



MO LE SILAFIA



Komesina o Sulufaiga

JAN - MAR 2019 // ISSUE 1 // VOLUME 2



Stakeholder Consultations with management staff of the Samoa Police Services (left) and Ministry of Education, Sports & Culture (right) on Inquiry Report findings and recommendations, February, 2019.



NHRI COMPLETES STAKEHOLDER DISCUSSIONS ON NATIONAL INQUIRY REPORT FINDINGS & RECOMMENDATIONS

Following the launch and publication of the National Inquiry into Family Violence Report in 2018, the Office began its 2 year rollout plan which focuses on achieving outcomes that includes increasing visibility of the main findings and recommendations of the Report at all levels, and building momentum for action. An important part of achieving this outcome is to ensure that report findings and recommendations are well understood and received by stakeholders across all sectors.

The Office met with key relevant stakeholders including Ministry of Women, Police, Justice and SVSG, Education and others from 11th February – 1st March 2019. It held one-on-one discussions on the Inquiry Report findings and recommendations

particular to each organisation, as well as a way forward and opportunities for partnership. The Office will continue to follow up on these conversations and work collaboratively and collectively with its partners to implement recommended actions contained in the Inquiry Report.

The Office acknowledges the support of SPC-RRRT for their support in our stakeholder consultations.

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

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MESSAGE FROM THE OMBUDSMAN



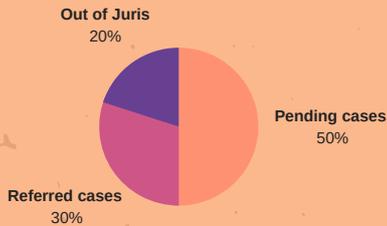
Talofa and welcome to **Issue 1, Volume 2** of “Mo le SILAFIA”, the Ombudsman’s Office official newsletter

This Issue gives an update of the Office’s work from Jan – March 2019. The newsletter aims to provide the public with a snapshot of complaints on good governance matters received in this quarter, complaints against law enforcement as well as human rights work of the Office.

The past three months has mainly been about forging and strengthening partnerships with our stakeholders through discussions of the Inquiry Report, and continued Practice Awareness Statements for our Special Investigations and Good Governance Unit. O le tele o sulu e mama ai se avega – this has been a reflection of our work with our partners in the past months. For this, I say thank you once again and we look forward to working together with you all to create a responsive public sector and a community built on the values of human rights.

Soifua ma ia manuia!

GOOD GOVERNANCE (GG)- CASES



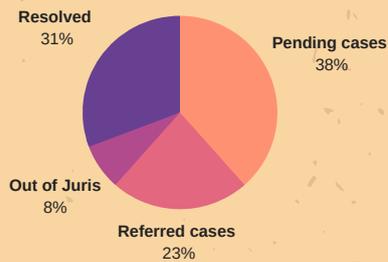
GG Unit received a total number of 10 cases this quarter - 2 out of jurisdiction, 3 referred, 5 pending.

4 formal investigations were conducted.

- GG01:** Complainant alleged unprofessional conduct by Government Agency in leaking information on an incident that she was alleged to be involved in. Apparently the allegations had reached her village, which made her upset and embarrassed. The matter was also with Police and a Court case was pending. The matter was later resolved before the courts therefore the Office was unable to proceed further with its investigations. 3 of the 4 are still ongoing.
- GG02:** Complainant alleged unfair treatment and unjust action/decision by a Government Agency for terminating her services.
- GG03:** complainant also alleging unfair termination of services.
- GG04:** complainant alleged that the Government Enterprise had refused to pay her long service entitlements when she resigned.

SPECIAL INVESTIGATIONS- CASES

The Special Investigations Unit (SIU) received a total of 13 cases this quarter. 4 resolved, 1 out of jurisdiction, 3 referred, 5 pending.



The SIU is in the process of reviewing details and evidence of these matters and continue to work closely with implicated organizations as well as the complainant to ensure a fair and transparent outcome for both parties.

The Unit has been able to close (4) main cases this quarter with allege unfair termination of services as one of the main subject of complaints. After review of evidence received on the matters, it found that there has been an unlawful and unreasonable termination that are based on irrelevant considerations by the organizations. SIU made recommendations that believed to be fair and in favor of the complainant. SIU continues to work with organizations to discuss these matters and way forward to resolve these types of issues.

PRACTICE STATEMENT AWARENESS

The Office continued with its Practice Statement Awareness discussions with state agencies to assist the Ombudsman with the discharging of its statutory obligations required under the Ombudsman Act 2013. The Office this quarter met with various Ministries including, Samoa Prisons and Corrections Ministry, Ministry of Commerce, Industry and Labor, Ministry of Finance, Samoa Post, Ministry of Revenue.

