



**OMBUDSMAN**  
— NHRI SAMOA

# **ANNUAL REPORT**

---

**2019/2020**



*Fax: (0685) 21 822*  
*Telephone: (0685) 23 636*

*Office of the Prime Minister*  
*Apia, Samoa*

26 October 2020

Hon. Leaupepe Toleafoa Faafisi  
Speaker of the House  
Legislative Assembly  
**MULINU'U**

Dear Mr Speaker

I have the honour to submit the Report to Parliament on the activities of the Office of the Ombudsman for the years ending 30 June 2020.

Further copies will be provided to the Office of the Legislative in due course.

Tuila'epa Sa'ilele Malielegaoi  
**PRIME MINISTER / MINISTER - OFFICE OF THE OMBUDSMAN**

Encl - 80 copies

## ABOUT THIS REPORT

This report highlights the achievements of the Office of the Ombudsman/NHRI Samoa from 1 July 2019 to 30 June 2020. The report records the Office's key performance results in accordance with its mandate and output structure. It also provides a summary of non-financial performance against the objectives set out in the 2016 – 2020 Strategic Plan. It meets reporting obligations under the *Ombudsman (Komesina o Sulufaiga) Act 2013* and the *Public Finance Management Act 2001*.

This document is available as a download PDF from the Office website [www.ombudsman.gov.ws](http://www.ombudsman.gov.ws).

## ATTRIBUTION

Content of this Annual Report should be attributed to the Office of the Ombudsman/NHRI Samoa 2019 – 2020 Annual Report.

## ACCESSIBILITY

The Office of the Ombudsman/NHRI Samoa is committed to providing accessible services to the Samoan community from all culturally and linguistically diverse backgrounds.

To request a hard copy or provide feedback:

Address: Level 2, SNPF Plaza Building  
Savalalo, Apia Samoa  
Postal: P.O Box 3036  
Apia  
Telephone: +685 25394/ 23317/  
Email: [info@ombudsman.gov.ws](mailto:info@ombudsman.gov.ws)  
Website: [www.ombudsman.gov.ws](http://www.ombudsman.gov.ws)

# OMBUDSMAN FOREWORD

I have pleasure in submitting as required by s.57 of Part 7 of the *Ombudsman (Komesina o Sulufaiga) Act 2013*, the Annual Report of the Office of the Ombudsman/NHRI Samoa. The report shows how the Office has performed its functions during the Financial Year ended 30 June 2019 to 30 June 2020.

The Annual Report includes the Office's financial statements for period under review which have been prepared in accordance with the Public Finance Management Act 2001.

As I reflect on all developments over the years, I am elated and humbled by the progress my small staff has been able to achieve. The Samoa Ombudsman's Office continues to be a leader in many aspects regionally and internationally in spite of difficulties presented by the global circumstances of COVID19.

My Office has grown from strength to strength in efficiently and effectively managing the discharge of its functions of good governance, human rights and special investigations under the *Ombudsman (Komesina o Sulufaiga) Act 2013*.

All three functions seek to promote democracy in Samoa. Good governance seeks to ensure that the interests of citizens are safeguarded in the implementation of policy and to prevent the abuse of power in the public sector. On the other hand, human rights principles guide the conduct of government officials and citizens alike. The special investigations unit monitors the exercise of the coercive powers of the State, and where necessary investigates independently, complaints against officers of police, prisons and other disciplined forces. All three functions are interrelated, and together make a vital contribution to the sustainable development of a democratic society.

I remain confident that my Office will continue to make progress in building its capacity to fulfil the mandates prescribed for it by Parliament. We will continue to be accessible, transparent, accountable and impartial to everyone. We remain determined to succeed in creating a sustainable multifunctional Office that meets the unique needs of Samoa in our special fields of interest.



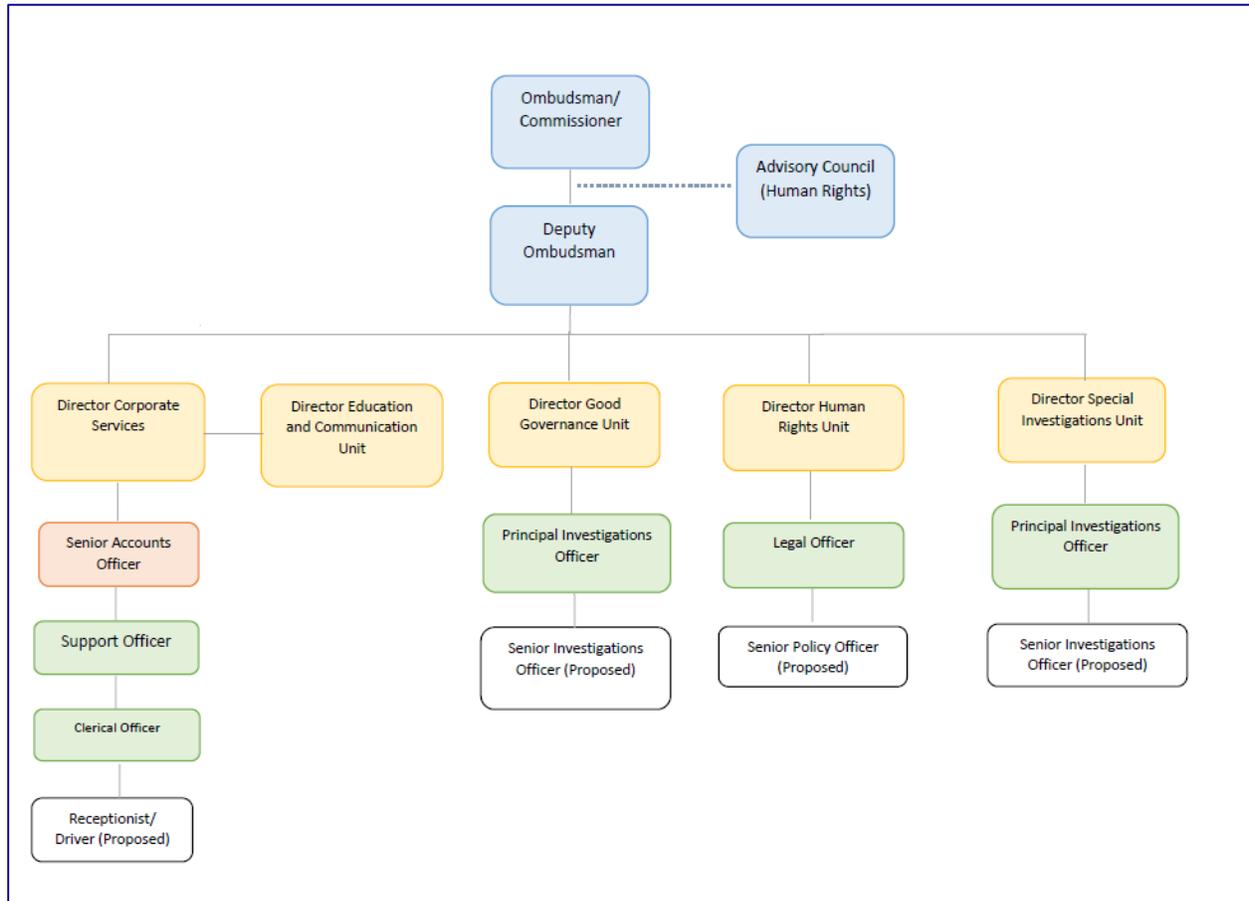
**Maiava Iulai Toma**  
Ombudsman

## Contents

<b>OMBUDSMAN FOREWORD</b>	3
<b>PART 1: Office Overview</b>	
1.1 Organizational Structure	5
1.2 Mandate	5
1.3 Functions of the Office	6
1.4 Jurisdiction	8
1.5 Vision	8
1.6 Mission	8
1.7 Goals and Objectives	9
1.8 Values	9
<b>Part 2: Divisional Performance for Financial Year 2019-2020</b>	
2.1 Output 1 : Good Governance Unit	10
2.2 Output 2 : National Human Rights Unit	17
2.3 Output 3 : Special Investigations Unit	28
2.4 Output 4: Corporate Services Unit	34
<b>Part 3: Financial Statement</b>	
3.1 Statement of Expenditure	40
<b>Part 4: Achievements Against Performance Measures for Financial Year 2019 - 2020</b>	
4.1 Good Governance Unit	42
4.2 Human Rights Unit	43
4.3 Special Investigations Unit	44
<b>Appendices</b>	
App 1 Unaudited Financial Statement	45

# PART 1: OFFICE OVERVIEW

## 1.1 Organizational Structure



*Office Organizational Structure as of 2019*

## 1.2 Mandate

Under the *Ombudsman (Komesina o Sulufaiga) Act 2013* (the Act), the Ombudsman has a role:

- to promote transparency, accountability and integrity in the administration and decision making of Ministries and organizations; and
- promote and protect the dignity of humankind enshrined in the Constitution, international human rights law, as the foundation of a fair, just and peaceful society.

The Ombudsman is an Independent Officer of Parliament who may, on complaint or own initiative, investigate any administrative decision that affects a person in their personal capacity by a Ministry or an organization.

## 1.3 Functions of the Office

The establishment of the Office of the Ombudsman was initially as a statutory body independent from Government set up under the *Ombudsman Act 1989*. Under this Act the Office deals with matters of good governance, to investigate and resolve complaints about the administrative actions, decisions or omissions of Samoa government ministries and agencies. Twenty four years later, the Office was given additional functions and the 1989 legislation was replaced by the *Ombudsman (Komesina o Sulufaiga) Act 2013*. The additional mandates of the Ombudsman Office included the role as Samoa National Human Rights Institution (NHRI) as well as carrying out of Special Investigations in relation to misconduct of law enforcement officials and other disciplinary agencies.

Overall, the Office of the Ombudsman/NHRI is tasked to carry out **three main functions** under its legislation dealing with matters of:

### 1.3.1 Good Governance

The main objective of the conventional ombudsman function is to enhance the lawful delivery of State Agency mandates to the reasonable satisfaction of members of the public.

Good governance reports how public organizations conduct public affairs and manage public resources. **Governance** is the **process of decision making and the process by which decisions are implemented (or not implemented)**. The key attributes of good governance are:

- transparency
- responsibility
- accountability
- participation
- responsiveness (to the needs of the people of Samoa)

The good governance function of the Office and core function of the Ombudsman is to foster good administration within Government ministries and agencies to the satisfaction of the stakeholders – the people of Samoa. The public sector must be accountable to the public who are generally those affected by its decisions as well as the applicable rules of law.

Moreover, the Office through the Good Governance Unit may receive and investigate complaints from members of the public about administrative actions and non-actions of all government ministries and agencies and helps resolve decisions that are wrong, unjust, unlawful, discriminatory or unfair. It may also look into matters referred by the Prime Minister or a Parliament select committee relating to a petition.

The Office through the Good Governance Unit however, **does not** investigate complaints against;

- private individuals / companies or other non-government organizations;
- decision of the Courts;
- decision of statutory tribunals.

Furthermore, it may refuse to investigate complaints when;

- the complaint has an existing remedy or appeal which ought to be used in the first instance;
- the subject matter of the complaint is more than 12 months old;
- there is insufficient personal interest.

### 1.3.2 Human Rights

The main objective of the NHRI as the second mandate of the Office is to actively “promote and protect human rights and freedoms in Samoa as the National Human Rights Institution (NHRI)”.

