



*Office of the Ombudsman  
National Human Rights Institution Samoa*

# ANNUAL REPORT

**FY 2021-2022**



*"Integrity in governance & Respect for human rights"*

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**November 2022**

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1 November 2022

Hon. Papali'i Li'o Taeu Masepau  
Speaker of the House  
Legislative Assembly  
MULINU'U

**ANNUAL REPORT FY 2021-2022**

I hereby submit the Office of the Ombudsman National Human Rights Institution (Ombudsman NHRI Samoa) Annual Report FY 2021-2022 as required by section 57 of the *Ombudsman Act 2013*.

The report highlights the achievements of the Office from 1 July 2021 to 30 June 2022. The report records the Office's key performance results in accordance with its mandate and output structure. It also provides a summary of non-financial performance against the objectives set out in the *FY 2021/22 – 2024/25 Strategic Plan*. It meets reporting obligations under the *Ombudsman (Komesina o Sulufaiga) Act 2013* and the *Public Finance Management Act 2001*.

Ma le faaaloalo lava.

Luamanuvao Katalaina Sapolu  
OMBUDSMAN

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## Key acronyms

<b>GGS</b>	Good Governance Services
<b>SIS</b>	Special Investigation Services
<b>HRS</b>	Human Rights Services
<b>ECS</b>	Engagement & Communication Services
<b>CS</b>	Corporate Services
<b>UPR</b>	Universal Periodic Review
<b>VFSC</b>	Village Family Safety Committee
<b>SHRR</b>	State of Human Rights Report
<b>OOJ</b>	outside of jurisdiction
<b>FY</b>	Financial Year
<b>GANHRI</b>	Global Alliance for National Human Rights Institutions
<b>CSO/NGO</b>	Civil Society Organization/ Non-governmental Organization
<b>NHRI</b>	National Human Rights Institution

# Ombudsman's message

Pursuant to section 57 Part 7 of the *Ombudsman (Komesina o Sulufaiga) Act 2013*, it is my privilege to submit the Annual Report of the Office of the Ombudsman and Samoa's National Human Rights Institution. The report presents the Office's performance, activities and financial statements for the Financial Year ending 30 June 2022.

In the past year, the Office of the Ombudsman also Samoa's National Human Rights Institution has worked tirelessly to ensure integrity in governance and respect for human rights in Samoa. The political situation following the general elections in April 2021, and the COVID-19 pandemic and State of Emergency restrictions had a great impact on our work. The delay in approving the national budget meant that many of our activities had to be delayed in their implementation until the national budget was officially passed. The national lockdown in March-April 2022 led to the disruption of our outreach and face-to-face activities and access to our office by members of the public. Notwithstanding these challenges, the Office was still able to continue with its functions and meet its obligations, tapping into donor funding as well as utilizing technology and other means of communication including email and phone to manage complaints as well as raise awareness on human rights. The Office's performance within the allocated budget for the 2021-2022 financial year, demonstrated innovation and the adaptive capacity, to effectively manage and utilize funds appropriated by Parliament for the Office. This is testament to my committed and hard-working team.

The Office continued to connect and collaborate with its international and regional partners virtually to deliver activities and projects. Our partners, especially the Asia-Pacific Forum of National Human Rights Institutions (APF), the Office of the New Zealand Chief Ombudsman, the Commonwealth Ombudsman, the Pacific Community, OHCHR Regional Office Fiji, UN Women and UNESCO, continued their invaluable support to the Office.

In moving forward, the Office will continue to implement its *Strategic Plan 2021/22 – 2024/2025* working with key actors and stakeholders including government, civil society, and communities to ensure integrity in governance and respect for human rights in Samoa.

# About the Office

The Office of the Ombudsman also Samoa's National Human Rights Institution operates under the *Ombudsman (Komesina o Sulufaiga) Act 2013* and the Constitution of the Independent State of Samoa<sup>1</sup>.

Our operations are determined independently of the government and we report directly to Parliament.

Our role is to ensure the integrity in governance and respect for human rights in Samoa – investigating and finding practical and just solutions to issues of concern, promoting compliance with international standards on human rights, good governance and rule of law, advocating for systemic change and raising awareness across all sectors of the community.

Our work is both at the policy and operational level – engaging with government, the public, civil society and the media to ensure the realization of fundamental human rights and compliance with good governance principles. Our work also involves cooperation and partnerships with international bodies and agencies to share experiences and best practices relating to human rights work, investigations and good governance.

From addressing individual complaints on maladministration including the misuse of authority by prescribed disciplinary forces, to engaging with government on policy issues relating to human rights, the Office is tasked to ensure the effective promotion and protection of human rights as well as build transparent, accountable and inclusive institutions at all levels.

