



**Meeting of the States Parties
to the Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-third session

SUMMARY RECORD OF THE 1163rd MEETING (Chamber A)

Held at the Palais Wilson, Geneva,
on Tuesday, 12 September 2006, at 3 p.m.

Chairperson: Mr. DOEK

CONTENTS

CONSIDERATION OF REPORTS BY STATES PARTIES (*continued*)

Initial periodic report of Samoa (*continued*)

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The meeting was called to order at 15.05 p.m.

CONSIDERATION OF REPORTS BY STATES PARTIES (item 4 on the agenda)
(continued)

Initial report of Samoa (CRC/C/WSM/1); list of items to be dealt with (CRC/C/WSM/Q/1); written replies by the State party to the list of items to be dealt with (CRC/C/WSM/Q/1/ Add.1) (continued)

1. *At the invitation of the Chairperson, the Samoan delegation resumed their places at the Committee table.*

2. Mr. TOLEAFOA (Samoa) recalled that Samoa was one of the least advanced countries in the world, the revenue per inhabitant attaining only US\$ 2,000 per annum. According to a survey carried out by the Government, a considerable proportion of the population lived below the poverty threshold. Furthermore, considering the vulnerability of Samoa to cyclones and its economy's fragility in the face of market fluctuations, its economic situation could collapse at any moment. However, it could not be said that poverty was rife in the country, for it had always been possible to satisfy the most basic needs of the population, particularly with regard to food and housing. The problem that the Government currently needed to solve was that of transition between an economic system based on barter and a system resting on monetary exchange and international trade, a task all the more arduous for the fact that the country's economy depended mainly on agriculture, which was not sufficiently competitive to allow the nation's products to penetrate the international market. The Government was attempting to explore other channels, banking particularly on tourism and trade in products derived from local plants.

3. Owing to the absence of prospects on the local labour market, many Samoans emigrated, particularly to the United States of America, Australia and New Zealand, which meant that the national economy was fed to a large extent by funds sent to their families by Samoans living abroad. In this respect, Samoan culture, in which family ties were extremely important, was a strength for the country. This network of solidarity played a vital role as it offset the lack of a social security system. As for the Government, it was attempting to raise the standard of living of the poorest levels of the population by ensuring that water and electricity supply were reliable and that public utility and transport services worked properly. Furthermore, it was applying a price policy that enabled the poor to benefit from reductions. Finally, it was obliging service providers to devote part of their activities to service to the community.

4. Mrs. ETEUATI SHON (Samoa), acknowledging that early pregnancies were on the increase in Samoa, specified that it was not for want of preventive measures. Indeed, the Ministry of Health had organised seminars and workshops on that theme and was currently implementing programmes on adolescent reproductive health, financed by UNICEF and the United Nations Population Fund (UNPF). The Ministry of Women, Community and Social Development was conducting an information campaign on reproductive health for mothers and daughters, which should be followed shortly by a similar programme for fathers and sons. Young people could easily obtain means of contraception, particularly at family planning centres. Condoms remained little used, so the Government was doing all it could to make them available to adolescents, so as to encourage them to resort to this means of protection.

5. Access to drinking water remained difficult owing to the geographical configuration of the country. The Government was attempting to solve this problem by constructing piping and by reasserting the value of natural sources of water.

6. There were women's association in all the villages and they were playing a crucial role in the field of health by working closely with nurses, participating in monitoring pregnancies and the growth of young children, and seeing to hospital cleaning. It was partly thanks to their dynamism that vaccination cover was satisfactory in Samoa. However, women who did not belong to such associations had less easy access to hospitals since care was more costly for them than for members of those associations. The Government was aware of that problem and was looking for ways to remedy it.

7. With regard to the 2003 German measles epidemic, Mrs. Eteuati Shon pointed out that a survey undertaken by the World Health Organisation and UNICEF showed that statistics relating to vaccination cover were inaccurate since the Ministry of Health had taken into account only children aged under one year old. Assessment methods for vaccination cover had since been altered.

