



MO LE SILAFIA

JAN - DEC 2018 // ISSUE 1 // VOLUME 1



Komesina o Sulufaiga



Students and members of the community with Deputy Prime Minister at the launch of the National Public Inquiry into Family Violence in Samoa, 12 September, 2018, TATTE Conference Centre, Sogi.

"LET THE TRUTH BE OUT AND RIGHT BE DONE": SAY NO TO FAMILY VIOLENCE

The Office officially launched Samoa's first National Public Inquiry into Family Violence in Samoa on the 12 September, 2018 under its human rights mandate.

The report was submitted to Parliament in June 2018 in accordance with s34 of the *Ombudsman Act 2013*. It followed a year-long process of research, consultations, and submissions of information and evidence from members of the public who participated in their capacity as survivors, perpetrators, church ministers, matais, government officials and experts.

Due to the broad scope of violence in Samoa, the Inquiry focused specifically on 'Family Violence' with an emphasis on violence against women and girls and the impact of violence in the upbringing of children. It also addressed the impact of family violence

on any other vulnerable groups identified in the process.

The report sets out the analysis of the situation, the findings and a number of recommendations (39) addressed to relevant stakeholders to assist in combating the social ill that is family violence and to pave the way for Samoans to live in an environment and society that is free from violence and fear.

Following the launch, the Office has embarked on a 2-year roll-out plan focusing on raising awareness of the main findings and key recommendations of the Report among its stakeholders and the community.

The Office acknowledges the support of its donor partners (Commonwealth Secretariat, APF, UNDP, UNWomen, UNFPA, AUT, Government of Samoa, Digicel and Bluesky) for their tremendous support in the Inquiry process.

A copy of the Final Report of the Inquiry can be retrieved from the Office website www.ombudsman.gov.ws.

IN THIS ISSUE

Launch of National Public Inquiry into Family Violence ~ 1

Message from the Ombudsman ~ 2

Human Rights Unit work updates ~ 2-4

Good Governance Unit work updates ~ 5-6

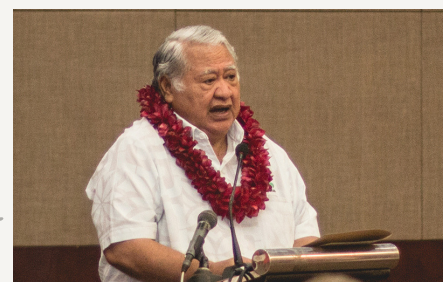
Special Investigations Unit work updates ~ 7-8

Conferences, workshops & submissions ~ 9

Corporate Services work updates ~ 10

How to lodge a complaint ~ 10

Contact information ~ 10



Prime Minister Tuilaepa Sailele Malielegaoi delivering the keynote address at launch of the National Public Inquiry into Family Violence in Samoa, 12 September, 2018, TATTE Conference Centre, Sogi.

"As the leader of Samoa, I call upon everyone – our political leaders, traditional and religious leaders, fathers, and families to acknowledge the widespread pain and suffering in which we are all complicit. For the sake of the future, it is up to us and especially those in positions of power to stand up and be counted – to demonstrate our dedication to the fa'a-Samoa and Christian values upon which this country is founded and combat family violence."

~ Prime Minister Tuilaepa Sailele Malielegaoi



Office of the Ombudsman Staff and representatives from the Ministry of Women and Social Development and UN with Justice Vui Nelson at the CRC Capacity Building training held at Insel Fehmarn Hotel, 14-15 June, 2018.

UNDERSTANDING THE RIGHTS OF CHILDREN - CRC CAPACITY BUILDING WORKSHOP

The Office with the kind assistance of UNICEF Pacific carried out a 2 day training on the UN Convention on the Rights of a Child (CRC). The purpose was to not only strengthen the understanding of the staff of the Convention itself but most importantly to build capacity regarding the application of the Convention to the local context and how to better respond to issues pertaining to the Convention articles. For instance, promoting the rights of children in Samoa has always been a challenge due to deeply rooted beliefs with regard to child rights to express views and the disciplining of children.

According to the Ombudsman, Maiava Iulai Toma, the training was a badly needed one for an Office that was required to function in a totally new specialized area which is human rights without prior experience or knowledge. Furthermore, CRC is an important area not only because of subject matter but because of negative public attitudes that had formed concerning it.

The staff was fortunate to learn from the experiences and knowledge of our very own, Justice Vui Nelson a CRC Committee member on issues relating to substantive articles of CRC. Representatives from the Child Protection Unit of the MWCSO also took part and shared their knowledge and expertise with the staff on issue and ways to collaboratively work together.

PROTECTING & PROMOTING THE RIGHTS OF WOMEN & GIRLS IN THE PACIFIC

From the 4-5 September 2018, the Office in collaboration with the Asia Pacific Forum (APF) hosted the first Roundtable on the rights of women and girls in the Pacific. The Roundtable was attended by National Human Rights Institutions (NHRI) representatives from across the region to discuss and address issues that affect women and girls in the Pacific, as well as exchange ideas on how to promote gender equality.

According to Maiava, "women and girls are one of the most vulnerable groups in society who continue to be subjected to various forms of discrimination and violence. Pacific region experience is nothing to be proud of with serious cases of violence against women occurring with saddening frequency."



Roundtable participants engaging in discussions and group work held at Taumeasina Island Resort, 4-5 September, 2018.

