



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

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

**Summary record of the 679th meeting**

Held at Headquarters, New York, on Monday, 24 January 2005, at 10 a.m.

*Chairperson:* Ms. Schöpp-Schilling (Vice-Chairperson)

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Convention (*continued*)

*Combined initial, second and third periodic reports of Samoa*

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*In the absence of Ms. Manalo, Ms. Schöpp-Schilling, Vice-Chairperson, took the Chair.*

*The meeting was called to order at 10.05 a.m.*

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

*Combined initial, second and third periodic reports of Samoa (CEDAW/C/WSM/1-3, CEDAW/PSWG/2005/I/CRP.1/Add.7, CEDAW/PSWG/2005/I/CRP.2/Add.6)*

1. *At the invitation of the Chairperson, the delegation of Samoa took places at the Committee table.*

2. **Ms. Eteuati Shon** (Samoa), introducing Samoa's combined initial, second and third reports (CEDAW/C/WSM/1-3), said that the status and rights of women had long been recognized in Samoa's Constitution and legislation, both formally since independence in 1962 and earlier in Samoan culture and traditions. The Convention was therefore very important to the Government. Samoa had been the first Pacific island country to ratify the Convention without reservation and much of the spirit of the Convention was already reflected in Samoan legislation and culture.

3. Under article 15 of the Constitution, all legislation must be non-discriminatory, no State or any other action must discriminate on the grounds of sex, and all persons were equal before the law and entitled to equal protection under the law. It also provided a broad definition of discrimination and discriminatory practice. Remedies for breaches of Constitutional rights were available to all citizens before the Supreme Court. Legislative reviews had been conducted and a number of key areas requiring further reform had been identified. The Law Reform Commission Act had been passed in 2002 but, owing to limited resources and a cyclone in 2004, the establishment of the office had been postponed until 2005.

4. There had been many developments concerning the advancement of women during the past decade, in particular, the introduction of universal suffrage in 1991, the decision to include the Ministry of Women's Affairs in the coordinating committees of all major development projects, the special attention given to women's concerns during policy formulation and

project implementation, greater awareness of women's rights among the general public and the increasing number of women executives in all fields. Achievements to date included the establishment of the new integrated Ministry of Women, Community and Social Development — now the lead agency for promoting women's interests and ensuring they were mainstreamed into Government policy — and the enactment of the Ministry of Women's Affairs Act (1990) setting out the legislative mandate for women under the Ministry.

5. The Ministry had been actively involved in developing a National Social and Welfare Sector Plan and had developed networks with stakeholders for the advancement of women. One of the key objectives of its Corporate Plan — which gave the Division for Women responsibility for incorporating regional and international instruments for the advancement of women into domestic law — was for the Cabinet to approve the National Policy for Women. In addition, the Government intended to set up a statutory body to monitor implementation of the Convention and a Disabilities Task Force was being established under the chairmanship of the Prime Minister.

6. The lives of Samoan women had changed significantly in the past half-century, as demonstrated by their increased participation in paid employment and national politics and the upsurge in the number of women appointed to senior management positions in the Government. At the same time, fertility rates and family size had decreased, a reflection of the fact that women's activities were no longer limited to their traditional role in the home and local community. The principle of gender equality was already enshrined in the Constitution, adopted some thirty years before Samoa's ratification of the Convention. Traditionally, women had always enjoyed a unique cultural status and played an important role in the family and community. Attitudinal barriers nonetheless still existed, preventing women from taking full advantage of leadership opportunities. Programmes to raise awareness of women's legal rights were helping to improve understanding of their contribution to society.

7. Equal access to education, equal remuneration for equal work and merit-based selection had led to a significant increase in the number of women in areas of tertiary education usually perceived to be male-orientated. Efforts had also been made to improve women's health services, increase their involvement in

national politics, produce sex-disaggregated statistics and ensure that major national statistical efforts, such as the Household Income Expenditure Survey, included indicators to measure women's economic activities. While Samoa did not have any specific affirmative-action programmes for the advancement of women, it had concentrated on guaranteeing that women had equal access to all opportunities. The Cabinet had also made a conscious effort to ensure that there was a female representative on each body established by the Cabinet.

8. Violence against women was a crime in Samoa, and legal provisions also applied to women in domestic situations, with the exception of marital rape, concerning which an amendment had been drafted and was under consideration. The Government intended to enact specific legislation on domestic violence and violence against women and children, which would require amending the relevant provisions of family law. Following the abolition of the death penalty for murder in 2004, criminal legislation as a whole was under review. The increase in domestic violence cases reported to the police and a number of recent cases of women murdered by their husbands had led the Government to consider the adequacy of the legislation in force, in particular with regard to existing offences and maximum penalties, the availability of resources for official intervention, the role of the police and the application of international conventions.

