

SAMOA NATIONAL HUMAN RIGHTS INSTITUTION RE-ACCREDITED WITH 'A STATUS'

The Office of the Ombudsman also the National Human Rights Institution (NHRI) was re-accredited as an 'A status' Institution by the Global Alliance of National Human Rights Institutions (GANHRI) following its session held virtually from 18 to 29 October 2021. GANHRI is a network of NHRIs from all around the world which coordinates the relationship between NHRIs and the United Nations (UN) human rights system. It is the only non-UN organization whose internal review accreditation system grants access for an NHRI to various committees within the United Nations, including the UN Human Rights Council.

The 'A' level rating means that Samoa's NHRI retains its credibility as an NHRI and can continue to engage and independently participate in various UN human rights bodies including the UN Human Rights Council and its subsidiary bodies. It also means that the Office's participating rights in GANHRI and in the Asia Pacific Region as a full member of the Asia Pacific Forum (APF) of the National Human Rights Institution remains. Samoa will again be up for review in 2026.



Good Governance & Human Rights Dialogue 2021 - Day 1 with Government Ministries
see pg. 7

OFFICE IMPLEMENTS CORPORATE & STRATEGIC PLANS FOR 2021/2025

The Office as of 1st July 2021, implemented its Corporate Plan which amplifies the Goals and Outcomes presented in the Office Strategic Plan 2020/21 – 2024/25. The Plan aims to meet the expectations inherent in the Ombudsman (Komesina o Sulufaiga) Act 2013 for the next 4 years.

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MESSAGE FROM THE OMBUDSMAN



Talofa lava Samoa, our partners, and colleagues.

I trust that you have had a good start to 2022 despite the difficult times we continue to face as a result of the global pandemic.

Welcome to Issue 2, Volume 3 of "Mo le Silafia", the Ombudsman/NHRI Office official newsletter. This provides an update of my Office's activities and works from July – to December 2021 as well as a snapshot of upcoming work for the remaining 6 months of this fiscal year, 2021/2022.

July – December 2021 was a busy time of the year preparing for our re-accreditation as the National Human Rights Institution with the Global Alliance of National Human Rights Institutions (GANHRI); the Universal Periodic Review process which reviews the human rights records of all UN member states including Samoa; leading on workshops on various human rights issues including the right to information and access to information, completion of Village Family Safety Committee pilot project, the commemoration of the International Human Rights Day 2021 and launching of our first public dialogue on good governance and human rights.

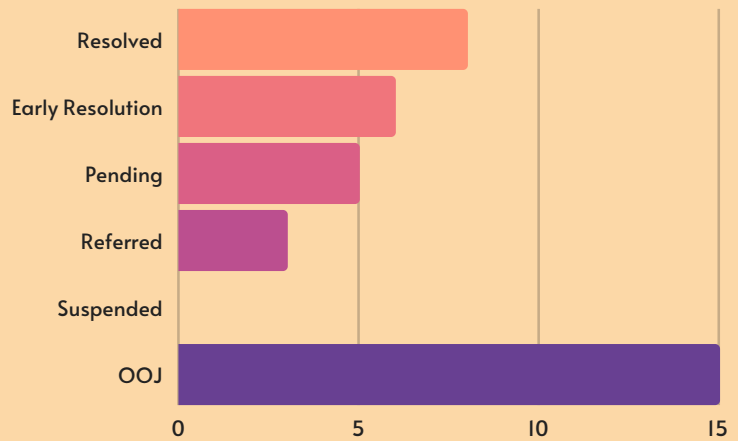
Our investigation arm in this period worked through complaints relating to unreasonable decisions/actions, unfair termination, and discriminatory decisions towards persons with disabilities. The Office took these matters seriously in its investigations with some basic lessons taken from it.

I am proud of the work my team has achieved notwithstanding the challenges of 2021. We endeavor to continue to deliver on our core functions to the best of our ability.

Soifua ma ia manuia!

