

# **SAMOA 2016 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Samoa is a constitutional parliamentary democracy that incorporates traditional practices into its governmental system. In 2012 parliament re-elected Head of State Tui Atua Tupua Tamasese Efi. The unicameral parliament, elected by universal suffrage, is composed of “matai” (heads of extended families). The questionable disqualification of candidates and allegations of campaign bribery marred the March 4 parliamentary election. Prime Minister Tuilaepa Sailele Malielegaoi remained in his position, and the ruling party appointed Fiame Naomi Mataafa as the first female deputy prime minister.

Civilian authorities maintained effective control over the security forces.

The principal human rights problems were poor prison conditions and domestic violence against women.

Other human rights problems included lack of accountability and poor adherence to the rule of law by village “fonos” (councils of matai), abuse of children, discrimination against women and nonmatai, and advocacy by a Christian religious leader to ban Islam in the country.

The government took steps to prosecute officials who committed abuses. There were no reports of impunity.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings**

There were no reports the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibits such practices, and there were no reports government officials normally employed them. Nevertheless, there were allegations of some police abuses, such as physical violence towards detainees.

### **Prison and Detention Center Conditions**

Overall prison conditions were harsh and remained below international standards.

Physical Conditions: There were approximately 500 inmates in the prison system, including approximately 30 women and 25 juveniles. The Tafaigata men's prison was markedly overcrowded with ideal capacity of less than 300 inmates, yet it consistently held more than 400, including pretrial detainees. Authorities made only basic provisions for food, water (including potable water), and sanitation. Cell lighting and ventilation remained poor. Lights remained on all night.

Physical conditions in the separate Tafaigata women's prison, including ventilation and sanitation, generally were better than in the men's prison. Authorities housed juveniles (younger than 26 years) at the Olomanu Juvenile Center, where physical conditions generally were better than in adult facilities.

Police held overnight detainees in two cells at police headquarters in Apia and one cell at Tuasivi. Following a visit in 2015, the National Human Rights Institute declared the Tuasivi cell unfit for human containment.

There were no reports of prison deaths.

Administration: The prison system faced challenges in its ability to house and account for all inmates. This was evident in the recurring prison escapes, and slow response time of police officers to recapture escapees. This problem came to the fore in September and October when several prisoners escaped and resumed their lifestyle of substance abuse and criminal activity.

Authorities permitted prisoners and detainees to submit complaints to judicial authorities and request investigation of alleged inhuman conditions. Authorities investigated such allegations, documented them, and made the results publicly accessible. The government generally investigated and monitored prison and detention center conditions.

Regulations require prisoners at all facilities, including the juvenile facility, to perform manual labor approximately 40 hours per week. Prisoners generally performed agricultural work and cooked food for inmates and prison staff.

Independent Monitoring: The government permitted monitoring visits by independent human rights observers, including UN organizations and diplomatic missions.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

#### **Role of the Police and Security Apparatus**

The Samoa Police Department, under the Ministry of Police and Prison Services, maintains internal security. Local councils enforce rules and security within individual villages. Civilian authorities maintained effective control over police, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving police. Insufficient capacity limited police effectiveness.

#### **Arrest Procedures and Treatment of Detainees**

The Supreme Court issues arrest warrants based on compelling evidence. The law provides for the right to a prompt judicial determination regarding the legality of detention, and authorities generally respected this right. Officials informed detainees within 24 hours of the charges against them, or else released them. The government allowed detainees prompt access to a lawyer of their choice. For indigent detainees the government provided a lawyer upon request. The government did not hold suspects incommunicado or under house arrest.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons arrested or detained unlawfully are entitled to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release and compensation if the court finds authorities unlawfully detained them.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, and the government generally respected judicial independence.

### **Trial Procedures**

The constitution provides for the right to a fair public trial, and an independent judiciary generally enforced this right. A trial judge examines evidence and determines if there are grounds to proceed. Under the law, defendants are presumed innocent and may not be compelled to testify or confess guilt. Trials are public except for trials of juveniles, and only immediate family members may attend. Defendants have the right to be present; have timely consultation with an attorney; receive prompt and detailed information of the charges, including interpretation services as necessary from the moment charged through all appeals; and to have adequate time and facilities to prepare a defense. Defendants may confront witnesses, present witnesses and evidence on their own behalf, access government-held evidence, and appeal a verdict. The law extends these rights to all citizens.

