



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women Seventy-first session

Summary record of the 1637th meeting

Held at the Palais des Nations, Geneva, on Friday, 26 October 2018, at 10 a.m.

Chair: Ms. Leinarte

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The meeting was called to order at 10 a.m.

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

Sixth periodic report of Samoa ([CEDAW/C/WSM/6](#); [CEDAW/C/WSM/Q/6](#) and [CEDAW/C/WSM/Q/6/Add.1](#))

1. *At the invitation of the Chair, the delegation of Samoa joined the meeting via video link.*

2. **Ms. Stowers** (Samoa), introducing the sixth periodic report of Samoa ([CEDAW/C/WSM/6](#)), said that the Samoa Law Reform Commission had completed the first legislative compliance review of national law provisions relating to the Convention on the Elimination of All Forms of Discrimination against Women since Samoa had acceded to that instrument. The report of that review, which had been finalized in 2016, had concluded that Samoa was in compliance with the Convention overall, albeit with some room for improvement. The constitutional amendment of June 2013 had introduced a 10-per-cent quota for women representatives in Parliament and had entered into force during the most recent elections, held in 2016, in which a record number of women had stood as candidates. A total of five women representatives had been elected, the highest number to date, and the country's first female Deputy Prime Minister had been appointed. The Family Safety Act 2013, which was considered a legislative milestone, permitted the use of protection orders in cases of domestic violence and related matters. The Family Court had been established in 2014 in an effort to protect vulnerable persons, particularly women, children and juvenile offenders. Several significant changes to provisions on sexual offences, such as increases in maximum penalties, an expansion of the definition of rape to cover unwanted sexual contact and the criminalization of marital rape, had been introduced under the Crimes Act 2013. The Labour and Employment Relations Act 2013 had introduced key amendments to employment laws, including new maternity and paternity leave entitlements, a prohibition of forced labour and a requirement of equal pay for work of equal value. The Community Law Centre Act, which established a centre whose functions included public awareness-raising and education programmes on legal rights, obligations and services, as well as the provision of legal aid, had entered into force in February 2016 but had not been fully implemented due to budgetary constraints. Legislative amendments had been passed to ensure the use of gender-neutral language in the country's laws.

3. The national human rights institution, set up in 2013, had been accredited with category A status by the Global Alliance of National Human Rights Institutions. The institution had submitted three state-of-human-rights reports to Parliament thus far and had released a report in 2018 on the first national public inquiry into family violence. The first state-of-human-rights report concerned the relationship between the traditional Samoan way of life, known as *Fa'asamoa*, and international human rights, and touched upon issues such as the status of women in society.

4. The Ministry of Women, Community and Social Development had shifted its approach from working with separate community groups to addressing thematic areas of work, namely social development, economic empowerment, governance and leadership. As part of that approach, the Ministry had mainstreamed issues pertaining to women, children and persons living with disabilities in all of its divisions, with the aim of improving integrated planning, implementation, monitoring and reporting to better respond to the needs of those persons. While the Ministry led the way in implementing the Convention, the country had adopted a whole-of-government approach that involved all ministries. For example, the Ministry of Finance had developed sectoral planning guidelines that promoted the mainstreaming of gender and disability issues, among others, and was applicable to all aid-funded development initiatives. Furthermore, that Ministry's Cabinet Development Committee had established a requirement that any aid project proposal must undergo a gender analysis, thus ensuring that gender was considered in the Government's resource allocation decisions.

5. As part of efforts to tackle gender-based violence, two studies had been conducted. The first one, conducted in July 2017, had found a high prevalence of violence in the family, particularly against women and children. The recommendations of that study had informed the “Safer Families, Stronger Communities” policy, strategy and plan of action. The second study, namely the national public inquiry into family violence, had provided a platform for public discussions in order to remove the stigma that hampered the acknowledgement of such violence and had reaffirmed calls for more proactive leadership by village councils, church leaders and the Government to prevent violence against women, children and persons with disabilities and to improve measures to address it. The inquiry had emphasized that the principles of *Fa’asamoa*, Christianity and human rights, when properly applied, played a central role in preventing violence. The results of those studies had prompted investment, with assistance from development partners, in violence prevention campaigns at the village level and in strengthening services for survivors of violence. The Government supported village- and district-led initiatives and faith-based programmes to address the root causes and consequences of family violence.