"Despite laws and policies in place, there is still room for improvement especially with regard to implementation and enforcement," he further added. The meeting was therefore, a timely undertaking which looked at how NHRI's can address these issues, and what their role is in this space in working for women and girls' human rights.

The Office acknowledges the support of APF for its initiative and anticipates furthering collaboration on various projects to further protect the human rights of Samoan and Pacific people.

MESSAGE FROM THE OMBUDSMAN



Talofa and welcome to the first issue of "Mo le SILAFIA", the official newsletter of the Samoa Office of the Ombudsman/ NHRI Samoa.

The Ombudsman's Office was originally established under the 1989 *Ombudsman Act* and now under the *Ombudsman Act 2013* seeks to ensure protection, equality, dignity and fairness for all in the areas of human rights, good governance and exercise of power by law enforcement agencies in Samoa. Since its establishment, the Office has dealt and resolved many cases relating to good governance and special investigations as well as carried out projects and activities that aim to protect and promote the human rights of the Samoan people.

This first special issue will take a look back at the work and activities carried out by the Office for the last part of 2017 and whole of 2018. I hope that this newsletter will keep you updated and informed on the work of the Office and we welcome your feedback!

I would like to express my sincere thanks to our stakeholders, partners and everyone who has supported our work and we look forward to continuing working together for a Samoa that values human rights for all.

Manuia galuega o lenei tausaga.
Soifua ma ia manuia!



Inquiry Report Savaii launch and consultations on the findings and recommendations held at Rosalote Hall, Sapapalii, Savaii, 17 September, 2018.

COMMUNITY CONSULTATIONS ON INQUIRY REPORT FINDINGS & RECOMMENDATIONS

Prior to the launch of the National Public Inquiry into Family Violence in Samoa, the Office carried out preliminary consultations in both Upolu and Savaii on the findings and recommendations of the Report. The 2-week long process was an opportunity for the Office to share the findings and recommendations of its report with the people whose opinions and views helped form and shape the final outcome.

LAW ENFORCEMENT STANDARDS INCLUSIVE OF EVERYONE

NHRI Samoa with the assistance of Vaito'a Toelupe and the Samoa Faafafine Association Inc (SFA) held initial discussions in a 2-day workshop between SFA and Law Enforcement agencies representatives to discuss issues relating to law enforcement including first contact, search, arrest, and detention among others. The workshop was an initiative by the Office to help its staff and members of the various law enforcement agencies in Samoa gain a deeper understanding of "SFA Community" and also come up with an agreed ROADMAP for developing Guidelines and Standards that is inclusive of everyone including the SFA community.

The Office acknowledges with appreciation the financial assistance of the Asia Pacific Forum and thank representatives from the Ministry of Police, Prisons & Corrections Services and SFA for taking part and contributing in the discussions and for their continuous support in the work of the Office.

More than 1,000 people including men, women, youth and children took part. Villages consulted included Uafato, Taelefaga, Lona, Salimu, Maasina, Samamea, Apolima-uta, Mulifanua, Manono-uta, Falelatai, Siufaga, Saoluafata, Luatuanuu, Eva, Fusi, Sapapalii, Lalomalava, Salelavalu, Asau, Vaisala, Gataivai and Vaitoomuli. The Office acknowledges the support of UN Women and thank the Inquiry Commissioners for their hard work in taking the message out.



Participants at the SFA and Law Enforcement Guidelines & Standards NHRI Samoa Development Workshop – Phase 1, held at SSAB Conference Room, 18-19 October 2018.

ROLE OF THE CHURCH IN PREVENTING FAMILY VIOLENCE

On the 21 November 2018, the Office in collaboration with UN Women hosted the annual Ending Violence in Samoa (EViS) Roundtable. The focus of the talks was to address recommendations from the Office's National Inquiry into Family Violence on Faith Based Interventions. Of the 39 recommendations made by the Inquiry, over 25% of them referred to direct Faith-Based interventions or support from faith-based organizations. Recommendation number 10 is explicit in its call to engage with public theology and to incorporate a more comprehensive approach across denominations. Representatives from various denominations were invited to take part and share their views on the recommendations of the report directed to the church.

TUVALU OMBUDSMAN VISITS

The expansion of Tuvalu's Ombudsman Office's mandate to include a NHRI in 2017, was the main reason for the interest of the Tuvaluan Ombudsman to conduct a study visit to the Samoa Ombudsman's Office that took place from the 16-19 April 2018. The visit was to observe the Office's work and share experiences and challenges that would assist the Tuvaluan Ombudsman Office with the establishment of its own NHRI.

According to the Mr. Sa'aga (Tuvalu Ombudsman) there is a lot to learn from peer-to-peer exchanges among NHRIs in the Pacific, and looks forward to achieving something similar to Samoa's Ombudsman Office in Tuvalu and welcomes further exchanges and support from the Samoa Ombudsman's Office as well as other neighboring Pacific nations. The visit was made possible with the support from APF and SPC-RRRT.