## Our vision

*Integrity in governance  
and respect for human  
rights*

## Our mission

To lead in strengthening transparent and accountable public institutions and the promotion and protection of human rights by:

- providing effective, timely and independent dispute resolution services on matters of maladministration and misuse of authority by prescribed disciplinary forces
- empowering all people to understand and exercise their human rights and responsibilities
- holding government accountable to good governance and human rights standards and obligations
- building and strengthening partnerships that encourages action on good governance and human rights

## Our values and principles

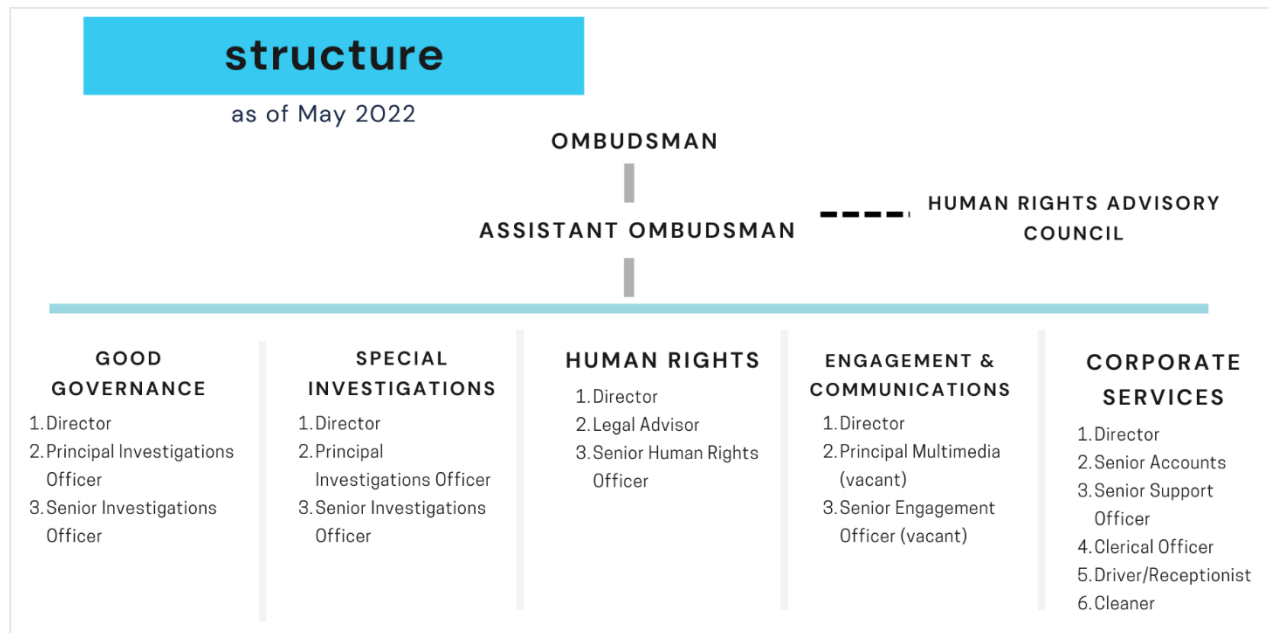
Our work will be constantly guided by our core values and principles including:

**Respect, integrity, fairness, professionalism, independence, uphold the rule of law.**

<sup>1</sup> See Article 82A and 82B, *Constitution of Samoa*.