6. The National Council of Churches had held events aimed at tackling gender-based violence, including a workshop focusing on a survivor-centred approach, held in March 2018. Eliminating violence was a key component of the District Development Planning Programme, which had been initiated by the Ministry of Women, Community and Social Development in 2017 to allow village leaders within electoral districts to discuss and implement plans to address social, health, education and economic issues in conjunction with the district’s member of Parliament. A national public awareness-raising campaign launched in December 2017 focused on the root causes of violence and ways of tackling it. Some villages had adopted by-laws to protect against intimate partner violence and had set up “safe haven village committees”, which functioned as a support mechanism and an advocacy network for eliminating stereotypes, combating outdated practices and promoting a zero-tolerance response to violence. As part of the 16 Days of Activism against Violence campaign, 30 villages and communities across Samoa had participated in locally coordinated initiatives to raise awareness of domestic violence.

7. Statistics had shown an increase in the number of women in senior government positions; approximately 60 per cent of the chief executive officers and assistant chief executive officers of government ministries, as well as two Cabinet ministers and two members of Parliament who chaired parliamentary committees, were women. Since the last reporting cycle, three additional female judges had been appointed, bringing the total to four, and one of the main theological colleges had recruited its first female lecturer. The Government continued to work with partners such as the United Nations Development Programme (UNDP) and Australia to raise awareness and strengthen opportunities for women in leadership. As a result of a programme funded by Australia, one of the 21 villages that had previously prohibited women from holding the title of *matai*, or chief, had lifted the ban.

8. Village women’s committees continued to play an integral role in health-care initiatives in rural communities, such as a version of the World Health Organization (WHO) Package of Essential Non-communicable Disease Interventions adapted to the local context by the Ministry of Health. Under that programme, village women’s committees received training from the National Health Service and provided non-communicable disease screenings and early treatment. Over 1,000 people had been screened in the eight rural villages where the programme operated. Given that 60 per cent of those diagnosed with cancer in 2017 were women, the “Pinktober” campaign had been launched to raise awareness of the disease and had resulted in free mammograms and the expansion of mobile clinics for women in rural areas.

9. Training had been given to vulnerable families, with funding from the Samoa Women Shaping Development programme, to provide women with new knowledge and livelihood skills to enable them to support their families; the skills taught included sewing, flower arranging and handicrafts. The families had been identified through a vulnerability assessment conducted by the Ministry of Women, Community and Social Development in collaboration with non-governmental and civil society organizations. Moreover, measures taken by the Ministry to empower women included training in financial literacy and

entrepreneurial skills, with assistance from the Samoa Women Shaping Development programme. Most of the 130 micro-businesses established in the previous financial year had been set up by women. A gender policy had been incorporated into the disaster risk management plan, exemplifying the country's gender mainstreaming efforts.

10. The Government remained committed to meeting its human rights obligations. To that end, Samoa had become a party to the Convention on the Rights of Persons with Disabilities and the three Optional Protocols to the Convention on the Rights of the Child; presented its voluntary national review on the implementation of the Sustainable Development Goals; and established a national mechanism for reporting and follow-up regarding the human rights conventions to which it was a party. The newly launched Sadata website would be useful for developing national implementation plans, tracking their progress and linking them to the Sustainable Development Goals. Samoa had also deposited its instrument of acceptance of the amendment to article 20 (1) of the Convention on the Elimination of All Forms of Discrimination against Women with the Secretary-General.

11. In August 2017, Samoa had been the first Pacific island nation to host a visit by the Working Group on the issue of discrimination against women in law and in practice. The report of the Working Group commended the development of legal and policy frameworks that complied with international human rights obligations concerning the elimination of discrimination against women and acknowledged the fundamental change occurring in the country in terms of the status of women. The recommendations contained in the report would be incorporated into the implementation plan for the national mechanism for reporting and follow-up.

Articles 1 to 6

12. **Ms. Narain**, noting that the Constitution did not expressly prohibit discrimination against women, said that she wished to know whether the State party intended to introduce a definition of discrimination in accordance with article 1 of the Convention and, if so, what the timeline was for doing so. She would appreciate an update on the implementation of the recommendations of the legislative compliance review and would be particularly interested to hear whether the proposed amendments had been effected and, if not, whether a timeline was in place for their adoption.