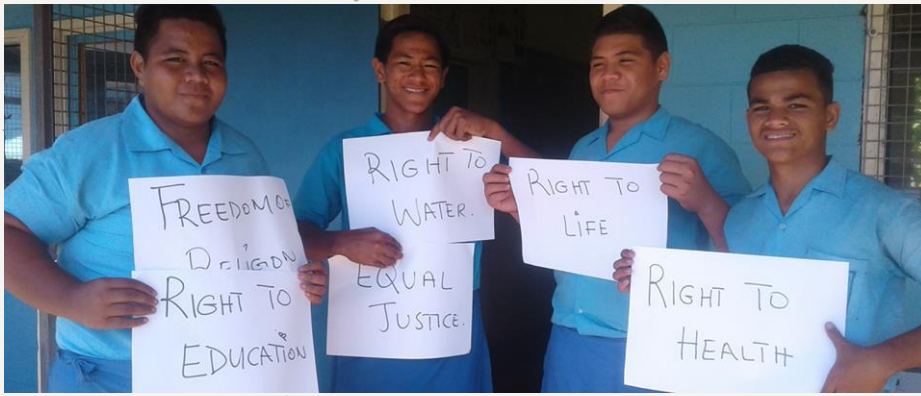
Tuvalu Ombudsman and Maiava Iulai Toma (Samoa Ombudsman) [middle] with staff members from both offices.

The EViS Roundtable Panel members included Judge Talasa Saaga (Judge Family Violence Court), Rev. Kasiano Leaupepe (Chair of the National Council of Churches), Dr. Mercy Ah-Siu Maliko (Lecturer Piula Theological College), Maiava Iulai Toma (Ombudsman), and Afamasaga Faauiaga Mulitalo (CEO MWCSO). The talks were facilitated by Mata'afa Keni Lesa (Editor Samoa Observer).

The event marked the commencement of 16 Days of Activism and the International Day to End Violence against Women and Girls.



Church community and stakeholders at the EViS Roundtable, held on the 21 November 2018 at TATTE.



Students of Satapuala Primary School during the Friendly School Outreach Holding out some of the human rights that make a friendly school.

BUILDING SCHOOLS TO BE MORE HUMAN RIGHTS FRIENDLY

In the month of March 2018, the Office under its human rights education mandate carried out 3 friendly school program in partnership with the Ministry of Education and Ministry of Police. The 2018 program covered both college and primary level and included Avele College, Sauniatu Primary School, and Satapuala Primary School.

The Office's Friendly School Outreach Program aims to work towards building a positive understanding among children and teachers about the value of understanding and respecting human

rights and also the responsibilities and the limitations that come with it through the provision of education and information.

The educational programme also focuses on promoting an overall school-wide atmosphere of equality, non-discrimination, inclusion, respect, dignity and participation in schools. The Programme also hopes to assist the work of various organisations to tackle the school violence problem where schools are encouraged to explore what it truly means to be a friendly school.

#STANDUP4HUMANRIGHTS: HUMAN RIGHTS DAY CELEBRATIONS

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. The Office took part in the celebrations and worked alongside various NGOs including SVSG, SFA and NOLA to carry out various activities to ensure that freedoms and rights of vulnerable groups in our society are being celebrated and recognized. Activities included: 'BUDDYING UP' event (focusing at empowering child vendors) in collaboration with SVSG, the

launching of the Fa'afafine/Fa'atama Report on gender based-violence in collaboration with SFA, and the Disability Week Awards & Launch of Human Rights Education Children's Book in collaboration with NOLA.

The 2018 celebrations was an opportunity to further strengthen the working relationships of the Office with its key partners and to recognise the potential of NGO's as allies of NHRI in its rally to further advance understanding and acceptance of human rights in Samoa.



Members of Nuanua o le Alofa with Maiava Iulai Toma and supporting partners during Human Rights Day celebrations 2018.

RAISING AWARENESS OF HUMAN RIGHTS AMONG POLICE RECRUITS

The Office working in partnership with the Ministry of Police undertook a 2-day workshop on human rights for 120 police recruits as part of their 20-week recruit training held in April 2018. The training covered topics including what are human rights, the international human rights standards and relevant national laws, the application of these to their work, human rights and diversity as well as police accountability.

A representative from UN Women also spoke about the importance of understanding gender equality and gender stereotyping to ensure that gender sensitive approaches are taken into consideration in all areas of their job when dealing with women, men, girls and boys.

The working partnership between the Office and the Ministry has been running for 3 years now in addition to police outpost's refresher training. The Office believes that raising awareness of gender issues and human rights among officers not only helps foster a culture of respect for these issues, but also ultimately lead to better-informed decisions when carrying out their roles.



Police recruits learning about and understanding human rights standards during their training.

A Friendly School is a school, which values respect for one another and towards other human beings.

GOOD GOVERNANCE (GG) - FORMAL INVESTIGATIONS

GG01 CASE: UNFAIR RECRUITMENT PROCESS

Launched: January 2018

Summary: The Prime Minister referred a complaint from a former employee of a Government Agency (GA) against an unfair recruitment and selection process of a contractual position they previously held as an employee.

Findings: GG found that the recruitment and selection process of GA was reasonable and fair.

Recommendation: The Ombudsman to inform the complainant of its findings and reasons.

Update: Both parties were advised of the findings that the complaint against GA concerning unfair recruitment and selection practices was not sustained.

GG04 CASE: FAILURE TO ACT

Launched: April 2018

Summary: The complainant was frustrated with a GA alleging failure to act on their complaint against their neighbour's pig sty about 20m from the complainants residence that was emanating an unpleasant and unhealthy smell.

Findings: GG found that two GA's were responsible for this matter. Both agencies acknowledged the complainant's concern claiming that investigations were already in progress.

Recommendation: The Ombudsman advised the complainant that the two agencies were revisiting their complaint to determine the appropriate measures in addressing his concern.

