



MO LE SILAFIA



Komesina o Sulufaiga

JULY 2020 - JUNE 2021 // ISSUES 1 & 2 // VOLUME 3



Village Family Safety Committee Taga, Savaii launch VFSC Workplan 2020/2022

FAREWELL & WELCOME

The Office bid farewell to its longest-serving Ombudsman Afioga Maiava Iulai Toma who has held Office since 1994. His leadership has played a significant role in guiding and broadening the Ombudsman Office multi-facet mandated Office. The Office wishes him and his family well on his next endeavors. Thank you for your service to Samoa!

In April 2021 the Office welcomed Afioga Luamanuvao Katalaina Sapolu as Samoa's 4th Ombudsman and the first woman in Samoa to hold the post. She brings to the role a wealth of international and legal experience from various roles she has held at international organizations including the Commonwealth Secretariat in London.

STATE OF HUMAN RIGHTS REPORT 2020 SUBMITTED

The 2020 SHRR provided Parliament with an update of the VFSC Pilot Project. The Report highlighted the completion of Phases 1 & 2 of the Pilot which focused on mapping and establishing 6 VFSC which followed by capacity-building workshops and putting together of villages' individual work plans with Phases 3 & 4 on Implementation to follow.

PARTNERSHIPS WITH COMMONWEALTH OMBUDSMAN

The Office extends a sincere THANK YOU to the Commonwealth Ombudsman for his overwhelming support over the years to our Office through financial and technical support it continues to provide to build the capacity of the Ombudsman Investigations Arm through trainings and resources. We like to wish Michael Manthorpe congratulations and best of luck on his retirement.

WE HAVE MOVED!

The Office relocated to SNPF Plaza Savalalo in July 2020 from the Central Bank Building where it was housed for the last 26 years. This is to accommodate the Office growing staff and operations. We take this opportunity to express our gratitude to the Governor and staff of Central Bank Samoa for accommodating the Office tenancy for all these years.

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MESSAGE FROM THE OMBUDSMAN



Talofa and welcome to Issue 1, Volume 3 of "Mo le SILAFIA", the Ombudsman/NHRI Office official newsletter.

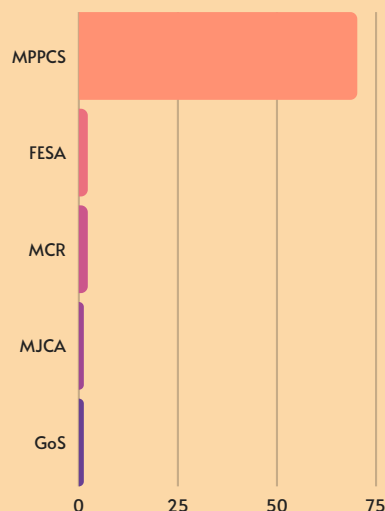
I am honored to be your new Ombudsman. I look forward to building on the hard work of my team and my predecessor to uphold the vision, values, and purpose of this Office, for the next 6 years. It is important that we ensure the continuing relevance of our work in building an enabling environment of good governance, transparent public administration, the protection and promotion of human rights, and the rule of law, in which Samoa's pillars of development can thrive. In the past few months, I have attended meetings and met various stakeholders to come up to speed with the impact of our work the challenges we face, and the opportunities for change and improvement.

As Samoa, and the world, continue to face the global impacts of COVID-19 and deal with our own national challenges, I look forward to leading the work of this Office to contribute to Samoa's recovery efforts and to building strong institutions that value fairness and human dignity and the practice of good governance. In these efforts, we will also strengthen our engagement with civil society. It is my pleasure to re-introduce our newsletter aimed to provide the public with significant updates on our work throughout the year. This issue gives an overview of the work of the Office from July 2020 – June 2021. Finally, I take this opportunity to express my CONGRATULATIONS to Afioga Maiava Iulai Toma who has been at the helm as Samoa's Ombudsman for the past 27 years. I wish him and his family well on his retirement.

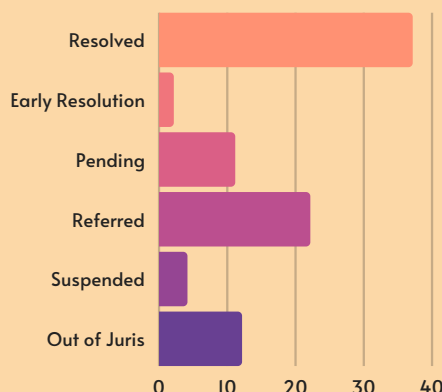
Soifua ma ia manuia!