9. The Samoa Police Institutional Strengthening Programme, launched in 2004, aimed to provide a strategic focus for the "Safer Samoa" national campaign and improve police services. General policing strategies adopted in 2004 included an increase in women recruits, a new merit-based recruitment and promotion policy, gender training for all officers, specialist training for women officers, the establishment of a unit responsible for reviewing existing data-collection and management systems, and the setting up by the Ministry of Justice and Courts Administration of a new system to track all criminal prosecutions through the courts. The courts' attitude to domestic violence had also hardened, and the length of custodial sentences had increased, with the maximum sentences for attempted rape and rape being given in 2003. The district court had also adopted a "no drop" policy, meaning that, once brought, charges could not be withdrawn.

10. Efforts were being made to identify the extent of trafficking in Samoa in response to a recent phenomenon whereby women who had voluntarily migrated to American Samoa to work in factories ended up being forced to work as prostitutes. The case was being dealt with under immigration legislation, but there was a clear need for criminal legislation to include the specific offences of trafficking and exploitation of women. The Ministry of Women, Community and Social Development had included an analysis of the commercial and sexual exploitation of children in its national budget for 2004/2005.

11. The role of women in village governance had been recognized with the appointment, in all villages, of Government Women's Representatives who, along with their "pulenuu" (village mayor) counterparts, were official focal points for communication with the Government. Women currently held three of the 49 seats in Parliament, compared to two in 1991, though that did not adequately reflect the status of women in decision-making at all levels. Only "matai" (chiefly titleholders) were eligible to run for Parliament. Though there was a traditional preference for men to hold that responsibility, the number of female chiefly titleholders had doubled in the past three years.

12. The number of women candidates had risen from five in 1998 to 11 in the 2001 elections, in which 47 per cent of votes had been cast by women. The highest number of women in Samoa's history now held senior public sector positions such as the chief executive officers of various Government ministries and corporations, Attorney-General and Clerk of the Legislative Assembly. Moreover, half of the participants in the first Executive Development Programme for Assistant Chief Executive Officers were women, the number of women holding senior posts in regional and international organizations had increased, and 61 per cent of Samoa's diplomatic service were women.

13. In 2004, the Citizenship Act of 1972 had been amended to ensure equal eligibility and entitlements for men and women. In particular, women now had the same rights as men to acquire, change or retain nationality unlike previously, when a foreign man who had married a Samoan woman had not enjoyed the same citizenship rights as a foreign woman who had married a Samoan man. Under the Education Ordinance of 1959, all persons had the right to

education. The gender balance of primary school enrolments generally reflected the gender balance in the 1991 census, with girls accounting for 48 per cent. After that, however, the percentage rose to 58 per cent at secondary school level and 60 per cent at tertiary level. In Samoa's view, therefore, equal participation in education had been achieved.

14. The Ministry of Education, Sports and Culture had addressed special needs education through its policies and strategies for the period 1995-2005. The Education Amendment Act of 1991-1992 had made it mandatory for the Government to share responsibility for special needs children, and the Special Needs Education project had helped the Ministry to develop special needs programmes. There were currently six special needs units around the country and in 2004 a sector review had been conducted to highlight areas of concern. The Ministry was also developing a non-formal education policy for early school leavers and a national School Net project aimed at establishing telecentres in all rural schools was being finalized.

15. The percentage of women in the formal wage sector had increased from 30 per cent in 1991 to 43 per cent in 2001. More than 60 per cent of the manufacturing workforce, and 58 per cent of the public sector workforce, were women. The Ministry of Commerce, Industry and Labour was planning to review all employment legislation as part of its Corporate Plan 2003-2007. Nonetheless, the public sector currently offered the best employment conditions specifically for women. The Ministry of Health had begun implementing a five-year national health service plan, one of the aims of which was to improve the quality of, and access to, medical services in rural areas. Such measures would benefit women in particular. Disease patterns were also changing with "lifestyle" diseases becoming significant health issues. In particular, there was, in general, a higher prevalence of non-communicable diseases among women than among men. Health promotion and disease prevention programmes aimed specifically at women were therefore under way. Maternal health remained a priority for the Government, as reflected in improving health indicators.