# Organization

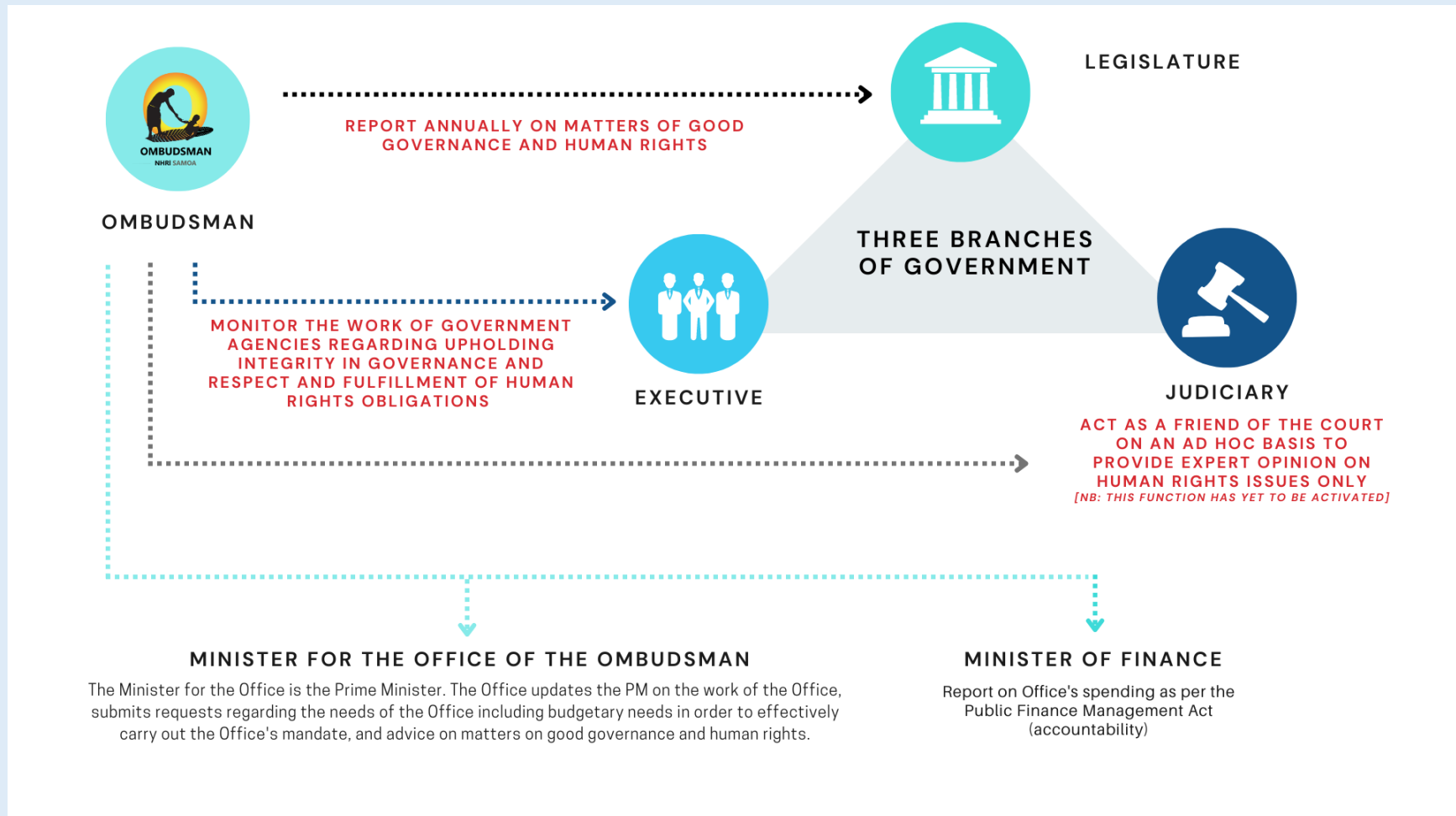
Led by the Ombudsman, our Office is made up of 3 core units and 2 supporting units. These Units are led by a Director who report to the Ombudsman and the Assistant Ombudsman. The Office also has a Human Rights Advisory Council that advises the Ombudsman on human rights matters when necessary and required.



## Our governing laws

- Constitution of the Independent State of Samoa 1960
- Ombudsman (Komesina o Sulufaiga) Act 2013
- Special Investigations Unit Regulations 2016

# Link of Ombudsman to the branches of government





# Highlights from FY 2021-2022

Re-accredited with an **'A'** status by GANHRI in October 2021



Received **136** complaints on maladministration (64) and abuse of authority by disciplinary forces (72). Resolved **67** of these complaints (14 GGS & 53 SIS).



Submitted 1 human rights report and 1 inspection report



Hosted first ever Good Governance and Human Rights Dialogue

Revised manuals on human resources management and implemented new performance appraisal system for staff



Reviewed **2 bills and 3 national policies**. Provided advice to Government on the human rights implications of its measures in response to the COVID-19 pandemic



Conducted first ever Gender Audit with the assistance of APF



Conducted 11 prison visits/inspections

Conducted **4+** Human rights collaborative projects with regional and international partners



Conducted **5+** community engagements and trainings on human rights and good governance standards



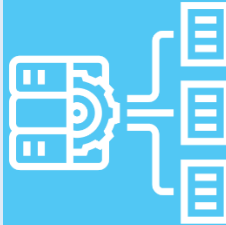


Developed **5+** infosheets and Guides on COVID-19 and human rights, and 1 toolkit on family violence prevention



Appeared before the UPR Working Group and consulted with the UN Special Procedure for climate change, and on violence against women

One-Ombudsman database system established



Business Continuity Plan policy activated to ensure continuity of services during COVID-19 lockdown March-April 2022



Operationalized Strategic Plan FY 2021-2022 starting July 2021



Staff completed Fraud examiners certificate (1) and human rights complaints handling and investigations course (2)

Utilized **92%** of the Office budget for FY 2021-2022



Director for ECS appointed to manage engagement and communications work of the Office