The NHRI functions to bridge the protection gap between the rights of individuals and responsibilities of the State (Samoa Government) through;

- Monitoring Samoa’s performance in meeting its international human rights commitments through its State of Human Rights reports and places of detention inspections report;
- Review if existing and proposed legislation to ensure consistency with human rights law;
- Providing advice to the Samoa Government so that it meets the domestic and international human rights commitments;
- Conducting visits to all public places of voluntary and involuntary confinement or detention;
- Undertaking human rights education awareness and training programs into villages and the community;
- Engaging with the international human rights partners to raise pressing issues and advocate for recommendations that can be made to the Samoa Government;
- Participating in judicial proceedings as a friend of the court or as a party where human rights issues arise;
- Providing information to the International Human Rights Council and other treaty monitoring bodies through shadow reporting and submissions;
- All of this is achieved through the celebration and protection of the Samoan culture, dignity and respect ingrained in the FaaSamoa.

### 1.3.3 Special Investigations (SIU)

In addition to the abovementioned mandates, the SIU functions to address misconduct in agencies exercising the coercive powers of the State and to conduct special investigations as maybe authorized. It is responsible to;

- receive, investigate and determine any complaints about a police officer, prison officer or officer of other prescribed disciplined force.

The Unit however is not to investigate any matter that is being investigated or inquired into by the Police, Prisons or prescribed force under their respective *Acts*, *unless* an exception applies which include situations where the Ombudsman has reasons to believe that;

- there is an abuse of process by the Police, Prisons or prescribed disciplined force; or
- there has been an unreasonable delay in the investigation; or
- the matter has not been appropriately investigated.

### 1.3.4 Corporate Services Unit

In support of the three broad mandates of the Office is the **Corporate Services Unit** responsible to provide efficient and effective that high standards of corporate governance is observed at all times in pursuit of the Office's statutory functions to promote integrity in governance, the protection and promotion of human rights in Samoa and equal and fair treatment of people. The Unit is responsible for;

- Budget formulation, management and monitoring;
- Administration of Procurement and Payment services
- Management of Office Assets and Equipment
- Administrative Services
- Secretarial Services to the Ombudsman
- Records Management Services
- Transportation Services
- Reporting and Planning Services (formulations of plans for Office strategic directions)
- Human Resource Management and Performance Development

## 1.4 Jurisdiction

The Ombudsman has jurisdiction to investigate a complaint about the actions and decisions of the state government departments and agencies. The majority of investigations completed by the Ombudsman were grounded on complaints. In addition, the Ombudsman conducts investigations on his own initiative – “own motion”. The Prime Minister or a Parliamentary Select Committee may also refer matters to the Ombudsman for investigation. The Ombudsman makes recommendations to government ministries and agencies within jurisdiction to rectify unlawful, unfair or unjust decisions and improve administrative practice. The Ombudsman does not have the power to investigate private individuals or businesses.

In general, the Ombudsman will not investigate a matter until a person has exhausted all means to resolve the matter directly with the ministry/ agency concerned as well as all other measures for resolution.

Apart from assessing and investigating complaints, the Office also provides advice to assist agencies develop and improve their decision making processes, administrative practices and complaint mechanisms.

Collectively, the services provided by my Office assist to ensure that Samoa's public agencies remain fair and accountable. Good public administration means better services for all Samoans.

## 1.5 Vision

*“To take a leading role in promoting integrity in governance; promoting and protecting Human Rights in Samoa and ensuring Equal and Fair treatment of people”*

## 1.6 Mission

To meet the expectations inherent in the *Ombudsman (Komesina o Sulufaiga) Act 2013* by;

- Providing good leadership, management of systems, processes, efficient support and coordination for the successful implementation of the Office’s work program;
- Enhance the lawful delivery of State Agency mandates to the reasonable satisfaction of member of the public;
- Promote and protect human rights and freedoms as the National Human Rights Institution (NHRI);
- Provide effective oversight and address misconduct of agencies exercising the coercive powers of the State and to conduct special investigations as me be authorized.

## 1.7 Goals and Objectives

In the pursuit of its vision and mission, the Office has set off to achieve the following;

- The Office is an accountable organization with a capable and engaged workforce
- Has a robust and transparent monitoring and evaluation of the implementation of projects and budget targets.
- Effective outreach and educational programs/ events targeting the communities.
- Effective financial management system and compliance with accounting procedures and reporting
- Best practice in administration and conduct
- A culture of continuous improvement
- Effective complaints handling mechanisms

## 1.8 Values

The Office is fully committed to upholding the following values in the performance of its roles and responsibilities:

### ***Honesty, Integrity and Impartiality***

- We are ethical, honest and law-abiding in everything we do.
- We respond to complaints without bias and we do not take sides
- We provide impartial advice without fear or favour and make decisions on their merits
- We are independent.

### ***Ethics, Fairness and Dignity***

- We treat people equitably
- We respect and value diversity
- We have the highest ethical standards

### ***Accessibility, Accountability and Transparency***

- We are accessible to people
- We are transparent and accountable for our actions.

### **Consistency, Responsiveness and Diligence**

- We respond to complaints quickly. If we can't help, we'll explain why, and if possible, suggest alternative action
- We produce timely and high quality work
- We develop our skills to improve service and become a catalyst for change in promoting good governance and human rights.

### **Culture and Rule of Law**

- We respect and value Fa'aSamoa
- We operate within the laws of the Independent State of Samoa.

## **PART 2: DIVISIONAL PERFORMANCE FOR FINANCIAL YEAR 2019-2020**

### **2.1 Output 1: Good Governance Unit**

The Objectives, strategies and performance indicators shown here are drawn from the Office of the Ombudsman Strategic Plan 2016 – 2020.

**Table 1: Good Governance Unit Strategic Framework**

#### **Performance snapshot<sup>1</sup>**

<b>Output 1: Good Governance</b>				
<b>Objective:</b> To enhance the lawful delivery of State Agency mandates to the reasonable satisfaction of members of the public.				
<b>Inputs/Critical Success factors</b>	<b>Outcome</b>	<b>Key Projects</b>	<b>Performance Measure</b>	<b>SDG / Sector Goal</b>
Effective consultations with Agencies on public dissatisfaction with service delivery Effective and productive stakeholder relationships	Individuals are empowered to resolve complaints with State Agencies	Outreach and education	Increased reach and relevance of the role of the Office	SDG 15 L&JS Goal 3

<sup>1</sup> Office of the Ombudsman Strategic Plan 2016 -2021

Best practice in administration and conduct  A culture of continuous improvement	The fair treatment of people and improved decision making and public administration by and within State Agencies	Ministry consultations	Effectiveness of working arrangements with Government Agencies to realize principles of good governance and administration Critical good governance issues are investigated and reported on effectively and efficiently Effective analysis of State Agency complain Management Systems
Effective complaints handling mechanisms	Complaints are investigated and reviewed effectively and independently	Complaint handling	Effective and efficient investigation and resolution of complaints
	An effective and accountable PSU	PSU oversight and monitoring Own motion investigations	Improved complaints handling within the Police

As the conventional Ombudsman, his major function is to foster good administration. This function is implemented by the Good Governance (GG) team through the investigation of the administrative actions of public authorities to ensure that their actions are lawful, reasonable and fair.

Our team works in an independent, impartial and objective way to resolve complaints and to address systemic problems in order to improve the quality and standard of Samoan public administration.

We are currently a two man team – Director Good Governance, Principal Investigation Officer. We are excited though that there will be an addition to our team in the coming financial year - Senior Investigation Officer.

We are responsible for most government ministries and public enterprises. Authorities vested with statutory law enforcement powers are accountable to the Special Investigations Unit (SIU).

We can make investigations on:

- receiving a complaint;
- our own initiative (often called 'own motion');
- referrals from the Prime Minister or a parliamentary committee.

Our team is guided by the principles of good governance:

***Integrity***

We act lawfully, honestly, ethically and are committed to producing high-quality work in a consistent manner.

***Impartiality***

We operate independently from government and act in a non-partisan manner, providing services informed by evidence to advocate for the public interest.

***Fairness***

We strive to ensure people are treated fairly and reasonably by the government agencies with which they interact. We treat complainants and the employees of the agencies whose conduct we investigate fairly.

***Transparency***

We document our operations and processes and communicate openly with our stakeholders and provide key information about the findings, recommendations and outcomes of our work.

***Professionalism***

We work with government agencies through relationships based on professionalism, trust and respect to find proactive and positive resolutions in the interest of the people of Samoa. We interact with the public and external stakeholders to understand their diverse contexts and emerging needs.

***Respect***

We work with complainants, stakeholders and our colleagues in an inclusive manner, treating them with dignity and respect.

Our purpose is to safeguard the interests of the people of Samoa by improving the quality of and level of accountability, integrity and fairness of government agencies delivering public and community services.

The Ombudsman may refuse to investigate a complaint if there is an adequate alternative remedy or right of review available, or having regard to all circumstances of the case, he considers any further investigation unnecessary. The Ombudsman may also decide not to investigate a complaint on any matter of which there has been complainant knowledge of more than twelve months.

The Ombudsman ordinarily may conclude and recommend:

- that a matter be referred to the appropriate authority for further consideration;
- that an omission be rectified;
- that a decision be cancelled or varied;
- that any practice on which a decision, recommendation, act, or omission was based be altered;
- that any law on which a decision, recommendation, act, or omission was based be reconsidered;
- that reasons be given for a decision; and

- that any other steps be taken.

The Ombudsman cannot direct remedial action. He may only recommend remedies he considers appropriate to the agencies concerned. In some cases he may also recommend a refund of payment or an ex gratia payment to remedy any financial loss.

This year (1 July 2019 – 30 June 2020) has been very trying and testing not only for our Office, but also for Samoa, with the painful measles outbreak in late 2019 and the current SOE lockdown due to the even more devastating COVID-19 pandemic. As an initial precaution, the temporary closure of the Office from late March until mid-April 2020 meant that there were no physical complaints received during this time although we did receive a few complaints via email. When operations did resume the Good Governance (GG) team continued its complaints management through its standard investigations. No own motion investigations or referrals from the Prime Minister or a parliamentary committee were carried out for this period. The following is a breakdown of these complaints:

- 62% were complaints against public agencies (government ministries and public enterprises)
- 31% were complaints assessed as out of jurisdiction and referred to the appropriate agency
- 7% were complaints referred to Special Investigations Unit (SIU)

Telephone remains the most common way of initiating contact with the Office. The team measured its complaints management by the timeliness of number of complaints and other contacts finalized within service standards. The duration of an investigation varies depending on the seriousness and complexity of the complaint. For that period, our service standards were as follows:

Type of complaint	Service standard
Early resolution (out of jurisdiction matters or referrals to the appropriate agency to investigate prior the Ombudsman)	Within 3 working days
Complaints requiring further analysis, but not formal investigation	Within 14 days
Complaints requiring investigation, including engagement with the agency concerned	Within 90 days
Complex complaints requiring detailed investigation, including multiple engagements with the agency concerned	Within 180 days
Complaints resulting in a formal report to the agency and minister	Within 12 months

The following are a number of highlights achieved (and not achieved) by the Good Governance (GG) team for the period 1 July 2019 to 30 June 2020;

- Director GG and Senior Accounts Officer participated in the “Blended Learning Course on Human Rights, Gender Equality and Environment in the Framework of SDGs, 2<sup>nd</sup> Meeting NHRI” from 2-3 December 2019.
- GG and SIU teams deferred the planned Practice Statement initiative with government ministries and public enterprises due to the national SOE but will resume in due course. To re-clarify, the intention is twofold:
  - for each agency to nominate an Ombudsman Liaison Officer (OLO) for easier access in relation to enquiries concerning the agency.
  - assist agencies where necessary in providing efficient, effective and accessible complaint handling services to the public.
- GG and SIU teams participated in a Special Audit Training with the Samoa Audit Office (SAO).
- GG Principal Investigation Officer (PIO) and Director NHRI are currently undertaking the online Certified Fraud Examiner course that is being funded by the Commonwealth Ombudsman of Australia (COA).
- Directors of GG and SIU completed their Certificate IV in Government Investigations course under the Investigation Compliance & Enforcement Training Systems (ICETS) also funded by COA.
- Due to the Coronavirus pandemic, a number of overseas trainings, workshops and conferences have been suspended.