Update: The neighbour refused to obey the agencies and village council order to remove their pig sty and has taken legal action. The matter has been referred to the agencies legal teams for further action.

GG07 CASE: UNREASONABLE AND UNFAIR ADMINISTRATIVE DECISION

Launched: December 2018

Summary: Students of a GE alleged unfair and unreasonable decision and action in their final year examination results.

Findings: GG found that the GE's governing body had met and discussed the students concerns and subsequently upheld their complaint.

Recommendation: No further action as matter deemed to have been resolved internally.

Update: Complainants contacted the Ombudsman to withdraw the complaint after the GE's governing body's decision was in their favour.

GG02 CASE: UNFAIR TREATMENT BY STAFF

Launched: January 2018

Summary: A long serving customer of a Government Enterprise (GE) alleged unfair treatment by its field staff and requested assistance on how to address their concerns.

Findings: GG found that the GE upon receipt of Ombudsman notice of intention to investigate the complaint had directly contacted the complainant and acknowledged their complaint.

GE advised complainant that they would address their concerns immediately.

Recommendation: The Ombudsman decided on no further action as the matter was being dealt with by the appropriate agency.

Update: GE commenced an internal investigation into the complaint, which was eventually resolved.

GG05 CASE: UNREASONABLE DELAY

Launched: May 2018

Summary: A woman complained against a GE alleging unreasonable delay in the process.

Findings: GG found that the complainant was partly responsible for the delay in not fulfilling their part in the process as advised by the GE and explained that it would take a while to complete.

Recommendation: Complainant was advised that the best option was to continue dialogue with the agency and address the matter between them but contact the Ombudsman for any further queries.

Update: No further contact with the complainant. Matter deemed to have been resolved.

GG03 CASE: UNPAID OVERTIME ALLOWANCE

Launched: April 2018

Summary: An employee of a GA lodged a complaint alleging unpaid overtime allowance.

Findings: GG found that the complainant had initially complained to the Public Service Commission (PSC) and a subsequent investigation found that their claim of outstanding allowances was upheld. PSC recommendations were forwarded to the GA.

Recommendation: The Ombudsman advised the complainant to follow through with the outcome of the PSC investigation given that PSC was the relevant authority for Public Servant grievances.

Update: The complainant contacted the Ombudsman seeking the withdrawal of their complaint as their outstanding allowances had been fully reconciled by the GA.

GG06 CASE: UNFAIR RECRUITMENT PROCESS

Launched: September 2018

Summary: Complainant alleged that the recruitment and selection process of a GE was unfair when they were unsuccessful in applying for a contract position in the agency.

Findings: The Ombudsman found that there may have been merit to the complainant's concern to pursue their complaint further had it not been for certain inappropriate correspondences by the complainant when revealed by the agency.

Recommendation: Recruitment and selection process was fair and no reason to change the decision by the GE. The complaint was not sustained.

Update: When advised of the findings of the investigation, the complainant had expressed their disappointment on the outcome.

GG - INFORMAL INVESTIGATIONS

The Good Governance Unit received a total number of 37 cases (subjected to informal investigations) in the year 2018 from the public for alleged maladministration practices of state agencies. Of this, 22 cases were deemed outside of the Office's jurisdiction, 9 were referred to the relevant agency for resolution, 9 cases were resolved and a further 4 still pending.

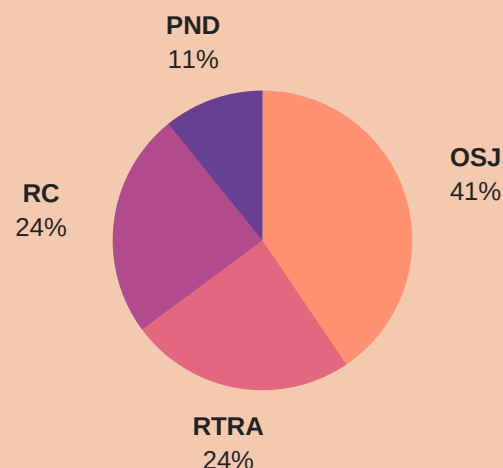
KEY

PND: Pending

OSJ: Outside Jurisdiction

RTRA: Referred to relevant agency

RC: Resolved case



Source: GG, 2018.

STRENGTHENING INTEGRITY PRACTICES

The Director of Good Governance attended a 3 day training in Brisbane hosted by the Commonwealth Ombudsman for 11 Pacific Integrity Network representatives. It was an opportunity for delegates from the Federated States of Micronesia, PNG, Marshall Islands, Samoa, the Solomon Islands, Tonga and Vanuatu to learn and build their capacity in areas of planning,

developing and implementing projects, as well as how to lead with emotional intelligence.

The training was funded by the Australian Department of Foreign Affairs and Trade through the Pacific Integrity Network program.



Director of Good Governance, Fuimaono Vaiaa Eteuati (far left - back row) with delegates from other Pacific countries who attended the training. Photo credit: Pacific Integrity Network Facebook page.