13. Commending the State party for the establishment of a national human rights institution with category A status, she said she would welcome an explanation of the mechanism for making individual complaints to the institution. It would be helpful to know how many complaints of discrimination had been filed by women during the past year and what powers the institution wielded when it found violations to have occurred. Could it award compensation or did victims have to take separate court action to obtain damages? Given that Samoa was a dualist State, she wondered whether the institution could inquire into potential violations of rights under the Convention even before the Convention had been fully incorporated into national law. She wished to know why the State party had not yet acceded to the Optional Protocol to the Convention and when it intended to do so. Similarly, she would appreciate an explanation as to why Samoa was not yet a party to the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination or the International Labour Organization (ILO) Maternity Protection Convention, 2000 (No. 183).

14. It would be useful to learn what impact, if any, the incorporation of article 1 (3) of the Constitution declaring Samoa to be a Christian nation had had on women's rights. She asked whether church leaders played a role in the promotion and enforcement of women's rights on the ground and whether any conflict had arisen or was likely to arise in practice between the principles of Christianity and women's rights under the Convention. She wondered what repercussions customary laws and practices had in that regard and wished to know when the recommendations of the Working Group on the issue of discrimination against women in law and in practice, which had shed light on potential clashes with *Fa'asamoa*, would be implemented. She would be interested to hear, in general, how the

State party would ensure the right balance between *Fa'asamoa*, Christian values and human rights, particularly women's rights.

15. While the Committee welcomed the efforts made to publicize the Convention and the fact that copies of the Convention in Samoan had been distributed to public and private entities, she wished to know whether the Government would also ensure that judges, law practitioners, parliamentarians and policymakers received ongoing training on the Convention and on the Committee's jurisprudence and general recommendations. She enquired whether the necessary steps would be taken to afford the Community Law Centre adequate resources and whether *nofotane* women (women living in the village of their spouses) were recognized as requiring special attention and assistance. Was legal aid available, accessible and used by women, especially in remote areas? Regarding alternative dispute settlement, she would like to know whether evaluations and monitoring were conducted to ensure that victims in gender-based violence cases suffered no further harm as a result of mediation processes and whether the negative impact on women of the use of character references and *ifoga* (a traditional apology) as mitigating factors in sentencing had been assessed. Was there a risk that such practices might result in impunity for the perpetrator in cases of family violence?

16. **Ms. Tapuai** (Samoa) said that, as stated in the most recent report of the Samoa Law Reform Commission, Samoa had a legal framework in place to provide protection against discrimination, since freedom from discrimination was a fundamental right expressly enshrined in article 15 of the Constitution. The Government currently had no intention to amend the Constitution to include a specific definition of discrimination. All of the recommendations put forward by the Samoa Law Reform Commission were under consideration by Parliament. Moreover, draft amendments of the Marriage Ordinance 1961 had been drawn up and were under discussion between the Commission, the Office of the Attorney General and the administrator in charge of the Ordinance.

17. **Ms. Strickland** (Samoa) said that the national human rights institution was unable to investigate individual cases due to capacity and resource constraints, although it was authorized to do so under its statute. Discussions concerning accession to the Optional Protocol to the Convention were currently ongoing. The current focus was on meeting the country's obligations under the other human rights instruments to which it was a party and addressing any issues that arose. The Government would consider acceding to the other conventions once the respective legislative compliance reviews had been completed for each.

18. **Ms. Tapuai** (Samoa) said that the declaration of Samoa as a Christian nation would in no way affect women's rights, lead to discrimination against women or undermine freedom of religion.

19. **Ms. Mulitalo** (Samoa) said that church leaders were involved in the District Development Planning Programme and in an initiative of the National Council of Churches whereby ministers would address matters relating to the protection of women's rights in their sermons. Church leaders also engaged youth groups in activities relating to the promotion of human rights. The District Development Planning Programme raised awareness of the Convention among church and village leaders, young people and persons with disabilities.

20. **Ms. Strickland** (Samoa) said that the national human rights institution was authorized to conduct inquiries in cases of systematic rights violations. The national public inquiry into family violence was an example of such an initiative. The Working Group on the issue of discrimination against women in law and in practice had submitted its report only recently and the Government had yet to consider its recommendations. The Sadata website would compile the recommendations of the various human rights bodies and help streamline implementation.

21. **Ms. Tapuai** (Samoa) said that human rights legislation prevailed in the event of a conflict between human rights and *Fa'asamoa* practices. There had been examples of such cases, which now formed part of the country's case law. *Nofotane* women would have access to legal aid under the Community Law Centre Act and also benefited from such aid under the current scheme.