8. In 2005, the Ministry of Women, Community and Social Development had launched an investigation into children working as street vendors. It had concluded that that work constituted a violation of children's rights, particularly of the rights to education and to leisure, and that the main culprits were the parents. That investigation highlighted other important issues, including access to school and to health services.

9. With regard to this, Mrs. SKYETAYLOR (Samoa) added that the 2005 investigation had shown that the minimum age for admission to employment set by labour law – 15 years of age – was too low, and that it was necessary to align domestic legislation with the Convention and with International Labour Organisation (ILO) conventions to which Samoa was an adherent. Besides that, the requisite minimum age for starting an apprenticeship was set at 17 years because apprentices had to have completed the secondary education cycle.

10. Mrs. ETEUATI SHON (Samoa) pointed out that, although some children begged in the streets, there were no homeless children in Samoa. As for social security, the only system currently in place was the pension fund for retired persons. Other categories of persons were supported by the extended family. Non-governmental organisations and the Red Cross came to the assistance of the poorest by providing them with foodstuffs and clothing.

11. Children who were victims of abuse were not placed in care because there were no orphanages or children's homes in Samoa. However, the law provided that, if the courts had been made aware of a case of child abuse, they could decide to entrust the victim to a member of the child protection services' staff. Finally, with regard to tobacco consumption among children, Mrs Eteuati Shon pointed out that a bill providing for the banning of tobacco sales to persons under 21 years of age was shortly to be adopted by Parliament.

12. Mrs. ANDERSON wished for clarification of the notion of certain children being taken into the care of social workers and wondered about the duration of that care. She wondered whether the children were able to complain of abuse, whether they were not in danger of feeling threatened if they did so, especially if that abuse occurred within the family, and to whom they could turn in case of need.

13. Mrs. ORTIZ asked whether the provision of social services was regulated, who provided such services, and whether they were guaranteed to last.

14. Mrs. ETEUATI SHON (Samoa) explained that, in practice, juvenile delinquents were often placed under the control of a police officer, but they could also be entrusted to clergymen. In either case, they had to work on improving their behaviour. The duration of the care order would depend on their progress, which was assessed by the police officer or the clergyman.

15. The children had access to judicial mechanisms which enabled them to report any abuse, but few made use of them, especially if the abuse was inflicted by the parents. In general, they would confide in a clergyman or a friend.

16. Numerous NGOs came to the assistance of children. For example, an NGO had set up a free helpline to avert suicides. Very recently another NGO had been formed, offering a support group for children who were victims of abuse. The Government had helped it in its work by placing at its disposal premises and a building where it could accommodate child victims and their mothers for a short time. That being the case, the Social Services Department wanted to fill the gaps that existed with regard to service provision, not only in terms of quality, but also of quantity. To achieve that, social workers needed to be trained.

17. Mr. SIO (Samoa) wished to bring up the situation for disabled children. The 1991-1992 Compulsory Education Act laid the foundations of a new system for integrating special needs education into public schools. Before that, education of disabled children had been provided by NGOs. After policies and strategies had been drawn up for the period 1995-2005, a Special Needs Education Advisory Committee was set up. This committee's remit was to assess needs in this field in partnership with the Ministry of Education, NGOs and public bodies under the auspices of various ministries. The Ministry of Education, in collaboration with the National University, had initiated a special teacher training programme for the benefit of all primary school teachers and special needs teachers.

18. Special needs schools, as well as all private schools, whether denominational or other, received annual public subsidies. Progress had been made with regard to special needs education. Curricula were adapted, teachers dealing with disabled children received support not only through training courses, but also in the classroom. Besides this, two surveys had been carried out among disabled persons (one in 2000 among children under 15 years of age, the other in 2005 among persons over 15 years of age) in order to define their needs.

19. The CHAIRPERSON asked what support families with a disabled child received, and whether those families were able to handle the social implications of having a disabled child.