The discussions focused on:

- Awareness of the functions of the Ombudsman in Government Agencies
- Quarterly reports by Ombudsman on complaints dealt with by the agencies
- Nomination of Ombudsman Liaison Officers; and
- Awareness of protocols and procedures for Ombudsman enquiries and investigations.

We would like to thank the management of the above Ministries for availing their time to meet with the Office and working together to creating a stronger response and effective handling of public complaints.

LEARNING FROM OTHERS

The Office was fortunate to receive technical assistance from Commonwealth Ombudsman for two staff to complete a two week attachment with Office of the Commonwealth Ombudsman from 25 February - 5 March 2018. The Office was represented by Principal Investigation staff, Mr. Tuia Isaako and Mr. Taalo Leota alongside staff from the Samoa Audit Office.

The mentorship was done in conjunction with delegates from Solomon Islands and Papua New Guinea, providing opportunities for networking across agencies and Pacific Integrity Network engagement. The initiative is critical for capacity building and will help Office staff develop a Complaint Handling Workshop as part of Phase 2 of the Practice Statement Awareness.

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

SIU conducted its second review of the PSU's procedures, policies and investigation files. The review looked at the matters that took place during the period from July-December 2018. Police received 80 complaints against members of Police Service with a total count of 134 disciplinary charges filed.

The next scheduled bi-annual review is for 2019 (Jan-June 2019) and will be in July 2019.

R.E.A.C.H PROJECT AWARENESS WITH LAW & JUSTICE SECTOR



Deputy Ombudsman, Maualaivao P Seuli leading discussions during one of the R.E.A.C.H sessions in Savaii

The Office recently joined the Rights, Empowerment and Cohesion (R.E.A.C.H) mobile service delivery project to deliver and raise awareness of Government services to citizens living in rural and remote communities of Samoa. The Office as part of the Law and Justice Sector was able to participate and share on its services raising visibility of the Office. The initiative expands opportunity for people to access services particularly justice related.

STRENGTHENING INVESTIGATIVE PROCESSES

Led by the Ombudsman Ontario's senior team of experts, the Advanced Investigation Training from the 18-22 March 2019 in Brisbane Australia, was attended by Director of Special Investigations Unit Ms. Lagafuaina Tavita and Director of Good Governance Mr. Fuimaono Vaiao Eteuati.

including, when and how to launch a systemic investigation, planning an investigation, using resources strategically, using social media as an investigative tool, interview techniques, assessing evidence, writing reports and getting messages out through new media.

The Office acknowledges the support of Commonwealth Ombudsman for their continuous assistance to the Office.

The training was an opportunity for staff to build capacity in conducting effective investigations. The training covered topics



NHRI Samoa participated at the GANHRI Meeting for the first time represented by Tracey Mikaele held in Geneva, March 2019.

NHRI SAMOA PARTICIPATES IN ITS FIRST GANHRI SINCE BECOMING AN ACCREDITED MEMBER

The Global Alliance of National Human Rights Institutions (GANHRI) held its annual meeting from 4 – 6th March 2019 in Geneva. NHRI Samoa attending for the first time and represented by Tracey Mikaele, had the opportunity to report on its current work particularly on how it has used its unique mandate and functions to address women’s and girls’ human rights and promoting gender equality. It was also a chance to share and learn from good practices of other NHRIs around the world on various human right issues.

One of the key outcomes of the gathering was the need for continued commitment to addressing women’s and girls’ rights and promotion of gender equality through the Office’s functions as well as exploring its other functions such as amicus curiae and individual complaints to continue to advocate for their rights. The Office acknowledges the support of Commonwealth of National Human Rights Institutions and Commonwealth Secretariat for making its participation possible.

REASSURING COMMITMENT IN ELIMINATING VIOLENCE IN THE PACIFIC

The EU and UN launched the Spotlight Initiative in Samoa on the 26th February 2019. The Initiative is a new global partnership to eliminate all forms of violence against women and girls. It galvanizes political commitment at the highest levels and contributes to achieving the SDG and more specifically Goal 5 on Gender Equality. It will do so by building new multi-stakeholder partnerships and providing large-scale, targeted support to all countries including the Pacific.

For the Pacific, the Initiative will address legislative and policy gaps, strengthen institutions’ capacity to implement laws, promote gender-equitable attitudes, and provide quality services for survivors and their families. Interventions will also strengthen systems for collecting data on violence against women and girls and empower women’s movements.



Director Human Rights, Kini Vili (far left) moderating one of the sessions during the SPOTLIGHT initiative talks held in Apia, February 2019.

The Office’s Director for Human Rights Loukinikini Vili was invited to moderate one of the high-level panel discussions on the theme – How Government and CSOs can join efforts to end domestic violence in the Pacific.