## Case Summaries

The Office continues to receive and deal with various types of cases under our good governance function. The following selection of cases is indicative of the kind of problems ranging from the very simple to complex that ordinary people face and for which they seek assistance. The following are some of the reviews that may be of interest:

### Electric Power Corporation (EPC)

#### *Unreasonable Termination*

##### Background

Mr A complained that the decision to terminate his employment was unreasonable. The decision was based on the findings of an internal investigation concerning a fateful incident under Mr A’s supervision. According to Mr A, EPC had failed to administer procedural fairness, i.e. being afforded the opportunity to respond to the allegations against him. Furthermore, it seemed that EPC had not considered his almost 20 years of service.

A notice of intention to investigate the complaint under s24 of the Ombudsman (Komesina o Sulufaiga) Act 2013 (the Act) was forwarded requesting EPC’s account of the matter and the release of all relevant information for assessment.

##### Examination

OMB perused EPC’s investigation, administrative procedures and findings that led to its final decision.

### Outcome

OMB found that EPC did administer procedural fairness during its investigation i.e. Mr A was given the opportunity to respond to EPC findings, where he admitted to and deeply regretted his negligence. OMB did comment though on Mr A's years of service, whether EPC would consider revisiting this area. EPC's administrative decision to terminate the employment of Mr A was **not unreasonable**.

## **Samoa Tourism Authority (STA)**

### ***Unfair Treatment/Unreasonable Termination***

#### Background

Mr B claimed that STA had treated him unfairly during the course of the matter i.e. lack of procedural fairness, which culminated in the termination of his employment that was also unreasonable. A notice of intention to investigate the complaint was forwarded to STA.

#### Examination

OMB received and examined the relevant information on the complaint from STA. It was realised that Mr B was terminated from STA for misconduct under the Public Service Act 2004. A comprehensive report of an investigation by the Ministry of Public Enterprises (MPE) to verify accusations of unfair treatment by STA management of Mr B's termination was also perused.

### Outcome

OMB found that STA did administer procedural fairness and Mr B was given the opportunity to respond, which he did. Given that STA is not subject to PSC, the legal authority cited by STA to terminate Mr B was incorrect. The legitimate application was clear in STA's Policies & Procedures Manual. The MPE Report also agreed with STA's decision to terminate Mr B but then appropriately highlighted areas in STA's policies and procedures that should be revisited. STA's administrative decision to terminate the employment of Mr B for insubordination and harassment was **not unreasonable**.

## **Samoa Life Assurance Corporation (SLAC)**

### ***Unreasonable Delay/action***

#### Background

Ms C complained to OMB via email alleging unfair treatment and unreasonable delay against SLAC. According to Ms C, there were inconsistencies in her Mortgage Loan Balance Statement that SLAC had failed to address after initial correspondences. A notice of intention to investigate was sent to SLAC requesting their account of the matter and the disclosure of all relevant information for perusal.

#### Examination

During the assessment of the requested information and the subsequent engagements with the responsible SLAC officers, it was found that the parties had not actually met to discuss Ms C's concerns. OMB then suggested that SLAC contact Ms C to continue dialogue for a mutual resolution.

### Outcome

When Ms C was contacted about the meeting with SLAC, she was very happy with the outcome, stating that an agreement was reached in the reconciliation of her account and the refunding of any over-payments. Ms C expressed her gratitude and thanked OMB for the assistance rendered; she then requested to formally cease any further action to her complaint. Based on the explanation and subsequent request for closure the matter was considered **resolved**.

### **Ministry of Commerce, Industry & Labour (MCIL)/Ministry of Prime Minister & Cabinet (Immigration)** ***Unreasonable Delay/Failure to act***

#### Background

The complainants (Mr D, Mr E) were from Bangladesh alleging being issued with fake work visas and permits by a local recruiting agency/sponsor i.e. disseminating misleading work visa information for overseas employment opportunities. According to the complainants they had voiced their concerns with MCIL and Immigration seeking reimbursement, compensation and a return to Bangladesh but to no avail. A notice of intention to investigate the complaint was despatched to Immigration requesting information for perusal.

#### Examination

In response, Immigration stated that:

- There was no record of Messrs D and E lodging any formal complaint;
- The matter was assessed and assistance was ensured that the complainants were provided valid tickets to depart Samoa as required under sponsorship responsibilities.

#### Outcome

OMB contacted the complainants who happily confirmed that they had received their airline tickets to return to Bangladesh. The complainants acknowledged OMB assistance in pursuing their matter and were looking forward to returning home. The matter was considered an **early resolution**.

### **MCIL**

#### ***Failure to act/Delayed action***

#### Background

Mr F complained that MCIL had allegedly failed to act on his matter against a couple that recruited workers for the Seasonal Scheme in New Zealand.

According to Mr F, the couple had borrowed money from him while in New Zealand in 2016 and that after continually pursuing the repayment of his money; his place in the Scheme was suddenly terminated. Mr F claimed to have written twice to MCIL about the matter including money that was collected from the workers while in New Zealand for the couple. OMB enquired MCIL for further information.

#### Examination

Mr F had met several times with the couple and MCIL legal officer. The officer advised them that the issue of the alleged loan was their responsibility; however, the alleged collection of money would be investigated.

### Outcome

OMB advised Mr F that MCIL was the appropriate authority and that they had assured an investigation into his complaint but could revive his complaint only if he was not satisfied with any potential outcome. Concerning the loan, it was out of OMB jurisdiction. Mr F acknowledged the advice. The matter was considered an **early resolution**.

## 2.2 Output 2: Human Rights

The Objectives, strategies and performance indicators shown here are drawn from the Office of the Ombudsman Strategic Plan 2016 – 2020.

**Table 2: NHRI Strategic Framework**

### Performance snapshot

<b>Output 2: Human Rights</b>				
<b>Output:</b> To promote and protect human rights and freedoms in Samoa as the National Human Rights Institution (NHRI)				
<b>Inputs/Critical Success Factors</b>	<b>Outcome</b>	<b>Key Projects</b>	<b>Performance Measure</b>	<b>SDG / Sector Goal</b>
Effective monitoring of domestic and international human rights law	Improved compliance of domestic legislation, policy and practice with international human rights standards.	Legislative and Policy Review. Regional and international engagement and reporting. Coordination and application of human rights. Detention inspections.	Improved compliance of domestic legislation and policy with international human rights standards Increased Government consideration of treaty ratification Office capacity built to deliver Amicus Curiae function Improved coordination of human rights across government, civil society and the private sector	SDG 15 L&JS Goal 3
Reporting of human rights abuses	Violations of human rights are investigated and reported on	Thematic Investigations State of Human Rights report.	Critical human rights issues are investigated and reported on effectively and efficiently	

Best practice protection and promotion of human rights	effectively and efficiently.		Informative reporting on human rights issues
Effective outreach and Education	Enhanced awareness and understanding of human rights, the role of and access to the office	Awareness raising, promotion & outreach.  Public education.	Increased understanding and acceptance of the value of human rights in Samoa Informative and timely reports submitted to international treaty bodies and mechanisms Increased partnerships, cooperation and information sharing with regional and international bodies Standards of detention facilities are improved in line with human rights standards.

### Human Rights

This section sets out the performance of the National Human Rights Institution in the 2019/2020 financial year. There have been key trends in the NHRI's work over the period. First, the NHRI has issued a range of statements of national significance that have put the spotlight on emerging human rights challenges in Samoa including the ongoing debates on the Amendments Bills 2020. The ongoing Pilot project borne out of the National Inquiry into Family Violence 2018 continues with significant focus on community driven initiatives for family violence prevention.

The bulk of the Unit's work this year was continuing the implementation of the 2 year roll out plan activities/programmes aimed to raise awareness of the Office's National Public Inquiry into Family Violence Report in Samoa 2018 and to encourage our stakeholders and community to start implementing recommendations of the Report. One of the main and important activity under this Rollout Plan is the establishment of Family Safety Committees in each village in Samoa as local preventive mechanisms of family violence.

### Challenges

This year has been a rather challenging year for the Unit to implement some of its major activities. This was mainly due to unavoidable and unexpected circumstances such as the measles outbreak towards the

end of 2019 and the covid-19 epidemic which started in the beginning of 2020. These unforeseen circumstances has impacted the implementation timeline of activities. Despite this, the Unit managed to re-strategies and proceed with implementation where possible.

Shortage of staff still remains a challenge for the Unit. With the Office staff reshuffling exercise that was finalized and approved this year, the Unit now has 2 permanent staff<sup>2</sup> (as opposed to 3 last time) with 1 part time staff funded under the Rollout Project which finishes in September 2020. We are aware however that 1 additional senior staff has been approved for the next financial year 2020/2021.

Below is a detail report of the work of the human rights unit throughout this year which are captured under 3 outcomes as provided in the Office Strategic Plan 2016-2020 and as noted in the Unit’s Budget Outcome for this financial year.

## Summary

### **Snapshot of NHRI Activity**

The following provides an overview of the Unit’s key outputs in 2018-2019

Public Education/Engagements	<ul style="list-style-type: none"> <li>▪ 6 Community Engagements covering with Pilot Villages of Village Family Safety Committees</li> <li>▪ 9 Workshops covering 45 Government Ministries</li> <li>▪ 3 Human Rights promotional Products ( in celebration of Human Rights Day Celebration 2019)</li> </ul>
HR Education & Training	<ul style="list-style-type: none"> <li>▪ 1 Basic Human Rights Training for Police Recruit with 40 participants</li> <li>▪ 6 Workshops with Pilot Villages of Village Family Safety Committees</li> </ul>
Reports & Awareness Promotion/Resources	<ul style="list-style-type: none"> <li>▪ 1 Statutory Report – State of human Rights Report 2020</li> </ul>
Legislative/Treaty Analysis	<ul style="list-style-type: none"> <li>▪ 1 Submission on the LTC Amendment Bills 2020</li> </ul>
Media Engagements	<ul style="list-style-type: none"> <li>▪ 10 Press Releases</li> <li>▪ 1,701 Facebook Likes (408 more from last year)</li> <li>▪ 1,805 Facebook Followers (487more from last year)</li> <li>▪ 50 Facebook Posts</li> <li>▪ 5 Radio Spot Shows (Talofa FM, Malo FM, 2AP)</li> <li>▪ Poem Competition</li> <li>▪ 2 Media Promotional Clips</li> </ul>
HR Advisory Engagements	<ul style="list-style-type: none"> <li>▪ 3 Advisory Council Meeting</li> </ul>
Regional/International/Local Engagements	<ul style="list-style-type: none"> <li>▪ 1 Regional Engagements (UNICEF Committee Meeting in Samoa in partnership with RRRT</li> </ul>

<sup>2</sup> Director of Human Rights and Legal Officer

***Outcome 1: Enhanced awareness and understanding of human rights, the role of and access to the Office***

***Performance Indicator:*** Increased understanding and acceptance of the values of human rights in Samoa.

***Continue - Raising Awareness on National Public Inquiry into Family Violence Report Findings & Recommendations***

The bulk of the Human Rights work for this year was continuing (from last year) the implementation of the 2 year Rollout Plan of raising awareness of the National Public Inquiry into Family Violence Report in Samoa 2018 and to encourage stakeholders and community to implement recommendations of the Report. The following are some of the activities/programs in the Roll Out Plan that was implementing during this year.

