

Human Rights Council – 33rd session

Item 6: Universal Periodic Review Outcomes: Samoa



Statement by Action Canada for Population and Development

Action Canada makes this statement in collaboration with Kaleidoscope Australia and the Sexual Rights Initiative.

We welcome the Samoan government's willingness to engage in the UPR.

During the review, Samoa received recommendations calling on it to address inequalities affecting human rights in the area of discrimination based on sexual orientation and gender identity; to adopt measures to prevent violence and discrimination against persons on this basis; and, to repeal all provisions criminalizing same-sex relations between consenting adults.

While responses to these recommendations were unclear and did not specifically address discrimination on the grounds of sexual orientation or gender identity, recommendations calling on it to repeal all provisions criminalizing same-sex relations between consenting adults were only noted.

The arguments used that decriminalizing sodomy and the repeal of all provisions criminalizing same sex relations are not possible at this time due to cultural sensitivities and Christian beliefs and that the acceptance of such recommendations would go against the spirit of the Samoan constitution is not acceptable.

We would like to underline that this response falls short of the principles of universality, indivisibility and interdependence that are reaffirmed in the resolution establishing the Human Rights Council and the consequent duty of all States to promote and protect all human rights and fundamental freedoms impartially and non-selectively.

We urge the Government, to adopt a holistic approach when dealing with violations of human rights, and to repeal laws that criminalise persons based on their gender or sexual orientation and affirm the rights of persons who identify as lesbian, gay, bisexual or transgender. We also urge the government to take a strong stand on equality and non-discrimination for all persons by making the suitable amendments to the Constitution.

Thank you.