16. In order to encourage the development of small to medium-sized enterprises, the Government had established a number of schemes to provide credit and training. Since the establishment of the Small Business Development Fund in cooperation with the Asian

Development Bank, 60 per cent of the loans granted were for female-owned enterprises. Likewise, 54 per cent of loans approved under the Small Business Enterprise Centre scheme were for commercial activities carried out by women. The South Pacific Business Development Programme, a Government-backed programme with an exclusively female membership, provided training on the use of technologies, credit and business support. Sports scholarships for female athletes were also now available.

17. Rural women accounted for 78 per cent of the total female population, were highly organized within the traditional social hierarchy and played an important role in decision-making in all areas. Women who held chiefly titles sat on village councils and participated in decision-making concerning village administration, law and order, and governance. Rural women were involved in activities relating to their role as homemakers, village welfare and small businesses. Some also undertook paid employment in urban areas. Rural women had good access to health services, and maternal health services were available in rural hospitals using "traditional birth attendants" to deliver babies in remote areas. Lastly, training and education programmes for rural women were carried out by the Division for Women and other Ministries, in cooperation with non-governmental organizations (NGOs) and traditional village groups. While the progress achieved so far demonstrated the importance that it attached to the Convention, Samoa also recognized that much remained to be done. It undertook to complete the work that it had begun in order to give Samoan women the special place accorded to them in Samoan culture.

#### *Articles 1 and 2*

18. **Ms. Šimonović** (Rapporteur), speaking in her capacity as a member of the Committee, said that she wished to know why Samoa had taken so long to prepare its first report, given that it had ratified the Convention in 1992, and how NGOs had participated in preparing the report. In the interest of constructive dialogue, she wished to point out that regular reporting was an important obligation under the Convention. Referring to the statement in Samoa's response to question 2 (CEDAW/PSWG/2005/I/CRP.2/Add.6, page 2) that the Government did not intend to pass specific legislation to make the Convention directly applicable

but would instead focus on bringing legislation into line with the Convention and the statement that Samoa's Constitution already guaranteed equal rights and prohibited discrimination, she pointed out that it was important for States to follow the Convention's definition of discrimination, which encompassed both direct and indirect discrimination. If the Government was intending to incorporate the Convention into domestic legislation, the latter should be fully in line with the Convention. In that regard, she wished to know whether Samoa intended to cooperate with NGOs when working on such revisions and what would happen should there be a conflict between domestic legislation and the Convention.

19. **Ms. Patten** said that she wished to know more about the Samoan Government's efforts to mainstream the gender perspective into all its policies and programmes and asked how successful the Government had been in disseminating knowledge about the issue of violence against women among doctors, lawyers, social workers, and other professionals involved. The Committee would welcome information about the State party's plans to set up institutional machinery for ensuring that women and girls could lodge complaints of violence within a confidential setting, and to undertake special efforts to protect women with disabilities. In its combined reports (CEDAW/C/WSM/1-3), the State party described the efforts of NGOs to provide services for women victims of violence, such as shelters, counselling and low-cost or free legal aid, but should also provide more information about the Government's plans in that regard. Lastly, she wished to know when the Act establishing the Law Reform Commission would come into force, and when the Commission would become operational.

20. **Ms. Khan** enquired whether the State party intended to introduce specific laws on domestic violence, sexual harassment in the workplace, discrimination, and equal opportunities. The State party had noted in its introductory statement that it did not plan to introduce affirmative action measures aimed at promoting women's advancement, but she nevertheless wondered whether reforms might be introduced in that regard. According to the introductory statement, trafficking in persons was dealt with under the country's immigration laws. That was an inadequate approach, and she wondered whether the State party planned to introduce new legislation in that area. The Committee would also appreciate more

information about women's rights in matrimonial property settlements and about measures to disseminate knowledge of the Convention, especially in rural areas.

21. **Mr. Flinterman** asked whether Samoan women could invoke only their constitutional rights before the courts, or whether they could also invoke their rights under the Convention. He also enquired whether there had been any cases in which judges had made a clear reference to the Convention. If there had been no such cases, he wondered whether the State party might reconsider the position given in its responses to the list of issues and questions for consideration (CEDAW/PSWG/2005/I/CRP.2/Add.6) to the effect that it did not intend to pass specific laws to make the Convention directly applicable in Samoa. Lastly, he would welcome concrete examples of the Attorney-General's submissions on the Convention before the courts, as mentioned in the State party's responses.

22. **Ms. Tan** recalled that the State party had referred, in its responses, to three priority areas of legislative reform: gender-based violence, family law and employment law, but had also cited the lack of resources and capacities as obstacles to such reform. She therefore wondered whether the State party had approached non-governmental actors, or foreign partners, such as Australia or New Zealand, for assistance. Lastly, she wished to know whether the State party planned to amend section 47 of its Crimes Ordinance 1961, according to which rape between a man and his wife was not a crime.