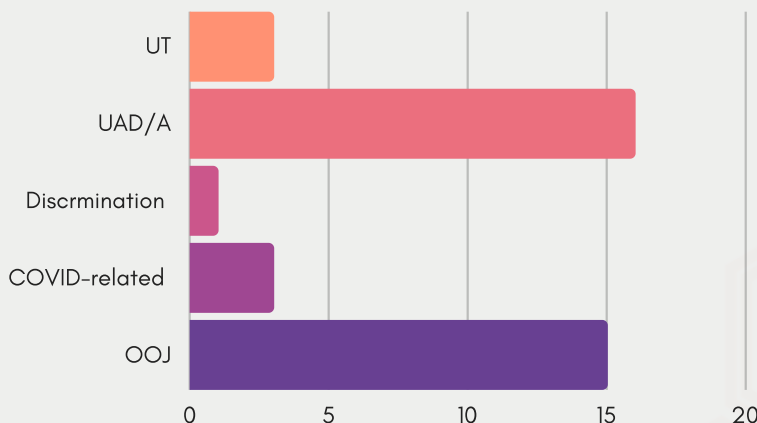
GOOD GOVERNANCE: COMPLAINTS JUL-DEC 2021

GGU received a total of 37 cases between July and December 2021 against the following agencies. From the 37 cases received, 8 have been resolved, 6 early resolutions, 15 out of jurisdiction (OOJ), and 3 referrals to the Special Investigation Unit (SIU). The remaining 5 cases are still active.

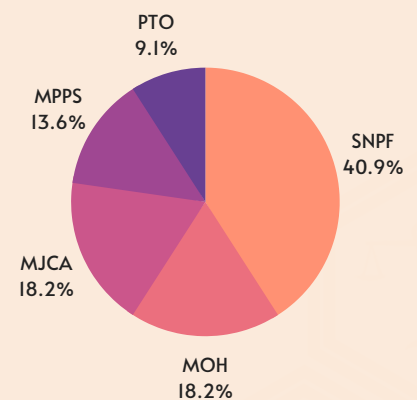


GOOD GOVERNANCE: NATURE OF COMPLAINTS

The most common administrative complaints received during the period July – December 2021 were unreasonable administrative decisions/actions (UAD/A) (16) and unfair termination (UT) (3). Complaints of discriminatory decisions/actions towards persons with disabilities (1) and against the COVID-19 vaccination programme (3) also emerged from this period. The OOJ complaints received were mostly on contribution issues and entitlements against private employers/businesses. These complaints were referred to SNPF and MCIL being the relevant authorities. Other OOJ complaints were court-related such as LTC decisions and domestic matters (Family Court).



The agencies with the most complaints/referrals during this period were SNPF (9), MOH (4), MJCA (4), MOPPCS (3), PTO (2).



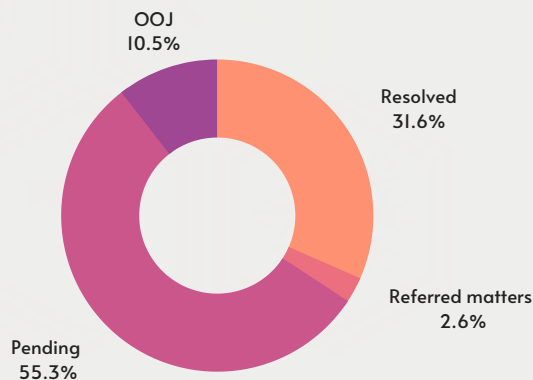
LJS R.E.A.C.H TRIAL PROGRAM TO MANONO- TAI

The Office's Good Governance Unit participated in the LJS R.E.A.C.H. Initiative on 2nd December 2021 together with representatives from MOPPCS, MJCA and NOLA as part of the Law and Justice Sector's community engagement programme. It was a great opportunity to raise awareness about the services of the Office and its process particularly to remote communities. Subsequently, a debriefing session was held on 9th December at the Hotel Insel Fehmarn for sharing lessons learned, identifying gaps and challenges to inform way forward for the program.

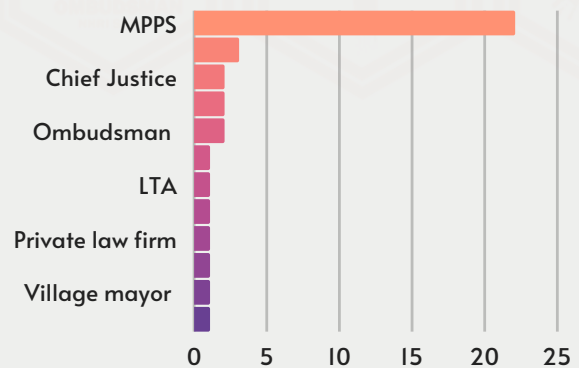
**ALL OMBUDSMAN SERVICES ARE
FREE OF CHARGE**

SPECIAL INVESTIGATIONS: COMPLAINTS JUL-DEC 2021

SIU received 37 cases during this period (33 complaints; 4 inquiries) 43.2% of its cases have been resolved (completed and OOJ cases). The majority of pending cases are prison complaints that were received on 21 December 2021 (10 new complaints), suspended complaints (i.e., awaiting further documents from complainants) and new complaints undergoing review.