22. **Ms. Strickland** (Samoa) said that no formal assessment of the impact of mediation or the *ifoga* apology ritual had been carried out. However, the issue had been raised by the Samoa Law Reform Commission and would be considered by the Government.

23. **Ms. Hofmeister** said she was concerned that the constitutional amendment declaring Samoa a Christian State might constitute a step backward in terms of women's rights and could strengthen patriarchal traditions, lead to harmful practices and perpetuate violence against women and girls. While Christianity itself was not incompatible with human rights, male-oriented interpretations of religious texts could undermine such rights. Nonetheless, the State party had made commendable progress in advancing women's rights, most notably through the establishment of the national human rights institution and the conduct of the national public inquiry into family violence.

24. She would appreciate information on the restructuring of the Ministry of Women, Community and Social Development and, in particular, an explanation of the issues concerning gender experts and budgeting. It would be helpful to know how the national human rights institution's input had been taken into account in the reorganization of the Ministry. She asked whether the allocation for training expenses had actually been incorporated into the Ministry's annual budget.

25. **Ms. Schulz** said that the temporary special measures mentioned by the State party seemed in fact to be long-term or permanent. The State party might wish to consider introducing temporary measures as provided for under the Convention to achieve substantive equality in particular areas, as called for in the Committee's general recommendation No. 25. The measures should then be withdrawn once that goal had been achieved.

26. Noting that the village constituted one of the main centres of power and that women accounted for only 5.5 per cent of those who held *matai* titles, she asked how the State party planned to ensure equal participation of women in the *fono*, or village council. She would welcome information on the current status of the draft Inclusive Governance Policy and Strategy and on the representation of the other groups that had been identified as being underrepresented by the national public inquiry into family violence, including persons with disabilities, older persons and persons of diverse sexual orientation or gender identity. How were women in those categories provided for? It would be helpful to know whether village women's committees would be given recognition in the Village *Fono* Act and, if so, which areas of competence would be assigned to them.

27. **Ms. Mulitalo** (Samoa) said that the restructuring of the Ministry of Women, Community and Social Development had taken into account the consultations held with Ministry staff, the resources available and the shift in approach from targeting individual population groups to thematic areas, namely social and economic development and inclusive governance. The Ministry staff had received training in matters relating to violence, including a course carried out earlier in 2018 on a survivor-centred approach, in which community members had been invited to participate. The training programmes had received support from development partners, in view of the Ministry's very limited resources. Staff members who attended training sessions overseas gave presentations to convey the knowledge and skills gained to the other Ministry staff members.

28. In most villages, women were offered *matai* titles and were not discouraged from accepting them, but many women chose not to do so. Village women's committees, which often comprised the wives of the chiefs, were decision-making bodies, and male *matai* did not interfere in the committees' affairs. Decisions made by the committees were formally conveyed to government women's representatives and mayors. Chiefs' daughters, as well as untitled men, also formed their own groups to discuss issues relevant to them.

29. **Ms. Tapuai** (Samoa) said that the increased participation of women in village councils had been recommended by the Samoa Law Reform Commission and the issue would be raised with the Office of the Attorney General.

30. **Ms. Mulitalo** (Samoa) said that the Inclusive Governance Policy and Strategy were still in the drafting stage and would be a priority for the Ministry in the coming year, especially as part of the roll-out of the District Development Planning Programme.

31. **Ms. Schulz** said that most of the submissions that had been made to the Samoa Law Reform Commission had been in favour of allowing women *matai* to sit on village councils. She would be interested to know what future action would be taken in that regard, especially in view of the changes occurring in Samoan society.

32. Given that the special measures taken by the State party mostly sought to increase the representation of women in certain State bodies rather than to reach substantive equality in areas such as education, health and employment, it would be useful to hear whether special measures had been or would be adopted in that regard. Such measures might include special budget allocations, support for rural development or targeted services such as reproductive health care.

33. **Ms. Hofmeister** said that the national human rights institution within the Office of the Ombudsman could be an essential partner in the Committee's work. Women's non-governmental organizations (NGOs), particularly in the villages, should also develop close ties with that institution. She would like to know what progress had been made towards having the institution's annual reports discussed in Parliament and how the State party had collaborated with the institution in the follow-up and implementation of its recommendations. She wondered what steps had been taken to provide the institution with adequate resources.

34. She would like to know the time frame for presentation of the report of the institution's public inquiry into family violence to Parliament and for the implementation of its recommendations.