23. **Ms. Zou Xiaoqiao** said that she wished to know more about the impact of traditional law on daily life in Samoa. In particular, the reporting State should explain how such law assured women a high status in society and how it interrelated with constitutional law. She wondered why the State party referred to "equity" rather than "equality" in its combined reports, and would be grateful for more information concerning the financial and personnel resources of the Ministry of Women, Community and Social Development, as well as the obstacles to implementation of the Convention.

24. **Ms. Morvai** said that page 32 of the State party's combined reports contained contradictory statements about the impact of the Convention, in noting, on the one hand, that its impact on the general, social, economic, political and legal framework had not been great and in stating, on the other hand, that the Ministry of Women's Affairs must continue to make

the Convention a living and operative document. She would therefore be grateful for clarification in that regard, and wished to know how the State party evaluated the impact of the Convention and ensured follow-up to the Committee's recommendation.

25. With regard to page 16 of the reports, she would be grateful for more information about how the Law Reform Commission functioned, about the legislative review conducted in 1993 by the office of the Attorney-General, and about legal recourse for women's rights through the courts. The report referred, on page 34, to a landmark court case in the early eighties testing the issue of gender equality. Nevertheless, there did not appear to have been any such cases since then, and she would be grateful to know why. Lastly, the combined reports referred on several occasions, for example, on page 43, to the role played by women's NGOs in implementing programmes for the advancement of women's rights, and she wondered whether the State party was aware that it was the responsibility of the State, not of the NGOs, to provide such programmes.

26. **Ms. Pimentel** said that it appeared that some provisions of the Samoan Constitution required amendment. It was especially important that a specific law on violence against women be enacted. Moreover, there was a certain degree of ambiguity as to the status of the Convention in Samoan law. On page 15 of its combined reports, for example, the State party noted that there were no provisions in the Constitution which made international agreements binding on Samoa, but then went on to state that the principles of the Convention were well enshrined in Samoa's Constitution. She wished to know whether Samoa was aware of that ambiguity.

27. **Ms. Gnacadja** said that she would also appreciate clarification as to the status of the Convention in Samoa's domestic laws. Although there appeared to be the political will in Samoa to introduce the necessary legal reforms, the State party also made certain contradictory statements. On page 16 of its combined reports, it stated that, according to a 1993 legislative review, the existing laws were in favour of women, and on page 17 that discrimination on the basis of gender was not a problem in Samoa. Nonetheless, the State party had also referred frequently, in its reports and introductory statement, to proposed legislative reform measures. The Committee therefore

wished to know the Government's true position on the need for reform.

28. **Ms. Eteuati Shon** (Samoa), responding to the Committee's questions, said that non-governmental organizations had been closely involved in preparing the combined reports, at both the draft and final stages. The delay in submitting the reports had been due to the lengthy consultation procedure and the need to cite statistics from her country's 2001 census. The role of NGOs in promoting women's advancement was extremely important. There was a strong feeling in Samoa that efforts to promote women's advancement should be jointly undertaken by the Government and NGOs, especially since there were a number of large NGOs in the country whose reach extended into rural areas. The Government had on many occasions endorsed NGO programmes in certain areas and provided them with financial assistance.

29. **Ms. Heather-Latu** (Samoa) said that her country had chosen to review all its legislation to ensure that it was consistent with the articles of the Convention. The Constitution was the supreme law of Samoa, and its provisions had been considered sufficiently flexible and broad to be adapted to developments in society and to enable citizens to bring a range of issues to the courts. However, as noted in its introductory statement, Samoa was conscious of the need to introduce further legislative reform in areas such as family law, employment law, land laws, and especially criminal laws. Significant progress had been made towards addressing the issue of violence against women, and there was broad awareness in Samoan society of the need to protect women who brought complaints to the courts. The judiciary continued to attend training in gender equality issues, and efforts were being made to establish an effective complaints process.

30. Samoa would introduce specific laws addressing domestic violence and trafficking in persons. In the latter case, it had been working together with the International Organization for Migration to formulate draft legislation. Current provisions regarding matrimonial property settlement also required amendment and were already under review. The Samoan Government was very conscious of its obligation to ensure the protection of women, and regarded NGOs as a means to reach the female population. With respect to the 2002 Law Reform Commission Act, she said that, as noted in the responses, the delay in bringing the Act into force had

been due to financial difficulties and the lack of qualified candidates for the position of Commissioner. The Commission would be modelled partly on its New Zealand counterpart institution and would be able to review any legislation, either directly or upon recommendation.

