



Convention on the Rights of the Child

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Committee on the Rights of the Child

Seventy-second session

17 May-3 June 2016

Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the combined second to fourth periodic reports of Samoa

The State party is requested to submit in writing additional, updated information, if possible before 1 March 2016 (10,700 words maximum).

The Committee may take up all aspect of the children's rights set out in the Convention during the dialogue with the State party.

Part I

In this section, the State party is requested to submit its responses to the following questions.

1. Please provide up-to-date information on the public consultations carried out regarding the proposed Child Care and Protection Bill (2013), on the parliamentary approval process and, if already approved, on the harmonization of relevant legislation with the Convention, in particular the Infants Ordinance (1961), and on the age of marriage.
2. Please indicate the measures taken to assess the impact and results of the National Policy and Plan of Action for Children 2010-2015, in particular on children's health, children's access to services, quality education for children and child protection. Please also describe how the Plan of Action has been used in practice to monitor programmes and services targeted at child development and child protection. Please provide information on any subsequent plan of action, including on how it will build on the previous plan, and the steps forward.
3. With reference to the Child Protection Information System, created in 2007, please provide information on the progress achieved in the harmonization of the relevant agencies' information systems.
4. Please provide information on the measures taken to disseminate the Convention, in particular among religious leaders and village chiefs.
5. Please provide the Committee with updated information on the measures taken to reach universal birth registration and the results thereof.



6. Please indicate the measures taken to enact legislation clearly prohibiting and criminalizing corporal punishment of children in all settings, including in family and alternative care settings. Please also provide information on the impact of the Behaviour Management Guidelines: A Guide for Schools Improving Students' Behaviour and Welfare on reducing incidents of corporal punishment in education settings.
7. Regarding cases of violence, abuse and neglect of children, please provide detailed information on how data collection systems and policy and legal frameworks are now better equipped to gather relevant information on these cases and improve care and protection options. Please provide information on training and other initiatives carried out to increase professionalism and their impact. Please also provide information on the measures taken to prevent and address bullying among children.
8. Please indicate the measures the State party has taken or intends to take to prevent and address sexual exploitation and abuse, in particular: to criminalize and penalize all forms of sexual acts against children as separate and serious crimes; to establish in criminal law an age under which a child is deemed to be unable to consent to sexual activities; to adopt a non-gender-specific definition of rape; and to provide effective protection to all children with disabilities, independent of the type and level of disability.
9. Please provide detailed information on the measures taken to mainstream the participation of children with disabilities in the formal education system and the results thereof. Please provide information on the main results achieved regarding children's rights by the National Policy for Persons with Disabilities and the Implementation Plan 2009-2012. Please also inform the Committee whether a new policy and plan have been adopted since 2012, and in particular how it addresses the rights of children with disabilities. Please provide information on how discrimination against children with disabilities is addressed.
10. Please provide information on the situation regarding breastfeeding, in particular the rate of exclusive breastfeeding up to six months and the measures taken to raise awareness on breastfeeding and the risks of feeding formula.
11. Please provide information on the main achievements in adolescent health of the National Youth Policy 2011-2015 and the National Health Policy 2012-2017, namely regarding suicide, substance abuse, teenage pregnancy, sexually transmitted infections and discrimination against pregnant girls. Please provide information on the results of the Ministry of Education, Sports and Culture's review on mainstreaming sexual education in the senior educational curriculum and whether that subject is to be included in the new primary school curriculum. Please also provide information on any measures taken or planned to decriminalize abortion for adolescent girls.
12. Bearing in mind the vulnerability of Samoa to natural disasters, please provide information on how child protection issues were taken into consideration and addressed by the National Disaster Management Plan 2011-2015 and the National Action Plan for Disaster Risk Management 2011-2016.
13. Please provide the Committee with further information on the Secondary School Fee Grant Scheme, in particular how it will lead to free universal primary education, on the measures taken to ensure its sustainability through the national budget and the time frame for the implementation of these measures. Please provide information on the measures taken to promote the care and learning of children under 3 years of age. Please provide information on the measures taken or planned to increase access to secondary school and to decrease repetition and dropout rates.
14. Please provide further information on the non-legal measures taken to address and prevent the commercial exploitation of children by their parents, to increase care and protection of these children and promote their access to education opportunities. Please also