35. Lastly, she enquired what institutional frameworks were in place to ensure the sustainability of partnerships between the national human rights institution, the Ministry for Women, Community and Social Development, NGOs and the Committee.

36. **Ms. Narain** said that, according to information received by the Committee, women were barred from holding a *matai* title in some villages, while in others they were recognized as *matai* but not permitted to sit on village councils. She would like to know what steps the Government was taking to ensure that village by-laws complied with article 15 of the Constitution, on freedom from discriminatory legislation.

37. **Ms. Mulitalo** (Samoa) said that the Ministry for Women, Community and Social Development had been conducting outreach programmes in order to promote the acceptance of women *matai* as members of the *fono*, or village council. The district development plans were another mechanism for ensuring women's participation in the *fono*.

38. **Ms. Tapuai** (Samoa) said that a process of registration of village by-laws had recently been introduced in an effort to codify such local legislation. By-laws that discriminated against women were open to constitutional challenge.

39. **Ms. Strickland** (Samoa) said that three reports of the national human rights institution were under discussion in parliamentary committees. The same procedure would be followed in the case of the report on the family violence inquiry. Some of the institution's recommendations had already been implemented. In general the Government worked very closely with the institution and the various stakeholders and partners to ensure implementation of the institution's recommendations.

40. **Ms. Mulitalo** (Samoa) said that all matters relating to implementation of the Convention were discussed in a special committee and by a task force comprising all key agencies and NGOs. In addition, such issues were conveyed to the village level by government representatives at monthly meetings with village authorities.

41. **Ms. Strickland** (Samoa) said that the national mechanism for reporting and follow-up coordinated the implementation of recommendations from all the human rights treaty bodies and from institutions such as the national human rights institution. The Sadata website was a vital tool in that coordination process. The Government would also work closely with the national human rights institution as the latter conducted an audit of the recommendations put forward in its reports.

42. **Ms. Gbedemah** said that the delegation had not yet addressed the question of resources and staffing for the national human rights institution.

43. **Ms. Strickland** (Samoa) said that finding the resources for such institutions was always a challenge for small island developing States. There was no simple solution, but a “whole-of-government” approach, whereby resources were shared across ministries in order to finance key institutions and deal with cross-cutting issues such as human rights, climate change and gender equality, was the most efficient way of using resources and allocating technical support.

44. **Ms. Eghobamien-Mshelia** said that, notwithstanding the progress made in setting up mechanisms to deal with gender-based violence, the rate of such violence remained alarmingly high, and appeared to be overtaking other forms of violence. She therefore wondered whether violence against women was an emerging cultural syndrome or a cultural legacy from the past. It was sometimes said that, in economic development at least, culture made all the difference; she wondered what difference culture was making in the State party and whether it was a positive or negative influence.

45. She would like to know whether any strategy or mechanism had been put in place to modify the social and cultural patterns and the individual attitudes that underpinned stereotyping and other discriminatory customs that obstructed women’s advancement. She wondered whether the State party had taken sufficient steps to challenge such patterns by revising school textbooks, curricula and teaching methods or conducting campaigns to eliminate stereotypes in education, the workplace, the family and society at large.

46. She asked whether any study had been carried out to calculate the social and economic costs of gender-based violence, as that would help enhance understanding of the seriousness of the problem. The rate of domestic violence kept increasing despite the introduction of harsher sentences and the numerous mechanisms that had been put in place. She wondered whether the inter-agency task force on ending violence against women had developed any new approaches for addressing the problem at the village level. Had the State party considered introducing a scheme for compensating victims or a social security system?

47. Given the key role of church leaders in addressing the problem, she wondered whether the implementation plan adopted by the National Council of Churches to combat gender-based violence was driven by Scripture or by doctrine. Did it reflect global Christian values and the moral obligation to demonstrate compassion, *agape* love and sacrificial leadership? She wondered whether church leaders planned to use the biblical texts setting forth those principles as a basis for their work, and asked when the State party would end the selective use of Scripture to perpetuate oppression.

48. **Ms. Acosta Vargas** said that she wondered whether the State party was aware that, according to alternative sources, there were children in situations of sexual exploitation in the State party. Given that Samoa was a party to the Convention on the Rights of the Child and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), she would like to know what steps the State party had taken to rescue children who had been lured into prostitution and whether those responsible had been brought to trial and convicted. Had any studies been carried out to establish the extent of the problem?