SPECIAL INVESTIGATIONS: CASES

The Special Investigations Unit (SIU) received a total of 88 cases between July 2020 - June 2021 against the following entities.



From the 88 cases received, 37 have been resolved, 22 referred, 2 early resolutions, 11 pending, 4 suspended and 12 out of the jurisdiction. The suspended cases are the cases where investigators have followed up with the client for more than 6 months to provide more information with no response.



Since its Proactive Ombudsmanship Rollout, SIU has maintained effective lines of communication with disciplinary forces particularly the Ministry of Police, Prisons, and Corrections Services to expedite written requests for information and recommend alternative resolutions, which has resulted in the successful early resolution of some of their cases during this period.

ACCESS TO COMPLAINT BOXES IN SAMOA PRISONS

One of the key initiatives by the Office led by SIU is to ensure that prisoners have access to their right to lodge a complaint. SIU team collects complaints from complaint Boxes stationed at each prison in Samoa on a monthly basis. Unfortunately, SIU has yet to collect complaints from the Savaii Vaiaata Prison due to lockdown procedures during this period. The trends in these complaints are often in regards to the conditions of the prisons, food rations, and requests for a phone call and legal aid. SIU works closely with the Commissioner and refer these matters for his attention, consideration and necessary action. These are also referred to the National Human Rights Institution for their prison inspections.

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

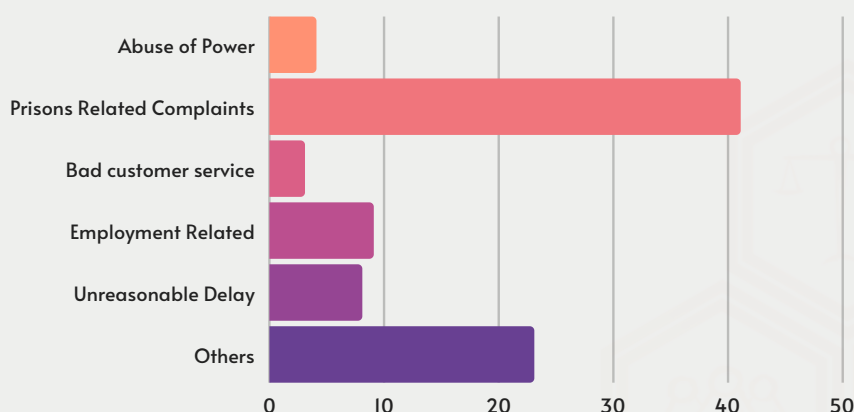
SIU reviews Police Professional Standards Unit on a bi-annual basis. However, given the unforeseen measles outbreak in September 2019 followed by the COVID-19 lockdown between March and May 2020, SIU conducted an annual review for the period of July 2019 to June 2020.

For this period, PSU received a total of 130 complaints. This is a 9.2% increase of complaints compared to the last 12 months. One of the factors behind this increase may be the addition of complaints from prisons given the merge in early 2020.

There are recurring issues such as the absence of risk assessments, investigation plans and the provision of all files requested.

Of the 130 complaints, SIU were only able to assess 60 and have issued recommendations around timeliness, evidence gathering, establishment rates and trends in Police misconduct.

The majority of complaints against disciplinary forces received within the July 2020-June 2021 period pertain to matters highlighted in the graph below. A high number of these complaints are from prisoners through the complaints boxes at prisons. Most prisoners complain about parole and often request meetings with the Ombudsman for special requests like transfers, assault, and sentences. SIU has investigated some of these cases and has also referred a number of these complaints to the Commissioner for investigations and others to the Parole Board.