20. Mr. SIO (Samoa) thought that society had become more tolerant with regard to disabled persons, by dint of educational programmes involving families, teachers and the community. In the end, each child, whether disabled or not, was an heir and, in that capacity, enjoyed the same rights as others within the extended family and within the village. It was different in the context of education, where there was reticence regarding integration of disabled children into the school system. But there too, progress had been made.

21. Mr. KRAPPMANN wished to obtain details on the role of the extended family, as well as on the NGOs that were offsetting the lack of a social security system, and especially on their sources of financing.

22. Mrs. LEE asked whether there was a system for taking a census of disabled persons. Besides this, she wished to know whether measures were going to be taken to tackle the problem of anaemia among pregnant women and young children, and whether breastfeeding was encouraged.

23. Mr. SIO (Samoa) thought that the system for early detection of disabled children was effective. An early intervention programme had been set up for cases where families would not go to hospitals of their own accord: social workers visited families to locate disabled children. Besides this, integration of disabled children in public schools all over the country had raised consciousness of this problem among the population, and children could make teachers aware of the presence of disabled children in families. Thus there were various informal mechanisms that contributed to recording the presence of disabled children.

24. Mrs. ETEUATI SHON (Samoa) acknowledged that the anaemia suffered by pregnant women and young children was a problem. The Ministry of Health had a national nutrition centre which provided support and advice to children and parents. But no programme for the distribution of food supplements was planned with a view to remedying iron deficiencies in pregnant women. There were, however, nutrition centres promoting a balanced diet, run by the *Komiti Tumama* (health committees existing in most villages). A programme had been set up to promote kitchen gardens, and particularly the growing of vegetables rich in iron. Work was also being done with young mothers on feeding young children. They were shown how to cook vegetables and how to prepare low-cost but nutritious meals.

25. A policy promoting breastfeeding had been in force since 1995. The Ministry of Health had also launched a programme on nutrition of babies and young children, with an emphasis on breastfeeding. It further intended to coordinate the setting up of a National Plan of Action for Nutrition of babies and children under 5 years of age.

26. Mrs. MATAAFA (Samoa) pointed out that anaemia was also due to multiple births combined with a poor diet.

27. The NGOs, which were active in very diverse spheres, and the numerous women's associations were supported financially by international donors and organisations. The NGOs contributed effectively to monitoring the Government's action.

28. Mrs. LEE asked whether the Government should not play a more active role in the action carried out by the *Komiti Tumama* and the NGOs in the sphere of mother and child health services by setting up a national structure, and whether it did not intend to adopt the International Code of Marketing of Breast-milk Substitutes. She pointed out that children who really needed baby formula suffered because of the ban on that product in Samoa. She also wished to know whether the Government envisaged international cooperation with a view to supplying iron supplements to pregnant women and young children.

29. Mrs. ETEUATI SHON (Samoa) explained that a hospital specialising in infant health, promoting breastfeeding, had been set up a short time before. She pointed out that, if the *Komiti Tumama* and the NGOs contributed to providing health

services, the Government played a major role in care for children. Every district had infrastructure and qualified nurses. Those staff worked in partnership with the *Komiti Tumama*, which were active at community level. Together they promoted breastfeeding and a balanced diet for young children.

30. Mr. TOLEAFOA (Samoa) explained that the foundation of Samoan society was the complex system of the extended family, within which there was a strong sense of unity. The family nourished, protected and even conferred an identity, since all the chiefs had a title which descendants inherited with pride. Bonds of solidarity were very strong, even with relatives who had gone away to live abroad (particularly in New Zealand), who did not fail to send money to the community and could take a child under their wing to offer him better schooling. It was true that individualism was tending to gain ground. It would be catastrophic if the traditional society system were to disintegrate before another model of society was truly established. For the moment, it still constituted a good safety net. Insofar as 80% of the country's land was the inalienable property of the community, any person who found himself unemployed could stay in, or return to, the village to farm the land. It was the fact that relations were based on solidarity that explained why the majority of native inhabitants were keen to stay in their homeland, even if they would be able to find a more lucrative job abroad.