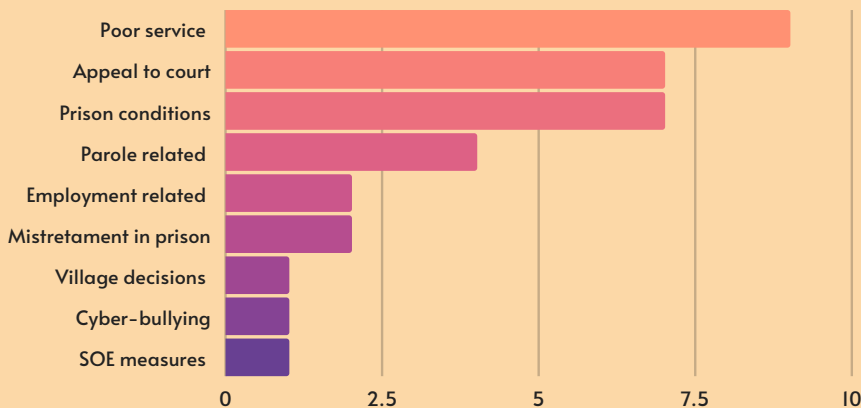
Complaints received in this period were against the following entities



NOTE: Some of the complaints received may involve 1, 2, or more Agencies/persons hence why this tabulated tally does not coincide with the actual total number of complaints received.

SPECIAL INVESTIGATIONS: NATURE OF COMPLAINTS

The majority of complaints were service-related, namely a delay in investigations or a very bad experience overall in the way complainants were treated by officers of disciplinary forces. This is followed by complaints from the prisoners, namely in relation to the condition of the prisons, and appeals against their sentences. SIU has yet to collect complaints from the Savaii Vaiaata Prison due to lock-down procedures during this period.



Of the 37 cases SIU received 4 enquiries for the assistance of the Ombudsman, namely to support requests for parole, provide legal aid and to meet for an interview. These have all been responded to and acted upon.

KEY CASE HIGHLIGHTS

SIU51/21 – Complainant is an overseas lawyer that complained of Police preventing them from seeing their clients in prison after months of correspondence. SIU reached out through its OLO network and managed to resolve issue within a week.

SIU59/21 – Complainant's son was fined \$10,000 for assaulting the priest's son. She felt this was unreasonable. SIU connected the complainant with MWSCD who visited the village pulenuu and in turn reduced the penalty to the fine already paid of \$2,000.

CERTIFICATE IV GOVERNMENT INVESTIGATIONS – ICETS

SIU's Principal Investigation Office and Principal Investigation Officer of the Good Governance Unit both completed and received their Certificate IV in Government Investigations through ICETS, an educational institution that provides extensive training on investigation compliance and enforcement training systems. We congratulate them this tremendous milestone.

Special FA'AFETAI LAVA to the Commonwealth Ombudsman for its continuous support through financial and technical support to build the capacity of the Ombudsman Investigations Arm through trainings and resources.

The majority of complaints received by SIU have been through the Ombudsman Complaint Boxes in prisons, which speaks volumes of the success and the continuous need for this initiative.



Walk in 10



By Email 1



By Phone 3



OMB-Prison Box 23



Director of Goshen Mental Health Trust receiving Goshen's Human Rights Recognition Award

STATE OF HUMAN RIGHTS REPORT (SHRR) 2021 SUBMITTED

The Office submitted its 2021 SHRR titled **INFORMED & EMPOWERED CITIZENS: Status of freedom of opinion and expression in Samoa to Parliament**. The Report explores issues relating to defamation; hate speech; freedom of expression and political rights; freedom of expression and the media; the internet, freedom of expression, and safety of children online; right of access to information, and whistleblower protection. The report also contains recommendations framed from a human rights perspective that will greatly contribute to the promotion and protection of rights to freedom of opinion and expression and access to information. A copy of the Report can be found on the Office's website here: <https://ombudsman.gov.ws/state-of-human-rights-reports/>



Public sector agency representatives at the Access to Information Workshop

HIGH LEVEL DIALOGUE & WORKSHOP ON ACCESS TO INFORMATION IN THE PUBLIC SECTOR

The Office in collaboration with UNESCO Pacific Office and the Open Educational Resources Foundation held an HLD on the 13 October with various government ministries including the National University of Samoa to share different aspects relating to access to official information including challenges, the types of information that should be made available as well as opportunities to promote this universal right within the public administration context.