# Strategic Framework<sup>2</sup>

OUTCOMES MATRIX					
<b>Goals</b>	<ul style="list-style-type: none"> <li>• Strong institutions that are transparent and accountable</li> <li>• Rights and freedoms respected and part of everyday life</li> <li>• Improved access to information and complaints resolution services</li> </ul>				
<b>Strategic Outcomes</b>	<b>Integrity in governance</b>		<b>Respect for human rights</b>		
	1. More effective, efficient and equitable public governance	2. Improved compliance with good governance standards and rule of law	3. Greater protection of rights and freedoms	4. Greater compliance with human rights obligations and standards	5. Established and improved human rights culture consistent with Fa'asamoa
<b>Intermediate outcomes</b>	1.1. Improved quality of <b>public administrative systems</b> and processes for managing complaints	2.1. Public institutions including prescribed disciplinary forces understand and adhere to <b>good governance principles</b> displayed through practices and policies	3.1. <b>Human rights based approach</b> observed and practiced in policy development and project implementation	4.1. Implementation of <b>human rights obligations and recommendations</b> (national and international) improved	5.1. Public's understanding of <b>rights and responsibilities</b> enhanced
	1.2. <b>Timely and fair</b> handling of complaints to the reasonable satisfaction of the public	2.2. <b>Rule of law</b> strengthened and <b>access to justice</b> ensured for all	3.2. <b>Engagement</b> with national and international partners on human rights protection strengthened	4.2. Legislative and policy interventions consistent with <b>human rights standards</b>	5.2. Public especially vulnerable <b>communities empowered</b> to exercise their rights and responsibilities
	1.3. Public's <b>confidence and trust</b> in public institutions maintained		3.3. <b>Amicus curae</b> function promoted and utilized	4.3. Participation in <b>human rights reporting</b> processes improved	
				4.4. Conditions and <b>management of</b>	

<sup>2</sup> Office of the Ombudsman NHRI Samoa, [Strategic Plan FY 2021/22 – 2024/25](#).

		2.3. Address misconduct in prescribed disciplinary forces		places of detention improved	
<b>Cross-cutting outcomes</b>	<ul style="list-style-type: none"> <li>i. <b>Gender mainstreaming:</b> gender equality and the empowerment of women integrated in the Office's policies, procedures, programmes and projects.</li> <li>ii. <b>Partnerships:</b> strengthened partnerships to assist and support the public and government on matters relating to good governance and human rights</li> <li>iii. <b>Coordination and coherence:</b> improved coordination and coherence observed and integrated into programme work and projects to ensure effective execution of mandates and the delivery of services.</li> <li>iv. <b>Relevance:</b> strengthened relevance and alignment of Office priorities and programmes to our mandate, strategic plan, SDS and SDGs to ensure effective impact and consistency with context</li> </ul>				
<b>Supporting outcomes</b>	<ul style="list-style-type: none"> <li>i. <b>Corporate/ administration:</b> robust administrative processes and systems enabling effective and responsive delivery of operations and services</li> <li>ii. <b>Communications:</b> enhanced public awareness of our key roles, services and processes that enables increased access and engagement</li> </ul>				

# Link to national/sector goals and the Sustainable Development Goals (SDGs)

The Office's Office Strategic Plan FY 2021/22-2024/25 outcomes/ goals are premised and linked to the goals contained in the [Pathway for the Development of Samoa](#) (Key Strategic Outcome 1: Improved Social Development and Key Strategic Outcome 3: Security and Trusted Governance), and also the [Law and Justice Sector Plan](#) (Outcome 1 - Improved community safety and community well-being as a result of a Law and Justice Sector that prioritizes crime prevention and crime management; Outcome 2 - Accessibility to the Justice System improved and in harmonization with Governance and Integrity of the Customary & Formal Justice System in place; Outcome 3 - Improved border security and national safeguards as a result of a Law and Justice Sector that prioritizes good governance principles and respect for the rule of law that enables a secure and resilient Samoa).

These Office's outcomes/ goals are also linked to the achievement of SDGs. All of the SDGs are relevant to the Office especially regarding its human rights mandate as more than 90% of the SDGs are based on human rights. As further highlighted below, the human rights work and activities have not only contributed to enhance knowledge and empowered citizens of their rights and freedoms, but it has also ensured that the rights and freedoms of citizens are respected by Government (*see Human Rights Services section for more information on activities where SDGs are referenced*). Furthermore, the investigation work of the Office carried out by the Good Governance Services and Special Investigations Services has also contributed in ensuring that people have improved access to information and complaints resolution services. All in all the work of the Office as a constitutional body who endeavors to ensure integrity in governance and respect for human rights greatly contributes in achieving particularly **SDG 16 on Peace, justice and strong institutions**.<sup>3</sup>

**LOOKING FORWARD:** The Office will continue to ensure that it makes reference to the national/sector goals and SDGs in its work.

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<sup>3</sup> **Note:** The SAMOA Pathway highlighted that the adverse impacts of climate change compound existing challenges in Small Island developing States and have placed additional burdens on their national budgets and their efforts to achieve the SDGs. This is an important challenge that needs to be addressed moving forward. See <https://sustainabledevelopment.un.org/samoapathway.html>.