31. With regard to the issue of knowing who children could turn to if they fell victim to abuse, Mr Toleafoa replied that the Pacific Children's Programme (PCP) was setting up a project which involved specialists entering communities to raise awareness among the inhabitants, especially the women, about the problem of violence, as well as to encourage children to report any violation of their rights to an adult. As a general rule, however, Samoan society was very open and did not display the same reticence about denouncing abuse as was encountered in other societies.

32. The solidarity that united the extended family also explained the fact that most adoptions occurred informally. The State would perhaps be obliged to regulate adoption more strictly, but hitherto it had judged that it was not necessary to do so, on the grounds that a child could not be in greater safety than with members of his/her own extended family.

33. Mr. KOTRANE noted that society had produced its own standards on the basis of mutual aid within the family, which was undoubtedly a good thing. It remained to be seen how things would turn out in practice if, for example, a family that did not have a boy wished to adopt one; was there a monetary transaction? was the child consulted? In any case, it was the State's responsibility to introduce standards whose aim was to eliminate any risk of child trafficking or of practices contravening the rights of the child.

34. Mr. TOLEAFOA (Samoa) assured the Committee that adoptions did not give rise to any financial transactions. The State had indeed set rules for formal adoptions, but people much preferred a placement within the extended family to a formal adoption. The former solution often presented the advantage of allowing for a degree of geographic proximity between the biological parents and the adoptive parents, thus maintaining ties with the original nuclear family.

35. The CHAIRPERSON wondered whether what the delegation called an "informal adoption" should not rather be termed a "placement". He pointed out in this connection that an adoption, strictly speaking, leads to the child becoming, in

legal terms, an integral part of the adoptive family and taking the name of his/her adoptive parents.

36. Mrs. ORTIZ considered, like Mr Kotrane, that adoptions ought to be controlled so as to protect children against any risk of impropriety. She asked why the Adoption Act had been amended and an Adoption Agency Code of Conduct approved in 2005. The delegation should kindly indicate whether those agencies were offering children for domestic or inter-country adoption, and according to what procedures, specifying how many children were involved.

37. Mr. TOLEAFOA (Samoa) pointed out that the amendments to the Adoption Act, as well as the Code of Conduct, had been adopted as a direct reaction to a particular situation. While adoptions were normally arranged within the country, and within the confines of the family, the press had revealed that two American agencies had placed some 70 children in American families. Moreover, the agencies had been prosecuted. No other adoption by Americans had taken place since.

38. Mrs. SKYETAYLOR (Samoa) added that the amendments to the Act aimed to prohibit and to establish as a criminal offence any financial transaction occurring within the context of an adoption. They also provided that an intercountry adoption should be a measure of last resort, reserved for children who could not be placed within Samoa. The objective of the new text was to prevent trafficking of children; it obliged all adoption agencies to be accredited by the Public Prosecutor's Department, which monitored them closely. Although Samoa had not yet ratified the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, its courts were already applying its provisions.

39. Bills relating to justice for minors should in all probability enter into force by the end of 2006. Separation of juvenile delinquents and adults had already been achieved in principle; it should have been put into practice before long in all places of detention without exception. A distinct justice system for minors existed de facto, since the courts currently reserved one day a week for dealing exclusively with cases involving minors. Any person placed in custody had to be brought before a judge within 24 hours. If he considered that the individual in question ought not to be freed, the judge could order him to be placed in temporary detention, but such a measure was not normally taken against a minor.

40. Mr. TOLEAFOA (Samoa) added that every village had its own local government organ, which had jurisdiction to judge minor offences. Thus a traditional justice system, at village level, cohabited with the formal justice system. Village councils, which met according to needs, could, for example, compel a delinquent to restore stolen goods or to carry out work for the community, and would only get in touch with the police service in the event of a serious offence. Even in a case like that, moreover, it was not uncommon for village councils to serve as mediators between delinquents and victims in order to calm passions.

41. Mr. SIDDIQUI wished to know whether local organs of traditional justice were elected and to what extent women and poor people were represented in them.