Village fono handled many civil and criminal matters, but the councils varied considerably in decision-making styles and the number of matai involved in decisions. The law recognizes the decisions of the local council and provides for limited appeal to the Lands and Titles Court and the Supreme Court. The nature and severity of a dispute determines which court receives an appeal. Defendants may make a further appeal to the Court of Appeal. A Supreme Court ruling stipulates that local councils may not infringe upon villagers' freedom of religion, speech, assembly, or association. Village councils, however, consistently ignored this ruling.

The government continued a review of the 1990 Village Fono Act, which provides legal recognition of the decisions of the fono, to determine whether the act gives the local councils excessive authority to limit individual rights under a broadly defined "public order" exception. In 2012 the country's Law Reform Commission reported to parliament regarding amendments to the act. The commission stated that in its opinion, the act did not violate the constitution, but it recommended amending the act to allow greater consideration for religious freedom principles in the decision-making of the local councils. In 2014 a parliamentary committee recommended the government "take note and consider" recommendations contained in the Law Reform Commission's report. In 2015 parliament tabled an amendment to the Village Fono Act stipulating that the fono act accord with the constitution.

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **Civil Judicial Procedures and Remedies**

Individuals or organizations may seek civil remedies for human rights violations through domestic courts.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The laws prohibit such actions, and the government generally respected these prohibitions. There was little privacy in villages, where there could be substantial societal pressure on residents to grant village officials access to their homes without a warrant. There were reports some village councils banished individuals or families from villages.

There were no new developments in a 2010 case of abuse of village authority in which the village council banished a family from the village and destroyed their home due to a property boundary dispute with the village church. After a lengthy appeals process, in 2014 the court ordered the village matai, who directed the banishment and destruction of property, to pay restitution of S\$350,000 (Samoa tala) (\$136,000) to the affected family. In May 2015 police arrested and detained seven matai for less than a week for failure to pay. In June 2015 the court declared eight of the matai bankrupt, thus excusing them from making further payments to the family. The matai reportedly repaid less than 5 percent of the restitution amount. The sole remaining matai made application for all village matai (approximately 250) to contribute restitution payment.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The law provides for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press. The law stipulates imprisonment for any journalist who, despite a court

order, refuses to reveal a confidential source upon request from a member of the public, but no court case invoked this law.

Press and Media Freedoms: Independent media were active and expressed a wide variety of views without restriction.

Censorship or Content Restrictions: A 2012 law on tourism development authorizes the Samoa Tourism Authority (STA) to exercise “lawful controls” over publication by any person of information about the tourism industry deemed prejudicial to a public perception of the country. Under this law violators are subject to a fine or maximum imprisonment of three months if they fail to retract the information or to publish a correction when ordered to do so by the STA. The STA did not exercise this authority during the year.

### **Internet Freedom**

The government did not restrict access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. Internet access was easily available near Apia and throughout most of the country via cellular technology, but the high cost of access limited internet activity for much of the population. According to the International Telecommunication Union, approximately 25 percent of the population had access to the internet in 2015.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

#### **b. Freedom of Peaceful Assembly and Association**

The constitution provides for the freedoms of assembly and association, and the government generally respected these rights.

#### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

### **Protection of Refugees**

Access to Asylum: The law provides for granting refugee status, but the government has not yet established a system for providing protection to refugees. There were no requests for refugee status.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### **Elections and Political Participation**

Recent Elections: Observers considered the general election held on March 4 to be fair. The Human Rights Protection Party retained government control for a seventh consecutive term, winning 47 of 50 seats. The Tautua Samoa Party controlled only three seats, which was not enough to form an official opposition. Following the election plaintiffs filed six electoral petitions with the Supreme Court on various grounds, including bribery, treating, and gifting during the campaign. Of the six electoral petitions, five were withdrawn and the court dismissed one based on lack of evidence. The withdrawal of these petitions however, involved as much scandal as the original purpose of the petition, with bribery, village pressure, and likelihood of countersuits on the same grounds cited as reasons for petition withdrawals.