HOLDING GOVERNMENTS TO ACCOUNT IN A CHANGING CLIMATE

The Deputy Ombudsman attended the 30th Australasian and Pacific Ombudsman Region Conference held in Auckland from the 27-29 November, 2018. The Conference premised around the theme, "Holding Governments to account in a changing climate", was an opportunity for Integrity Leaders to discuss ongoing commitments to a Pacific Integrity Regional Network, and to share recent emerging issues and updates from their countries in the good governance / integrity work space. Some of these issues include Ombudsmen and Climate Change, upholding

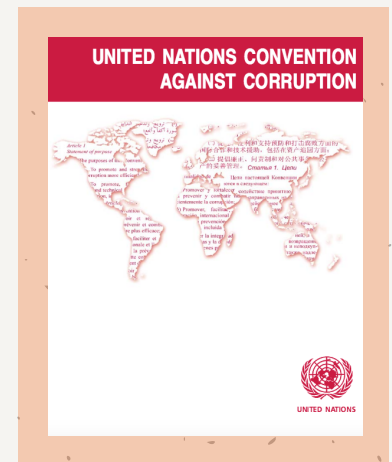
democracy: how an Ombudsman can effect dramatic change, building integrity and maintaining accountability, and debates on ethics and how to address conflicts of interest.

The Conference was attended by Integrity Leaders from various countries across the Pacific including Nauru, PNG, Solomon Islands, Tonga, Tuvalu, Vanuatu, NZ, Australia and Samoa, and was hosted by the Commonwealth Ombudsman.

SAMOA SIGNS UP TO THE UN CONVENTION AGAINST CORRUPTION

In April 2018, Samoa acceded to the *UN Convention Against Corruption*. The signing culminates years of discussions among various agencies in Samoa. The Convention introduces a comprehensive set of standards, measures and rules that all countries can apply in order to strengthen their legal and regulatory regimes to fight corruption. It calls for preventive measures and the criminalization of the most prevalent forms of corruption including domestic and foreign bribery, embezzlement, trading in influence and money laundering in both public and private sectors.

Following the signing of the Treaty in April, a workshop was conducted in June by UNDP where representatives from the Office took part to discuss the articles of the Convention, their application and most importantly to discuss who would be the line ministry to ensure effective implementation and compliance with treaty articles. Following this workshop various meetings and trainings have been carried out for Integrity Agencies in Samoa to build their capacity in dealing with corruption-related matters.



HAVE A COMPLAINT AGAINST A GOVERNMENT AGENCY (GA) REGARDING MALADMINISTRATION?

THE PROCESS



STEP 1: Receive complaint via email, in person, post or telephone call.

STEP 2: Assess whether complaint is within jurisdiction.

- NO: complainant referred to relevant agency for solution.
- YES: accept complaint, notify complainant about intention to investigate (within 3 days or receiving complaint).

STEP 3: Inquire and gather data from GA the complaint is against by requesting documents and records or through conducting interviews.

STEP 4: Put together a report and make recommendations for review and endorsement by Ombudsman/ Assistant Ombudsman (within 14 working days).

STEP 5: Agree on a solution and notify both complainant and GA involved.

STEP 6: If complainant **not satisfied** with result, Office to decide whether further investigation is necessary. If yes, then go back to Step 3. If complainant **satisfied** with result, case closed.

**All formal and informal investigations conducted by GG are confidential. The Ombudsman may require that the parties involved sign a non-disclosure agreement as a precursor to receiving a copy of the report (which can take up to 20 working days) of the matters involving them.*

SPECIAL INVESTIGATIONS UNIT (SIU) - FORMAL INVESTIGATIONS

SIU01 CASE: UNFAIR RECRUITMENT PROCESS

Launched: February 2018

Summary: The Prime Minister referred a complaint from a former employee of a Government Enterprise (GE) against an unfair recruitment and selection process of a contractual position the complainant previously held as an employee.

Findings: SIU found that the recruitment and selection process was unfair.

Recommendation: The Ombudsman recommended that the complainant be reinstated to another senior management position given the complainant's long term tenure in the GE.

Update: GE reinstated complainant to a senior management position following recommendation from the Office.

SIU04 CASE: WORKPLACE BULLYING/ ASSAULT

Launched: August 2018

Summary: Employee of a GA made a complaint in person to the Office, alleging physical assault, workplace bullying and general unfair treatment by the employees and general management of the GA involved.

Findings: Investigation pointed out the failure of GA to formally address the complaints of assault, workplace bullying and general unfair treatment by the employees and general management.

Recommendation: GA to address complaints of assault, workplace bullying and general unfair treatment by employees and general management by putting in place proper practices and policies.

Update: Formal investigation is complete. Report sent out to GA.

SIU02 CASE: ABUSE OF POWER

Launched: April 2018

Summary: The Prime Minister referred a complaint from a party who alleged abuse of power by a senior officer of a Government Agency (GA) against her and her family in 2013.

Findings: SIU found that the officer involved did abuse their power and that the officer was rightfully disciplined through internal disciplinary procedures. The officer was stripped of their rank and fined.

Recommendation: The Ombudsman recommended warrants of arrest to be executed for those involved in an assault against the complainant.

Update: GA has proceeded to track down warrants of arrest to be executed as per Office's recommendation. SIU will continue to monitor developments during monthly visits.

SIU05 CASE: PROCEDURAL ISSUES

Launched: September 2018

Summary: SIU has launched an own motion investigation into detention and arrest procedures and practices of GA.

Update: This is an ongoing investigation.

SIU03 CASE: UNFAIR TREATMENT & WRONGFUL DETAINMENT

Launched: June 2018

Summary: A woman lodged a complaint alleging unreasonable/unfair treatment towards her and the unlawful detention of her two and a half (2 ½) year old child in a GA outpost.