***Establishing Village Family Safety Committees- Pilot Project***

One of the main activities under the Rollout Plan is implementing Recommendation 20 of the Inquiry Report which encourages the Village Fonos to establish Village Family Safety Committees aimed at mainly to prevent family violence. This recommendation was also noted in the MCWSD Family Safety Report 2017. The two reports recognized that Village Fono has a critical role to play in the early prevention of family violence, they are expressly responsible for "promoting social cohesion and harmony" within Samoan villages.<sup>3</sup> In order to meet its responsibility to maintain social cohesion and harmony in villages, Recommendation 20 of the 2018 Inquiry Report advises Village Fono to establish a credible mechanism for preventing family violence that ensures regular and ongoing programs are conducted.<sup>4</sup> And so the Office this year took the initiative to begin implementing this recommendation through a Pilot Project. The Pilot Project has 4 Phases being: 1) Mapping and Development Stage, 2) Capacity Building and Development of Work plans, 3) Implementation Stage and 4) Follow-Up and Reporting.

Phase 1 is completed. The Office did a mapping exercise to determine which villages should trial the project. The villages were selected with the assistance of MWCSO based on the following criteria:

- size and population of the village (small compared to a big village);
- villages with and without existing bylaws (written or verbal) which addresses family violence

Further to the above criteria these villages also participated in the National Inquiry community consultations held in 2017.

Six (6) villages selected were Lalovi Mulifanua, Lotopue and Vaiee in Upolu, and the villages of Asau, Saleia and Taga in Savaii. The Office met with Village Councils of the selected villages to raise awareness of the

---

<sup>3</sup> Section 5 (2) (g) of the Village Fono Act 1990

<sup>4</sup> See pg 17 of the National Public Inquiry into Family Violence in Samoa 2018, [https://ombudsman.gov.ws/wp-content/uploads/2019/01/2018\\_SHRR-2018-National-Public-Inquiry-into-Family-Violence\\_English.pdf](https://ombudsman.gov.ws/wp-content/uploads/2019/01/2018_SHRR-2018-National-Public-Inquiry-into-Family-Violence_English.pdf)

project and to seek their agreement to participate. All Village Councils of the 6 six villages agreed and straight away established their Village Family Safety Committees (VFSC).

Phase 2 of the Pilot is also completed. During this Phase, the 6 selected VFSCs went through capacity building workshops and developing of their Work Plans by the Office. The Work Plans outlines various family violence issues in each village with identified activities/programs catered specifically to address these issues. The Office is now finalizing these work plans and then proceed to launch them.

Findings and overall lessons learned from these workshops is detailed in the Office's State of Human Rights Report 2020. For the purposes of the Annual Report, we would like to highlight some important findings of the workshops include:

1. *Deeply rooted mindsets and behavioral norms continue to exist which is a grave concern. Some of these mindsets and behavioral norms includes:*
  - a. **Women's clothing:** At least one or two male participant asserted, that the act of women wearing what they would define as inappropriate clothing around them, is a form of violence or abuse towards them, as men. Some claimed that - "My eyes are being abused" – "Ua sauaina o'u mata". This mindset reinforces the attitude of victim-blaming and the myth that a woman's clothing provokes sexual abuse and violence toward her. It further reinforces the notion that women must monitor their clothing and what they are wearing, to ensure they are not provoking or 'causing' the abuse toward them (men).
  - b. **Victim blaming:** Women are blaming themselves for men seeking satisfaction elsewhere by having inappropriate sex with other women and raping young girls. This confirms that victim blaming exists within the mindsets of victims themselves reinforcing the notion of entitlement for men and further complicates interventions and approaches to eliminate violence.
  - c. **Physical Abuse of Children:** There was overwhelming evidence of child abuse. One father shared, "I use a fagaau (hose) to beat my children and I believe it is the best way to bring them up, they listen to me and stay out of trouble". Another participant shared, "I don't have children of my own, but I beat my nephews all the time. Last week, I beat him until I ran out of breath, and he could not walk. I rested, caught my breath and beat him again". These attitudes of parents in beating their children reaffirmed that "Being smacked as a child made me into the good person I am today" and "it didn't do me any harm" (Myth 10 Inquiry Report refers). Many parents shared that beating was the only way known to them to discipline their children "Pau a lea o le auala...e faakogu ai kamaiki gei". They justified this by arguing that they have exhausted all other options including talking to their children Physical and emotional abuse of children contributed to a cycle of rebellious behavior amongst youth that parents commonly complain about. PARENTING APPROACHES CONTINUES TO BE A CHALLENGING ISSUE THAT NEEDS TO BE FURTHER RESEARCHED AND EXPLORED IN RELATION TO FAMILY VIOLENCE.
  
2. *Phase 2 highlights three important elements for the overall success of the Pilot Project and its ability to initiate and sustain long term change:*

First, the acknowledgement that family violence is preventable and not an inevitable social problem.

Second, that complex factors known to drive and reinforce family violence can be addressed through continuous strategic interventions. Thirdly, that gendered drivers consistently associated with higher levels of violence against women can be addressed through well facilitated sessions about 'myths and facts'.

Within the work plan activities of each VFSC Strategic Plan are initiatives to prevent family violence from happening in the first place, as well as awareness programs to for those who have experienced violence, to help prevent it from happening again. All 6 village work plans highlights raising awareness as a strategic objective as well as educational programs to address the complex factors of family violence issues.

Once the Work plans are finalized then the Office and VFSCs will then move to implement Phase 3 and 4 of the pilot project. We hope to provide this update in the next Annual Report.

Phase 1 & 2 of the Project was kindly funded by SPC-RRRT, Sisters for Change and Spotlight Initiative-UNDP.

It is hoped that should this Project become successful that the MWCSO will take this on board as one of its activities given that it falls well within its community work.

### ***Engaging Youth (Ages 18-45) in the Public Sector to encourage Family Safety Education through the Promotion of Health Relationships***

There is a common perception that women are more likely to experience family violence if they have low education or are unemployed. However research shows that family violence does not discriminate on age, wealth, level of education, level of employment, or any factors of socio-economic background. Samoa has seen examples of family violence cases across all socio-economic sectors and backgrounds.

Youth empowerment initiatives are often focused on unemployed youth in the community and currently in Samoa the majority of youth programs are being conducted in villages with a focus on unemployed youth. Yet, there is little to no empowerment programs available for employed youth, because they are usually not present when these programs are conducted in the villages. Therefore, there is a real potential to focus on youth who are employed to encourage change. The focus on youth in the public sector is to build future leaders that can knowledgeably speak with confidence about the issues of violence and its contributing factors. The intervention aimed at building capacity and networks so that future public servants are equipped to be champions of combatting violence in their own families and workplaces.

The Office in collaboration with Public Service Commission (PSC), Ministry of Women Community and Social Development (MWCSO), Ministry of Justice and Court Administration (MJCA), and Samoa Family Health Association (SFHA) banded together to conduct 9 short awareness programs engaging youth ages

18-45 in the public sector to encourage family safety education through the promotion of healthy relationships and address the following objectives;

1. To raise awareness on aspects of healthy relationships including identifying relevant sexual reproductive health rights;
2. To create a safe space to share understanding of types of violence and its impacts;
3. Raise participants understanding of the 'cycle of violence' and the concept of 'power and control' being the cause of violence perpetrated by one family member upon another;
4. To allow participants a safe space environment to openly share experiences, techniques, and approaches to deal with conflicts in relationships including anger and alcohol abuse;
5. Increase awareness of participants on available services in Samoa.

There was a good turn of 151 (of the full expected participants of 264) of the workshops despite the measles outbreak restrictions during this time.

The half-day (of 9 days) program with public sector participants was successfully delivered and the key learning outcomes of the session were received and retained as demonstrated through the results of the pre-post testing monitoring tool adopted. An increase of knowledge across the group of 63.5% is a quantitative indicator of successful delivery. The results demonstrated a substantial improvement in participants' knowledge and understanding of Domestic Violence, from 10.55% to 74.1%.

In the end, the following recommendations were noted:

1. For UNFPA to consider continuing supporting the Office of the Ombudsman to conduct the Healthy Relationships awareness in public sector targeting individual Ministry approach as suggested by participants and consider an extension of the program to private sectors;
2. For the Office in collaboration with PSC and MCIL and support from interested partners to consider suggestions from participants to encourage more awareness around Sexual Reproductive Health Rights, Sexual Harassment and Power Conflicts in workplaces;
3. For UNFPA to consider supporting Phase 2 of this awareness and assist the Office and its partners to develop an "Employer Guide to Family Violence and Sexual Harassment" to assist employers in supporting employees experiencing family violence or sexual harassment in workplaces.

This activity was kindly funded by UNFPA under its Transformative Agenda Program.

### ***Media Campaign on Ending Violence- 'It Begins with Me' (Fa'amuta Sauaga, E amata ia te a'u)***

A media campaign was put together as one of the activities to raise visibility of the National Public Inquiry Report. The aim of the campaign was to raise understanding of the main findings and recommendations of the Report at all level and advocate for implementation. It was also to support Samoa's effort in building safer families from family violence and stronger communities who advocates for human rights for all.

The campaign was coordinated to reinforce main key messages relating to the Inquiry Report. The Media Campaign allows us to reach many more people that we aren't able to reach during village awareness and also offers opportunities of collaboration with other partners who have a certain level of influence to engage in the campaign. The media campaign included the following activities:

### **5 weeks of radio talkback shows**

The aim of the talk back show was to discuss different key topics/issues in the Inquiry Report each week. It was also an opportunity to work together with partners working in the family violence space and who have a certain level of influence to engage in the campaign as one to talk about these issues but also to share with the public their services for victims and survivors of family violence.

The awareness campaign offers opportunities of collaboration with other partners.

The Office in partnership with MJCA, FLO, MWCSD, SFHA, MOP and SVSG carried out a 5 weeks long of live radio talk back shows. The awareness outreach activity focused on the following themes/issues:

- Role of the Office of the Ombudsman and purpose of the media campaign
- Unpacking Fa'asamoa and violence: violence is not part of our culture, values of fa'asamoa that condemns violence (Mutual respect, alofa etc.)
- Widely held myths of violence (alcohol & jealousy): there is help available & encourage to seek it, consequences of violence on families/individuals
- What is sexual violence?: Key messages for parents to protect girl children, Help that is available
- Anger management (What are some techniques to overcome it): Encourage parents to talk to their teenage children regarding healthy and respectable relationships etc, importance of parent, child communication

### **Human rights educational short clips**

The Office engaged consultancy assistance to produce 2 human rights educational short clips focusing on the:

1. Root causes of family violence as identified in the office of the Ombudsman Inquiry into family violence in Samoa Report 2018; AND
2. Principles of human rights and fa'asamoa that stand against family violence and promote healthy families or family safety as identified in the office of the Ombudsman Inquiry into Family Violence in Samoa Report 2018.

The short clips were broadcasted on various TV stations as well as on the internet.

### **Poem and photo competition**

In line with the TV awareness of the human rights educational short clips, 2 competitions were put together with the winners to be announced for White Sunday to further gaged people's participation and encouragement of positive discussions on family violence. The two competition were:

- Photo competition – 'O Fanau o mea pu'eata'; and

- Poem competition - *“O matua o faiaoga muamua’*

### ***Human Rights Education & Training***

#### **Friendly School: Empowering students through human rights education**

This year the Office was unable to conduct its annual Friendly School Programs due to the measles outbreak and covid-19 epidemic state of emergency restrictions. The measles outbreak and covid-19 had great impacts on the students and their studies as schools were closed for a period of time. This resulted in MESC issuing advise to partners to hold any further awareness/activities with the schools this year as the students will need all the time to catch up with their school work. For this reason all Friendly School activities for this year has been put on hold.

#### **Raising awareness amongst law enforcement**

- **Ministry of Police**

This year marks 5 years since the Office in partnership with Police conducted training for police new recruits on basic human rights and relevance to their work as law enforcement officers.