Political Parties and Political Participation: While the constitution gives all citizens older than 21 years the right to vote and run for office, by social custom candidates for all 50 seats in parliament must be matai titleholders, who are the 17,000 chiefly leaders of extended families. Although both men and women may become matai, only 10.5 percent were women. Matai controlled local governments through the village councils and appointment to the councils rather than by direct election.

This election was the first since parliament passed an electoral amendment requiring all candidates to satisfy a three-year period of monotaga (services

rendered through participation and physical contributions) in their respective village(s) to be eligible to run in the elections. The intent of the law was to specify that candidates fulfill their cultural commitments to their village, and not just use their village matai name to run for elections or make large, last-minute contributions to their villages to garner votes. This amendment led to a number of court petitions and disqualifications of five candidates who were deemed not to meet the necessary monotaga requirement. The cases exposed deficiencies in the amendment since the monotaga definition is ill defined and can mean different types of service (or exemption from service for certain matai) to different villages. Such subjective decisions that resulted in disqualifications were seen by some as human rights violations.

Participation of Women and Minorities: Voters elected four women to parliament, three incumbents and one new member. The low election success rate for women triggered the Constitution Amendment Act 2013, which mandates adding an additional seat in parliament for the female candidate who had the highest percentage of votes in her constituency, but lost to her competitor, in order to meet the minimum requirement of 10 percent (five seats) female representation.

Of the five female members of parliament, the ruling party appointed Fiame Naomi Mataafa deputy prime minister, a first for the country. Another woman headed the Ministry of Women, Community, and Social Development. A woman served as governor of the Central Bank. Five women served as chief executive officers of government ministries and nine as general managers of government corporations. There were two female Supreme Court justices and four other female judges.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. The maximum penalty for corruption is 14 years' imprisonment. There were reports of government corruption.

The law provides for an ombudsperson to investigate complaints against government agencies, officials, or employees, including allegations of corruption. The ombudsperson may require the government to provide information relating to a complaint. The Attorney General's Office prosecutes criminal corruption cases on behalf of the Public Service Commission. The Ombudsman's Office and the Public Service Commission operated effectively. The Ombudsman's Office included academics and other members of civil society among the members of its commissions of inquiry.



Corruption: The disqualification of election candidates based on the new electoral act and the post-election petitions and subsequent withdrawal of those petitions were the main sources of corruption during the year (see section 3, Elections and Political Participation).

Financial Disclosure: Although there are no financial disclosure laws, codes of ethics applicable to boards of directors of government-owned corporations encouraged public officials to follow similar disclosure.

Public Access to Information: By law government information is subject to disclosure in civil proceedings, unless the government considers the information privileged or its disclosure would harm the public interest. There is no formal process to request government records outside of such court actions.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Government Human Rights Bodies: Observers considered the Office of the Ombudsman generally effective and able to operate free from government or political party interference. The government usually adopted its recommendations. The Office of the Ombudsman also houses the National Human Rights Institute, which published the country's first *State of Human Rights Report* in August 2015.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: Rape is illegal, but there is no legal provision against spousal rape. The penalties for rape range from two years' to life imprisonment, but the court has never imposed a life sentence. Many cases of rape went unreported because societal attitudes discouraged such reporting. In recent years, however, authorities noted a rise in the number of reported cases of rape. This development appeared to be a result of efforts by government ministries and local nongovernmental organizations (NGOs) to increase awareness of the problem

and the need to report rape cases to police. The courts treated rape seriously, and the conviction rate generally was high.

The constitution prohibits abuse of women, but societal attitudes tolerated their physical abuse within the home. Social pressure and fear of reprisal typically caused such abuse to go unreported. Village councils typically punished domestic violence offenders but only if they considered the abuse extreme, such as abuses involving visible signs of physical harm. Village religious leaders could also intervene in domestic disputes. When police received complaints from abused women, authorities investigated and punished the offender, including imprisonment. Authorities charge domestic violence as common criminal assault, with a maximum penalty of one year's imprisonment. The government did not keep statistics on domestic abuse but acknowledged the problem was of significant concern. A 2011 report by the United Nations Population Fund (UNFPA), *Samoa Family Health and Safety Study* showed that more than 46 percent of women respondents experienced some form of partner abuse. The Ministry of Police and Prisons has a nine-person Domestic Violence Unit that works in collaboration with NGOs and focuses on combatting domestic abuse. NGO services for abused women included public antiviolence awareness programs, shelters, confidential hotlines, in-person counseling, and other support.