Findings: Intervention by the officers involved to cancel the settlement agreed between the parties was wrong. The decision to hold the complainant and her 2 ½ year old child in custody was wrong. The complainant and her son were unfairly treated while under arrest and contrary to commissioned officer's orders.

Recommendation: The Ombudsman recommended heavy disciplinary action against officers involved. Also for the GA to undergo extensive trainings on the Convention on the Rights of a Child with assistance of the Human Rights Unit of the Office.

Update: GA have commenced internal investigations against officers involved and are liaising with SIU on developments.



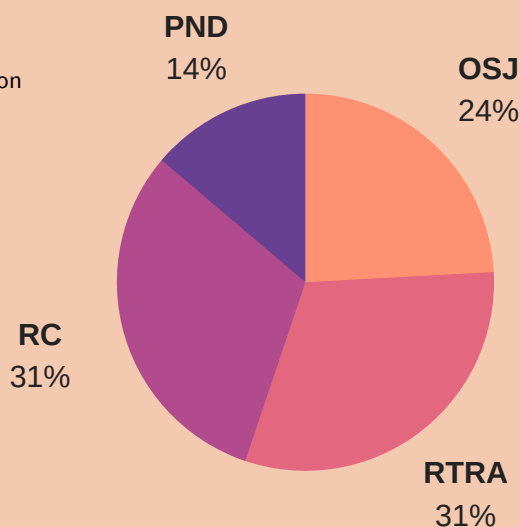
SIU - INFORMAL INVESTIGATIONS

The Special Investigations Unit received a total number of 29 cases (subjected to informal investigations) in the year 2018 from the public against state agencies exercising coercive powers of the State. Of this 29, 7 cases were deemed outside of the Office's jurisdiction, 9 were referred to the relevant agency for resolution, 9 cases were resolved and a further 4 still pending.

NOTE: Cases pending include those where SIU is either reviewing the complaint, investigating the complaint or waiting on the complainant to lodge a formal complaint in writing. SIU follows up these complaints within 6 months of receipt and if there is no progress, the matter is suspended (i.e. It is no longer an active file, but remains in abeyance until there is progress from complainant). If there is no word from the complainant within 12 months, then the matter is closed for lack of response from the complainant.

KEY

PND: Pending
OSJ: Outside Jurisdiction
RTRA: Referred to relevant agency
RC: Resolved case



Source: SIU, 2018.

PROFESSIONAL STANDARDS UNIT (PSU): MINISTRY OF POLICE BI-ANNUAL REVIEW

Between 2-6 July 2018, SIU conducted a review of PSU procedures, policies and investigation files for the period of June 2017 and June 2018. SIU focused its review on: a) the complaints lodged in the PSU Register in comparison to lists forwarded to the Ombudsman; b) File management (time frame of investigations, issues or concerns); and c) quality of investigations. For the review

period, PSU received 178 complaints against members of Police. The second bi-annual review period July-December 2018, is scheduled for January 2019.

In September 2018, SIU commenced monthly case meetings with PSU following PSU's request for regular meetings.



Maiava and Police Commissioner, Fuiaivailili Egon Keil, during the signing of the MOU in 2016 which lays out the working relationship between the Ministry of Police and the Special Investigations Unit.

PRACTICE STATEMENT STAKEHOLDER AWARENESS

The Practice Statement was created to propose arrangements between the Office of the Ombudsman and state agencies in assisting the Ombudsman with the discharging of the statutory obligations of the Ombudsman as required under the *Ombudsman Act 2013*. These arrangements include:

- i) Awareness of the functions of the Ombudsman in state agencies;
- ii) Quarterly reports by the Ombudsman on complaints dealt with by the agencies;

- iii) Meeting with agencies when the need arises;
- iv) The nomination of the Ombudsman Liaison Officers; and
- v) Awareness of protocols and procedures for Ombudsman enquiries and investigations.

The Deputy Ombudsman and the investigation arm of the Office of the Ombudsman (i.e. SIU and GG) have been meeting with the management and key staff of individual State Agencies (which included

BUILDING CAPACITY TO COUNTER FRAUD IN SAMOA

The Directors of SIU and Good Governance are currently undertaking a course in fraud examination provided by the Association of Certified Fraud Examiners based in Texas, USA. They are joined by representatives from Samoa's integrity network which include the Ministry of Police, the Public Service Commission, Ministry of Justice and the Attorney General's Office. The training is a coordinated effort between the Office of the Ombudsman and the Audit Office to build and develop the capacity of integrity agencies towards the establishment of a National Integrity Office or Fraud Examination Office in Samoa.



Deputy Ombudsman and SIU Director with Samoa Water Authority management staff during one of the practice statement meetings held in October, 2018.

the Ministry of Agriculture and Fisheries, Electric Power Corporation, Ministry of Natural Resources and Environment, Samoa Water Authority and Samoa Land Corporation) since October to discuss specified arrangements, queries and the complaint handling needs of each agency. Based on requests, the investigation arm is developing a complaint handling workshop for state agencies in 2019.

WANT TO BRING CASE TO THE SIU?

THE PROCESS



Phase 1: Receive

SIU receives complaints in person, writing, electronically and via telephone. SIU staff member records the complaint details on a complaint form and will acknowledge within the next 3 days of the next step in the process. All complaints are deemed informal unless following the Phase 2 review, a formal investigation is necessary.

Phase 2: Review

SIU staff member reviews the complaint and submits a file review report with recommendations to the Director within 14 working days (variations on a case by case basis) of receiving the complaint. The SIU Director endorses or recommends alternative action with the approval of the Assistant Ombudsman/Ombudsman.