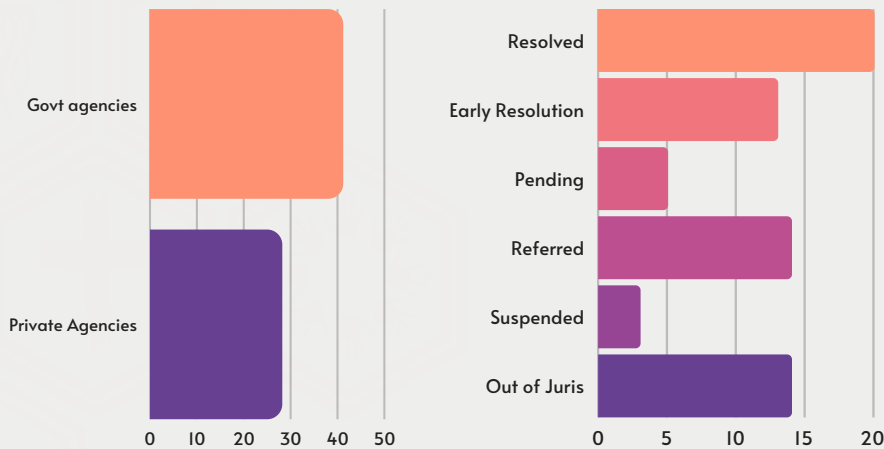


In addition to these cases is a major investigation against a key disciplinary force in the last period that was launched in February 2020 and completed in November 2020. This case highlighted many issues from abuse of power to misuse of funds and unfair recruitment decisions, and many others. A report has been completed and released with findings and recommendations.

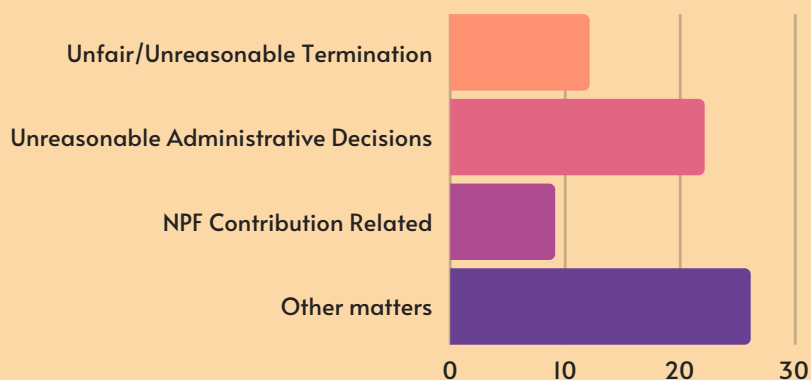
GOOD GOVERNANCE (GG): CASES

The Good Governance received a total of 69 cases between July 2020 - June 2021 against the following entities.

From the 69 cases received, 20 have been resolved, 13 early resolution, 5 pending, 14 referred, 3 suspended and 14 out of jurisdiction.



In the period of July 2020 - June 2021, the following are the common reasons behind the public complaints received and investigated by GG. The significant areas were unfair/unreasonable termination, unreasonable administrative decisions, and contribution issues which often relate to private companies. These cases were referred to NPF or MCIL for their information and investigations. Personal complaints received were often relating to private matters such as family disputes over lands, court decisions, and other matters that are out of our jurisdiction. Personal matters (private issues) and 5 Other matters – were determined by GG as per requirements of Section 21 & 23, Ombudsman (Komesina o Sulufaiga) Act 2013.



OMB FRONTLINE STAFF AS INITIAL COMPLAINTS RECEIVERS

The Special Investigations Unit together with the Good Governance Unit in June 2021 conducted training on Complaints Handling for the Corporate Service Unit of the Office to enhance and strengthen service delivery. The opportunity not only provided the frontline staff with skills to best handle difficult complaints but also served as a refresher training on the complaints handling procedures highlighting the value of complaints on improving public service. The Office encourages and continues to value all complaints about the provision of better public service to the people.

PRACTICE STATEMENT AWARENESS

SIU and GG continued its Proactive Ombudsmanship Rollout and met with the Public Service Commission and the Public Trust Office during this period. Many engagements were held off due to the COVID-19 and the political climate.

OMBUDSMAN COMMUNITY DAYS

To encourage more public engagement and access to the Office. The Office will organise Community Booths in Savaii in order to proactively reach out to the public that do not have the benefit of accessing the Ombudsman's physical location to lodge a complaint.

CERTIFICATE IV GOVERNMENT INVESTIGATIONS - ICETS

SIU and Good Governance Unit Principal Officers have commenced training for Certificate IV in Government Investigations taught by the Australian Investigation Compliance and Enforcement Training Systems. All fees are paid through the financial assistance of the Commonwealth Ombudsman.

CERTIFIED FRAUD EXAMINER

One more Ombudsman investigator has been qualified as a Certified Fraud Examiner through the largest anti-fraud organizations in the world, the Association of Certified Fraud Examiners. Each investigator had to go through a 12 month intense course and exams for this certification process.

DIPLOMA IN PROSECUTION AT USP

Three Ombudsman investigators will be enrolled to undertake this course in preparation for the Ombudsman Tribunal role of the office in August 2021.