Sexual Harassment: No law specifically prohibits sexual harassment, and there were no reliable statistics on its incidence. The lack of legislation and a cultural constraint against publicly shaming or accusing someone, even if justifiable, reportedly caused sexual harassment to be underreported. Victims had little incentive to report instances of sexual harassment, since doing so could jeopardize their career or family name.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children, manage their reproductive health, and have access to the information and means to do so free from discrimination, coercion, and violence. As part of its National Sexual and Reproductive Health Policy, the government set out to improve family planning services. According to the latest estimates by the UNFPA, only 31 percent of women between 15 and 49 years used a modern method of contraceptive, and 42 percent of women had an unmet need for family planning services. The unmet need among girls between 15 and 19 years was as high as 50 percent. The UNFPA also reported that skilled health personnel attended an estimated 83 percent of births.

Discrimination: Women have equal rights as men under the constitution and statutory law, and the traditionally subordinate role of women was changing, albeit slowly. The Ministry of Women, Community, and Social Development oversees and helps secure the rights of women. To integrate women into the economic mainstream, the government sponsored numerous programs, including literacy and training programs for those who did not complete high school.

## **Children**

Birth Registration: A child derives citizenship by birth in the country if at least one parent is a citizen. The government also may grant citizenship by birth to a child born in the country if the child would otherwise be stateless. Citizenship also derives by birth abroad to a citizen parent who either was born in the country or resided there at least three years. Sometimes parents did not register immediately the births of their children, and sometimes they did not register their children's births for many years. By law children without a birth certificate may not attend primary schools, but authorities did not strictly enforce this law.

Child Abuse: Law and tradition prohibit abuse of children, but both tolerate corporal punishment. Although no official statistics were available, press reports indicated an increase in reported cases of child abuse, especially of incest and indecent assault cases, which appeared to be due to citizens' increased awareness of the importance of reporting physical, emotional, and sexual abuse of children. The government aggressively prosecuted such cases.

The law prohibits corporal punishment in schools. In 2013 the Ministry of Education, Sports, and Culture stated the minimum punishment for a teacher convicted of corporal punishment of a student would no longer be a fine but a one-year prison term. There were two corporal punishment cases reported to the ministry with one reaching the court.

Early and Forced Marriage: The legal minimum age of marriage is 21 years for a man and 19 years for a woman. Consent of at least one parent or guardian is necessary if either is younger than the minimum age. Marriage is illegal if a woman is younger than 16 years or a man is younger than 18 years. Early marriage did not generally occur.

Sexual Exploitation of Children: The minimum age for consensual sex is 16 years. Under the law the maximum penalty for sexual relations with children younger than 12 years is life imprisonment and for children between ages 12 and 15 years

the maximum penalty is 10 years' imprisonment. The law contains a specific criminal provision regarding child pornography. The law specifies a seven-year prison sentence for a person found guilty of publishing, distributing, or exhibiting indecent material featuring a child. The law defines a child as younger than 16 years, which leaves 16-year-old children unprotected by the provision.

The Ministry of Justice and Courts Administration and the Ministry of Education, in collaboration with NGOs, carried out educational activities to address domestic violence, inappropriate behavior between adults and children, and human rights awareness. Sexual abuse of children remained a problem.

In August authorities jailed a male schoolteacher for 2.5 years for sexually abusing a 10-year-old student. Authorities charged several male schoolteachers with making sexual contact with teenage female students in separate incidents.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

The country had no Jewish community, and there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

There were no confirmed reports during the year that the country was a source, destination, or transit country for victims of human trafficking.

### **Persons with Disabilities**

No law prohibits discrimination against physical, sensory, intellectual, and mental disabilities in education, air travel and other transportation, access to health care, the judicial system, or the provision of other public services. There is a law against discrimination with respect to employment based on disability (see section 7.d.). Tradition dictates that families care for persons with disabilities, and the community observed this custom widely.