The Office held a 1 day workshop in February 2020 for 58 new recruits. The first half of the training covered topics including what human rights are, the international human rights standards and relevant national laws including the Fa’asamoa. The second half of the training focused specifically on applying of these standards to their everyday work as police officers and accountability for violation of human rights.

- **Samoa Prisons & Corrections Services**

The Human Rights Unit together with the Special Investigations Unit conducted human rights training for some of prisons new recruit and old staff. Special emphasis was made this year with regards to complaint handling conducted by our Special Investigations Unit.

The 1 Day training was carried out with the aim of:

1. provide an introduction to the key human rights frameworks both international and national which sets standards and guidance for the work of Prisons;
2. enhance understanding of how these frameworks can be translated into practice when performing of their duties; and
3. Understand how to handle a complaint in the performance of duties

### ***Celebrating Human Rights Day: 10 December 2019***

On the 10th of December every year “HUMAN RIGHTS DAY” is celebrated around the world to mark the day the Universal Declaration of Human Rights was signed. This year’s Human Rights Day Celebration the Office continued its focus on raising awareness of the key messages in the Family Violence Inquiry Report. The Office in partnership with the village of Vaiee supported Vaiee’s Family Violence Seminar and Mrs. Vaiee Maupaolo Pageant. Mrs. Vaiee Maupaolo is a unique event in the history of pageants in Samoa

featuring and supporting the role of women who are married to the men of the village of Vaie'e Safata, Samoa. One of the key messages of the initiative was to address the commonly accepted norm in Samoa that women are viewed as 'slaves' to their spouse's family and have no voice in decision making. The significance of the pageant was the recognition and honoring the silent service by women referred to as 'maupaolo' or 'nofotane' and the promotion of their status as women who should be appreciated within all villages. "In the true faa-Samoa maupaolo means someone who resides in the safety and protection of the family she is married into"

***Outcome 2: Violations of human rights are investigated and reported effectively and efficiently***

***Performance Indicator:*** Critical human rights issue are investigated and reported on

***State of Human Rights Report 2020***

We are mandated under our legislation (s.40 Ombudsman Act 2013) to submit an annual state of human rights reports to Parliament. This year's annual report provides Parliament with an update on piloting the implementation of Recommendation 20 of the National Public Inquiry into Family Violence in Samoa Report 2018 which is to establish village family safety committees. The Report highlights the completion of Phases 1 & 2 of the Pilot with remaining 3 & 4 phases to complete.

***Outcome 3: Improved compliance of domestic legislation, policy, and practice with international human rights targets.***

***Performance Indicator:*** Legislations Reviewed

***Submission to Parliamentary Committee: Land and Titles Court Bill, Constitution Amendment Bill, Judicature Ordinance Bill***

A written submission was submitted as well as an appearance by the Ombudsman and staff before the Parliamentary Select Committee to present the Office's views on possible human rights implications of the said 3 bills.

***Performance Indicator:*** Partnerships with Regional and International Bodies

***Partnerships and Engagement***

The Office continues to foster new partnerships and work in collaboration with its current regional and international partners to strengthen its work.

- *SPC-RRRT, Spotlight Initiative- UNDP, Sisters for Change:* Since the National Public Inquiry into Family Violence Report, a lot of attention has been received by the Office from interested partners to see how they can support the Report. Most of the support we received this year was for the implementation of the two (2) Year roll out Plan to raise awareness of the Inquiry Report.
- *Asia Pacific Forum:*

- Assistance was provided through capacity building to establish a Monitoring and Evaluation Framework and Gender Mainstreaming systems in the Office.
- The Ombudsman was engaged by APF as part of an APF High Level Dialogue to share his expertise in relation to Good Governance, working from a small institution in a small country, national inquiry into family violence with the Office of the Provedor for Human Rights and Justice (Timor Leste)
- *SPC-RRRT*- supported 6 staff members on an NHRI Study Tour & Exchange exercise. The study and exchange tour was one of the activities envisaged under the Pacific Commonwealth Equality Project. The tour visited the UK and NZ NHRIs. The purpose was to facilitate the exchange of information and best practices between Pacific NHRI staff and their counter-parts and develop lasting networks for collaboration and information sharing.

***Performance Indicator: Submissions to International Treaty Bodies and Mechanisms***

***Submissions to UN Committees***

- The Ombudsman prepared and submitted a video statement to the 41<sup>st</sup> session of the Human Rights Council with regards to Right of Women and Girls
- The Ombudsman together with A Status Pacific Members of APF (Australia & New Zealand) along with respective APF members Fiji and Tuvalu submitted an NHRI Joint Statement to the United Nations Human Rights Council's 41<sup>st</sup> session regarding the Independent Expert on Sexual Orientation and Gender Identity

***Performance Indicator: Coordination of human rights locally***

***Local coordination of human rights activities***

The Office partnered up with various local agencies to coordinate human rights in schools, universities, government agencies and also in the communities.

- **POLICE & PRISONS:** The Office has been working closely with Police and Prisons to carry out awareness trainings for its new recruits. This is a continuing partnership and the Office foresees that this will be extended to other law enforcement agencies such as prisons.
- **MWCSD:** The office always tries to engage the support & assistance of MWCSD in activities that involve the community.
- **Samoa Family Health Association:** Engaged the assistance of SFHA for a number of our activities this year. They assisted the office with its family violence media campaign as well as the workshops for youth public servants on health relationships
- **MFAT:** In a historic first, Samoa in March 2020 hosted the 84th Extraordinary Outreach Session of the Committee on the Rights of the Child. The Office in partnership with MFAT on behalf of the Government of Samoa coordinated a side event during this event on the right to health of a child in Samoa.

***Performance Indicator: Detention Facilities in line with human rights standards***

### *Inspections of detention facilities*

Inspections for this period has been postponed to the end of 2020 due to covid-19 restrictions.

## 2.3 Output 3: Special Investigations Unit (SIU)

The Objectives, strategies and performance indicators shown here are drawn from the Office of the Ombudsman Strategic Plan 2016 – 2020.

**Table 3: Special Investigations Unit Strategic Framework**

### Performance snapshot

<b>Output 3: Special Investigations Unit</b>				
<b>Objective:</b> To address misconduct in agencies exercising the coercive powers of the State and to conduct special investigations as maybe authorised				
<b>Inputs/Critical Success factors</b>	<b>Outcome</b>	<b>Key Projects</b>	<b>Performance Measure</b>	<b>SDG / Sector Goal</b>
A well-managed referral system to deal with complaints and monitoring that encourages increased compliance of performance standards of policing	An office that ensures effective and independent resolution of complaints against the police and other prescribed forces and any other matters that may be defined by law or regulations	Independent Police force investigations  Other disciplinary force investigations	Independent, credible and effective discharge of the functions of the Special Investigations Unit	SDG 15 L&JS Goal 3
A well-established Special Investigations Unit (SIU)	An informed Public on the scope and functions of this Unit  The SIU has the necessary capacity to deliver its Services	Outreach and Awareness Building  Ongoing establishment of Special Investigations Unit	Increased Public awareness of role of SIU demonstrated by biennial SBS survey  Effective engagement with the Public on functions of the Special Investigations Unit	

			An adequately resourced SIU with capable staff able to adequately deliver its functions	
Capability and standby capacity to conduct authorised investigations	An open and transparent relationship with Police	Active case consultations with Police Professional Standards Unit (PSU)	Improved Professional Standards Unit case handling	

**Staff**

SIU continued its operations with two (2) staff members. After much budgetary negotiations and requests, SIU is happy to report that it will be welcoming a Senior Investigation Officer to join the team in the upcoming financial year.

**Work**

***Outcome 1: Independent, credible and effective discharge of the functions of the Special Investigations Unit***

***Performance Indicator 1.1: Regular monitoring and good control to improve Police handling of complaints***

As per section 68(5) of the Police Service Act 2009, the SIU is mandated to review the PSU on a regular basis. SIU reviews PSU on a bi-annual basis, submitting reports to the Commissioner on the following scope:

- a) The complaints lodged in the PSU Complaints Register in comparison to the lists forwarded to SIU;
- b) PSU case management practices and procedures in compliance with PSU’s Standard Operating Procedures;
- c) Quality of investigations (i.e. Time frame of investigations, issues, concerns etc).

In September 2019, SIU conducted its first bi-annual review of PSU for the financial year. This was a review into all complaints received by the Police from January to June 2019. It was recorded that PSU received a total of 38 complaints. This is a significant 52.5% drop in complaints compared to the last 6 months (i.e. July to December 2018) in which PSU received a total of 80 complaints.

It was encouraging to see that there was a decrease in complaints against police officers during this period of review. There are however, recurring issues around the inconsistent administration of complaints. The most common complaint against police officers is their failure to take necessary and prompt measures for the arrest or investigation of any reported offence. This can range from failing to keep complainants

informed of their matters to ignoring reported offences and prolonging investigations. The second notable trend in complaints, is the 'use of force' by police officers both in physical and verbal situations (insulting/threatening words).

SIU issued 15 recommendations during this review in an effort to combat what appears to be a laxity in work ethic (or none thereof) when responding to members of the public. There are clear protocols in the Police for this. There are also external and internal trainings for recruits. Some of the recommendations issued, is the need for police officers to undergo mandatory refresher trainings on the use of force and for investigators to prioritize complainants by keeping them informed of the progress of their investigations. As enforcers of the law, more is always expected of them

In an effort to improve Police complaint handling, SIU intends to commence complaint handling workshops for Police and other disciplinary forces as well as building capacity towards the establishment of its Ombudsman Tribunal for cases where there is reason to believe that there is an abuse of process, unreasonable delay in investigation(s) or where a matter has not been appropriately investigated.

Due to the measles outbreak, followed by the COVID-19 lockdown, and then the relocation of the office in June, SIU was unable to complete its second bi-annual review for the financial year. It was postponed to October 2020. From the complaint lists that are mandatorily submitted to SIU every three months, it has been noted that for the period of July to December 2019, PSU received a total of 47 complaints.

### ***Performance Indicator 1.2: Independent investigations subject to serious complaints received***

SIU embarked on five independent investigations from very serious complaints during this financial year, SIU44/19, SIU19/19, SIU20/19 and SIU28/20. These cases are summarized below except for SIU28/20 which is currently pending as it affects the majority if not all of the employees of the Government agency enquired into. It is anticipated that this investigation will be finalized by November 2020 if not late October 2020.

#### **SIU0144/19: The First Break Out from the Brand New Prison**

*Launched:* October 2019

*Summary:* Cabinet referred the matter of two prisoners who managed to escape from Taunamalala Prison during the night to the Ombudsman for investigation.

*Findings:* The prisoners escaped because: (1) There is a culture of laxity and indiscipline at Tanumalala (2) Tanumalala Prison is of poor quality and construction works are still unfinished (3) There is a lack of training on policy and procedure; and (4) There is a severe shortage of staff and equipment at Tanumalala.

*Recommendation:* SIU issued 5 recommendations namely (1) construction is to recommence on rear section of prison wall and floodlights, sensor lights and security cameras are to be installed around the prison (2) more staff (3) more rigorous policies (4) refresher courses and; (5) the establishment of a concrete fence.

*Update:* The Ombudsman's recommendations were endorsed by Cabinet and given to SPCS to act upon.

## **SIU19/19 and SIU20/19**

*Launched:* November 2019

*Summary:* Both complaints were from employees, complaining of the unfair treatment they were receiving from their supervisor in charge. There were also numerous claims of corruption and mishandling of funds.

*Findings:* Before the investigation was concluded, the immediate supervisor tendered his resignation. Much of the allegations regarding corruption and the mishandling of funds against him was substantiated. This was relayed to the Audit Office who pursued this matter.

