking and abduction**

54. The Committee is concerned that the current legislation does not specifically criminalize the sale of, trafficking in and abduction of children and that the guidance and measures in place for the protection, rehabilitation and support of children who have been sold, trafficked or abducted are insufficient.

55. **The Committee recommends that the State party:**

(a) **Adopt comprehensive anti-trafficking laws that define specific crimes relating to the sale of, trafficking in and abduction of children and that carry adequately severe penalties for such crimes;**

(b) **Ensure the effective investigation of cases of sale of, trafficking in and abduction of children, as well as the prosecution and sanctioning of the perpetrators;**

(c) **Take all measures necessary to ensure referral assistance to and protection of child victims of sale, trafficking and abduction and adopt a multisectoral approach to the provision of social services, including of temporary safe housing and gender-sensitive and psychological recovery to the victims;**

(d) **Collect data on trafficking in children and identify and address the root causes of such trafficking.**

#### **Administration of juvenile justice**

56. The Committee welcomes the establishment of the Youth Court by the Young Offenders Act of 2007 but is concerned that:

(a) The minimum age of criminal responsibility is set at the very low age of 10 years;

(b) In the Oloamanu Juvenile Centre, the only juvenile detention facility in the State party, there are detainees of up to 26 years of age and child detainees share accommodation with the prison staff;

(c) Insufficient food, water and medical care is provided in prisons;

(d) Child detainees are required to work and do not have access to educational or rehabilitation programmes;



(e) The detention of children, also in the pretrial procedure, is not consistently used as a measure of last resort;

(f) Additional capacity-building and support is needed in relation to the development of diversion strategies, the police and the judiciary for full implementation of the Young Offenders Act of 2007;

(g) There is an absence of statistical data disaggregated by age and sex on the number of children who come into conflict with the law.

**57. In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

(a) **Raise the minimum age of criminal responsibility in accordance with the acceptable international standards;**

(b) **In cases where detention is unavoidable, ensure that children are not imprisoned together with adults and do not share accommodation with prison staff and that detention conditions are compliant with international standards, including with regard to access to education, health services, water, sanitation and food;**

(c) **Prohibit forced labour for juvenile detainees and ensure that adequate time is allocated to their education and vocational training;**

(d) **Wherever possible, promote alternative measures to detention, such as diversion, probation and counselling; ensure that detention is applied as a measure of last resort, not for petty offences, and for the shortest time possible; and ensure that such detention is reviewed regularly with a view to withdrawing it;**

(e) **Raise the awareness of judges and police officers about the needs of children and about alternatives to detention;**

(f) **Provide statistical data on the number of children who come into conflict with the law and the type of offences, the status of the cases, the investigations and the conviction of perpetrators.**

## **J. Ratification of international human rights instruments**

**58. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments to which it is not yet a party:**

(a) **The International Convention on the Elimination of All Forms of Racial Discrimination;**

(b) **The International Covenant on Economic, Social and Cultural Rights;**

(c) **The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;**

(d) **The First and Second Optional Protocols to the International Covenant on Civil and Political Rights;**

(e) **The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;**

(f) **The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;**

- (g) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- (h) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- (i) The Convention on the Rights of Persons with Disabilities;
- (j) The Optional Protocol to the Convention on the Rights of Persons with Disabilities.

## **IV. Implementation and reporting**

### **A. Follow-up and dissemination**

59. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined second to fourth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

### **B. Next report**

60. The Committee invites the State party to submit its combined fifth and sixth periodic reports by 28 December 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

61. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.

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