The outcome of the high-level dialogue informed a follow-up training workshop held 26-27th October with public officials on access to information and its importance in promoting good governance. The workshop aimed at raising awareness among public servants about (1) open access in facilitating access to open education resources that in turn helps build knowledge communities and (2) access to the information within the public administration context which aims to empower the participation of citizens in discussions of issues affecting them by having access to accurate and relevant official information. It is anticipated that further workshops on access to information will be conducted by the Office in collaboration with its partners in the coming years in preparation for the soon-to-be-finalized Freedom of Information Policy.

10 CIVIL SOCIETY GROUPS RECOGNIZED IN 2021 HUMAN RIGHTS DAY CELEBRATIONS

Samoa commemorated Human Rights Day on 10 December 2021 with the presentation of recognition awards by the Honorable Prime Minister, Naomi Fiamé Mataafa to 10 Civil Societies Organizations who have been pioneers in advocating and lobbying for human rights in Samoa over the years. The Office wishes to congratulate the following recipients CSOs.

- Samoa Family Health Association
- Samoa Red Cross
- Samoa Fa'afafine Association
- Samoa Victim Support Group
- Goshen Trust
- Nuanua o le Alofa
- Samoa Umbrella of Non-Government Organizations (SUNGO)
- Samoa National Council of Women
- Faataua le Ola
- Women in Business Development

OMBUDSMAN PRESENTS AT THE UPR PRE-SESSIONS

The Ombudsman as part of Samoa's preparations for its 3rd Universal Periodic Review presented the Office's submission at the UPR Pre-sessions organized by the UPR Info team in Geneva. The Ombudsman reiterated the importance for Government to continuously strengthen its efforts in safeguarding the rights of the people of Samoa. Urgent attention was directed at improving rehabilitation of prisoners, ensuring that climate change efforts are centered on a human rights based approach, and the development of effective and informed responses to epidemics and pandemics.

OFFICE A MEMBER OF THE OUT OF SCHOOL FAMILY LIFE EDUCATION COMMITTEE

The Office's Human Rights Unit is a member of the Family Life Education out-of-school curriculum committee led by SFHA and partners. The Committee oversees the reviewing of the out-of-school curricula to ensure that they take into account family life education and comprehensive sexual education aspects which include among others prevention of gender-based violence and promoting and protecting human rights e.g. sexual and reproductive rights. The Office was responsible for the development of the Human Rights and the Safety Online Modules and participated in the out-of-school committee facilitators' training in preparation for the rollout of the Out of School curricula in 2022.

OFFICE APPOINTED OBSERVER ON THE HUMAN RIGHTS CONVENTIONS (CRC-CRPD-CEDAW) NATIONAL COMMITTEE

The Office was appointed as an observer on the National Human Rights Committee which oversee 3 of the core human rights conventions that Samoa is a party to including - CEDAW, CRC and CRPD. The Committee's main function is to report on the progress of implementation of Samoa's obligations under the 3 treaties: CRC, CRPD, CEDAW.



Village Family Safety Committee members - Sale'i'a, Taga & Asau attending the Counseling workshop

NHRIS AND ADVANCING HUMAN RIGHTS IN HUMANITARIAN ACTION

NHRI staff took part in the NHRIs and advancing human rights in Humanitarian Action in the Asia-Pacific online course organized by APF. The course aimed at strengthening the capability of NHRI staff and actors in the Asia-Pacific region to engage in the protection of human rights in humanitarian action.

ROLE OF NHRIS IN MONITORING SDG ACHIEVEMENTS IN THEIR NATIONAL CONTEXT

Charles from the Human Rights Unit took part in the online webinar on 'The role of NHRIs in monitoring SDG achievements in their national context' organized by NHRI Indonesia and the Danish Institute of Human Rights. The objective of the webinar was to learn from NHRIs' experience in Asia Pacific Region to improve SDGs implementation as a key component of the follow-up and Voluntary National Review (VNR) process for the 2030 Agenda.

