



# MO LE SILAFIA

APRIL - JUNE 2019 // ISSUE 2 // VOLUME 2



Komesina o Sulufaiga



Office staff with consultants from APF and Samoa at the 3 day review of the Office's Strategic Plan 2016-2020 and Capacity Assessment held at Le Uaina Beach Resort in May 2019.

## THE OFFICE RE-EVALUATES ITS PERFORMANCE AND PROMOTES STRONGER INTERNAL COLLABORATION

Following the Capacity Assessment done in 2018, the Office engaged in a 3 day review of its Strategic Plan 2016-2020 to identify most pressing capacity needs to fulfill its priorities by 2020. Furthermore, the Office also mapped out its strategic focus for the next 5 years. The review focused on strengthening the Office governance and effectiveness through an improved organizational structure and formulation of Office policies and procedures.

We would like to thank SPC-RRRT and Asia Pacific Forum for NHRIs for their technical and financial assistance in making the review possible.

## OMBUDSMAN DELIVERS STATEMENT ON RIGHTS OF WOMEN TO BE FREE FROM VIOLENCE IN GENEVA

As part of the Human Rights Pacific Exchange facilitated by SPC-RRRT, the Ombudsman, Maiava Iulai Toma delivered a statement on the rights of women and girls during the 41st session of the Human Rights Council (H.R.C.41) in Geneva on behalf of NHRI Samoa and all NHRIs of the Pacific. The Ombudsman on behalf of GANHRI also presented a statement on the rights of migrant workers as well as a joint regional statement on the renewal of the mandate of the SOGI expert.

### IN THIS ISSUE

- Office re-evaluates performance and strategic direction ~ 1
- Ombudsman delivers Statement at Geneva ~ 1
- Special Investigations and Good Governance Unit work updates ~ 2
- Human Rights Unit work update ~ 3
- Corporate Services Unit work update ~ 4
- How to lodge a complaint ~ 4
- Contact Information ~ 4

## MESSAGE FROM THE OMBUDSMAN



Talofa lava Samoa and friends abroad. Welcome to Issue 2 Vol. 2 of "Mo le Silafia". This issue aims to give you a snapshot of the Office's work from April – June 2019. It's been a busy few months internally with the Office taking the time to re-evaluate its performances to inform its future direction and promote stronger collaboration within.

We've also in this period completed a couple of major independent investigations, our State of Human Rights Report, and represented the Pacific at the Human Rights Council sessions ensuring that the human rights voices of the Pacific are heard internationally.

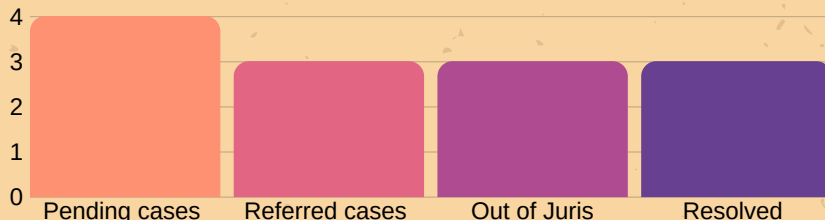
As the country prepares to host the 16th Pacific Games also known as the Miracle Games, I would like to take this opportunity to also wish our Athletes and all those involved the best of luck.

#SamoaWeOn

## SPECIAL INVESTIGATIONS UNIT (SIU): CASES

SIU received 13 cases this quarter. Of this number:

- 4 cases are pending (1 being a public interest matter);
- 3 cases have been referred to relevant agencies for resolution;
- 3 cases have been determined as outside of the Ombudsman's jurisdiction (OOJ); and
- 3 cases have been resolved and closed off for record keeping (1 being a public interest matter)



The majority of complaints against disciplinary forces this quarter pertain to unfair treatment by the agency involved. SIU also investigated 2 high profile cases that are of public interest during this quarter.

### High Profile case 1: Power Struggle at the National University of Samoa

The P.M. on the 2 May referred to the Office the NUS matter under s19 (3) of the Ombudsman Act 2013 for investigation and report as a matter of urgency. The investigation was to look into internal matters at the University involving the Vice Chancellor and two other Deputy Vice Chancellors. The Ombudsman's Report was submitted to Cabinet after two weeks of interviews and deliberations with those involved. A copy of the Report can be found on the Office website - [www.ombudsman.gov.ws](http://www.ombudsman.gov.ws).

