



NGO: EUROPEAN CENTRE FOR LAW AND JUSTICE (ECLJ)

**UNIVERSAL PERIODIC REVIEW
53RD SESSION**

**STATUS OF HUMAN RIGHTS IN THE INDEPENDENT STATE OF SAMOA
FOR THE 53RD SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

www.ECLJ.org
4, quai Koch
67000 Strasbourg, France
Phone: +33 (0)3.88.24.94.40

Status of Human Rights in Samoa for the 53rd Session of the Universal Periodic Review

Introduction

1. The European Centre for Law and Justice (ECLJ) is a non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Independent State of Samoa (Samoa) for the 53rd session of the Universal Periodic Review (UPR).

Background

2. Samoa is a country located in the South Pacific Ocean and has a population of approximately 212,800 people.¹ The population is predominantly Christian, with approximately 27% of the population identifying with the Congregational Christian Church of Samoa, 18% as Roman Catholic, 17.6% as Latter-day Saints, 11.8% as Methodist, 10.1% as Assemblies of God, 10.6% as other, and 4.9% as Seventh-day Adventist.²

3. Samoa's last review was held on November 2, 2021.³ As a result of the review, Samoa received 145 recommendations, 112 of which it accepted.⁴ It was recommended by Malawi, and supported by Samoa, that the government “[e]nhance legislative mechanisms and enforcement to prevent, disrupt and severely punish human trafficking for sexual and labour exploitation.”⁵ It was also recommended by Canada, but only noted by Samoa, that the government “[r]atify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.”⁶ No recommendations were made regarding religious freedom. In our last report on Samoa, we also recommended that the government implement procedures to identify victims of human trafficking and provide aid and support to the victims.

Legal Framework

4. Under Article 8 of the Constitution of Samoa, “[n]o person shall be required to perform forced or compulsory labour.”⁷

¹ Sophie Foster, *Samoa*, BRITANNICA (Oct. 17, 2025), <https://www.britannica.com/place/Samoa-island-nation-Pacific-Ocean>.

² *Id.*

³ *Universal Periodic Review – Samoa*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/ws-index>.

⁴ *Infographic – Samoa*, OHCHR, https://www.ohchr.org/sites/default/files/2022-04/Infographic_Samoa.pdf (last visited March 25, 2026).

⁵ UPR of Samoa (3rd Cycle – 39th Session) Thematic List of Recommendations, OHCHR, https://www.ohchr.org/sites/default/files/2022-04/UPR39_Samoa_Thematic_List_of_Recommendations.docx (last visited March 25, 2026).

⁶ *Id.*

⁷ CONS'T OF SAMOA 1962 (rev. 2013) [WS] [CONSTITUTION] art. 8.

5. Under Article 155 of the Crimes Act 2013:

155. Trafficking in people by means of coercion or deception

(1) A person is liable to imprisonment for a term not exceeding 14 years who:

(a) arranges the entry of a person into Samoa or any other country by one (1) or more acts of coercion against the person, one (1) or more acts of deception of the person, or both; or

(b) arranges, organises, or procures the reception, concealment, or harbouring in Samoa or any other country of a person, knowing that the person's entry into Samoa or that other country was arranged by one (1) or more acts of coercion against the person, one (1) or more acts of deception of the person, or both.

(2) Proceedings may be brought under this section even if the person coerced or deceived:

(a) did not in fact enter the state concerned; or (as the case may be);

(b) was not in fact received, concealed, or harboured in the state concerned.

(3) Proceedings may be brought under this section even if parts of the process by which the person coerced or deceived was brought or came to or towards the state concerned were accomplished without an act of coercion or deception.⁸

6. Samoa is a party to the International Covenant on Civil and Political Rights (ICCPR).⁹ Under Article 8 of the ICCPR, “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”¹⁰ While Samoa is not a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,¹¹ it still has an obligation under the Universal Declaration of Human Rights (UDHR) to protect its people from “torture or to cruel, inhuman or degrading treatment or punishment.”¹²

⁸ Crimes Act 2013 art. 155.

⁹ *Ratification Status for Samoa*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=149&Lang=EN (last visited March 25, 2026).

¹⁰ International Covenant on Civil and Political Rights art. 8, *adopted* Feb. 15, 2008, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

¹¹ *Chapter XVIII Penal Matter 12. A Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, U.N. TREATY COLLECTION, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18 (last visited March 25, 2026).

¹² G.A. Res. 217 (III) A, Universal Declaration of Human Rights art. 4 (Dec. 10, 1948).

