

# Samoa



Stable / Unchanged ▬

## Religion

## Population

## Area

- Christians : **98.8%**
- Others : **1.2%**

195.000

2.842 Km<sup>2</sup>

## Legal framework on freedom of religion and actual application

Samoa is made up of two main islands – Upolu and Savai'i – and eight small islets. The capital, Apia, is situated on Upolu.

Under Article 11 of the constitution, “every person has the right to freedom of religion”<sup>[1]</sup> This right includes “the freedom to change his religion or belief, and freedom, either alone or in community with others, and, in public or private, to manifest and propagate his religion or belief in worship, teaching, practice and observance”. These rights may be qualified by law, if such a law imposes “reasonable restrictions [. . .] in the interests of national security or of public order, health or morals, or for protecting the rights and freedom of others”. There is also legislation to prevent discrimination on the grounds of religion by public or private bodies.

Samoa is an overwhelmingly Christian country. According to the 2011 census, Congregationalists are the largest Protestant denomination making up 31.8 percent of the population. Catholics are 19.4 percent, Methodists are 13.7 percent, the Assembly of God are 8 percent, and Mormons, 15.2 percent. There are also smaller Christian denominations. There are reportedly a number of Buddhists, Baha'is, Jews and Hindus. There is also a small Muslim community and one mosque.

In June 2017, the Samoan Parliament passed the Constitution Amendment Bill (No. 2) 2016<sup>[2]</sup> The Explanatory Memorandum states that “the object of the Bill is to insert in the Constitution that Samoa is a Christian nation to declare the dominance of Christianity in Samoa” by adding a new article, 1(3). The constitution's preamble states that “Samoa should be an independent state based on Christian principles”, but the Prime Minister stated that the amendment was necessary because the preamble lacked legal force. The Attorney-General stated that the amendment “will enshrine Christianity from within the body of the constitution which effectively provides a legal definition of the state's religion”<sup>[3]</sup> He also underlined that the individual's rights guaranteed under Article 11 (Freedom of Religion) remained “untouched”.

There are no government policies or procedures which call this assertion into question.

Under the constitution, no one at an educational institution is required to receive religious instruction or participate in worship in a religion other than his or her own. Religious communities have the right to establish their own schools and provide religious instruction. Christian instruction is compulsory for in public primary schools but optional in public secondary schools.<sup>[4]</sup>

Religious groups are not required to register with the state but may register as charities. Registration provides legal personhood and attracts tax exemptions. Unregistered groups cannot corporately buy property or have employees.

## | Incidents

The amendment of the constitution has been understood by some as an attack on religious freedom. This inference may have been drawn because of other statements by prominent public figures. For example, in May 2016 the secretary general of the Samoa Council of Churches was quoted as saying that he wished to ban Islam from the islands<sup>[5]</sup> Samoa's chief Imam, Imam Mohammed Bin Yahya's expressed his concerns on behalf of the small Muslim community facing such hostility. However, no examples of actual religious discrimination against or persecution of non-Christians by public authorities have been reported.

Traditionally, villages in Samoa have tended to have one Christian church, although larger villages have churches of different denominations without apparent conflict. The *matai* councils (the traditional leadership within villages) have been reported to be resistant sometimes to the emergence of new Churches within their communities.<sup>[6]</sup> There are also reports of the successful implantation of such Churches after initial difficulties.<sup>[7]</sup>

A new tax on the income of ministers of religion came into effect on 1<sup>st</sup> January 2018. The legislation takes the form of an amendment to the Income Tax Act 2012. The Prime Minister has stressed that the tax does not affect the income of Church bodies, but the income of individual pastors.<sup>[8]</sup> Some ministers of religion have vigorously opposed the scheme and portrayed it as an attack on religion; others have accepted it in principle but stressed that the taxation must have the right purpose. There has been a public discussion for some time in Samoa about the financial contributions that members of congregations make to support Church projects and Church leaders, and this is relevant background to the dispute about income tax.

## | Prospects for freedom of religion

There is nothing to indicate that the constitutional guarantees of freedom of religion will be diminished in the foreseeable future. However, changes to taxation with respect to Church ministers and to the constitutional status of Christianity has occurred in a context of public debate that has unsettled some people.

## | Endnotes / Sources

[1] Samoa's Constitution of 1962 with Amendments through 2013, [constituteproject.org](https://www.constituteproject.org), [https://www.constituteproject.org/constitution/Samoa\\_2013.pdf?lang=en](https://www.constituteproject.org/constitution/Samoa_2013.pdf?lang=en), (accessed 17th February 2018).

[2] Constitution Amendment Bill (No. 2) 2016, Explanatory Memorandum, Prime Minister <http://www.palemene.ws/new/wp-content/uploads/Bills/2016/06.Dec/Constitution-Amendment-Bill-No.2-2016-EM-Eng.pdf>, (accessed 17th February 2018).

[3] Kelly Buchanan, 'Samoa: Constitutional Amendment makes Christianity the national religion', 14th June 2017, <http://www.loc.gov/law/foreign-news/article/samoa-constitutional-amendment-makes-christianity-the-national-religion/> , (accessed 17th February 2018).

[4] Bureau of Democracy, Human Rights, and Labor, 'Samoa', Report on International Religious Freedom for 2016, U.S. Department of State, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>, (accessed 17th February 2018).

[5] Gabriel Samuels, 'The Pacific Islanders who want to ban Islam', Independent, 24th May 2016, <http://www.independent.co.uk/news/world/australasia/church-leader-calls-for-islam-ban-on-samoa-as-constitution-review-gathers-pace-a7046366.html>, (accessed 17th February 2018).

[6] Bureau of Democracy..., op. cit.

[7] Lagi Keresoma, 'Kingdomised Church established after village lift ban', Talmua, 9th November 2015, <http://www.talamua.com/kingdomised-church-established-after-village-lift-ban/> , (accessed 17th February 2018).

[8] Joyetter Feagaimaali'i-Luamanu, 'PM firm on Church vs Government tax dispute', Samoa Observer, 25 January 2018 [http://www.samoobserver.ws/en/25\\_01\\_2018/local/29212/PM-firm-on-Church-vs-Govt-tax-dispute.htm](http://www.samoobserver.ws/en/25_01_2018/local/29212/PM-firm-on-Church-vs-Govt-tax-dispute.htm) , (accessed 17th February 2018).