### High Profile case 2: Inhumane Treatment at Tafa'igata Prison

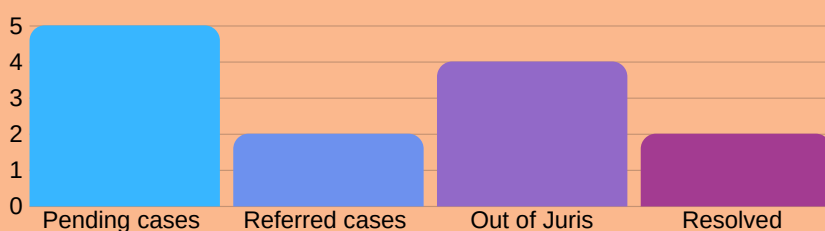
The Office recently completed its report into a complaint by a parent of a prisoner who was allegedly violated by prison staff at Tafa'igata. The case involves a number of human rights violations by the agency that has attracted public interest on both the national and international level. The final Report has been submitted to Cabinet and SPCS for action and will be made available to the public in due course.

## GOOD GOVERNANCE (GG): CASES

GG received 13 cases this quarter. Of this number:

- 5 cases are pending;
- 2 cases have been referred to relevant agencies for resolution;
- 4 cases have been determined as outside of the Ombudsman's jurisdiction; and
- 2 cases have been resolved and closed.

Resolved and pending cases involve complaints made against a government agency for maladministration, unfair dismissal and breach of natural justice etc.



## SIU & GG LOCAL AND INTERNATIONAL ENGAGEMENTS

### 28 May – 7 June 2019: Certificate IV in Government Investigations, Canberra Australia

- Facilitator: Investigation Compliance & Enforcement Training Systems (ICETS)
- Objective: This was a 10 day intensive face to face certification course for Government Investigators that function in compliance and enforcement investigations.
- Outcome: Directors of SIU and GG are currently completing the last 12 month phase of the course towards gaining this Certificate.

### 24 June – 26 June 2019: Advanced Administrative Investigations, Apia, Samoa

- Facilitator: Commonwealth Ombudsman
- Objective: This was a 2 day training to improve the understanding of participants on how complaints are considered, assessed and managed, how to understand difficult complaints, report writing, investigation planning and identifying misconduct
- Outcome: SIU and GG teams received certificates of achievement for this training

## ACHIEVEMENTS

Two of the Office's Directors for SIU and GG were both approved as Certified Fraud Examiners on 5 June 2019 following an intense 12 month course facilitated by the Association of Certified Fraud Examiners in partnership with other SION Integrity Agencies. This is a great achievement for the Office to further assist with its investigation cases especially those relating to fraud in order to prevent corruption.







Students of Vaimauga College during the Office's Friendly School Program held in May 2019.

## EMPOWERING STUDENTS THROUGH HUMAN RIGHTS EDUCATION

The Office completed (3) friendly schools in collaboration with MESC this period. The three sessions focused on exploring basic understanding of children on rights in general particularly a heavy stance on responsibilities that coexist with children's rights. The Office acknowledges the ongoing support of the schools Principals, teachers and the Ministry in this important work. Schools participated in this period included Solosolo Primary School, Vaimauga and Anoama'a Colleges. The program will continue again in the next financial year.



Office staff with staff from Samoa Prisons and Correction Service and the Samoa Faafafine Association consultant (Ms. Vaitoa Toelupe [far left front row]) during the law enforcement trainings held in April 2019 to raise awareness on human rights standards and the SFA community in Samoa.