Human Trafficking

7. The fact that Samoa has not identified a single victim of trafficking since its last reporting period, is not evidence of its absence, but rather a failure to detect. In Samoa, human trafficking is mainly used for forced labour in the agricultural, construction, food service, and domestic work sectors.¹³ Often, human trafficking involves trafficking individuals from Samoa to other nearby countries, like New Zealand, where they are exploited.¹⁴ For example, in January 2026, a Samoan man was convicted in New Zealand for trafficking two people from Samoa to New Zealand, where he forced them to work, and took most of their wages.¹⁵ Further, he took their passports and bank cards and threatened to deport them if they did not comply.¹⁶

8. In Samoa, there is little data on how widespread the problem of human trafficking is, and the country lacks systematic reporting on the issue.¹⁷ However, we can look to its neighboring countries to see how prevalent human trafficking is in the region. A report issued by the United Nations Office on Drugs and Crime (UNODC) estimates that approximately 0.6% of the population in Pacific Island countries have been subjected to severe instances of human trafficking.¹⁸ Island countries in the Pacific region, where Samoa is located, face a unique set of problems when it comes to human trafficking.¹⁹ These countries are vulnerable to human trafficking due to geographic isolation and limited law enforcement.²⁰ In fact, Samoa has only approximately 600 law enforcement officers.²¹ Further, cross border movements have returned to levels seen before the pandemic.²² In 2023, approximately 490,000 cross-border movements were recorded and there has been an increase in number of fishing vessels operating around Samoa.²³ These factors combined show how vulnerable Samoa is to human trafficking.²⁴

9. Despite accepting a recommendation to “[e]nhance legislative mechanisms and enforcement to prevent, disrupt and severely punish human trafficking for sexual and labour exploitation,”²⁵ the government has done very little to implement measures needed to combat human trafficking. The Samoan police lack a dedicated unit to combat organized crime, which

¹³ Samoa, GLOB. ORGANIZED CRIME INDEX, <https://ocindex.net/country/samoa> (last visited March 25, 2026).

¹⁴ *Id.*

¹⁵ *Samoan Man Convicted for Modern-Day Slavery, Rape and Human Trafficking in Auckland*, SAMOA GLOB. NEWS (Jan. 12, 2026), <https://samoaglobalnews.com/slavemast-set-be-sentenced-for-slavery-and-human-trafficking-in-auckland>.

¹⁶ *Id.*

¹⁷ Samoa, *supra* note 13.

¹⁸ *New UNODC Report Examines Patterns and Prevalence of Trafficking in Persons in the Pacific Islands*, UNODC, (Oct. 2, 2023), <https://www.unodc.org/roseap/pacific/2023/10/trafficking-persons-report-pacific-islands/story.html>.

¹⁹ *Samoa, IOM Validate Findings to Strengthen Anti-Trafficking Measures in Fishing Sector*, IOM (Sep. 9, 2024), <https://roasiapacific.iom.int/news/samoa-iom-validate-findings-strengthen-anti-trafficking-measures-fishing-sector>.

²⁰ *Id.*

²¹ Samoa, *supra* note 13.

²² *Samoa Takes a Step Forward in Safeguarding Human Dignity Against Trafficking in Persons*, U.N. (Nov. 18, 2024), <https://samoa.un.org/en/283804-samoa-takes-step-forward-safeguarding-human-dignity-against-trafficking-persons#:~:text=Cross%2Dborder%20movements%20have%20returned,foreign%20ships%20through%20Samoa's%20waters.>

²³ *Id.*

²⁴ *Id.*

²⁵ UPR of Samoa (3rd Cycle – 39th Session) Thematic List of Recommendations, *supra* note 5.

includes human trafficking.²⁶ Further, Samoa has not implemented standard operating procedures for identifying victims of human trafficking and referring victims for assistance.²⁷ These factors have contributed to the fact that authorities have been unable to identify any human trafficking victims from 2021 to 2024.²⁸ Additionally, the government does not provide comprehensive victim support and instead relies on non-governmental organizations (NGOs), which are severely underfunded, to provide these services.²⁹

10. Further, as mentioned above, Samoa has taken no steps 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, nor has it supported a recommendation to do so. This international human rights document calls upon States Parties to “prevent and combat trafficking in persons” and “protect victims of trafficking in persons, especially women and children, from revictimization.”³⁰ As discussed above, Samoa has failed to implement procedures that will help identify victims of human trafficking and provide aid and protection.

11. While there are still gaps to combating human trafficking in Samoa, as discussed above, the government has collaborated with International Organization for Migration (IOM) to address its shortcomings during a workshop.³¹ The workshop, which was conducted in 2024, provided training for authorities to identify victims of human trafficking, particularly within the fishing industry, which is susceptible to human trafficking and exploitation.³²

Recommendations

12. We urge Samoa to take the problem of human trafficking seriously and implement procedures to identify victims and cases of human trafficking. We also urge Samoa to create a dedicated police unit to investigate all cases of human trafficking. It is imperative that Samoa take these steps to rescue and protect victims of human trafficking. Further, we urge Samoa 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, and immediately implement policies to uphold the principles enshrined within.

²⁶ Samoa, *supra* note 13.

²⁷ *Country Capacity Assessment on Trafficking in Persons: Samoa*, IOM (Nov. 2024), https://roasiapacific.iom.int/sites/g/files/tmzbd1671/files/documents/2025-02/tip-assessment_samoa_final.pdf.

²⁸ *Id.*

²⁹ *Id.*

³⁰ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime art. 9 § 1, Nov. 15, 2000, G.A. Res. 55/25, <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>.

³¹ *Empowering Samoa to Combat Trafficking in Persons (TIP)*, MINISTRY OF THE PRIME MINISTER AND CABINET (Nov. 27. 2024), <https://mpmc.gov.ws/pr-empowering-samoa-to-combat-trafficking-in-persons-tip/>.

³² *Id.*