Phase 3: Report

Whatever course of action the Ombudsman decides to take, SIU staff must report back to the complainant. All formal and informal investigations conducted by SIU are confidential. The OMB may require that the parties involved must sign a non-disclosure agreement as a precursor to receiving a copy of the report (which can take up to 20 working days) of the matters involving them.



Participants at the 9th International Conference on Human Rights Education held in Sydney Australia 26-29 November, 2018 which included staff from NHRI Samoa - Loukinikini Vili, Tracey Mikaele and Charles Dean.

CONFERENCES AND WORKSHOPS

INTERNATIONAL

- Australian Government Attorney-General's Department Legal Policy Development Training, 13-23 March 2018, Canberra, Australia.
- Capacity building for stronger seasonal worker programs, 23-24 April, 2018, Sydney, Australia.
- Donor roundtable on National Human Rights Institution, 27 April, 2018, Suva, Fiji.
- Pacific Integrity Network Training, 2-4 May, 2018, Brisbane, Australia.
- International Conference on Sexual Orientation, Gender Identity and Intersex Status Research: Data Collection, Analysis, Social and Policy Engagement, 9-10 May 2018, Tsim Sha Tsui, Hong Kong.
- 2nd Pacific Human Rights Conference "My Voyage, One Ocean, Our Journey", 28 May – 01 June 2018, Nadi, Fiji
- Human rights and technology conference and consultation workshop, 24-25 July, 2018, Sydney, Australia.
- Fiji Human Rights Commission SOGIESC National Consultation, 26-27 July, 2018, Suva, Fiji.
- The Equal Rights Coalition Global Conference On LGBTI Human Rights & Inclusive Development, 5-7 August, 2018, Vancouver, British Columbia, Canada.
- 23rd Annual General Meeting of the APF of NHRIs, 18-19 September, 2018, Hong Kong.
- International Conference on Equality, 20-21 September, 2018, Hong Kong.
- APF Facilitators' Network (AFN) workshop, 24-26 September, 2018, Bangkok, Thailand.
- 13th International Conference of NHRIs – expanding the civic space and promoting and protecting human rights defenders, with a specific focus on women: the role of NHRIs, 10-12 October, 2018, Marrakech, Morocco.

- Implementation Of Domestic Violence Legislation: From Law To Practice Regional Consultations, 23-25 October 2018, Nadi, Fiji.
- Transformative Agenda Planning Meeting UNFPA, 15 November, 2018, Suva, Fiji.
- 9th International Conference on Human Rights Education, 26-29 November 2018, Sydney, Australia.

LOCAL

- Conference on gender based violence against women in Samoa, 16 March, 2018, Piula Theological College, Piula, Samoa.
- PSET Annual Conference, SQA, Taumeasina Island Resort, 11-12 April 2018, Apia, Samoa.
- Disability Analysis Workshop, SBS, 7-11 May, 2018, Tanoa Hotel, Sogi, Apia.
- Faafafine & Faatama Trans Health Blueprint Trainings of Trainers Workshop, 16-18 May, 2018, Tanoa Hotel, Sogi, Samoa.
- YWCA Care for Young Women to Rise Up! Lecture, 25 May-5 June, 2018, NUS Lecture room D201, Le Papaigalagala, Samoa.
- Convention Against Corruption Workshop, UNDP, 12-13 June 2018, PSC Conference Room, Apia, Samoa.
- Legislative Drafting Training, Samoa Law Reform Commission Conference Room, 22 June 2018, Apia, Samoa.
- Advisory Committee for the Samoa Disability Program (SDP): Phase 2 Design Consultations, 10-13 July 2018, Tooa Hall, Sogi, Samoa.
- Legal Aid Workshop, UNDP, MJCA Conference Room, 27 July 2018, MJCA Conference Room, Mulinuu, Samoa.
- Ombudsman Office/ NHRI Samoa Capacity Building Activity on Monitoring and Evaluation, 20-21 August, 2018, Tanoa Hotel, Sogi, Samoa.

- 3rd ILGA Oceania Regional Conference - ILGA Oceania, Apia, Samoa, 29 August- 1 September 2018, Taumeasina Island Resort, Apia, Samoa.
- Influencing and engaging with key stakeholders on Inquiry Recommendations Capacity Building Workshop, 13-14 September 2018, Ombudsman Office Conference Room, Apia, Samoa.
- Meet & Greet Session with SOGIESC groups in Samoa, 6, 7 and 12 October, 2018, Edge Glass Lounge, Matautu Samoa.
- 2nd Quarterly SFA Stakeholder & Allies Informal Dialogue & launch of SFA Media Guide, 6 October 2018, Tanoa Hotel, Sogi, Samoa.
- CEDAW Reporting on Samoa's 6th Periodic Review Preparatory & Practice Session, 8-10 October 2018, Tooa Hall, Sogi, Samoa.
- Samoa Disability Partnership Program: Phase 2 Follow-Up Consultations, 22, 24, 26 October 2018, Tooa Hall, Sogi, Samoa.
- Child Care Protection Systems Workshop, 24-25 October 2018, Elisa Hotel, Sogi, Samoa.
- SAMOA Pathway Interregional Meeting [Side Event - ICPD Implementation in PACIFIC SIDS: SAMOA Pathway Partnership Actions in Reproductive Health, Population Data, Gender and Youth], 29 October 2018, TATTE Conference Centre, Sogi, Apia.
- Community Development Sector 1st Annual Forum, 6-7 November 2018, TATTE Conference Centre, Sogi, Apia.
- SFA UPR 2nd reporting cycle – Mid-term review, 7 November 2018, Tanoa Hotel, Sogi, Apia.
- Data Communication & Infographics Basics, 19-23 November 2018, DBS Conference Room, Apia, Samoa.