## ONGOING HUMAN RIGHTS TRAINING FOR LAW ENFORCEMENT OFFICERS

The Office in collaboration with the Samoa Faafafine Association Inc. (SFA) and Law Enforcement Agencies engaged in a two week training held over two months for both SPCS and MOP. There were more than 120 prison and police officers who took part. These included representatives from management and various units of the agencies. The training aimed at raising awareness of law enforcement agencies about the SFA community as well as refreshing their knowledge about human rights standards that law enforcement officers should consider when carrying out their

work especially when they come in contact with members of the public including faafafine/ faatama and others. The project is part of a larger project to develop a guideline and standards for law enforcement when dealing with vulnerable members of the community. The Office acknowledges the management of SPCS and MOP for their continuous support in this ongoing project and working together to ensure that human rights for all are realized and respected. Lastly, a great appreciation to the Asia Pacific Forum for NHRIs for their financial assistance.

*The Office is currently finalizing its first Detention Center Inspection Report for 2019. The Report evaluates and documents the progress made by SPCS in response to recommendations in the 2015, 2016 and 2017 DCIRs conducted by the Office. A copy of the final report will be made available on our website soon.*

## STATE OF HUMAN RIGHTS REPORT (SHRR) - RECOMMENDATION AUDIT COMPLETED

The Office recently completed an audit of its recommendations from its 3 previous State of Human Rights Report - 2015, 2016 and 2017. A Final copy of the Report has been submitted to the Speaker of the House for discussions. The Audit Report titled "HOW FAR HAVE WE COME" assesses Government action to date towards implementing recommendations contained in the previous human rights reports and makes up the Office's 2019 SHRR. A copy will be made available to the public upon completion of the translation.

## SHARING IDEAS TO STRENGTHEN EXCHANGE AND COOPERATION TO ADVANCE HUMAN RIGHTS

A representative from Office took part in the 2019 Partnership Program for Human Rights Officers held in Seoul, South Korea from the 27 - 31 May. The program allowed staff members of NHRIs in the Asia Pacific Region to share ideas about human rights activities to contribute to strengthening exchange and cooperation among institutions. The Office would like to thank the National Human Rights Commission of Korea for its support and assistance.



## HUMAN RIGHTS PACIFIC EXCHANGE

The Office was excited to be part of a two-week exchange to the UK and Geneva with human rights colleagues from around the Pacific. Held from 17-26th of June, the exchange was funded under the UK-funded Pacific Commonwealth Equality Project (P.C.E.P) and implemented by the Pacific Community's Regional Rights Resources Team (RRRT). The exchange provided an opportunity to further build capacity in areas of internal governance of NHRIs and meeting Paris Principles standards.





Participants from the different formed and potential NHRI across the Pacific including three representatives from NHRI Samoa who took part in the 5 day Human Rights Pacific Exchange that took place in Northern Ireland and the UK in June 2019.

## FINAL BUDGET SCREENING FOR FINANCIAL YEAR 2019/2020

The Office participated in the final screening of the FY 2019 2020 budget on 3 June 2019. The purpose was to consult on the tendered budget with the Parliamentary select committee on upcoming Office projects and events.

## EVALUATION OF THE SAMOA PUBLIC SERVICE REPORT

The Office took part in the evaluation of the review of the Public Administration Sector Plan 2013/2014 – 2017/2018 and the development of the new PASP 2019/19 – 2022/23 which has yet to be finalized for adoption by the Public Administration Sector Steering Committee later this year.



Participants including 5 Office staff who took part in the Advanced Administrative Investigations training facilitated by Commonwealth Ombudsman held in Apia from 24-26 June 2019.

### Lodging a Complaint

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

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## NEW STAFF



We would like to introduce our newest team member Mr Tuala Victor Vaauli who joined the Office in May as our Senior Project Assistant for the NHRI Unit. Victor will be assisting with the National Inquiry into Family Violence Roll-out Project funded by SPC-RRRT. We welcome Victor and wish him well on his journey with us!

## OTHER CONFERENCES/ MEETINGS

- Commonwealth Pacific Parliamentary Human Rights Group workshop, 15-16 April, Nukualofa, Tonga.
- Round-table discussions for development of GBV/ family violence toolkit for Family Violence Court, 17 May, Apia, Samoa.
- Spotlight Initiative Country Programme for Samoa Consultation workshop, 18-19 June, Apia Samoa.
- Commonwealth Complaint-Handling Forum, June, Canberra, Australia.

## CONTACT

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