Village Family Safety Committee of Saleia, Savaii during the launch of their VFSC Workplan 2020 - 2022

SAMOA CELEBRATES HUMAN RIGHTS DAY 2020

Every December 10 Samoa joins nations around the world to celebrate Human Rights Day. A public engagement event was done in partnership with Offices housed at SNPF Plaza Building to commemorate HRD2020 on the theme Recover Better - Stand up for Human Rights Day. The event included three mini competitions. Competition 1 was a uniform color coordination photo. Competition 2 required teams to produce a short clip to reflect the values of kindness, equality, non-discrimination, inclusive participation, and mutual respect. Competition 3 was a Quiz on Basic Human Rights knowledge that engaged members of the public. The quiz was based on questions on freedoms and rights in Samoa's Constitution, rights in contact with Police, as well as understanding linkages of human rights with the work of various Government Ministries and NGOs. The Quiz was conducted with the purpose of raising awareness on rights and responsibilities unpacking some common misconceptions surrounding the exercising of rights.



HUMAN RIGHTS TRAININGS WITH LAW ENFORCEMENT OFFICERS

The Office in partnership with the Police held 2 separate trainings with Police Recruits on understanding basic human rights as part of the January & October 2020 Police Recruit intake training. The training covered topics including what human rights are, the international human rights standards, and relevant national laws.

The training also focussed specifically on applying these standards to their everyday work. The Office continues to work in collaboration with relevant stakeholders in delivering these sessions to look into the importance of understanding gender, diversity, and various approaches to consider when dealing with women and girls.

The Office also in 2020 held a training with Correction Officials led by the Special Investigations and NHRI units on human rights and particularly on procedures regarding effective complaints handling and basic complaints handling skills.



6 PARTICIPATING VILLAGES LAUNCHED VFSC WORKPLANS

The Office as a result of its Inquiry into Family Violence 2018 initiated the Village Family Safety Committee (VFSC) Pilot Project which looked at establishing VFSC in selected villages in both Upolu and Savaii. The project builds on the existing strengths, capacity, and knowledge of the villages about family violence issues and the best approach to address them in their own villages. 6 participating villages of Lalovi Mulifanua, Vaiee, Lotopue in Upolu, and Taga, Asau, and Saleia in Savaii launched their individual work plans which include family violence prevention initiatives they agreed to conduct over a period of 3 years from 2020-2022.

Since February 2021 all 6 villages have been implementing activities in these workplans focusing on various areas including awareness-raising programs on understanding triggers of family violence, family visits, talent shows, and other community projects on family violence prevention. The pilot project is ongoing and will end in 2022.



SAMOA UNIVERSAL PERIODIC REVIEW & CSO PARTICIPATION

In February and March, 2021 NHRI with the support of SPC-RRRT and OHCHR Fiji conducted several workshops for CSOs in Samoa in light of Samoa's UPR in November 2021. The workshops focused on building the capacity of CSOs in report writing as well as provided technical advice on the UPR reporting process. A total of 5 alternative reports (excluding CSOs who submitted their own reports) were submitted to the UPR working group to assist with Samoa's review. NHRI also submitted its independent alternative report highlighting progress made and issues that require action by the State to further improve the human rights situation in Samoa.





Participants of the Freedom of Speech & Safe use of Internet Awareness in Savaii

CONSULTATIONS & AWARENESS ON FREEDOM OF SPEECH & SAFE USE OF INTERNET

NHRI in collaboration with Samoa Police Services and the Office of the Regulator conducted an awareness program and consultations on the freedom of speech and safe use of the internet in both Savaii and Upolu. The awareness was also the opportunity for the Office to consult on the issue in preparation for the State of Human Rights Report focusing on Freedom of Speech in Samoa. The awareness program is one of the activities in the Workplans of the 6 VFSCs. The activity was kindly supported by the UNDP Spotlight Initiative.



OFFICE SUBMITS IT'S 2ND ACCREDITATION APPLICATION TO SANKRI SUB-COMMITTEE ON ACCREDITATION

The Office in June 2021 submitted its application to the Sub-Committee on Accreditation for reaccreditation. The accreditation process is done every 5 years by the Sub-Committee to determine and consider full compliance of NHRI institutions around the world with the Paris Principles. Samoa NHRI currently holds an A status since 2016 and is expected to be reviewed in October this year against the work and new developments to its legislations and policies in last 5 years.