49. She asked whether the State party intended to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The Committee had no statistics on trafficking in women in the State party; she would like to know whether any trafficking rings had been detected in its territorial waters.

50. Noting that both prostitution and exploitation of prostitution were illegal in the State party and were subject to custodial sentences, she asked how many people were currently serving sentences in relation to each of those offences. Recalling the Committee’s position that prostitution, when practised by adult women, ought not to be a criminal offence, and that for some women it was the only way out of poverty, she asked whether women in prostitution received adequate health care, particularly in respect of HIV/AIDS and

sexually transmitted diseases, and whether the State party provided training to those who wished to move out of prostitution.

51. **Ms. Mulitalo** (Samoa) said that the National Council of Churches programme incorporated Christian principles, not as a means of advocating women's subordination to men, but as a means of informing church ministers and their wives about the provisions of the Convention.

52. Cultural institutions such as women's committees and other social structures at the local level were playing a positive role in promoting the implementation of the Convention. In the last few years progress had been made in aligning cultural practices with the Convention in order to end violence and promote the rights of women, children and persons with disabilities. In addition, the Government had rolled out awareness-raising programmes to disseminate the Convention in the villages.

53. The prison service and the police force had been separated in 2015. The new Prisons and Correction Service took a rehabilitative rather than a punitive approach and in 2016 had set up programmes to address various forms of violence.

54. **Ms. Strickland** (Samoa) said that no specific study had been carried out on the costs of gender-based violence. The inquiry into family-based violence had touched on the question of costs but not in detail. There was no specific policy on stereotyping in the education system, although gender equality was a key principle in all education policies.

55. The Government was considering the possibility of acceding to the Trafficking in Persons Protocol. Samoan territorial waters were vast and the country had only one patrol boat, which made surveillance problematic. In December 2017, as an initial step, a policy on transnational crime had been adopted, and the hope was that data could be collected as a basis for more informed action to address the problem.

56. **Ms. Tapuai** (Samoa) said that there had been no cases in which women had been prosecuted for prostitution, but there had been cases in which the courts had convicted persons of living off the earnings of prostitution. The legal framework governing human trafficking and prostitution was the Crimes Act. The Attorney General was reviewing the legislation in order to fill gaps so as to prevent any increase in trafficking.

57. **Ms. Strickland** (Samoa), returning to the question of the negative or positive influence of culture, pointed out that the inquiry into family violence had recognized that it was the combination of culture, faith and human rights in Samoa that provided the framework for combating such violence.

58. **Ms. Mulitalo** (Samoa) said that the inter-agency system, in which all key partners were represented, had developed a new survivor-centred approach to violence and had provided training programmes to ensure that all players were conversant with that focus. Training in counselling would also be provided to ensure that survivors and victims of violence were referred to the appropriate services, such as health-care providers or the police. In addition, various ministries had begun conducting vulnerability assessments to identify those families that needed to be guided towards the right services.

59. **Ms. Gbedemah** said that no mention was made of economic violence in the Family Safety Act. The definition of violence against women should be brought into line with the Convention. In addition, the protection orders introduced under the Act were processed principally through NGOs and not through the police. She asked what training the State party intended to provide to help the police to properly deal with violence against women.

60. The question with regard to the role of church leaders in dealing with violence against women was whether their efforts were sustained and systematic. Had church leaders developed specific policies and materials, and did they apply a dynamic interpretation of the Scriptures in respect of violence against women? She also wondered how their work in that regard was monitored: having trained pastors and their wives, how did the State party ensure that they would return to their parishes and impart their new learning to the congregation and hold perpetrators accountable?

61. **Ms. Eghobamien-Mshelia** said that she wished to insist on the need for a specific study to capture the costs of gender-based violence. The national human rights institution's

inquiry had yielded valuable findings, but only an economic study would make clear the true scale of the problem and the consequences of inaction. That would show that violence was not just a women's problem, but a problem for society as a whole.

62. It was also important to coordinate the disparate social services into a single social security system. In that way, advice could be standardized and the State would have a better view of where resources needed to be allocated in order to deal with the problem of violence.

63. **Ms. Tapuai** (Samoa) said that, while it was true that there was no definition of economic violence in the Family Safety Act, her Government considered that the definition of violence given in the Act was broad enough to cover economic violence.

64. **Ms. Strickland** (Samoa) said that there was a gender-based violence division within the police and efforts were continually made to improve training. The national human rights institution had been working with the police on human rights training, with a focus on gender-based violence and on ways of changing attitudes.

