



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Fifty-second session

Summary record of the 1056th meeting

Held at Headquarters, New York, on Thursday, 19 July 2012, at 3 p.m.

Chair: Ms. Pimentel

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth and fifth periodic reports of Samoa (*continued*) (CEDAW/C/WSM/4-5, CEDAW/C/WSM/Q/4-5 and Add.1)

1. *At the invitation of the Chair, the members of the delegation took places at the Committee table.*

Articles 10 to 14 (continued)

2. **Ms. Toelupe** (Samoa), replying to a question on education raised at the previous meeting relating to article 10, said that, for many years, the curriculum of the schools had most definitely included the teaching of reproductive health, and that as the curriculum had developed, other areas of health had been covered as well.

3. **Ms. Tago** (Samoa), agreeing with the Committee members who had earlier underscored the need to focus on girls in education, said, with regard to article 11, that the growing number of small businesses headed by women had been the result of many years of capacity-building and training in income generation, led by the Ministry of Women, Community and Social Development and supported by private sector organizations such as the Women in Business Development Incorporated or the Small Business Enterprise Centre, which received Government funding. The businesswomen had focused on manufacturing, food production, crafts, fabric arts and garment making.

4. **Ms. Tuala-Warren** (Samoa) confirmed that the Education Act 2009 had been enacted, and that in section 23 it did regulate corporal punishment in the schools. With reference to article 12, the legislation on abortion had been included in new Crimes Bill 2012. The Bill was in the process of being translated into Samoan for submission to Parliament and thus there was no guarantee that it would be considered at the coming session of the legislature in August.

5. On the question of employment, the Labour and Relations Bill 2011, applicable to both the public and the private sectors, provided 6 weeks of paid maternity leave, which was admittedly short of the Committee's 14-week target. The Bill gave a definition of discrimination, and section 19 dealt with

discrimination in employment explicitly prohibiting sexual harassment in the workplace, an offence subject to imprisonment. Section 19 also contained provisions guaranteeing equal pay for equal work. Protectionist provisions prohibiting certain types of night work for women had been removed in the new Bill. The legislation made no provision for job evaluations, which fell instead within the purview of the Public Service Commission.

6. **Ms. Bareiro-Bobadilla** asked, in connection with article 14, how much financial support was being provided under the National Plan of Action for the Advancement of Women to non-governmental organizations working on behalf of rural women, what kind of training was being offered to rural women, especially training in leadership, and whether rural women had access to major organizations that could really boost their advancement, such as the Women in Leadership Advocacy Network (WinLa).

7. **Ms. Tago** (Samoa) said that while the Ministry of Women, Community and Social Development had no budget for non-governmental organizations, there were other avenues of public financial assistance for them, primarily the Civil Society Support programme, which dispensed funding generously to groups that applied for it. In addition, the Community Development Sector programme had indicated that aid would be provided to non-governmental organizations if resources permitted. Leadership training for rural women did exist, such as the capacity-building opportunities for village women representatives, and the training offered by the Commonwealth Local Governance Forum to village representatives, both women and men, in gender and governance.

Article 15 and 16

8. **Ms. Hayashi** asked, on article 16, what time frame the Samoa Law Reform Commission had set itself for its review of the issue of the different male/female marital ages — 16 for girls and 18 for boys; and what the real situation was regarding premature marriages by girls under the age of 16 and between the ages of 16 and 18, which would have been a matter rather for the Crimes Bill 2011.

9. Concerning the division of marital assets upon divorce, outside sources had indicated that by law a woman was entitled to a lump-sum payment depending on her conduct and means and the husband's means.

She wondered whether the new Divorce and Matrimonial Causes Act 2010, which had established welcome new grounds for divorce, had amended any of the earlier provisions regarding division of marital assets, especially by guaranteeing consideration of the woman's unpaid contributions to the household.

10. **Ms. Tuala-Warren** (Samoa) said that the marital age for girls had become a major issue in the course of the Samoa Law Reform Commission's review of compliance with the Convention on the Rights of the Child: widespread consultations were now being held on standardizing the marital age across Samoan legislation, and raising it to the age of 18 for girls as well as boys. By the beginning of 2013, the Commission would probably have completed that proposed legislative reform.

11. The Divorce and Matrimonial Causes Act 2010 did contain amended provisions regarding the division of matrimonial property, to which the parties were considered to have contributed equally and the amendments did indeed take into account the homemaker services of the woman.

12. **Ms. Murillo de la Vega**, supporting the idea of the same marital age for girls as for boys, asked whether the Divorce and Matrimonial Causes Act 2010 included domestic violence as grounds for an accelerated divorce, and if the wife could initiate an application for divorce without the husband's permission.

13. **Ms. Hayashi** asked for clarification of conflicting information: Samoa had maintained during its 2011 universal periodic review by the Human Rights Council that its law did not discriminate in terms of inheritance rights and that there was no patrilineal inheritance; but according to non-governmental organizations, equality did not exist because in fact property passed from father to son.

14. **Ms. Tuala-Warren** (Samoa) said that under the amended divorce legislation, one of the grounds for divorce was the irretrievable breakdown of the marriage, and if a court found that one of the parties had been subjected to domestic violence, it would consider the marriage to have failed irretrievably and would issue a divorce decree, even if the spouses had not lived separately for the statutory period of time.

15. In Samoa customary land was held communally, not by individuals, so that both men and women would

necessarily have the same inheritance rights within the same family.

16. **Ms. Gidlow** (Samoa) said that the exchange with the Committee had enabled the delegation to reflect on how Samoa had been implementing the Convention and had allowed the Committee to hear about the challenges the nation was facing. The recommendations made by the members of the Committee would serve as a valuable basis on which to move forward, as would be manifested in Samoa's next report.

17. **The Chair** said that the constructive dialogue had given the Committee an insight into the situation of women in Samoa. She commended the State party for its efforts and encouraged it to strive for a more comprehensive implementation of the Convention along the lines recommended by the Committee.

The meeting rose at 3.25 p.m.