# Output 1: Good Governance Services

## Overview of work

The ongoing global threat of COVID-19 that led to the nation's State of Emergency and consequent lockdowns (March-April 2022) and the continuing tensions of the nation's political crisis had hindered GGS's operations such as awareness activities i.e. engagement booths at the Salelologa Market in Savaii and the continuing Ombudsman Practice Statement Rollout to public agencies. Despite these setbacks, GGS continued with its other core services – complaints investigations and agency referrals. During the lockdowns, whilst members of the public were unable to physically access the Office to lodge complaints (the most common mode of complaint), other modes were utilized through telephone calls, emails and the online complaint form on the Office website. No own motion investigations or referrals from the Prime Minister or a parliamentary committee were carried out for this period.

The duration of an investigation varies depending on the seriousness and complexity of the complaint. A complaint can be promptly resolved (early resolution) or escalated to a formal investigation. Complainants are always encouraged to resolve their issues first with the subject agency. There were 64 registered complaints received by GGS for 2021-22. 40 complaints were against public/state agencies (63%) and 24 complaints were against private entities/out of jurisdiction (37%).

The Office also conducted its first ever dialogue on good governance on 9 December 2021. The dialogue provided a platform for government agencies to not only share issues on complaints handling and management but also to raise awareness on good governance best practices.

During this period FY 2021-22 GGS staff undertook courses and trainings as part of capacity building and professional development. Our Senior Investigation Officer is currently undertaking the Certified Fraud Examiners (CFE) and the Certificate IV in Government Investigations courses. These trainings were made possible by the continued and kind assistance and funding from the Commonwealth Ombudsman in Australia. We also participated in several online forums including, the 2022 ACFE Women's Summit in March, the 2022 AORC Webinar on Managing Evidence in April, the 2022 AONAO Forum, and the 2022 Commonwealth Ombudsman Complaint Handling Forum in June.

## Summaries

### More effective, efficient and equitable public governance

*Improved quality of public administrative systems and processes for managing complaints<sup>4</sup>*

**Our impact:** Received 64 complaints and resolved 14 to the full satisfaction of complainants.

#### Ministry of Finance indicators

Achieved

Partially achieved<sup>5</sup>

<sup>4</sup> Strategic Outcome 1, Intermediate Outcome 1.1, 1.2 and 1.3, *Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*.

<sup>5</sup> The GRS received 64 registered complaints and was able to resolve 40 complaints by way of investigation, early resolution and SIU referrals with 24 noted as being OOJ. Further, the Office was unable to carry out its Practice Statement to public agencies for the period of July 2021 – June 2022. This was mainly as a result of the political

## Activities

### Complaints

Complaints received for period July 2021 – June 2022	64			
Resolved 14	Early resolution 11	Suspended <sup>6</sup> 9	Referred 6	OOJ <sup>7</sup> 24
Comparison with FY 2020-2021	<p>GGS received a total of 69 complaints (Resolved – 15; Early resolution – 11; Pending – 6; SIU Referrals – 1; OOJ – 36) during the last financial period (July 2020 to June 2021).</p> <p>In comparison, there is a <b>7.81%</b> decrease in complaints this financial year. This can be attributed to the effects of COVID-19 as complainants could not lodge their complaints in person as they normally do.</p>			
Nature of complaints			Agencies complaint against	
<ul style="list-style-type: none"> <li>Unreasonable administrative decisions/actions (24)</li> <li>Unfair termination (4).</li> <li>Discriminatory decisions/actions including towards persons with disabilities and complaints against the COVID-19 vaccination programme (11)</li> <li>OOJ – Contributions/entitlements/termination/service (17); Court decisions/matters (6); Village Council decisions (2)</li> </ul>			<p>ACC (1); MAF (1); MCR (1); MESC (1); MJCA (1); MNRE (1); MOH (10); MPPS (6); MPMC (1); NEOF (1); NKF (1); OLA (1); OUM (1); PSC (2); PTO (2); SHC (1); SLAC (1); SNPF (3); SQA (1); SROS (1); STA (1)</p> <ul style="list-style-type: none"> <li>Land and Titles/Family Court (6)</li> <li>Village Councils (2)</li> <li>Private entities/businesses (17)</li> </ul>	

There were just a few more complaints registered in the previous year 2020-21 – 69, compared to this year 2021-22 – 64. Although the decrease in complaints may indicate a downward trend, it is also an encouraging sign that the concerns of the public are gradually being addressed and resolved by the agencies.

### Key case summaries

situation as well as the nationwide lockdown which prevented all of the Office's face to face activities. The Practice Statement to public agencies roll-out will recommence in the FY 2022-2023.

<sup>6</sup> The 3 cases were suspended due to the lack of complainants' correspondence and the complainant wanting to withdraw the complaint lodged.

<sup>7</sup> 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 following selection of cases is indicative of the types of complaints received by the Unit ranging from very simple to complex cases that ordinary people face and for which they seek assistance. The following are some of the reviews that may be of interest:

i. Ministry of Health (MOH)

***Discriminatory decision/action***

There were 8 registered complaints against MOH for initiating Government's directive of compulsory vaccinations due to the COVID-19 outbreak. Numerous correspondences, emails and telephone calls were forwarded to MOH by the complainants opposing the action and raising their concerns on the harmful effects of the COVID-19 vaccination. The complainants claimed that their rights to choose were also being violated and that MOH refused to respond to their queries.

