

33RD Human Rights Council session
21 September 2016, 11:00
ITEM 6- UPR Outcome
Samoa
Statement by International Lesbian and Gay Association

Delivered by Zhan Chiam

Mr. President,

This statement is delivered in consultation with a Samoan NGO, the Samoa Faafafine Association.

Samoa received nine SOGIESC recommendations relating to the full de-criminalization of homosexuality and the advancement of full SOGI protections not just in employment but in all legislation.

We welcome Samoa's positive response in accepting the recommendation by The Netherlands to prohibit discrimination on the grounds of gender identity in employment legislation and a consideration to amend the Labour and Employment Relations Act, 2013. But the Samoan government needs to work towards a path of ensuring SOGI protections are enshrined in ALL of Samoa's legislation, not just in employment.

For the remaining eight SOGIESC recommendations received and noted by Samoa, we need to find the best way forward that is in accordance with Samoa's obligations to its defined human rights agenda, and to the culture and environment that we live in.

Although the government of Samoa have always been supportive of faafafine and faafafatama, these remaining 8 recommendations deal with a difficult subject both from a cultural and a religious frame of reference – consensual same sex relations.

Mr. President,

The lawful practice of consensual same-sex relations is already the law of Samoa under the Crimes Act 2013, see section 50. All we are asking is ensuring that this law is not misaligned with the discriminatory sodomy provisions within the same law, see section 67.

Religion is often being used as a convenient means to discriminate, vilify, torture and imprison LGBTI citizens around the world.

We hope Samoa will move away from using it as an excuse to justify our exclusion. We pray that they start to use religion in a more inclusionary way because the Samoan government has a responsibility under the United Nations framework to bring a positive change and equality for ALL citizens of Samoa.

We want to work together with the Samoan government to ensure we are not shunned and excluded.

Thank you Mr. President.