SUBMISSIONS TO SAMOAN PARLIAMENT & UN BODIES/ COMMITTEES

PARLIAMENT

- Submission to the Parliamentary Social Committee on the introduction of the use of reasonable force in schools under section 23 of the *Education Amendment Bill 2018*.
- Submission to Parliament of State of Human Rights Report 2018: Family Violence National Public Inquiry.
- Submission of Ombudsman's Office Annual Report 2015/16 to Parliament.

UN BODIES/ COMMITTEES

- Submission of NHRI CEDAW Shadow Report to the UN Committee on CEDAW.
- Submission to the UN Human Rights Council Independent expert group on the issue of discrimination against women in law and in practice in Samoa.
- Submission to GANHRI regarding Mapping of NHRIs roles, activities, experiences with regards to migration.
- Submission to GANHRI regarding NHRI role in preventing and elimination violence against women and girls - 63rd session of the Commission of the Status of Women.
- Submission to the OECD Development Centre on Data validation in Samoa- OECD Social Institutions and Gender Index Survey.



Ombudsman and staff during the mid-term review of its Office Strategic Plan 2016-2020 held at Tanoa Tusitala Hotel, April 2018.

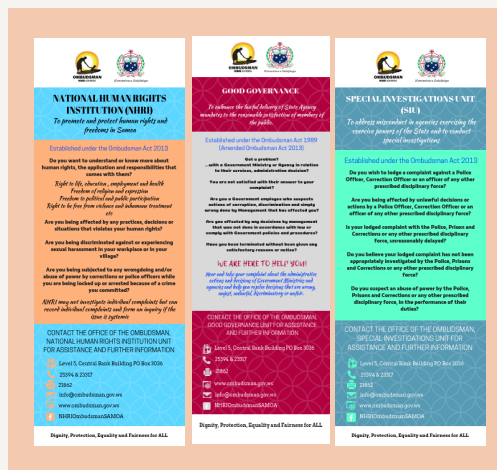
GEARING UP FOR THE FUTURE: MID-TERM REVIEW OF OFFICE STRATEGIC PLAN AND CAPACITY REVIEW.

The Office carried out a mid-term review of its *Strategic Plan 2016-2020* as well as a capacity assessment review of the Office from the 9-13 April 2018. The reviews were to see what outputs the Office has accomplished over the 2 year period from 2016 to 2018, identify achievements as well as any gaps that have hindered the Office's capacity to effectively carry out its mandate. The outcome of the two reviews will benefit and assist the Office in satisfying its mandates in promoting dignity, protection, equality and fairness for all.

The workshop was facilitated by consultants from APF (Rosslyn Noonan) and SPC-RRRT (Jayshree Mangubhai). The Office acknowledges the support of APF and SPC-RRRT in this important workshop.

RESOURCES

- Submission of Annual Report to Parliament [A copy can be retrieved from our website www.ombudsman.gov.ws or email info@ombudsman.gov.ws].
- Revamping of Office Website. The Office undertook a revamp of its website in 2018. The updated website provides access to e-copies of reports, information about the Office etc.
- Re-branding of Office promotional materials e.g. brochures, bookmarks etc. for raising awareness among the public of the Office's role and functions.



Office bookmarks containing information about each Unit - SIU, GG and Human Rights

Lodging a Complaint

- In person
- Phone call
- Email
- Complaint form on website

Chief Editor:
Tracey Mikaele
(Communications and Education Unit)

Graphic/ Layout: Charles Dean

NEW STAFF

- Toetu Isa'ako Tuia**, Investigating Officer (Good Governance) - 12/02/2018
- Lagafuaina Tavita**, Director Special Investigations Unit - 1/03/2018
- Davina Rasch Salanoa**, Corporate Service Manager - 21/05/2018
- Charles Dean**, Investigating & Legal Officer (NHRI/ Good Governance) - 26/02/2018

FAREWELLS

- Kalameli Seuseu**, Investigating & Legal Officer - 19/05/2017
- Rexona Titi**, Director Special Investigations Unit - 20/06/2017
- Seiao Saena**, Corporate Service Manager - 05/09/2017

INTERNS

- Ashleigh Zosel-Harper**, Fullbright Scholar
USA: 3-/05/2018 - 29/07/2018.



Ashleigh took up a 9 week internship with the Office working under the Human Rights Unit.

She was mainly tasked to assist in the development of a suitable and appropriate M&E framework that the Office could use to monitor and evaluate its human rights related activities. The Office would like to thank Ashleigh for her invaluable contribution to the Office and wishes her all the best!

VOLUNTEERS

- Chris Rummery**, Australia - Human Rights Unit, 2016-2017.
- Ashely Bowe**, United Kingdom - Human Rights Unit, 2016-2017.

CONTACT

- Level 5, CBS Building
- PO BOX 3036, APIA, Samoa
- (+685) 25394 & 23317
- (+685) 21862
- info@ombudsman.gov.ws
- www.ombudsman.gov.ws
- NHRIOmbudsmanSAMOA