The Office would like to thank the organizers for the invite to take part and looks forward to working together with actors both local and regional to end violence against women and girls especially in light of its National Inquiry Report.

SHRR RECOMMENDATION AUDIT COMMENCES

The Office is currently undertaking an audit of its recommendations contained in its 2015, 2016 and 20-17 State of Human Rights Report. The exercise is to investigate and assess actions (if any) carried out by relevant agencies to meet the recommendations contained in these reports. The result of the audit will make up the Office's 2019 State of Human Rights Report. The Office would like to thank the relevant stakeholders for their feedback and contribution in this important work.

INSPECTIONS OF DETENTION CENTERS

The Office carried out its usual inspections of places of detention from the 25-27 March 2019. This is Office's fourth inspection and inspected the Tafaigata, Olaomanu and Vaiaata prisons. The purpose of the visit was to follow up on work undertaken by the Prison and Corrections Services to accommodate recommendations contained in the 2015, 2016, 2017 Detention Inspection Reports (DIR).

The final Report is expected to be finalized by May-June 2019. For copies of our previous DIRs visit our website – "Resources & Publications" Tab.

ADVISORY COUNCIL MEETS

The Office held its first Advisory Council Meeting for 2019 in February 2019. It was an opportunity for the Office to update Council members on its current and upcoming work.

The next Advisory meeting is scheduled for 24th April 2019. For more information about the Council visit our website – "Who We Are" Tab.

RAISING AWARENESS AMONG RECRUITS ON HUMAN RIGHTS

The Office in partnership with Police held a 1 day workshop in January on understanding basic human rights as part of the 2019 Police Recruit training. The first half of the training covered topics including what human rights are, the international human rights standards and relevant national laws. The second half of the training focused specifically on applying of these standards to their everyday work.

The Office continues to work in collaboration with UNWomen in delivering these sessions to look into the importance of understanding gender, diversity and various approaches to consider when dealing with women and girls.



Corporate Services Manager, Davina Rasch Salanoa (far left) during interactive group discussions at the Human Resource Management and Development in the Singapore Public Service for Samoa Senior Executive meeting, held in March 2019.
Photo credit: Singapore Cooperation Programme facebook page.

AUDIT OF THE OFFICE OF THE OMBUDSMAN FOR FY ENDED 30 JUNE 2018 CONCLUDED

On 11 March 2019 the Office concluded a comprehensive audit of Financial Year ending 30 June 2018. The main objective of the audit was to examine that payments of the Office were fairly stated in financial reports and records as a basis for supporting the accuracy and completeness of the Public Accounts of the Government of Samoa as well as to ensure that financial systems, processes and records of the Office are adequate and reliable so as to safeguard public funds and assets. We anticipate to receive a full audit report end of March -April 2019.

2018 FINANCIAL YEAR: MID-YEAR REVIEW COMPLETED

The Office undertook and completed its 2018 2019 budget mid-year review in February 2019. The purpose was to not only appraise forecasted commitments of the Office for this financial year but most importantly to validate that set events, meetings and projects were successfully completed and well implemented.

REFRESHER TRAINING FOR FILECORP PARTNERS

Salamasina Sanele (Clerical Officer) attended a workshop on effective file management held by SSAB. The training's objective was to revive and refresh knowledge on effective filing systems and the benefits of the FILECORP Filing System.

Benefits of the training included provision of platform for staff refresher trainings on systems in place.

STRENGTHENING LEADERSHIP, HUMAN RESOURCE & GOVERNANCE: LESSONS FROM SINGAPORE

Corporate Services Manager, Davina Rasch Salanoa attended the Human Resource Management and Development In Singapore Public Service for Samoa Senior Executives meeting held on the 12 March 2019.

The meeting's main focus was to build strategic capability in the public service focusing particularly on core areas in public governance, leadership public administration and management. Overall, the meeting provided a platform to review best suitable management styles of talent in organisation, key measures needed to establish organisational capabilities, and implementing human resource philosophies and principles.



Lodging a Complaint

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

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Graphic/ Layout: Charles Dean

OTHER CONFERENCES/ MEETINGS

- Asia Pacific Region of National Human Rights Institution, Senior Executive Officers Meeting, 28-30 January, Doha, Qatar.
- ILGA World Conference – 18-22 March, 2019, Wellington.
- Nga Vaka o Kaiga Tapu: Pathways to Wellbeing Fono (combating domestic violence) – 21-22 February, 2019, Auckland.
- PILON Conference on Quality Evidence without Re-Victimization: Promoting Special Measures for Vulnerable SGBV Complainants – 25-27 March 2019, Tanoa Hotel.
- Commonwealth Secretariat Seminar: The Modalities for the Establishment of a Femicide Watch/Gender-Related Killings Watch as a Prevention Mechanism – 25-26 March 2019, Geneva.

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