give information on whether there is a strategy in place for the elimination of the worst forms of child labour and on the way in which child labour laws are being enforced. Please include information on the establishment of a child-specific and child-friendly complaints mechanism to effectively receive, monitor and investigate reports on cases of child exploitation.

15. Regarding the juvenile justice system and the Young Offenders Act 2007, please inform the Committee whether the State party intends to further raise the minimum age of criminal responsibility. Please provide detailed information on the provisions of the Prisons and Corrections Act 2013 regarding young prisoners being assigned to prison labour and the details of the complaints mechanism within the prison system, in particular its independence and confidentiality. Please also clarify which measures the State party has taken or intends to take, including the definition of a plan of action, time frame and allocation of resources, to address the areas that the Young Offenders Act failed to address.

Part II

In this section the Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report regarding:

(a) New bills and laws, and their respective regulations, including the Child Care and Protection Bill (2013), laws regulating child labour (see CRC/C/WSM/2-4, para. 8.5) and laws related to sexual offences against minors (see CRC/C/WSM/2-4, para. 8.15);

(b) New institutions and their mandates, and institutional reforms, in particular the establishment in 2013 of the Ombudsman as the national human rights institution of Samoa, and in particular its capacity to receive and investigate complaints of children's rights violations in a child-friendly manner;

(c) Recently introduced policies, programmes and action plans and their scope and financing;

(d) Recent ratifications of human rights instruments.

Part III

Data, statistics and other information, if available

1. Please provide consolidated budget information for the past three years on budget lines regarding children and social sectors, including health, education, social services and law and justice, by indicating the total amount allocated and the percentage of each budget line in terms of the total national budget and gross national product, and geographic allocation.

2. Please provide, if available, updated statistical data, disaggregated by age, sex, ethnic origin, national origin, geographic location and socioeconomic status, for the past three years, on:

(a) The number of cases of child abuse identified by the Law and Justice Sector and the Community Sector and the number of investigations, prosecutions and judgements issued and the penalties applied;

(b) The number of offences of incest and sexual offences against children under 18 years of age and the number of investigations initiated, prosecutions brought forward and judgements issued, and the penalties applied;

(c) The number of cases of corporal punishment in education settings and the number of investigations, prosecutions and judgements issued and the penalties applied (see CRC/C/WSM/2-4, para. 4.18).

3. Please provide data, disaggregated by age, sex, socioeconomic background, ethnic origin and geographic location, regarding the situation of children deprived of a family environment. Please indicate, for the past three years, the number of children:

- (a) Separated from their parents;
- (c) Placed in institutions;
- (d) Placed with foster families;
- (e) Adopted domestically or through intercountry adoptions.

4. Please provide data, disaggregated by age, sex, type of disability, ethnic origin, national origin, geographic location and socioeconomic status, for the past three years, on the number of children with disabilities:

- (a) Living with their families;
- (b) Living in institutions;
- (c) Attending regular primary schools;
- (d) Attending regular secondary schools;
- (e) Attending special schools;
- (f) Not attending school;
- (g) Abandoned by their families.

5. Please provide data, disaggregated, inter alia, by age, sex, ethnic origin, national origin, geographic location and socioeconomic status, for the past three years, on:

- (a) The enrolment and completion rates, in percentages, of the relevant age groups in pre-primary schools, in primary schools and in secondary schools;
- (b) The number and percentage of dropouts and repetitions;
- (c) The teacher-pupil ratio.

6. Please provide the Committee with an update of any data in the report that may have been superseded by more recent data or that may have been affected by new developments.

7. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.