31. **Ms. Heather-Latu** (Samoa) said that the public sector now led the country in dealing with sexual harassment in the workplace. Samoa's labour laws were also to be reviewed and new legislation was expected to be passed by 2007. The Government was currently taking steps to ensure that all domestic laws were consistent with the Convention in ways that transcended a strictly interpretative approach. For example, Samoa's courts had fully adopted the Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption (Hague Convention on Inter-country Adoption). On the issue of examples of submissions in court, she said that more submissions had been made in connection with the Convention on the Rights of the Child, notably in respect of sexual crimes against children.

32. Samoa worked very closely with its international partners, especially its regional partners, New Zealand and Australia. Mutual assistance was often rendered, for example on legislative issues like family law, particularly in view of the large numbers of Samoan residents living in those two countries. Under the Constitution, the law in Samoa included the Constitution, any proclamations, regulations, orders, and by-laws, English common law and any custom and usage which had acquired the force of law under the provisions of any act or under the judgement of a court.

33. The degree of female participation at every level and in every sphere was often a sound indicator of the extent to which the Convention was being implemented. That fact had been noted in Samoa's introductory statement and the figures cited were new, as recent as from mid-January 2005, showing a marked increase in women's participation in all fields. It was noteworthy that the target for women's representation in Parliament would be met as a number of women were preparing to run in the 2006 elections. Even before Samoa's independence, women had been involved in local governance, just as they currently participated in village administration. It was a feature of the country's social and cultural traditions, and that tendency continued in the modern world so that the

current numbers of women in business, the professions and academia would continue to increase.

34. The most common criminal cases involved women as the victims of violence or criminal activity. In civil cases, in one instance the Attorney-General had taken guardianship of an abandoned baby, and on other occasions the Convention had played a key role in ensuring respect for the rights of the birth mother. Shortcomings in the law had been highlighted in Samoa's combined reports as well as in its responses to the issues and questions for consideration (CEDAW/PSWG/2005/I/CRP.2/Add.6). While constitutional freedoms provided the framework, specific legislation formed the core element that protected the role and status of women in society.

35. **Ms. Simi** (Samoa), addressing the issue as to whether rural women were aware of the Convention, said that it had already been translated into Samoan and disseminated in rural areas. The combined reports had been written from the perspective that, long before the Convention had come into force, Samoa's traditional structures and institutions had been working towards women's betterment. Her country also maintained that the Convention was a living document for the same reason that the Government had decided upon its ratification: a lot of areas required attention in order to ensure women's further advancement. One of the areas in which Samoa addressed gender mainstreaming in development was in government administration. The recent realignment of the new Ministry for Women, Community and Social Welfare, including its Division of Women, was an example of that. Steps had been taken to ensure that the Ministry was represented in the project coordination committees of all major development activities in Samoa.

36. **Ms. Eteuati Shon** (Samoa) said that the Ministry of Women's Affairs had been established in 1991 with an operational budget of 138,000 Samoan tala (approximately \$60,000) and a skeleton staff of five. In 2001-2002 the Ministry had a budget of 903,168 tala and a staff of 28. The 2004-2005 budget for the newly formed Ministry of Women, Community and Social Development was 986,873 tala, with most of the increase representing allocations to the Division of Women, which had 10 professional and two administrative staff and 175 women liaison officers.

*Article 3*

37. **Ms. Dairiam** commended the Office of the Attorney-General for introducing a policy of reviewing all current and future bills to ensure their compliance with the Convention and asked for information on the framework to be used for conducting that review. In its responses to the list of issues and questions for consideration (CEDAW/PSWG/2005/I/CRP.2/Add.6), the reporting State had said that progress on the establishment of focal points in Ministries was slow and had indicated its intention to revisit the matter with the Cabinet. Page 53 of the combined reports further stated that women were at a disadvantage in traditional institutions at the local government level. Those matters related to the policy and institutional arrangements of the Ministry of Women, Community and Social Development, which was responsible for promoting women's advancement and coordinating work in that area.

38. The Committee wanted further information on the Draft National Policy for Women of Samoa 2001-2004 and wished to know whether it allowed for the establishment of the normative framework of the Convention that included direct and indirect discrimination. The reporting State should indicate whether all Ministries had to comply to the mainstreaming policy, and whether the Ministry for Women, Community and Social Development played a coordination role in that regard. The Committee would also appreciate information as to the status of the Ministry of Women Affairs Draft Amendment Bill 2001, which might provide the Ministry with the requisite authority in that area.