65. **Ms. Mulitalo** (Samoa) said that the Government intended to forge a closer relationship with the National Council of Churches, through consultations and workshops, to ensure that church communities were aware of the requirements of the Convention. Church ministers used their Sunday sermons to inform their congregations of the Convention, of the need to eliminate violence against women and of women's rights. The Government was working with women's rights champions in the communities to promote implementation of the Convention through awareness-raising programmes. Church ministers' wives generally chaired the monthly meetings of women's committees in villages and of women's fellowship groups in churches. At those meetings, the ministers' wives informed the groups of the implementation and requirements of the Convention.

66. **Ms. Strickland** (Samoa) said that church leaders had a role to play because 99.7 per cent of the population attended church. The Government saw that as an opportunity to convey its message on gender-based violence to the population. The action undertaken by ministers' wives in their group meetings was closely monitored by the Ministry of Women, Community and Social Development to ensure policy coherence. That Ministry had tried to evaluate the cost of gender-based violence in its family safety study, but the Government would carefully consider the suggestion that a specific study should be undertaken in that area.

67. **Ms. Schulz** asked whether the message conveyed by churches was a reinforcement of traditional roles rather than a message of true gender equality. Did Samoa have women ministers?

68. **Ms. Gbedemah** said that religious texts could be used to reinforce traditional roles and to promote women's submission rather than equality. The problem was how to know whether all ministers were preaching the same policy line. In a country with such a high rate of church attendance, churches were a valuable means of informing the population, but measures must be put in place to monitor the content of sermons.

69. **Ms. Eghobamien-Mshelia** asked what kinds of networks were in place in Samoa and whether there was a network of male champions against gender-based violence.

70. **Ms. Mulitalo** (Samoa) said that there were indeed female ministers in Samoa. With regard to networks, Samoa had a wide range of committees and working groups within its government agencies, and those were composed of both men and women from different sectors, including civil society and NGOs, the private sector and development partners. In respect of male champions, the Men Against Violence Advocacy Group played an awareness-raising role in the communities and organized workshops on stopping gender-based violence.

Articles 7 to 9

71. **Ms. Schulz** said that the 10-per-cent quota for women in Parliament, set forth in the Constitution Amendment Act 2013, could only be seen as a first step towards the substantive equality to be achieved under the Convention. Noting that many women did not

have access to national elective office because they did not have the title of *matai*, she asked whether that restriction would be lifted, as suggested by the Samoa Law Reform Commission, and the Electoral Act 1963 amended accordingly, and whether the parliamentary quota would be raised to 30 per cent or 50 per cent. She would be grateful for information on what measures would be taken to increase the number of women serving as village representatives and what would be done to ensure that they received the same pay as men. The Community Sector Plan 2016–2020 and the Samoa National Policy for Gender Equality 2016–2020 recommended that quotas should be adopted for women in decision-making positions. She would be grateful for data on the results achieved so far, including in respect of women members of company boards and women heads of State-owned enterprises. She also wished to know what measures were in place to attain gender parity in the judiciary; what measures had been taken to give women access to high-level diplomatic posts; and whether the law fixed targets for women's inclusion in school committees, village development consultations and the monitoring of district development plans.

72. **Ms. Mulitalo** (Samoa) said that the District Development Planning Programme included efforts to promote women's leadership. The district development committees were responsible for monitoring the district development plans. Those committees were chaired by members of Parliament and included all women government representatives, village mayors and church ministers. The Ministry of Women, Community and Social Development was cooperating with NGOs that provided capacity-building workshops for women wishing to become elected representatives. The Australian-funded Samoa Women Shaping Development programme was also geared towards women wishing to become parliamentarians. Women *matai* had equal rights with men *matai* to run for office in general elections. Women also had an equal right to be awarded a *matai* title, but consultations held in previous years had revealed that women preferred to leave those titles to men. The titles were hereditary, however, and could be inherited by women. The Government was working towards increasing the quota for women in Parliament.

73. Women-in-leadership programmes at the national level were designed to raise women's awareness of the opportunities open to them to apply for chief executive and assistant chief officer posts. Women were playing a major role in the district development plans, chairing some of the committees. Women represented 49 per cent of the membership of the 25 committees in place. The wages of village representatives had been raised by decision of the Cabinet. The Ministry of Women, Community and Social Development was currently working on a proposal to increase that wage, as well as on a village representative policy. Twenty-three chief executive officers and general managers of government line agencies and State-owned enterprises were women, while at the assistant manager level there were 162 women. Forty-five women were members of boards of directors of State-owned enterprises.