MOH was notified of the complainants concerns about the lack of transparency, disclosure of relevant information and reassurance from the Ministry to the public about the effects of the vaccination.

A comprehensive response was prepared by MOH regarding the anti-vaccination complaints. Overall, the Ministry stated that they were guided by the World Health Organisation's (WHO) advice on all health issues, especially during pandemics and epidemics. MOH also added that the necessary vaccination precautions were administered in accordance with WHO guidelines and that information to the public was disseminated continuously through their media ad campaigns and on social media.

The complainants were informed of MOH's response. The Office supported the importance of balancing people's rights to non-discrimination and their freedom of choice. However, the State of Emergency (SOE) Orders issued by Government under the Constitution mandating public vaccination to protect public health was paramount for the safety and security of the nation. These complaints were recorded RESOLVED.

ii. Accident Compensation Corporation (ACC)

***Unreasonable termination***

Mr. A alleged the unreasonable termination of his employment. Mr. A claimed that due to the COVID-19 outbreak, ACC issued a directive in February for all staff to complete their vaccinations before returning to work. After completing his vaccinations the complainant returned to work but was surprised to be informed that his employment had been terminated. He also stated that he did not receive any formal notice of his termination and had unsuccessfully tried to seek an explanation from ACC.

A notice of intention to investigate the complaint was addressed to the General Manager ACC requesting the agency's account and all the relevant information pertaining to the matter that would determine whether a formal investigation was necessary.

ACC responded that Mr A had already been issued 3 warnings for previous transgressions and that his supervisor wanted him to be summarily dismissed for his third lapse. On the enforced vaccinations, Mr A was the only employee who did not comply with the ACC directive, hence his being sent home until he completed his injections. ACC also noted that a final decision on whether or not to re-employ the complainant had not been made. What was obvious was that ACC did not tolerate staff that refused to comply with office policy and procedures.



Mr A later returned to the Office stating that his matter had been addressed with his supervisor and that he had resumed work but in a different position. Mr A acknowledged the assistance of the Office and was grateful for considering his matter; he then asked that his complaint against ACC be withdrawn. It was evident that the matter had been resolved and it was no longer necessary to pursue any further. Mr A was then strongly urged to wisely make use of this second opportunity. ACC was acknowledged for its continued assistance and cooperation. The matter was documented as an EARLY RESOLUTION.

### iii. Samoa National Provident Fund

#### ***Unpaid contributions'***

Mr B was claiming unpaid SNPF contributions by his former employer, a private firm. Mr. B was advised that his matter was outside the Ombudsman's jurisdiction and that SNPF was the appropriate authority to assist him. An Ombudsman Referral Form was then prepared for Mr B informing SNPF of his situation.

Mr B later returned relaying the outcome of his meeting with SNPF that his outstanding contributions' had been paid and receipted. Although this was the gist of Mr B's dilemma, what did pique our interest was when he was asked to register first before further process. It was quite surprising that Mr B's contributions were being deducted from his pay yet he was not a registered SNPF member.

SNPF was then contacted and asked if they could kindly clarify the issue on deducted contributions of unregistered members because complaints of unpaid contributions were frequenting our Office that seemed to be a common trend among a number of private firms.

The Fund responded that not all employees' names received from their employers were registered members such as Mr B and that he had been advised earlier to register for access to his contributions, which he did not act upon. SNPF already had measures in place and arrangements with private operators in relation to unpaid contributions, which they ensured was closely monitored.

SNPF was acknowledged for the clear response, not only in addressing Mr B's complaint but also in clarifying the query on unpaid contributions. This matter was documented as an EARLY RESOLUTION.

**LOOKING FORWARD:** The Office aims to continue its good governance role in educating the public and maintaining/strengthening its relationship with public agencies, to further boost public confidence.

#### **Practice Statements to public agencies rollout**

The Office was unable to carry out its Practice Statement to public agencies for the period of July 2021 – June 2022. This was mainly as a result of the political situation as well as the nationwide lockdown which prevented face to face activities. The Practice Statement to public agencies roll-out will recommence in the FY 2022-2023.

**LOOKING FORWARD:** The Office will continue to roll out its Practice Statement to public agencies to continue to strengthen relationships with public agency stakeholders and raise awareness on good governance best practices.