42. Mr. TOLEAFOA (Samoa) replied that members of the village councils were elected by the extended families. That function could be taken on by either men or women but, in practice, and because of the traditional separation of roles between men and women, there were more men.

43. Mrs. MATAAFA (Samoa) said that, apart from uniforms, which were the parents' responsibility, education was free in Samoa. She specified that, when the Compulsory Education Bill was submitted in 1992, schools were not sufficiently numerous, or were too dilapidated, to accommodate all the country's school-age children. Thus, massive renovation work was undertaken at the beginning of the nineties, so that in 1995 the country was at last endowed with the necessary infrastructure to guarantee full and complete application of the Compulsory Education Act. It should be noted that the Act provided for sanctions against parents who did not send their children to school, but that the Ministry of Education was short of staff for monitoring how that provision was implemented.

44. Before the Compulsory Education Act had taken full effect in 1995, Samoa had set up an education system resting upon two study cycles: a first cycle of 11-years, which could be followed by a second cycle of two years, reserved for the best pupils, selected on the basis of a national examination. Since 1995, the entire 13-year school course had been open to all pupils who wished to pursue it, without having to pass any qualifying examination. However, it took time to change mentalities and, in people's minds, achieving the eleventh year "target" still constituted an end in itself, with many pupils not pursuing their studies beyond it. The school dropout rate was also very high at the end of compulsory schooling, i.e. after the eighth year of studies.

45. The authorities intended to increase the number of years of compulsory schooling, but were confronted in this connection with the shortage of qualified teachers – partly due to the emigration of numerous teachers to Australia and New Zealand – and needed to set up still more schools to remedy the overpopulation of schools in the towns. They also needed to have enough secondary schools set up in each district of the country for pupils to be able to continue their studies once they had completed their cycle of primary schooling. With this in view, the Asian Development Bank had emerged as a major partner, thanks to the funds it had allocated to the Samoan Government to enable it to develop its education sector.

46. Pupils from the two smallest islands travelled by boat to one of the two main islands for their schooling; thus all children benefitted equally from their right to education.

47. There were no sexual education classes as such in Samoa, but certain issues relating to sexuality were touched upon in biology classes. However, women's and young people's NGOs were very active within the community and gave young people access to means of contraception; furthermore, anti-AIDS campaigns were opportunities to inform young people about sexuality and protected sexual intercourse.

48. Mrs. ORTIZ asked to what extent the education given in denominational schools was monitored by the public authorities, especially with regard to sexual education. She wished to know how widespread HIV/AIDS was in the country, what means of prevention were used, and what kind of care support was on offer.

49. Mrs. MATAAFA (Samoa) pointed out that all schools were liable to be inspected by the education authorities, but she regretted that the number of inspectors was not sufficient to carry out their task fully. As for the level of instruction the schools dispensed, it could be ascertained through the results obtained by their pupils in national examinations.

50. Mrs. ETEUATI SHON (Samoa) said that no new cases of HIV/AIDS had been recorded since 2002, which bears witness to the effectiveness of the awareness-raising campaigns conducted jointly by the Ministry of Health and NGOs. Henceforth, the emphasis would be on the rights of families and of patients, and the fight against discrimination and prejudice.

51. The CHAIRPERSON asked whether Samoa was exposed to the scourge of sexual tourism.

52. Mr. TOLEAFOA (Samoa) said that ecotourism was beginning to develop in the countryside and that the Government, in cooperation with the Pacific Children's Programme, was initiating efforts to raise families' awareness of the dangers of sexual tourism.

53. Mr. SIDDIQUI praised the quality and the exhaustiveness of the answers given by the State party and said that the Committee would formulate a number of recommendations regarding implementation of the Convention, which would of course take into account the cultural specificities of Samoa.

54. Mrs. MATAAFA (Samoa) praised the constructive nature of the dialogue that had been established between the Committee and the Samoan delegation, and assured the Committee members that the closest possible attention would be paid to the final observations that they would formulate.

The meeting rose at 5.20 p.m.