The 2012 death in Tafaigata Prison of Hans Dalton, a man with mental disabilities, raised concerns about treatment of persons with mental disabilities while in police custody. Police charged a fellow inmate with Dalton's murder and a panel of assessors found him guilty in 2014, but the judge overturned the verdict. The Dalton family sued the government for S\$33 million (\$12.8 million). The case had not gone to trial by year's end.

Some children with disabilities attended regular public schools, while others attended one of three schools created specifically to educate students with disabilities. Many public buildings were old, and only a few were accessible to persons with disabilities. Most new buildings provided better access, including ramps and elevators in most multistory buildings.

The Ministry of Women, Community, and Social Development has responsibility to protect the rights of persons with disabilities.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

"Sodomy" and "indecent between males" are illegal, with maximum penalties of seven and five years' imprisonment, respectively, but authorities did not enforce these provisions with regard to consensual same-sex sexual conduct between adults.

Although there were no reports of societal violence based on sexual orientation or gender identity, there were isolated cases of discrimination. Society publicly recognized the transgender Fa'afafine community; however, members of the community reported instances of social discrimination.

### **Promotion of Acts of Discrimination**

In May the general secretary of the National Council of Churches (NCC), Reverend Ma'auga Motu, advocated for the government to ban the religion of Islam, saying it posed a threat to the country. The NCC is composed of 10 Christian denominations in the country, encompassing more than 85 percent of the population.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law protects the rights of workers to form and join independent unions, to conduct legal strikes, and to bargain collectively. There are certain restrictions on the right to strike for government workers, imposed principally for reasons of public safety. The law states that a public-sector employee who engages in a strike or any other industrial action is considered “to have been dismissed from...employment.” The law prohibits antiunion discrimination, such as contract conditions that restrict free association. The 2013 Labor and Employment Relations Act addresses a range of fundamental rights and includes the establishment of a national tripartite forum that serves as the governing body for labor and employment matters in the country.

The government effectively enforced applicable labor laws, and the government generally respected the freedom of association. The Ministry of Labor investigates any potential labor law violations in response to complaints. Other relevant government ministries can assist if needed. The Public Service Association functioned as a union for all government workers, who made up approximately 8,000 of the estimated 25,000 workers in the formal economy. Unions generally conducted their activities free from government interference.

Workers exercised the right to organize and bargain collectively. The Public Service Association engaged in collective bargaining on behalf of government workers, including bargaining on wages. Arbitration and mediation procedures were in place to resolve labor disputes, although such disputes rarely arose. The Ministry of Labor recommended that the newly established Mediation Council seek the opinion of the Ministry of Justice and the Courts in considering cases not covered by the Labor and Employment Relations Act, which only covers disputes between employers and employees.

Workers’ organizations were generally independent of the government or employers, and there were no reported violations of freedom of association or collective bargaining. There were no reports of strikes.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor, and the government generally enforced such laws. There is an exception in the constitution for service required by local custom. A key feature of the matai system is that nonmatai men perform work within their village in service to their families and the village as a whole. Most persons did so willingly; however, the matai may compel those who do not.

The law states that forced labor is punishable by a maximum of 14 years' imprisonment, although the law does not consider work or services--which form part of the normal responsibility of a person towards his or her family, church, or village--as forced labor and, therefore, not protected under the prohibitions. Aside from this cultural exception and street vending by children, forced labor was not a major problem. The Ministry of Commerce, Industry, and Labor (MCIL) received no complaints and found no violations of forced labor during inspections conducted during the year. Under the Labor and Employment Relations Act, the penalty is approximately S\$2,000 (\$780) for each offense by an employer, and under the Occupational Safety and Health Act, the penalty is approximately S\$15,000 (\$5,825) for a corporation. These penalties were reportedly sufficient to deter violations.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits employing children younger than 15 years except in "safe and light work." The law does not apply to service rendered to family members or the matai, some of whom required children to work for the village, primarily on family farms. The law prohibits any student from engaging in light or heavy industrial activity within school hours of 8 a.m. to 2 p.m. The law prohibits children younger than 15 years from work that could harm their physical or moral health. The law restricts vending by school-age children (younger than 14 years) if it interferes with their school attendance, participation in school activities, or educational development.