39. **Ms. Da Silva** commended the reporting State for the sound evaluation of the situation in Samoa presented in the combined reports by the Government and non-governmental organizations and for the forward-looking attitude reflected in the document as a means for defining future policy. Regarding the response to question 5 on the list of issues and questions, the Committee wanted to know if the CEDAW National Plan of Action was currently in force and would also appreciate a clarification as to the relationship between the Plan of Action with the Draft National Policy for Women of Samoa 2001-2004. Information should also be provided on the current status of the Draft National Policy. The reporting State was to be commended for making the periodic report a statutory document to monitor the Convention's

implementation. Nevertheless, she also wanted to emphasize the reporting State's responsibility for taking appropriate measures in all areas of social, economic, political and cultural life. Cooperation with civil society was very important, but no transfer of responsibilities to that sector should take place.

*Article 4*

40. **Ms. Schöpp-Schilling** asked for a clarification of the Government's understanding of the difference between general policies and temporary special measures. In its introductory statement, the reporting delegation had referred to the work of the Ministry of Women's Affairs as being akin to affirmative action, which did not concur with the Committee's understanding of temporary special measures. In that regard, she drew attention to general recommendation No. 25, which referred to the institutionalization of such a ministry and to the various policies constituting gender mainstreaming activities and general policies.

41. The reporting State had also asserted in its introductory statement that the Government was not making specific efforts in the area of affirmative action because it tried to ensure equal access for all. Yet experience in other countries had shown that equal access was sometimes not enough for women's advancement in view of possible past discrimination. In that regard, she asked whether the fact that the Constitution prohibited the granting of any privilege to any member of society constituted an impediment to the application of temporary special measures. Lastly, the Committee also wished to know whether any detailed discussions had taken place within the Government and with non-governmental organizations on general recommendation No. 25 and on the potential application of such measures.

42. **Ms. Heather-Latu** (Samoa) said that the legislative review undertaken by the Office of the Attorney General conformed to the Government's interpretation of discrimination, which was an extremely broad and liberal one. In reviewing a piece of legislation, the Office sought to determine whether it complied with the Conventions to which Samoa was a party in order to preclude any risk of its being rejected by the courts. Similarly, in respect of the Convention, Samoa would adopt the broadest possible interpretation of discrimination. The Government was fully committed to its responsibilities as a State party on behalf of its citizens. Those responsibilities were

carried out in cooperation and consultation with civil society, which was the most dynamic element in Samoa with regard to the status of women.

43. On the matter of temporary special measures, Samoa was aware of general recommendation No. 25. The issue of acceleration of progress had certainly been one that had been fully considered regarding women's representation in the legislature, but Samoan society had to carefully balance measures linked to change with its own cultural traditions. In that regard, the issue of amending the Constitution might arise which in turn raised the question of who was eligible to sit in Parliament. Only persons with chiefly titles could become members of Parliament. Since, to date, the general practice had been to bestow chiefly titles on men, they were the overwhelming majority in that body, although theoretically women had an equal right with men to hold family chiefly titles. As the introductory statement had indicated, in the last three years the number of women members of Parliament had doubled. Such developments had changed the pattern of cultural norms in Samoa.

44. **Ms. Eteuati Shon** (Samoa) said that the establishment of gender focal points in the Government was a very important part of Samoa's efforts in gender mainstreaming and had begun some years earlier. The Government, through the Ministry of Women, Community and Social Development and, in particular, its Division for Women, was committed to ensuring that all government policies took account of gender issues. Through the Ministry, the Government intended to establish a gender management system within government bodies before the end of 2007. The system would provide gender training to government personnel and the staff of non-governmental organizations. Lastly, the Draft National Policy for Women 2001-2004 had been introduced in 1999 and was currently being reviewed to reflect recent changes as well as new themes, such as women and disability, women and technology and women and trade liberalization.

#### *Article 5*

45. **Ms. Coker-Appiah** observed that, despite the progress achieved in various fields, the daily reality of most Samoan women, particularly rural women, was regulated by customary law. Samoan customary law not only reinforced the patriarchal system of male superiority and female subordination but also

established a hierarchy among women, in which widows and unmarried women had the right to engage in economic activity and socialize outside their homes, while married women were confined to the home and expected to serve their husbands' families (CEDAW/C/WSM/1-3, p. 46).

46. Those obvious restrictions on the movement and income-earning capacity of married women could be linked to a rise in domestic violence, as it made women totally dependent on men and vulnerable to all forms of abuse, including psychological abuse. She wondered what steps were being taken to address some of those cultural practices, in particular, their impact on domestic violence. How could married women report incidents of domestic violence if they were confined to the home? Had studies been done on that problem, and if not, did the State party plan to undertake them?