PROMOTING PROACTIVE ENGAGEMENT WITH PARLIAMENTARIANS TO PROMOTE & PROTECT HUMAN RIGHTS & GOOD GOVERNANCE

The Office in September 2020 held its first roundtable dialogue with Parliamentarians aimed to strengthen partnerships and promote proactive engagement between the Office and Parliamentarians to promote and protect human rights. The two-day session was an opportunity for the Office to clarify the mandate of the Office and give an insight into some human rights issues commonly raised in annual State of Human Rights Reports. The sessions were attended by Parliamentarians who sat on the Parliamentary Committee that discusses the Office State of human Rights Reports as well as members of Parliament of participating villages of the Village Family Safety Committee Pilot Project. The key outcome of the sessions was the collective support from the participants and the Clerk of the Legislative Assembly for the continuation of these for all other Parliamentarians. The Office acknowledged the support and commitment of the Australian Department of Foreign Affairs and Trade through UNFPA for supporting this initiative.

OFFICE PARTICIPATES IN THE FAMILY LIFE EDUCATION PROJECT

The NHRI is part of the Family Life Education Steering Committee led by MESC, SFHA and partners which oversees the reviewing of the school curricula for both in and out of school as well as teacher training curricula to ensure that they take into account family life education and comprehensive sexual education aspects which includes among others prevention of gender-based violence and promoting and protecting human rights e.g. sexual and reproductive rights. The work of the various FLE committees is ongoing and is scheduled for finalization end of 2021.

HIGH LEVEL DIALOGUE WITH ASIA PACIFIC FORUM (APF) OF NHRIS

The Office took part in a High Level Dialogue convened by APF to discuss various matters including strategic priorities of the Office, being proactive in good governance and human rights and looking at emerging areas in which the Office can make a contribution to e.g. environment and elections. The HLD was also an opportunity for APF to officially meet Ombudsman Luamanuvao and was attended by management and staff.

CRPD AWARENESS

NHRI was invited to present on the CRPD during a training held by NOLA for its members. The presentation touched on Articles 32 and 33 of the Convention on international cooperation and national implementation and monitoring and their application. NHRI continues to work with disability groups such as NOLA to ensure inclusivity and that no one is left behind.

INSPECTING PLACES OF DETENTION

The Office in July 2020 conducted its regular inspections and monitoring places of detention. This was the first inspection since the Prisons relocation from Tafaigata to Tanumalala. The inspections led by the Director of the NHRI Loukinikini Vili assisted by the Office staff as well as by Mr. Tafilelea Fifita and Tavui Annie Laumea of the Human Rights Advisory Council. The inspection was to follow up on the status of implementation of recommendations of the last detention inspection and any other issues that may arise. The inspections also covered all outposts in Upolu, Mental Health, and MJCA to inspect the conditions of outposts cells, detention rooms, and cells.

OTHER MATTERS IN WHICH NHRI PROVIDED ADVICE & STATEMENTS

1. ELECTIONS & CITIZENS RIGHT TO VOTE
2. CONSTITUTIONAL REFORMS
3. FAMILY LAWS REVIEW



OFFICE STRATEGIC PLANNING & MEAL WORKSHOPS

In preparation for drafting its next Strategic Plan 2021 – 2025, the Office enabled by the financial assistance of the Asia Pacific Forum for National Human Rights (APF) successfully completed its internal review of the Strategic Plan 2016–2020 from Tuesday 2nd March – Friday 5th March 2021. The Office had engaged Leautuliilagi Vanessa Barlow Shuster as the leading consultant to assist the Office with this work. The new Plan highlights the direction and continuous priorities of the Office for the next five years factoring in the newly established Monitoring and Evaluation Action Framework (MEAL) implemented by APF which has been incorporated in parallel to the Strategic Plan 2021–2025 to monitor the progress of work for the Office in the next five years.



STAKEHOLDERS VALIDATION WORKSHOP FOR THE SP 21/25

To validate its review, the Office held its Validation Workshop on Monday 15 March 2021 where it hosted and provided key community stakeholders the opportunity to provide feedback on areas highlighted in the 2021–2025 Strategic Plan to strengthen and most importantly to validate key priority areas highlighted for the Office for the next five years.

INDUCTION FOR NEW STAFF

The recruitment of 4 new staff necessitated an induction program to be carried out for the new additions as well as a refresher course for old staff.

The Engagement and Communications Unit (ECU) together with the Corporate Services Unit (CSU) hosted the Office Induction Program on Monday 18 January 2021 with the objective to welcome and develop rapport between the Office and the new employees to inspire and create awareness of their professional responsibilities and manner required of them as employees of the Ombudsman Office.