### **Improved compliance with good governance standards and rule of law**

### **Effective engagement with all public agencies; complaints resolution and staff capacity building<sup>8</sup>**

**Our impact:** carried out 1 high level dialogue, and 2 workshops for police recruits on good governance principles.

#### **Ministry of Finance indicators**

100% client satisfaction with GG service provided; Regular communication with designated agency Ombudsman Liaison Officer (OLO) on respective complaints and complaints mechanisms; 2x Capacity Building trainings for GG Officers; 1x Own Motion investigation completed (subject to serious complaints or systemic issues that are of public concern)

	Achieved
	Partially achieved <sup>9</sup>
	Not achieved

## Activities

### **Good Governance Dialogue for public agencies and disciplinary forces**

On the 9 December the Office hosted the Good Governance dialogue that was attended by representatives from various public agencies and disciplinary forces that are under the Office's jurisdiction with regard to complaints handling. The purpose of the Dialogue 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 discussions and recommendations contribute to the existing and upcoming efforts of the Office to strengthen complaints resolution delivery services of public agencies and disciplinary forces. A summary report was produced with key recommendations that will be followed up in 2023.

**LOOKING FORWARD:** The Office will continue to strengthen stakeholder partnerships and work with public institutions and disciplinary forces to strengthen public complaints resolution delivery services to ensure they are effective and responsive. The outcome of the dialogue will be followed up in FY 2023-2024 as the Dialogue will be held once every two years.

### **Police Recruit training on human rights and good governance standards**

**Refer to explanation of this activity under HRS (i.e. "Police Recruits training on human rights and good governance standards")**

<sup>8</sup> Strategic Outcome 2, Intermediate Outcome 2.1 and 2.2, Ombudsman NHRI Samoa [Strategic Plan FY 2021/22 – 2024/25](#).

<sup>9</sup> The nationwide lockdown mean that face to face capacity building trainings for GG officers had to be postponed for the FY 2022-2023 top health and safety reasons. Irrespective if this the GGS maintained regular contacts with stakeholders and Ombudsman Liaison Officers was maintained via email and virtual meetings. Furthermore, the trends identified from complaints lodged during the period from July 2021 – June 2022 did not warrant an own motion investigation.

**Public's confidence and trust in public institutions maintained; number of awareness programs conducted and % of participation/engagement<sup>10</sup>**

**Our impact:** GGS collaborated with law and justice sector agencies to carry out awareness in communities and schools.

#### Ministry of Finance indicators

3x community, 2x school, 3x public agencies awareness programs

	Achieved
	Partially achieved <sup>11</sup>
	Not achieved

## Activities

### Office joins the Law and Justice Sector (LJS) R.E.A.C.H Initiative

The Office participated in the LJS R.E.A.C.H. Initiative on 2<sup>nd</sup> December 2021 together with representatives from Ministry of Police and Prison Services (MPPS), MJCA and Nuanua o le Alofa as part of the LJS's community engagement programme. It was a great opportunity to raise awareness about the services of the Office and its process on complaints handling particularly to remote communities. Subsequently, a debriefing session was held on 9<sup>th</sup> December 2021 at the Hotel Insel Fehmarn for sharing lessons learned, identifying gaps and challenges to inform way forward for the program.

### Community and School engagements

**Refer to ECS section which provides the narrative for this activity (i.e. "Public information booth" and "School engagements"). Note that all engagement activities with schools and communities are carried out collectively.**

**LOOKING FORWARD:** GGS will continue to engage with communities, schools and public agencies to raise awareness on good governance best practices. This work will be conducted under the One-Ombudsman to engagement whereby all awareness projects by the different units of the Officer will be combined and coordinated by ECS.

## Output 2: Human Rights Services

### Overview of work

Some of the key milestones achieved by the human rights team include the submission of its [State of Human Rights Report \(SHRR\) 2022 on COVID-19 and human rights](#) to Parliament. The Office was also awarded for the second time 'A' status by GANHRI for its work in promoting and protecting human rights in Samoa consistent with the Paris Principles.

The team also provided feedback to 3 key government policies on access to information, employment and the national school curriculum and teaching and appeared before the Economic Sector Committee to

<sup>10</sup> Strategic Outcome 2, Intermediate Outcome 2.3, *Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*.

<sup>11</sup> GGS was unable to carry out awareness programmes for public agencies as it was scheduled at the same time as when the nationwide lockdown took place which was an unforeseeable risk. These sessions have been reprogrammed and will take place in FY 2022-2023. The Office was only able to conduct 1 of the 3 community awareness programmes scheduled for FY 2021-2022 due to the same reason.

provide feedback on the *Income Tax Amendment Bill 2021*. It also provided feedback to the *SQA Amendment Bill 2022*. The Office published a [Guide](#) and issued general advice for members of the public on COVID-19, human rights and state measures.

The Office carried out 3 capacity building trainings and workshops for civil society groups, government agencies and law enforcement agencies.