*Update:* The Audit Office has investigated the said Government agency and have submitted their report.

## **SIU69/19**

*Launched:* December 2019

*Summary:* The complainant is a Fijian citizen. She was brought into Samoa by a private employer on a visitor's visa. She was assisted by the Immigration Office to obtain a return ticket to Fiji as she was severely sick but on the 11<sup>th</sup> December 2019, she was told that the ticket had been cancelled and that there was now a DPO on her name. She went to the AG and the Police and was told that investigations were still pending. She then came to the office for help.

*Findings:* The complainant's condition was worsening and was in Samoa without a permit, family or employment. Complainant needed to be repatriated as soon as possible to her country to seek medical attention.

*Update:* AG responded and the DPO was removed and complainant was flown home before Christmas.

### ***Performance Indicator 1.3: Review of other disciplinary force complaints mechanisms continuing***

Following the mass breakout from Tanumalala Prison in December 2019, SPCS was once again merged under the Ministry of Police. SIU continues to monitor SPCS complaints through the Police Professional Standards Unit that currently handles complaints for both Ministries.

### ***Performance Indicator 1.4: Addressed matters referred to the office in a timely manner***

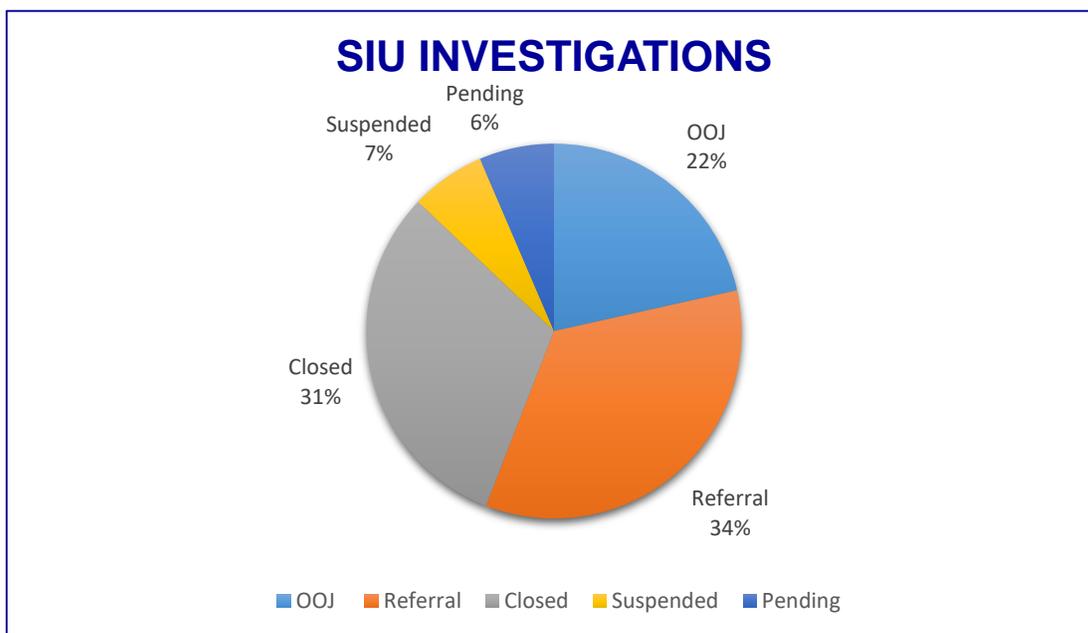
All complaints received by SIU are given equal priority and are assigned an 'informal complaint' status while an SIU investigator reviews the complaint. This review takes a minimum of 14 working days depending on the complexity of the case.

If following a review, it is clear that the matter falls outside of the Ombudsman's jurisdiction (i.e. Court decision or a complaint against a private company etc.) as per the Ombudsman Act 2013, then the complainant is advised to seek professional legal advice or directed to other avenues of redress.

If following a review, it becomes clear that the complainant has yet to approach the Government agency complained of, or there is an adequate remedy available to him or her, then the matter is referred to the relevant agency via the office's referral system.

An SIU investigator will also contact the agency complained of, for further information or clarification of the issue raised by the complainant. If the matter can be resolved (eg. Complainant was finally given an opportunity to meet the Police Commissioner for his case) at this stage, then it becomes an Early Resolution case. If no satisfactory answer is given by the agency complained of, then a formal investigation<sup>5</sup> is warranted.

**During this financial year, SIU received a total of 93 complaints** with a minimum of 5 to 22 complaints per month. This is more than double the amount of complaints received in the last financial year (i.e. 53.7% increase). This can be credited to increased awareness of the investigative role of the office from initiatives that the office has proactively taken on in an effort to establish and promote effective complaint handling in Government Ministries and agencies.



Of the 93 complaints received, 87% of SIU matters have been resolved in that they have either been referred to the relevant agency, suspended for lack of contact (i.e. complainants who did not come back for second meetings after 6 months with Investigating Officers irrespective of follow ups), closed following investigations/early resolution processes and/or dubbed as out of the Ombudsman’s jurisdiction. On average, it takes an SIU officer 3 to 200 hours to work on a file depending on the gravity and complexity of the complaint.

The most complaints that SIU has received during this financial year are against SPCS, namely from prisoners via our Ombudsman complaint boxes. In December 2019, SIU worked alongside SPCS to put in place, an Ombudsman Box in every prison for complaints. These complaints are collected on a bi-weekly basis. Administration-wise, most of the prisoners are requesting for parole and are complaining about the

<sup>5</sup> A formal investigation is when the investigation team notifies both parties that it intends to do so and thereby proceeds to conduct interviews, request documents, site visits, and write a formal investigation report with findings and recommendations.

conditions of the new prison in Tanumalala. SIU have referred the majority of these complaints to relevant authorities such as MJCA (Parole Board/Legal Aid), the Commissioner of Police, MOH, and NHRI. The team has also provided information to queries, as well as meeting with those that requested to talk to us. A number of prisoners that do not have families, have requested our office for financial assistance and basic necessities such as soap, clothing and mattresses. SIU is working to connect these needs to the private sector who may be able to help the prisoners and their families because these are valid pleas for access to basic human rights.

The second most complained about disciplinary force is the Ministry of Police. Members of the public complain of unfair treatment and the unreasonable delay in the processing of their matters. Most of these complaints are resolved through SIU's referral system and early resolution processes. A good portion of complaints against the Ministry of Police are from former and current police officers themselves namely for unfair termination and unfair administrative decisions. In February 2020, SIU conducted its first complaint handling workshop with SPCS, introducing core principles of complaint handling to different members of the disciplinary force (ie. Recruits, corporate service staff, correction officers, investigation officers, trainers). SIU is planning to conduct complaint handling workshops on a frequent basis to disciplinary forces in an effort to establish good complaint handling practices as well as good decision making.

## ***Outcome 2: Effective engagement with the public on the functions of SIU***

### ***Performance Indicator 2.1: Improve understanding and knowledge of role of SIU***

SIU continues to work hand in hand with the Good Governance Unit in engaging proactively with Government agencies through its Proactive Ombudsmanship Rollout. The Ombudsman Liaison Officers nominated by the agencies we have visited have been very effective in assisting us by producing information regarding the complaints received. This system ensures that the complaint is resolved more quickly without the need for an investigation. Also during this Rollout, posters have been put up in every Ministry we have visited, promoting the investigative role of the office to the public.

There were also plans for the investigative arm to join the second round of the UNDP sponsored REACH Project to rural villages of Samoa under the Law and Justice Sector. This is an effort by the sector to take Government services out to the public. During the first round, SIU and GG joined the REACH project and conducted presentations on the role of the offices to a number of villages throughout Upolu and Savaii over the course of 2 weeks in March 2019. Unfortunately due to the measles outbreak and the COVID-19 lockdown, the second round project has been postponed.

### **Outcome 3: An adequately resourced SIU with capable staff able to deliver all functions of SIU**

#### ***Performance Indicator 3.1: Adequate manpower to carry out functions of SIU***

SIU will be welcoming an additional member to the team in the upcoming financial year. As the work continues to grow under SIU's mandate, there will always be a need for additional manpower.

#### ***Performance Indicator 3.2: Ongoing training for SIU staff to effectively deliver functions of SIU***

The Ombudsman is fortunate to gain a number of training opportunities through its partnership with the Commonwealth Ombudsman every year since its inception. During this financial year, the investigative arm of the office is grateful to the Commonwealth Ombudsman for the purchase of new office assets (i.e. whiteboards x2, filing cabinets x2, recorders x3, shredder, and a projector set) from the remaining funds of the last work plan of the partnership.

These are the trainings and conferences taken on by SIU through the office's partnerships, during this financial year:

- 1) 31 July – 1 August 2019: SIU attended a workshop conducted by the New Zealand Ombudsman and the International Ombudsman Institute in Fiji. The objective of the training was to build investigation capacity in a Pacific way. New Investigation techniques, resources, procedures and templates were obtained and implemented as an outcome of this training.
- 2) October 2019: Australian Public Sector Anti-Corruption (APSACC) Conference: Directors of SIU and GG joined this conference with representatives from the Audit Office to: (1) learn about best practices in the prevention and investigation of corrupt conduct as well as identifying corruption risks (2) share experiences and (3) develop professional networks. This prompted the Ombudsman Complaint Box initiative that SIU implemented in December 2019.
- 3) 10 – 13 March 2020: SIU attended a basic Fraud Investigation Course delivered by MGT locally. This session was delivered over 4 days and the office invited representatives from partner agencies such as the Police, Prison, and the Audit Office to take the course as well.
- 4) 29 May 2020: Both Directors of SIU and GG attained a Certificate IV in Government Investigations that was delivered by ICETS, (a nationally recognized trainer in Australia) over the course of 12 months. Principal Investigation Officers for both SIU and GG have been enrolled to take this course in September 2020.

The office has also secured funding from the Commonwealth Ombudsman for 4 of its staff members to undertake a Diploma in Prosecutions from the University of South Pacific in the upcoming financial year. This is an effort to build capacity in anticipation of the establishment of the Ombudsman Tribunal.

## **2.4 Output 4: Corporate Services Unit**

The Objectives, strategies and performance indicators shown here are drawn from the Office of the Ombudsman Strategic Plan 2016 – 2020.

**Table 4: Corporate Services Unit Strategic Framework**

**Performance snapshot**

<b>Output 1: Corporate Services</b>			
<b>Objective:</b> To provide good leadership, management of systems, processes, efficient support and coordination for the successful implementation of programmes			
<b>Outcomes</b>	<b>Key Projects</b>	<b>Performance Measure</b>	<b>SDG / SDS/LJSP Goal</b>
<p>An office with the necessary capacity to fulfil its mandate</p> <p>An aligned organizational structure delivering on its mandates and responsibilities</p> <p>Well managed staff who deliver their KPI's and constantly strive to improve their performance</p>	Human Resources Management	<p>Improved management &amp; efficient support for service delivery</p> <p>Ensure adequate human resource efficiency and development of staff</p> <p>Improved Organizational Performance</p>	L&JS Goal 5
Effective financial management systems and reporting	Budget and Finance	<p>Maintenance of efficient systems &amp; processes</p> <p>High levels of budgetary control and adherence to Treasury Instructions</p>	
Regular updating of Strategic Plans and Team and Individual Performance Plans using robust Monitoring and Evaluation reporting	Monitoring implementation of staff workplans	<p>Simple Strategic Plan easily understood by staff and external audience</p> <p>Monitoring and evaluation framework that is easily implemented</p>	

An organization that is well supported by a relevant and responsive Information and Communications System Establishment & maintenance of an effective records management programme/system	Office and Records Management	Improved business operations & ready access to applications and information Provision of adequate coordination and logistics for efficient programme delivery Best practice records management that address the needs of staff	
---	-------------------------------	--	--

This section sets out the performance of the Corporate Service Unit in support of the three mandates of the Office for financial year ended 30 June 2020. For this period CSU was able to effectively and efficiently manage all operations of the Office by providing administrative support in terms of strategic corporate services in areas of human resource management and development, financial management (budgeting, reporting and payment processing), assets as well as records management.