2ND PACIFIC BUSINESS AND HUMAN RIGHTS FORUM

NHRI staff engaged in the 2nd UN Pacific Forum on Business and Human Rights (BHR) in November. The purpose of the Forum was to raise awareness and build the capacity of various stakeholders around BHR standards, especially the UN Guiding Principles as well as encourage peer-learning amongst States, NHRIs, and businesses facilitating the regional exchange of good practices in implementing the UNGPs and the SDGs. As Samoa's national human rights institution, the Forum highlighted the importance for the Office to consider incorporating BHR within its work activities where necessary – whether it be policy intervention, awareness-raising, or capacity building.

OFFICE COLLABORATES WITH DANISH INSTITUTE OF HUMAN RIGHTS ON HUMAN RIGHTS AND SDG MAINSTREAMING PROJECT

The Office in collaboration with the Danish Institute of Human Rights engaged in a project on human rights and SDG mainstreaming. The project involved various activities which were conducted by a human rights consultant working closely with the Office's Human Rights Unit. The activities included mapping of SDG mechanisms and a rapid assessment of their current attention to human rights, identification of SDG links in the Office's work and recommendations, and strategic input to the Office's work plan. The project was completed in December with a report that contains various recommendations to assist the Office in further strengthening the mainstreaming of SDGs in its activities and reports. Sincere thanks to the DIHR for its support in this important project.

HUMAN RIGHTS ADVICE

The NHRI received and responded to 3 requests from the public for human rights advice/opinion on issues ranging from defamation, employment rights, freedom of expression on social media. The NHRI also assisted the GGU by providing technical advice with one of its complaints relating to measures implemented by the Government in response to covid-19 where the public claimed measures implemented were in violation of their human rights.

VILLAGE FAMILY SAFETY COMMITTEE (VFSC) PILOT PROJECT WRAPS UP

The Office conducted the final 3 activities for its VFSC Pilot Project which wrapped up in December. The 3 activities included:

1. **Capacity Building Workshops on Basic Counseling & Anger Management Techniques**
2. **Community Awareness on Positive Parenting and Child Safety**
3. **The launch of Village Bylaws marks village councils' full support to elimination of violence against women.**

All 3 activities were contained in the work plans of the 6 villages that were part of the Pilot and were all aimed at equipping the 6 villages with the knowledge and tools to prevent family violence in their respective villages.

Acknowledging the support of various partners who collaborated with the Office including Faataua le Ola, Talofa Kids, SoulTalk, and Brown Girl Woke, as well as Government Agencies: Ministry of Women (MWCSO), Ministry of Justice (MJCA), and Alii ma Faipule of villages.

The Prime Minister congratulated the Fono mamalu o Alii ma Faipule for being champions of family violence prevention and for their commitment to zero tolerance towards family violence. Such commitment recognizes the pivotal role of village leaders in family violence prevention and the protection of women and girls at the village level.

Monitoring & Evaluation of the VFSC Pilot Project

In December, the Office with UNDP engaged an independent consultant to conduct the M&E for the overall project. Consultations with beneficiaries and committees as well as partners took place in December with the final report submitted to UNDP Spotlight.

The Office will be compiling its own report on the project to be submitted to Parliament in 2022, as well as a Guide for setting up VFSC to assist villages that want to set up their own VFSC's in future. The Office acknowledges the support of UNDP Spotlight and partners throughout this project.

NHRIS IN THE ASIA PACIFIC SUPPORTING EACH OTHER

The Samoa NHRI was invited by Asia Pacific Forum to share its experience on its National Inquiry Work on Family Violence with the Bangladesh National Human Rights Commission to assist Bangladesh with its own planned inquiry into similar issues.



Village Family Safety Committee Monitoring & Evaluation Exercise - December 2021

OMBUDSMAN DIALOGUE ON GOOD GOVERNANCE & HUMAN RIGHTS LAUNCHED

Office launched the Ombudsman/National Human Rights Institution first national dialogue on good governance and human rights on the 9 & 10th December. The theme was “building strong and responsive institutions through good governance and human rights”. The objective was to strengthen stakeholder partnerships, public complaints resolution delivery management in public agencies, and to ensure mainstreaming of human rights in public agency processes in Samoa. In addition, it aimed to create a platform for institutions and citizens of Samoa to share meaningful strategies that can further strengthen these areas.

The Office acknowledges with great appreciation the participation and engagement of Government Agencies and Civil Societies Organizations in this Dialogue. The participation was evident through the productive discussions and sharing over the two days and recommendations produced that were shared during various sessions. The discussions and recommendations contribute to the existing and upcoming efforts of the Office in the space of human rights and governance promotion and protection and in particular strengthening complaints resolution delivery and human rights mainstreaming in agency processes. A summary report outlines recommendations that were shared and the overall outcomes of the Dialogue which hope to be followed up in the next Dialogue.