The 2013 Family Safety Act contains provisions for protecting family members, particularly women and children. The MCIL refers complaints of illegal child labor to the attorney general for enforcement, but the government did not identify or prosecute any cases.

There were no reliable statistics available on the extent of child labor, but it occurred largely in the informal sector. Children frequently vended goods and food on Apia street corners. The government has not definitively determined whether this practice violates the country's labor laws, which cover only persons who have a place of employment, and local officials generally tolerated it. The problem of child street vending attracted significant media coverage and public outcry.

The extent to which children had to work on village farms varied by village, although anecdotal accounts indicated the practice was common. Younger children primarily worked doing household chores, yard work, and light work such as gathering fruit, nuts, and plants. Some boys began working on plantations as teenagers, helping to gather crops such as coconuts and caring for animals. Some children reportedly had domestic service employment.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination With Respect to Employment and Occupation**

The law prohibits discrimination, direct or indirect, against an employee or an applicant for employment in any employment policies, procedures, or practices based on ethnicity, race, color, sex, gender, religion, political opinion, national extraction, sexual orientation, social origin, marital status, pregnancy, family responsibilities, real or perceived HIV status, and disability. The country ratified the Convention on the Rights of Persons with Disabilities in 2014.

The government effectively enforced the law. The MCIL received no complaints regarding unfair hiring practices. The hiring and recruiting process for the private sector is outside of the scope of the Labor and Employment Relations Act. No cases drew public attention.

#### **e. Acceptable Conditions of Work**

There were two minimum wages: S\$2.30 (\$0.90) per hour for the private sector, and S\$2.65 (\$1.05) for the public sector. Approximately 75 percent of the working population worked in the subsistence economy and had no formal employment. The Bureau of Statistics' *2013-14 Poverty Report* placed the national average of the basic needs poverty line at S\$59.27 (\$23) per person per week or S\$525 (\$205) per household per week.

The law covers private- and public-sector workers differently. The law stipulates a standard workweek of a maximum of 40 hours, or eight hours per day (excluding mealtimes), and prohibits compulsory overtime. For the private sector, the law specifies overtime pay at time and a half, with double time for work on Sunday and public holidays, and triple time for overtime on such days. For the public sector, there is no paid overtime, but authorities give compensatory time off for overtime work. There are generally nine paid public holidays per year. There are limits to



the amount of hours a person may work in a day, and the number of consecutive workdays per week. The law states, “An employee must have at least 36 consecutive hours of rest from work within any seven days.” It also states, “An employer must not require an employee to work for a period of 12 consecutive hours in any day or adjoining days and must allow a period of rest for the employee of at least eight hours for each day or adjoining days of work.”

The law establishes certain rudimentary safety and health standards for workplaces, which the MCIL is responsible for enforcing. The law also covers persons who are not workers but who are lawfully on the premises or within the workplace during work hours. The 2014 Occupational Safety and Health Regulations Act contains provisions for the identification, assessment, and risk control for workplace hazards and hazardous substances, but it does not contain a list of hazardous occupations or work.

Safety laws do not generally apply to agricultural service rendered to the matai or to work done within individual family homes. Government employees have coverage under different and more stringent regulations, which the Public Service Commission enforced adequately.

The MCIL had nine labor inspectors. Independent observers reported that the ministry did not strictly enforce safety laws, except when accidents highlighted noncompliance. It investigated work accidents when it received reports. Under the Labor and Employment Relations Act, the penalty is approximately S\$1,998 (\$775) for each violation by an employer. Under the Occupational Safety and Health Act, the penalty is approximately S\$15,275 (\$5,930) for a corporation. These penalties were generally sufficient to deter violations.

Many agricultural workers had inadequate protection from pesticides and other dangers to health. Government education and awareness programs addressed these concerns by providing appropriate training and equipment to some agricultural workers.

The commissioner of labor investigates reported cases of hazardous workplaces. Workers are legally able to remove themselves from situations that endanger health or safety without jeopardy to their employment. The MCIL received reports of 42 work-related accidents during the year, two of which were fatalities.