Bulk of the Unit’s work was continuing to facilitate activities and programs implemented by Good Governance Unit through the Ombudsmanship Practice Statement, bi annual review of Ministry of Police and Prisons, Inspections of the Tanumalala and Vaiaata Prisons, the Oloamanu Juvenile Centre by the Special Investigations Unit and NHRI. In addition, the Unit continued to assist the National Human Rights facilitate arrangements for the implementation of the 2 year roll out plan aimed to raise awareness of the National Public Inquiry into Family Violence launched by the Office in 2018.

Below in detailed is the work of the Unit throughout the year which is captured under 2 outcomes as provided in the Office Strategic Plan 2016-2020.

***Outcome 1: An Office with the necessary Capacity to fulfill its Mandate***

***Performance Indicator:*** Improved management and efficient support for service delivery. Ensure adequate human resource efficiency and development of staff.

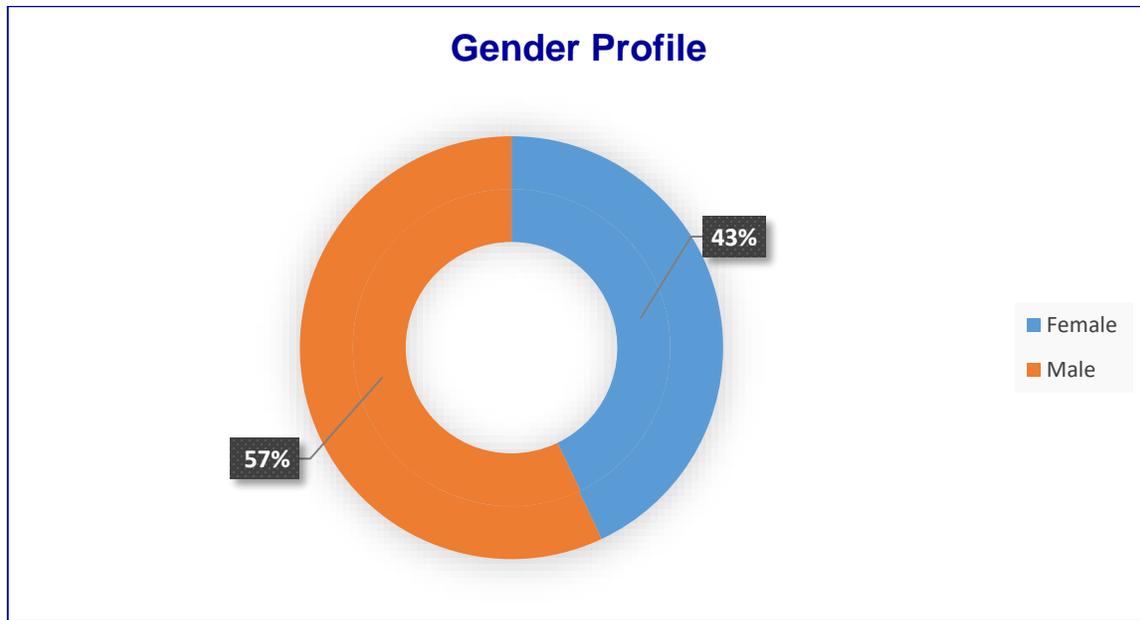
**Human Resource Management**

Due to budgetary constraints, the Office remained with twelve full time employees endorsed under budget provisions for FY2019/2020. As a result of this, the Office received financial assistance from the UN Spotlight Initiative to fund a Senior NHRI Project position contractual for 1 year. The Unit facilitated and completed the recruitment and selection process for the Contractual Appointment which included the position evaluation, advertisement, shortlisting, interviews and finalizing the appointment and other

administrative logistics relating thereto. Similar to the previous financial year, there was no record of staff turnover.

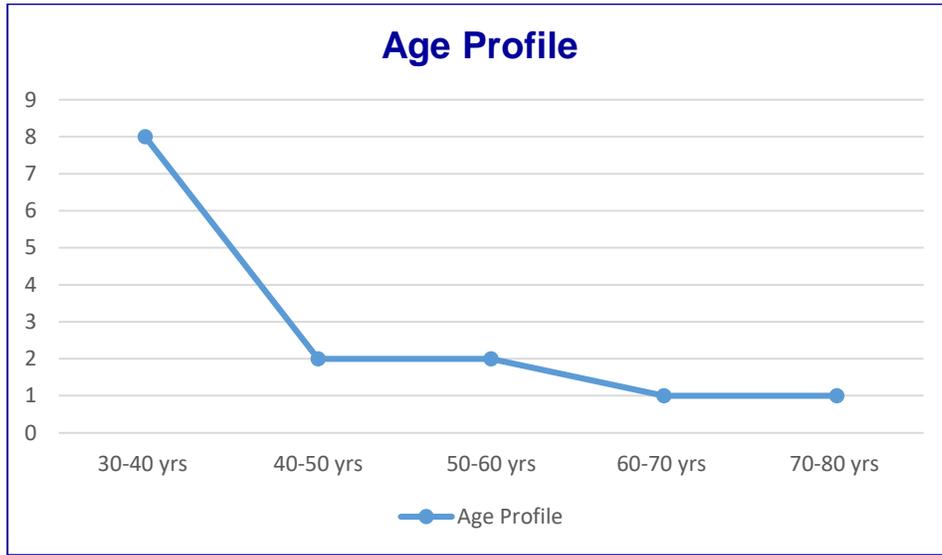
In terms of staff capacity building for the period under review, staff attended eighteen workshops and local trainings funded by International Partners, Law & Justice Sector, Public Service Commission and other invitations from Ministries and Corporations. In addition, staff also represented the Office in 19 overseas meetings and training opportunities which were successfully facilitated by the Unit.

### Gender Profile



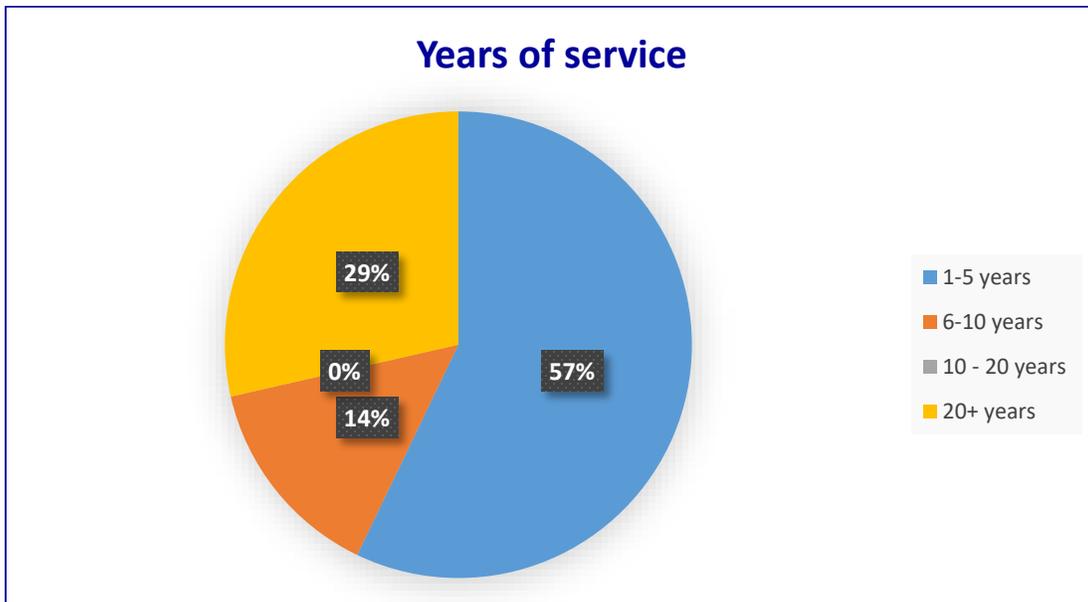
As of 30 June 2020, there are 6 female and 8 male currently employed by the Office, giving a gender profile of 43% and 57% ratio. The slightly higher number of men in comparison to women is reflective of the Office's employment record of the previous year. However, the Management team gender profile is a reversal of such, which records 57% of the management team as females and 43% male.

### Age Profile



The Office has a comparatively matured workforce with a total of 8 employees between the age of 30-40 years, 2 employees between 40-50 years, 2 employees between 50-60 years, 1 employee between 60-70 years and 1 employee between 70-80 years. The comparative matured work force reflects the collective public service experience and knowledge shared amongst the 14 staff members of the Office.

### Years of Service Profile



The majority of the workforce (8/14) spreading from junior staff to senior level staff have been employed by the Office for not more than five years. The same are recorded to have been previously employed by the Attorney General’s Office, Law reform, Ministry of Police, National University of Samoa, University of the South Pacific and the Otago University. This is followed by 29% of staff that have worked for the Office

for 20+ years. This is indicative of the wealth of Ombudsmanship experience and culture that is shared to train and support growth and professional development of Office's younger workforce.

### **Outcome 2: Effective financial management systems and reporting**

The Unit led in the coordination of the Office's Financial and other Reports for information sharing for those that attended local and overseas trainings and meetings. The Unit also prepared over 20+ cabinet submissions for travel, budget, working entitlements and other work related matters. Moreover, the Unit processed 53 allowances for overseas and local travel, recorded more than 30+ leave related requests which were processed and managed by the Unit as well as maintaining and updating monthly dissemination of leave records for all staff.

CSU managed a fleet of 4 vehicles for the Office in terms of ensuring regular servicing and maintenance, insurance upkeep, monitoring of petrol usage and the allocation of vehicles for the Office daily operations. The Office through CSU rendered transport and driver assistance for international meetings hosted by the Government as well as for the Pacific Games hosted by Samoa during the reporting period.

Further, CSU completed a review of reporting processes and policies to further improve office systems and operations. The objective was to simplify processes and improving these according to the current context of the new *Ombudsman (Komesina o Sulufaiga) Act 2013*.

Policies that were finalized and endorsed for the Office included;

- Terms and Conditions of Employment
- Code of Conduct
- Oath of Secrecy
- Performance Appraisal and Learning Development

Other documents that are yet to be finalized include;

- Communications Policy
- Recruitment and Selection Policy
- Asset Management Manual
- Business Continuity Plan
- Strategic Plan 2021 – 2025

# PART 3: FINANCIAL STATEMENT

The total approved budget for the Office of the Ombudsman/NHRI Samoa in FY 2019-2020 was \$1,206,828, an increase of 5.1% from the previous FY 2018-2019.

The table below depicts the approved provisions allocated to each Unit, their actual spending and remaining funds<sup>6</sup> at the end of the financial year.