Senior Good Governance Investigation Officer - Luogafa Soalo presenting on the role of Good Governance Unit at the Samoa College Open Day

GOOD GOVERNANCE & HUMAN RIGHTS WORKSHOP WITH POLICE RECRUITS



Ombudsman, Afioga Luamanuvao Katalaina Sapolu addressing the Police Recruits for July 2021

As part of its usual engagement with the Ministry of Police, the Ombudsman delivered a short remark to open the Office's presentation to police recruits in August 2021. The Ombudsman encouraged young recruits to be agents of integrity, fairness, and accountability in their role. She reiterated how critical in their role to value human rights and the public to ensure that execution of their roles is done so in an unbiased and non-discriminatory manner upholding human rights values and principles. The 3 core units of the Office presented their core functions relating to the work of police in particular dealing with complaints from the public and complaints from the police themselves. This is an ongoing initiative between Police and the Office.

PUBLIC ENGAGEMENTS – INFORMATION BOOTHS

The COVID-19 pandemic and State of Emergency restrictions also the political impasse caused disruption to our outreach and education activities. Taking a proactive approach to our work, the Office in this period carried out public information booths on the floor level of the SNPF Plaza building in August 2021. Staff greeted members of the public, distributed information brochures to inform them of our services and contact details. The Office hopes to continue with this initiative this year once SOE restrictions are lifted.

SCHOOL ENGAGEMENTS - OPEN DAYS

The Office participated in the JICA Open Day & Samoa College Career Days both held in September 2021 in its effort to raise awareness amongst young people on the role of the Office and services as well employment pathway opportunities that students may be interested in the future at the Ombudsman Office. We like to thank both institutions for inviting the Office and hope for the continuation of this partnership.

UPCOMING EVENTS

- CSOs UPR Follow Workshops & Preparation for 2026 UPR - Feb 2022
- SHRR Community Consultations in Savaii & Upolu - March 2022
- Village Based Advocate Against Family Violence Toolkit Launch - March 2022
- OMB/NHRI Children's Forum - April 2022
- Whole Office Community Booth in Savaii - May 2022
- Radio Talk Shows Awareness - May 2022
- OMB/NHRI
- Fa'asoa/Explainer Session - April 2022

OFFICE SHARED SERVER & FIREWALL SETUP COMPLETED

To ensure effective management of office resources the CSU successfully completed its annual asset inspection for FY2020/21 on Monday 30 August 2021. This was followed by the Ministry of Finance Asset inspection in November 2021.

REAL-TIME AUDIT COMPLETED

The Office completed its Real time Audit on 15 September 2021 (Audit Office Ongoing Cooperation in National Governance and National Auditing Exercise).



MASS VACCINATION CAMPAIGN

Office participated in the National Mass Vaccination Campaign held 23 – 24 Sept 2021

COVID-19 Information:
<https://ombudsman.gov.ws/covid-19/>

OFFICE ANNUAL REPORT FOR 2019/2021 SUBMITTED TO PARLIAMENT

The Office has submitted its Annual Report to Parliament for the 2020/2021 fiscal year.

The Report highlights activities carried out by the Office from July 2020-June 2021. It provides information about Office achievements, challenges, as well as overall spending.

You can download a copy of the Report from our website: <https://ombudsman.gov.ws/corporate-documents/>

COVID-19 AND HUMAN RIGHTS

state of human rights report 2022 consultations



HAVE YOUR SAY

BY FILLING OUT OUR SURVEY/QUESTIONNAIRE FOUND HERE:
[HTTPS://OMBUDSMAN.GOV.WS/COVID-19/](https://ombudsman.gov.ws/covid-19/)

TRAININGS ATTENDED BY STAFF

- APF gender Equality for National Human Rights Institutions 6 Sept – 1 Oct 2021 attended by Davina Rasch Salanoa
- Samoa Senior Executive Training & Development Program (ACEO Cohort) attended by Davina Rasch Salanoa Child Counselling Techniques & Skills Short Course attended by Tracey Mikaele and Davina Rasch Salanoa
- Developing Competency Standards for Human Resources Practitioners Training attended by Davina

OTHER ENGAGEMENTS

- Attended the PM's First Church Service held for her Portfolio Ministries on 2 August 2021
- Office Father's Day lunch 6 August 2021
- Participated in the Bi-elections held 26 Nov 2021 as Electoral Officer



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