47. **Ms. Gabr** said that, while she appreciated the need to preserve various cultural traditions forming the foundation of Samoan society, the State party must confront and deal with instances where those traditions contradicted its commitments under the Convention. What steps would be taken to ensure that Samoan women could function as effective agents of development when their status in society was dependent on that of their husbands? Drawing a parallel between the hierarchical structure and the whole issue of stereotyping and its effect on female education, employment and participation in the diplomatic service and international meetings, she welcomed the descriptions in the responses to the list of issues of initiatives to increase the participation of women in public and international life, and programmes to improve the situation of women. She would be grateful for further details on those programmes, in particular, their cooperation with NGOs and their concrete achievements.

48. **Ms. Shin** enquired about the State party's time frame for enacting its draft legislation against domestic violence. Had the legislation been elaborated in consultation with civil society, particularly women's organizations? She wondered whether training given to police officers included clear guidelines on responding to complaints, particularly the need to separate perpetrators and victims and to initiate investigations. Would prosecutors, as well as judges, receive training in that area, and were there any plans to set up a 24-hour hotline to counsel domestic-violence victims?

49. She hoped that the new legislation would cover all forms of violence — physical, psychological, sexual and economic — committed by current or former spouses in both official and common-law marriages, and that domestic violence would be regarded as a social crime that must be prosecuted rather than as a private matter to be resolved between the spouses. Such legislation was a key aspect of education and awareness-raising and should be adopted as expeditiously as possible.

50. **Ms. Morvai** said that the mentality that women were a secondary class obligated to satisfy men's needs, including their uncontrollable sexual needs, was the root cause of both domestic violence and prostitution and trafficking, and that those issues should be examined together. The State party should consider acceding to the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others as well as the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. It must also cease to regard prostitution as a legitimate form of work. Referring to page 21 of the combined reports, she asked whether NGOs and the Samoan Government were taking two competing approaches to violence against women, which, in her view, was essentially a human rights issue.

51. **Ms. Heather-Latu** (Samoa), replying to Committee members' questions, said that married women's role in caring for their extended families took them outside the home and into their villages, districts and even to the country's two urban centres, both of which were located no more than three hours from any point on the island by public transit. Thus, they had ample opportunity to report incidents of violence. Furthermore, criminal activity was also addressed by the Village Council; indeed, the national police even relied on village authorities for help in maintaining law, order and stability. Recognition of the Women's Liaison at the village level should help to raise awareness of the Convention and disseminate information on it within the cultural context of daily life.

52. Samoan courts had a zero tolerance/no-drop policy on domestic violence. A complaint could not be withdrawn once it was filed without a decision in that regard based on constitutional or common law by the Office of the Attorney General. The 1996 training

course for judges, which she had personally helped to design, was also offered to the prosecutors in the Office. The course emphasized respect for women's rights, particularly in court, and included suggestions on minimizing the trauma of judiciary proceedings for battered women. As for education and the steps being taken to deepen understanding of the nature of domestic violence, she said that the relevant legislation provided not only for the care and protection of victims but also punitive measures as a disincentive to such behaviour.

53. The issue of approaches to dealing with the crime of violence had been raised. She assured the Committee that the approach taken by law enforcement officers was indeed human-rights-based. Responses varied according to women's needs and the phase of their proceedings. Turning to Ms. Morvai's recommendations concerning trafficking and prostitution, she referred Committee members to page 6 of the delegation's introductory statement, describing plans for an across-the-board review of all aspects of the issue. Eventual legislative reforms would take into account the Committee's input and the experience of other countries.

54. **Ms. Simi** (Samoa) said, that, without wishing to sound defensive, village institutions did not necessarily perpetuate cultural traditions that discriminated against women. The information before the Committee depicted the Village of Women as originally conceived. While that arrangement was not likely to change significantly in the immediate future, it was gradually being adapted to the times. Furthermore, as the Village of Women was wholly independent from the Village of Men, women did not view themselves as subordinate to men, and because chiefly titles could be bestowed on women, they were able to participate in the Village of Men as well. The "anthropological" perception of Samoan wives as confined to the home and unable to report incidents of violence was unfounded. Women were indeed able to file complaints. Moreover, the media focus on the issue was encouraging women to come forward in increasing numbers, and the country was open to remedying the situation.

