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Samoa

Country:

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Year:

2015

FIW Status:

F

PR Rating:

2

CL Rating:

2

Aggregate Score:

81

Combined Freedom Score:

2.0

Overview:

In 2014, legislators and the public continued to debate the Citizen Investment Bill, which would grant legal permanent residence to foreigners who invest a minimum of \$1.5 million in Samoa. Opponents protest that the government is selling citizenship in light of the dire national financial situation.

In January, a judge in Samoa overturned the jury verdict in a murder case, acquitting an inmate who had been accused of killing his mentally ill cellmate, a New Zealand national. The case has shed light on abuse of office and misconduct by police and prison staff.

Political Rights and Civil Liberties:

Political Rights: 32 / 40 [\[Key\]](#)

A. Electoral Process: 9 / 12

Samoa is an electoral democracy. The 49-member legislature elects the head of state to appoint a prime minister from the party with the most seats. Two seats are reserved for at-large voters, mostly citizens of mixed or non-Samoan heritage who have no ties to the 47 village-based constituencies. All lawmakers serve five-year terms.

In the March 2011 parliamentary elections, the Human Rights Protection Party (HRPP) took 36 seats, while the Tautua Samoa Party (TSP) captured the remaining 13. The elections were generally deemed fair and free. After four legislators, one from TSP and three from HRPP, were stripped of their seats due to misconduct, by-elections were held in July 2011; HRPP won all four seats, boosting their total to 37. Prime Minister Tuilaepa Aiono Sailele Malielegaoi was elected to a third term.

B. Political Pluralism and Participation: 13 / 16

The centrist HRPP has dominated politics since Samoa gained independence in 1962. Prospective office holders seek endorsement by *matai*, traditional chiefs of extended families, as the latter are very influential in mobilizing their villagers to vote for their preferred candidates.

C. Functioning of Government: 10 / 12

Official corruption and abuse are a source of public discontent. In March 2014, five senior Education Ministry officials were charged with theft. A parliamentary inquiry also found that revenue ministry staff had been dishonest in tax collection; the inquiry concluded that funds could have been embezzled in the process. Two other high-profile cases in 2014 involved the finance minister and the deputy prime minister. The finance minister was alleged to have used public funds to purchase a high-end vehicle for personal use. He resigned in April amid pressure from his party. The deputy prime minister faced charges associated with a traffic incident in 2013. In April 2014, he was found guilty of obstructing police work. In December, the head of the Electoral Commission was suspended for nepotism and bribery.

A constitutional amendment in January 2014 extended the chief auditor's term from 3 to 12 years, which proponents say will give the position greater independence and capacity.

Civil Liberties: 49 / 60

D. Freedom of Expression and Belief: 14 / 16

While freedoms of speech and the press are generally respected, politicians and other powerful actors have repeatedly used libel or defamation suits to respond to remarks or stories about them. In January 2014, a youth was arrested and charged with defaming the prime minister in a video he published online. The village council also ordered his family to apologize and make immediate payment of \$4,000 in cash, two cows, and 30 boxes of canned fish (totaling \$7,000) to the prime minister or risk banishment from the village. The council further threatened to banish any villager who spoke to the media about the incident.

There are several public and private newspapers and radio and television stations. Internet cafes are common. In February 2014, Samoa announced a \$20 million soft loan from China's Export-Import Bank and technical support from China's Huawei Technologies to bring broadband access to government offices. Mobile telephone coverage reaches 95 percent of

Samoa.

Public consultation on the Media Council Bill ended in March. If passed, a professional media body—the Media Council—will be established to enforce codes of ethics and investigate public complaints. It will also be able to order media outlets to make corrections, public apologies, and monetary reparations. The media industry and the opposition have dismissed the need for such a council and cautioned against government intervention in the freedom of media. The bill would also amend the Printers and Publishers Act of 1992 to protect journalistic sources in civil and criminal proceedings (unless courts find that disclosure is in the public interest).

Freedom of religion is respected in practice. Relations among religious groups are generally amicable. There were no reports of restrictions on academic freedom in 2014.

E. Associational and Organizational Rights: 10 / 12

Freedoms of assembly and association are respected. Human rights groups operate freely. Workers, including civil servants, can strike and bargain collectively. Approximately 60 percent of adults work in subsistence agriculture, and 20 percent of wage earners belong to trade unions.

F. Rule of Law: 13 / 16

The judiciary is independent and upholds the right to a fair trial. The Supreme Court is the highest court with full jurisdiction over civil, criminal, and constitutional matters. The head of state, on the recommendation of the prime minister, appoints the chief justice. To ease court backlog and reduce wait times, the parliament approved in March 2014 the creation of a Family Court to provide dispute resolution with trained mediators.

Prisons generally meet minimum international standards. In 2013, the police commissioner and several deputies were suspended on allegations of corruption and prisoner abuse. An inquiry into the matter found mismanagement and other serious misconduct, including improper sexual relationships between prisoners and staff, at the Tafa'igata prison.

In January 2014, a judge found an inmate not guilty of killing his cellmate, a mentally ill detainee from New Zealand. The case began in 2012 when the New Zealand national was imprisoned following a cyclone, during which he lost his medication and allegedly become violent. He was later murdered in his cell. The police commissioner and his deputy, also the prison warden, were suspended with pay and privileges during the process. Both were later dismissed or resigned when evidence of serious mismanagement and misconduct in the prison emerged.

Samoa has no military, and the small police force has little impact in the villages. The *matai* control local government and churches through the village *fono*, or council, which settles most disputes. The councils vary considerably in their decision-making styles and capacities. Light offenses are usually punished with fines; serious offenses risk banishment from the village. Individuals and entire families have been forced to leave villages for allegedly insulting a *matai*, embracing a different religion, or voting for political candidates not endorsed by the

village head. Several controversial cases led the Supreme Court to rule in 2002 that these councils could not infringe on freedoms of religion, speech, assembly, or association.

Same-sex sexual activity is a criminal offense. Female impersonation was decriminalized in 2013.

G. Personal Autonomy and Individual Rights: 12 / 16

Domestic violence against women and children is a serious problem. The government is beginning to respond. The Crimes Act of 2013 made spousal rape a crime and life imprisonment the maximum penalty for sex with a minor. The Family Safety Act of 2013 also gave more power to the police, public health officials, and educators to assist victims and families. However, social stigma and fear of reprisal frequently inhibit reporting.

In 2013, the government adopted a constitutional amendment allocating 10 percent of the seats in the Legislative Assembly to women. If in future elections this threshold is not met, the women with the highest number of votes will be added to the assembly until the requirement is satisfied, even if it pushes the body above 49 members. The new law is set to take effect in 2016.

Samoa has one of the highest youth suicide rates in the world. Experts claim that a slow economy and widespread unemployment may be partly to blame.

There is a growing Chinese presence in the local economy, which has led to resentment from local workers and business leaders. Jobs within certain industries and geographic areas are legally reserved for native Samoans.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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