



PRESS STATEMENT

Apia, 12 November 2021 – *Informed and Empowered Citizens: The status of freedom of opinion and expression in Samoa*

The Office's 2021 State of Human Rights Report – "Informed and Empowered Citizens", has been finalised and is now available on our website for download. A copy has also been submitted to Parliament for scrutinizing and debate.

The Report explores the status of freedom of opinion and expression in Samoa. It also looks into the right of access to information. It discusses and explores various aspects of the concerned rights and freedoms including – defamation; hate speech; freedom of expression and political rights; freedom of expression and the media; the internet, freedom of expression, and safety of children online; right of access to information, and whistle-blower protection. The Report also considers various contexts in which such freedoms and rights are and may be restricted or curtailed.

Contained within the Report are a number of recommendations to relevant Government ministries and agencies that relate to three broad categories: (1) outreach and awareness, (2) legislative reform and policy, (3) resourcing and capacity building.

Our freedom of opinion and expression is a fundamental right protected under Article 13(1)(a) of Samoa's Constitution. Implicit in the freedom under Article 13 is the right to access information and freedom of the press.

Freedom of opinion and expression enabled by the right of accessing official information held by public authorities play an important role in ensuring that we can express our views freely and receive information on different matters of concern to us. They are essential to the development of individuals and groups in that it allows them to participate, discuss, exchange and engage in decision-making on matters affecting them and also hold authorities to accountable.

However, various issues associated with the application of such rights and freedoms have been raised frequently through our monitoring work and from our consultations with relevant stakeholders and the public. In our first ever SHRR in 2015, freedom of expression was briefly discussed and was noted as an emerging human rights issue at the time. The discussion of freedom of expression in 2015 highlighted concerns that to this day remain relevant. Some of these concerns include among others – the misunderstanding that the freedom of opinion and expression allows individuals to express their views however they want on whatever they want, without taking responsibility; the lack of awareness regarding limitations or restrictions on the freedom; poor access to official information held by public bodies; and the unregulated use of online platforms to expressly defame others and/or incite hatred towards them.

The recommendations contained in the report framed from a human rights perspective will greatly contribute to the promotion and protection of our rights to freedom of opinion and expression and access to information. The guaranteeing of such freedoms and rights in law and entrenching them in practice will not only strengthen our participation in decision-making processes that impact on our lives, but will also hold government accountable.

The realization of our freedom of opinion and expression and right of access to information will help build knowledge communities that in turn contribute towards our national goals and priorities and the SDGs (SDG 16 broadly and specifically, SDG 16.10.2).

We strongly urge and encourage the Government to consider and implement the recommendations made to not only promote and protect freedom of opinion and expression in Samoa including media freedom and right of access to information, but to contribute to Samoa's overall social, economic and political development.

For more information and to get a copy of our Report please consult the following link:
<https://ombudsman.gov.ws/state-of-human-rights-reports/>

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NOTE: All media queries must be emailed to Tracey Mikaele (Director Communications & Engagement) @ t.mikaele@ombudsman.gov.ws