55. **Ms. Eteuati Shon** (Samoa) pointed out, in response to Ms. Shin's question, that the time frame for the legislative review was two years. As for the NGO programmes that appeared in the responses to the list of issues, she said that the table in the response to question 5 contained all the various NGOs which dealt

with women's issues or which provided such services as training, capacity-building, leadership development, research, data collection, advocacy and lobbying.

56. Samoa certainly intended to transform cultural practices where that was deemed to be beneficial, in particular through government-sponsored meetings and programmes — meetings of mothers and daughters, husbands and wives; skills development for women; and a forum on the Convention in question and the Convention on the Rights of the Child. Men would be invited to participate in those meetings in order to gain a broader understanding of the Convention and of their wives' concerns. Lastly, as for the question on the dichotomy between NGO and government approaches to domestic violence, the former taking a human rights approach and the Government focusing more on family and social aspects, she clarified that the Government had a holistic vision of a human rights approach within the context of family and social issues.

#### *Articles 7 and 8*

57. **Ms. Saiga** asked, in reference to article 7, why only those who held the chiefly, or Matai, title were eligible for election. That practice automatically limited the possibility of women serving as mayors. She would appreciate clarification of the Individual Voter rolls referred to on page 50 of the combined reports, as well as some information on the nature and responsibilities of the women's committees mentioned on page 51. Were they permanent and voluntary? It seemed that men, too, should be able to participate in those committees as well as in the Health Committee and others.

58. **Ms. Arocha** noted that women had been involved in political life for only a relatively short period — since the early 1990s — and continued to be seriously underrepresented at the parliamentary, departmental and local levels. If the State party did not plan to institute temporary special measures to improve women's representation in public office, did it intend to take other steps to address the issue and increase their presence in both elected and appointed government posts? Would it carry out any activities specifically aimed at transforming mentalities among Samoa's vast younger generation, which comprised 43 per cent of the population?

59. **Ms. Gaspard** expressed concern that the limitations on women's eligibility to hold public office

were in violation of both the Convention and the Universal Declaration of Human Rights. She enquired about the process of conferring the title of Matai and of determining heads of household and their legal status. Was that process based on the nuclear or extended family? The Committee also sought clarification as to whether Samoa maintained different types of electoral lists and if so, the status of each. Statistics on male and female eligibility for public office would be greatly appreciated.

60. It seemed from paragraph 7.3 of the reports that village women's committees addressed mainly traditional and stereotypical issues, and that a woman's position in those committees was largely dependent on her husband's place in the village hierarchy. She requested further clarification of the divisions between men and women in society and the distinctions among women on the basis of their husbands' status. The 47 per cent turnout by women in the recent elections seemed to belie the reports' assertion that women were not interested in public life and had very little understanding of government institutions. Could the real reason for their low participation be that they were not encouraged to become involved in political parties, or the sexist nature of those parties? There seemed to be a real discrepancy between the changing social situation described in the delegation's introductory statement and the marginalization of women in decision-making. She wondered whether that contradiction was being publicly debated in Samoa.

61. **Ms. Belmihoub-Zerdani** said that the discriminatory practices limiting women's eligibility to run for public office and the de facto imbalance in the number of men and women holding chiefly titles were in flagrant violation of the Convention; it was incumbent on Samoa, as the first Asian country to have ratified the Convention, to remedy that situation. The Committee also urged the State party to take special measures to address women's underrepresentation in public life — out of 238 mayors, only 4 were women; out of 49 seats in Parliament, only 3 were held by women. Lastly, she would be grateful for additional details on the position of the Church towards the ratification and implementation of the Convention.

62. **Ms. Popescu** said that, while the combined reports were very frank about the underrepresentation of women in political life, they did not provide much information on what was being done to change that reality; there were even overtones of fatalistic

acceptance, or, at the very least, a lack of serious concern. She wondered whether the concept of universal suffrage was only partially valid for men as well, in other words, whether they, too, were ineligible to stand for election unless they acquired the chiefly title. Did the State party contemplate amending its electoral laws to bring them into line with international standards?

63. Awareness-raising networks and lobbies seemed a rather feeble response to the obstacles to greater female participation in political life, particularly the failure by men to recognize women's capacity in that area and women's own underestimation of their abilities. Although the State party claimed that it did not need to institute temporary special measures, she believed that much more complex and substantive action was in order, and that efforts to combat stereotypes should target both women and men. She hoped that Samoa's next periodic report would include information on Government measures, including temporary special measures, to increase women's participation in political life.

64. **Mr. Flinterman** said that, while he understood the Government's reluctance to interfere with Church policy, it should explore the possibility of holding joint round tables with Church leaders in order to discuss the relevance of the Convention to Samoan society.

*The meeting rose at 1.05 p.m.*