

**Human Rights Council - 49th Session**  
**Outcome of the Universal Periodic Review- Samoa**  
**Action Canada for Population and Development**

Thank you, President.

Action Canada makes this joint statement on behalf of Kaleidoscope Human Rights Foundation and the Sexual Rights Initiative

We welcome Samoa's acceptance of recommendation 106.32 made by Fiji to Take the necessary steps to combat discrimination and violence against women and children, and on the basis of sexual orientation and gender identity. Whilst the *Labour and Employment Relations Act 2013* prohibits direct and indirect discrimination on the basis of sexual orientation against an employee or applicant in any employment policies, procedure or practices there remains an absence of comprehensive anti-discrimination laws or policies in place. Indeed, Samoa does not have any laws or policies which prohibit discrimination against LGBT in other areas of public life, such as education, health care or access to goods and services or even media representation. As recently as 2019 the censor barred the screening of a film with strong representation of LGBT people on the basis that it was not good for public viewing as it was incompatible "with cultural and Christian beliefs ." This lack of protection creates an environment that facilitates discrimination against LGBT people, including Samoa's traditional *Fa'afafine* and *Fa'atama* community.

We urge Samoa to accept recommendations received on decriminalising consensual same sex sexual acts between men, and we further urge Samoa to take urgent action to meet its obligations under international human rights law by:

- Amending article 15 of the Constitution to include sexual orientation, gender identity and intersex status as prohibited grounds of discrimination.
- Decriminalising consensual same sex sexual conduct, by repealing sections 67, 68 and 71 of the Crimes Act.
- Implementing anti-discrimination laws that protect all persons from discrimination based on sexual orientation, gender identity and intersex status in all areas of public life.

Thank you.