CSU STAFF SUCCESSFULLY COMPLETES NEW PROCUREMENT OPERATING MANUAL TRAINING

The Ministry of Finance with the assistance of Charles Kendall & Partners hosted a Virtual Training Workshops and Quiz on the New Procurement Operating Manual (POM) 2020 for all Procurement Practitioners within Government Agencies. All CSU staff participated and successfully completed the virtual workshops held on Microsoft Sway which commenced in November 2019 and ended in July 2020. Modules studied included the Procurement Plan Sway, Fraud and Corruption Sway, Contract Management Sway, Document Control Sway, etc. CSU team was commended for acing the most sway quizzes earning three separate dinner vouchers for two compliments of Paddles Restaurant, awarded to Ms. Salamasina Sanele (x2) and Ms. Davina Rasch Salanoa. They were also commended for being the most responsive team to all quizzes and workshops which encouraged a fun competition between participating Govt Offices. Malo lava!

NEW ADDITIONAL STAFF

Budgetary appropriations secured in the 2020/2021 Financial Year provided funding for four additional staff under its three mandates of Good Governance, National Human Rights and Special Investigations. All 4 positions have been filled.

NEW OFFICE VEHICLE

The Office was able to secure funding in the 2020/2021 financial year to procure a new office vehicle in addition to its 3 vehicle fleet. Procurement was actioned and completed under the Ministry of Finance's vehicle bulk purchase system where a blue 2020 Ford Ranger was brought in November 2020.

OMB STAFF PARTICIPATES IN THE 9TH APRIL ELECTIONS

The Office was pleased to lend assistance to the OEC with the 2021 Elections by way of staff serving as EO's on the polling day. All participating staff enjoyed their first time experience as polling officials and were grateful for the opportunity.

AUDIT FOR THE OFFICE FY ENDED 30 JUNE 2019/20 CONCLUDED

The Office concluded a comprehensive audit of Financial Year ending 30 June 2020. 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 and to ensure that financial systems, processes, and records of the Office are adequate and reliable so as to safeguard public funds and assets.

ONE-OMBUDSMAN DATABASE SYSTEM

With support from SPC-RRRT and HURIDOCs, the Office is working to develop an internal database for managing its complaints and monitor human rights. It is anticipated that the database will contribute greater efficiency in complaints handling and data management.

CONGRATULATIONS NEW MAMAS & WELCOME TO THE FAMILY TINY ONES

Salamasina Sanele gave birth to a beautiful baby girl Vaiauau Susana Sanele

Loukinikini Vili-Lewararu gave birth to the adorable Adi Lusiana Teuila Lewararu

HELLO & GOODBYES

Introducing our New Staff. Wish you well on your journey with the Office



Ms Nepa Camilla Papali'i
Snr Investigations Officer
Special Investigations Unit



Mr Ropati Stivison
Receptionist/ Driver
Corporate Service Division



Mr l'uogafatolaiula So'oiala
Snr Investigations Officer
Good Governance Division



Ms. Meletiana
Afatotaveuveu
Office Assistant

We also wish everyone who has left
us the very best in their journey!

OTHER TRAININGS/ MEETINGS ATTENDED BY THE OFFICE STAFF

- PSC Public Sector Training on REPORT WRITING on Thursday 18 March 2021 attended by Rosuweti Galuvao
- FINANCE ONE Refresher Training on Monday 24 - Friday 28 May 2021 attended by Rosuweti & Ieti
- Australasia and Pacific Region
- Virtual Conference of the International Ombudsman Institute (IOI) on 25-26 April 2021, hosted by Dublin, Ireland on the theme Giving voice to the voiceless attended by Ombudsman Luamanuvao Sapolu.
- APOR Conference on 4 - 5 November 2020 - Adapting Practices in Changing Times and Keeping Government to Account in Emergencies and Post-Emergencies
- Complaints Handling Forum on 18-27 March 2021 - Complaints Handling Forum on harnessing the value of complaints participated by all GG & SIU staff
- MEAL Online Course held in July 2020 participated by all staff
- Human Rights Education & Facilitation Course held in April 2021.



Lodging a Complaint



Call us: 25394



Come see us:
Level 2, SNPF Plaza



Submit an online form
through our website:
www.ombudsman.gov.ws



Email us:
complaints@ombudsman.gov.ws

CONTACT



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