74. **Ms. Strickland** (Samoa) said that the percentage of women occupying high-level posts in the judiciary would inevitably rise, as there were currently more women than men in the profession. The Samoa Law Reform Commission had recommended that women's leadership should be promoted at the village and national levels. The Reform Commission's report also recommended amendments to the Public Bodies (Performance and Accountability) Act 2001 to include provisions ensuring gender equality in terms of government policymaking and access to employment opportunities. In the diplomatic service, two women were serving as ambassadors. The Ministry of Foreign Affairs had recently expanded its divisions, and six of the seven divisions were headed by women.

75. **Ms. Tapuai** (Samoa) said that *matai* titles were awarded traditionally in recognition of service to the community, and it was that public service that made individuals eligible to be elected to Parliament. The proposed amendments to the Electoral Act did not modify that practice.

76. **Ms. Schulz** said that institutional measures, such as raising the 10-per-cent quota, were advisable in view of deeply rooted traditions that represented obstacles to meeting the requirements of the Convention. Only 11 per cent of all *matai* titles were held by women. That made the *matai* requirement clearly discriminatory. The question would need to be resolved if Samoa was to fulfil its obligations under the Convention.

Articles 10 to 14

77. **Ms. Gbedemah** said that comprehensive sex education must be instituted and embedded in the school curriculum, not left to community outreach programmes. It should be compliant with the Convention and should promote prevention of early pregnancy. She would like to know whether there were specific provisions in the National Safe Schools Policy to protect girls from sexual violence, harassment and abuse in schools and, if so, how systematic monitoring was conducted and whether data were available. Data on the number of girls who resumed their studies after pregnancy would also be useful.

78. Corporal punishment was banned under section 23 of the Education Act 2009. However, a proposed amendment to section 23 would allow teachers to use “reasonable force” to stop fights between students in secondary schools, while section 14 of the Infants Ordinance 1961 allowed parents and teachers to impose “reasonable punishment” on children. She would like to know whether teachers were trained in interpreting the amendment, so as to avoid a return to the use of corporal punishment; what steps were being taken to ban corporal punishment entirely; and how the introduction of more progressive and positive discipline was being promoted.

79. Temporary special measures should be introduced in male-dominated academic areas. She would like to know how teacher training curricula could be realigned to help teachers to confront the issue of traditional stereotypes. As the head of delegation had indicated that, for the first time, a woman lecturer had been appointed at Piula Theological College, she asked how that appointment had changed the position of women in the church; whether a larger number of women had been ordained; and how the appointment had affected the curriculum. Prior to that appointment, how had the College been teaching the issue of gender and Christianity to women priests, and how had that translated into the priests’ sermons?

80. **Mr. Bergby** said that although Samoa had ratified all eight fundamental Conventions of ILO, he would like to know why the State party had not ratified the Maternity Protection Convention (Revised), 1952 (No. 103), the Workers with Family Responsibilities Convention, 1981 (No. 156) or the Domestic Workers Convention, 2011 (No. 189), and whether and when it intended to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. He would welcome details on the outcome of the consultations held regarding the gender pay gap; whether a comprehensive survey on the pay gap had been undertaken; and what measures would be taken to achieve equal pay. Was the labour inspectorate active, particularly in the tourism and manufacturing sectors?

81. He would like to know what steps were being taken to bring the 6 weeks’ maternity leave granted in the private sector into line with the 12 weeks granted in the public sector. Indeed, many small private sector businesses did not provide maternity leave at all. He asked what alternative measures were being considered to help finance maternity leave in the private sector, and what steps were being taken to reduce the cost of childcare for working mothers. He wondered whether the five-day period of paternity leave was mandatory and whether it could be extended to allow fathers to take on the caregiver role.

82. He asked whether the Government would include a comprehensive definition of sexual harassment in law, establish a complaint mechanism and provide for appropriate sanctions; whether the Government could provide comparative public/private sector information on sexual harassment; and whether the Public Service Act 2004 and the Labour and Employment Relations Act 2013 would be amended to include the same provisions and regulations on sexual harassment. He would like to know about any short-term measures taken by the State party to provide health and social benefits to women working in the informal sector.

The meeting rose at 1.05 p.m.