Financial Management for the Office of the Ombudsman for Financial year 2019 2020					
<b>Expenditures:</b>					
Outputs provided:	Notes	Approved Estimate	Spending	(Over)/Under	
1.0 - Administrative Justice (Investigation and Resolution of Complaints about Government Ministries)	1	176,034	174,430	1,604	
2.0 - Human Rights	1	332,099	322,558	9,541	
3.0 - Special Investigation Unit	1	348,858	333,282	15,576	
Central Services	1	196,071	193,501	2,570	
<b>Total Output</b>		<b>1,053,062</b>	<b>1,023,771</b>	<b>29,291</b>	
<b>Transactions on Behalf of State</b>					
Membership Fees					
D32. International Ombudsman Inst	1	2,500	2,358	142	
E11. Asia Pacific Forum of National Human Rights Institutions		4000	4000	0	
E16. National Human Rights Day	1	15000	14,997	3	
E31. Global Alliance of National Human Rights Inst		14000	14,000	0	
G23. Rents and Leases	1	97,096	97,095	1	
Q01. VAGST Output Tax	1	41,670	33,149	8,521	
<b>Total Transactions on Behalf of State</b>		<b>174,266</b>	<b>165,599</b>	<b>8,667</b>	

<sup>6</sup> Remaining funds at total of \$37,832.46 have been transferred into Special Account, to be utilized in new financial year 2021 for Office Relocation to SNPF Savalalo :

GOVERNMENT DEVELOPMENT PROJECTS		O.Bal	Receipts	Payments	C. Balance
<b>Grants</b>					
0449-20 - Supporting Human Right and Outreach Activities (UNDP/NZMFAT)	<i>a</i>	2,950.54	-	-	2950.54 project complete
0475-99 -National Public Inquiry on Family Violence (Various - UNDP / UNWomen /APF /SistersforChange /SPC)		93,997.44	236,231.78	293,221.89	37,007.33 on-going
0500-99 - Sexual Orientation, Gender Identification & Sex Characteristics (Asia Pacific Forum (APF) )	<i>b</i>	0.59	30	-	30.59 project complete
0546-20 - Implementation of Recommendation from the National Inquiry Report (UNFPA )		-	51,166.80	50,779.55	387.25 on-going
0568-20 - Spotlight Initiative - NHRI (UNDP )		-	36,127.00	9,228.44	26,898.56 on-going
<b>TOTAL GOVERNMENT DEVELOPMENT PROJECTS</b>		<b>96,948.57</b>	<b>323,555.58</b>	<b>353,229.88</b>	<b>67,274.27</b>
<b>Notes</b>					
<b>1</b>	Unspent funds from the following outputs at total of <b>SAT\$37,832.46</b> was transferred into Special Account intended be utilized in new financial year 2021 for Office Relocation to SNPF Savalalo :				
	<i>Output 1: Good Governance</i>	<i>1,487.82</i>			
	<i>Output 2: Human Rights</i>	<i>9,541.35</i>			
	<i>Output 3: Special Investigations</i>	<i>15,568.01</i>			
	<i>Central Services Unit</i>	<i>2,569.10</i>			
	<i>International Ombudsman Institute</i>	<i>141.91</i>			
	<i>National Human Rights Day</i>	<i>2.58</i>			
	<i>Rents and Leases</i>	<i>0.64</i>			
	<i>VAGST Output Tax</i>	<i>8,521.05</i>			
	<b>Total</b>	<b>37,832.46</b>			
<b>a</b>	<i>No movements in the last 2 financial years</i>				
<b>b</b>	<i>No movements during current financial year 2020</i>				

# **PART 4: ACHIEVEMENTS AGAINST PERFORMANCE MEASURES FOR FINANCIAL YEAR 2019 – 2020**

## **4.1 Good Governance**

<b>OUTPUT 1: ADMINISTRATIVE JUSTICE (Investigation and Resolution of Complaints about Government Departments)</b>	
<b>Objective:</b> To investigate complaints arising from the acts, omissions, decisions and recommendations of government departments and agencies.	
<b>Performance Measures</b>	<b>Achieved/Not Achieved</b>
Outreach and Education: 2 x Community awareness, 1x school awareness, 2 x ministries  <i>2 x Community awareness (CRC Forum &amp; SPCS), 1x school awareness, 2 x ministries. Did not complete 1 x school awareness due to measles and COVID19 national lockdown</i>	<b>Achieved</b>
Complaints Handling: 100% of all Good Governance complaints are resolved and to the clients satisfaction.  <i>Completed most complaints for this period. Other matters pending due to complexity and receipt of information from subject agencies</i>	<b>Achieved</b>
Government Consultations: 5 x Practice Statement to 5 Government ministries/enterprises by 30 June 2020  <i>Completed 3 practice statement visits to government agencies and established network with respective agency Ombudsman Liaison Officers (OLO) prior to COVID-19 SOE orders. Action currently suspended and anticipated to resume at an appropriate time</i>	<b>Achieved</b>
Own Motion Investigations: 1x Own Motion investigation completed subject to serious complaints or systemic issues that are of public concern  <i>No own motion investigations for this period (subject to serious complaints received)</i>	<b>Achieved</b>
Telephone approaches/enquiries: All ministries/enterprises have established respective complaint handling systems to address public concerns by 30 June 2020  <i>The ministries/enterprises visited have already established complaint handling systems for the public. Assistance has also been offered if required through respective agency OLO</i>	<b>Achieved</b>

## 4.2 Human Rights

<b>OUTPUT 2: HUMAN RIGHTS</b>	
<p><b>Objective:</b> To promote public awareness of human rights and efforts to combat all forms of discrimination or corruption through the provision of information and education; to inquire into, and report on, alleged violations of human rights; to monitor and promote compliance with international and domestic human rights law.</p>	
<b>Performance Measures</b>	<b>Achieved/Not Achieved</b>
<p>Informative yearly reporting on human rights</p> <p><b>1 State of Human Rights Report on the Status of the Pilot Project Recommendation 20 of the National Inquiry into Family Violence - Establish Village Family Safety Committees submitted September 2020</b></p>	<b>Achieved</b>
<p>Number of pieces of draft legislation effectively reviewed to assess compliance with HR norms</p> <p><b>4 pieces of legislation/bills reviewed</b></p>	<b>Achieved</b>
<p>Number of Community Education and Awareness Programs delivered to effectively improve understanding of HR and GG in Samoan communities.</p> <p><b>5 – 10 awareness raising programmes at schools, villages both in rural and urban areas</b></p>	<b>Achieved</b>
<p>Informative timely reports submitted to international treaty bodies and mechanisms</p> <p><b>No reporting for Samoa government this year</b></p>	<b>Achieved</b>
<p>Increased partnerships cooperation and information sharing with regional and international bodies</p> <p><b>4 x partnerships in human rights projects/activities/trainings</b></p>	<b>Achieved</b>
<p>Improved coordination of human rights across government, civil society and the private sector</p> <p><b>3 x human rights Advisory council held, 4 x law enforcement trainings, 1 x partnership with civil society/private sector</b></p>	<b>Achieved</b>
<p>Standards of detention facilities are improved in line with human rights standards</p> <p><b>Awareness raising materials produced: 1000 x bookmarks 1000 x pamphlets</b></p>	<b>Achieved</b>

<p>Number of activities planned for existing HR events ( e.g 16 Days of Activism to end GBV, International Women's Day, International Children's Day) to increase awareness of HR and GG and the role of the Office.</p> <p><i>1 x place of detention inspection, 1 x place of detention report &amp; Recs follow up of 2015,2016 Detention Report</i></p>	<b>Achieved</b>
<p>Annual HR Day Celebration Event to increase awareness of HR and GG and the role of the Office.</p> <p><i>1 x Annual HR Day Celebration Event</i></p>	<b>Achieved</b>

### 4.3 Special Investigations Unit

<b>OUTPUT 3: SPECIAL INVESTIGATIONS UNIT (SIU)</b>	
<b>Objective:</b> To investigate and determine any complaints about a police, prison officer or officer of other prescribed disciplined forces.	
<b>Performance Measures/Indicators</b>	<b>Achieved/Not Achieved</b>
<p>Effective engagement with the public on the functions of the SIU</p> <p><i>2x Awareness Programs for SIU</i></p>	<b>Achieved</b>
<p>An adequately resourced SIU with capable staff able to adequately deliver all SIU</p> <p><i>1x position to be advertised</i></p>	<b>Achieved</b>
<p>Independent, credible and effective discharge of the functions of the Special Investigations Unit</p> <p><i>Evidence of recommendation accepted by Police or Corrections as a result of a review report conducted</i></p> <p><i>1x Own Motion investigation completed subject to serious complaints received</i></p> <p><i>3x Reviews of complaint mechanisms continuing</i></p> <p><i>100% of all SIU complaints are resolved</i></p>	<b>Achieved</b>

# Appendices: Unaudited Financial Statements

## STATEMENT OF MINISTRY RECEIPTS BY REPORTING CATEGORY AND EXPENDITURE BY OUTPUT APPROPRIATION ACCOUNT *for the financial year ended 30 June 2020*

	Notes	2020 \$	Original Estimate \$	Final Estimate \$	(Over)/Under \$	2019 \$
<b>OMBUDSMAN'S OFFICE</b>						
<b>PAYMENTS</b>						
<b>Outputs</b>						
1.0 Administrative Justice (Investigation and Resolution of Complaints about Government Ministries)	1	242,640	239,146	244,659	2,019	233,977
2.0 Human Rights	1	429,713	437,095	439,938	10,225	427,369
3.0 Special Investigation Unit	1	352,679	356,321	368,465	15,786	332,589
<b>Total Outputs</b>		<b>1,025,031</b>	<b>1,032,562</b>	<b>1,053,062</b>	<b>28,031</b>	<b>993,935</b>
<b>Transactions on Behalf of State</b>						
<b>Membership Fees</b>						
International Ombudsman Institute	1	2,358	2,500	2,500	142	2,500
Global Alliance of National Human Rights Institutions		14,000	14,000	14,000	0	
Asia Pacific Forum of National Human Rights Institutions		4,000	4,000	4,000	(0)	3,630
<b>Government Policies and Initiatives</b>						
National Human Rights Day	1	14,997	15,000	15,000	3	14,966
Rents and Leases	1	97,095	97,096	97,096	1	97,095
VAGST Output Tax	1	33,149	41,670	41,670	8,521	36,103
<b>Total Transactions on Behalf of State</b>		<b>165,600</b>	<b>174,266</b>	<b>174,266</b>	<b>8,666</b>	<b>154,294</b>
<b>TOTAL PAYMENTS - OMBUDSMAN'S OFFICE</b>		<b>1,190,631</b>	<b>1,206,828</b>	<b>1,227,328</b>	<b>36,697</b>	<b>1,148,229</b>
<b>GOVERNMENT DEVELOPMENT PROJECTS</b>						
		<b>2020 \$</b>	<b>Original Estimate \$</b>	<b>Receipts \$</b>	<b>Payments \$</b>	<b>Opening Balance \$</b>
<b>Grants - GDP</b>						
National Public Inquiry on Family Violence Project (Other)		88,708	0	236,232	268,038	120,520
National Public Inquiry Report (SRH/Support Implementation of Recommendation) (UNFPA)		6,893	0	387	44,274	50,780
Spotlight Initiative (UNDP)		26,899		36,127	9,224	0
Sexual Orientation, Gender Identity and Sex Characteristics Project (SOGISC) (Other)	a	5,562	0	0	0	5,562
Support for Human Rights Education & Outreach Activities Project (UNDP)	b	9,613	0	0	0	9,613
<b>TOTAL GOVERNMENT DEVELOPMENT PROJECTS</b>		<b>137,674</b>	<b>0</b>	<b>272,746</b>	<b>321,535</b>	<b>186,475</b>

### Notes

<sup>1</sup> Unspent funds from the following outputs at total of \$37,832.46 have been transferred into Special Account reported under Schedule 12, to be utilised in new financial year 2021 for Office Relocation to SNPF Savalalo :

Administrative Justice (Investigation and Resolution of Complaints about Government Ministries)	1,487.82
Human Rights	9,541.35
Special Investigation Unit	15,568.01
Central Services Unit	2,569.10
International Ombudsman Institute	141.91
National Human Rights Day	2.58
Rents and Leases	0.64
VAGST Output Tax	8,521.05
	<b>37,832.46</b>

a No movements during current financial year 2020

b No movements in the last 2 financial years