COVID-19 and the lockdown had a great impact on the work of the team especially in relation to its community engagement work. As a result, the team utilized the Office's online platforms to deliver its awareness work including publishing resources, info sheets and guides for members of the public. While some awareness were carried out, many had to be pushed forward to be implemented in the FY 2022/2023 for example, the Children and Young Peoples Forum which was carried out in July and September, 2022.<sup>12</sup>

In addition to the challenges brought about by COVID-19 and the nation-wide lockdown in March-April, HRS continued to face challenges with a lack of manpower especially given the broad human rights mandate of the Office, and the budget was also affected impacting on the adequate implementation of programmes and activities<sup>13</sup>. As a result, the Office worked with its international and regional partners to assist with the funding on specific activities that are necessary to fulfill the mandate of the Office. For example, [UNESCO](#) and [OHCHR-Fiji](#) contributed and assisted in the funding of workshops for government agencies and civil society groups. Furthermore, the Office had to limit its community consultations for its SHRR 2022 given the costs. It had utilized online questionnaires to obtain feedback from members of the public who were not consulted in person.

Another major challenge that the human rights team and the Office continues to face is in relation to the lack of debate on the SHRR in Parliament. There is also a low adoption rate of recommendations contained in its reports especially the SHRR and detention Report by relevant government agencies. Effort has been made by the Office to conduct awareness among parliamentarians and government agencies of their role when it comes to the debate, discussions and implementation of the recommendations contained in such reports and it will continue to carry this out in the coming years.<sup>14</sup>

## Summaries

### Greater protection of rights and freedoms

*Human rights based approach observed and practiced in policy development and project implementation<sup>15</sup>*

**Our impact:** provided advice to the government on important issues including COVID-19, political impasse and family violence.

Ministry of Finance indicators

Achieved

<sup>12</sup> More information about this activity will be contained in the Office's Annual Report FY 2022/2023.

<sup>13</sup> **NB:** COVID-19 had a great impact on Samoa's economy and the Government made budget cuts across all government agencies and institutions.

<sup>14</sup> See process of discussing SHRR in Parliament here: [https://www.ombudsman.gov.ws/wp-content/uploads/2022/05/NHRI-Infosheet\\_7-Process-of-discussing-SHRR-in-parliament-.pdf](https://www.ombudsman.gov.ws/wp-content/uploads/2022/05/NHRI-Infosheet_7-Process-of-discussing-SHRR-in-parliament-.pdf)

<sup>15</sup> Strategic Outcome(s) 3, Intermediate Outcome 3.1, *Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*.

## Activities

### Advice on COVID-19 and government response

In light of concerns and ongoing monitoring by NHRI Samoa throughout the pandemic, the NHRI Samoa issued a guide relating to covid-19 and human rights. The purpose of the [Guide](#) was to inform and aid public understanding of human rights and how they can be impacted; and to provide overview guidance for policymakers, parliamentarians and the private sector in applying a human rights lens and considerations to responses and measures relating to COVID-19.

### Human rights complaints

HRS received one complaints regarding discrimination on the basis of disability and seven inquiries/ complaints from the public regarding the impact of measures implemented by the Government in response to COVID-19 where complainants claimed that measures implemented were in violation of their human rights such as freedom of choice, freedom of movement etc. It is important to note that the HRS currently does not investigate individual human rights complaints. However, it can either provide information or advice on the matter, or refer the matter to GGS and/or SIS especially if the complaint relates to a maladministration of abuse of authority. The complaint regarding discrimination on the basis of disability was referred to the GGS for resolution, and the seven inquiries/ complaints on COVID-19 and State of Emergency restrictions, the HRS was able to provide advice and information in response. Such advice was also published online in the form of [position statements and guidance notes](#).

**LOOKING FORWARD:** The Office will continue to monitor issues impacting on the rights and freedoms of Samoans and provide advice to Government on strategies to ensure respect, protection and fulfillment of such rights and freedoms. Furthermore, it is in the process of reviewing its legislation and assessing its capability to carry out individual human rights complaints made against both public and private actors.<sup>16</sup>

**Engagement with national and international partners on human rights protection strengthened<sup>17</sup>**

**Our impact:** The Office collaborated on 4+ human rights related projects with national, regional and international agencies. Human rights areas of focus include human rights and the SDGs, sexual health and education, access to information and international human rights reporting.

#### Ministry of Finance indicators

2x partnerships in human rights projects/ activities/ trainings

Achieved
Partially achieved
Not achieved

<sup>16</sup> The review of the Ombudsman Act 2013 will take place over a period of time during the period of the Office's current *Strategic Plan FY 2021/22-2024/25*. The review is consistent with recommendation made by the [GANHRI SCA in its report for the Office's re-accreditation in 2021](#) regarding areas to strengthen with regard to the law.

<sup>17</sup> Strategic Outcome(s) 3, Intermediate Outcome 3.2, *Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*.

# Activities

## Access to information high level dialogue (HLD) & capacity building workshop for public servants

The Office via the HRS and GGS in collaboration with UNESCO under the Samoa Knowledge Society Initiative conducted a [High-level dialogue](#) (HLD) on access to information in the public administration context in October 2022. The purpose of the HLD was for participants to share on 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 HLD was followed by a [2 day 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 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.

**LOOKING FORWARD:** The Office working with UNESCO and relevant government agencies will continue to carry out awareness in the access to information space to assist with the implementation of the Freedom of Information Policy that is soon to be finalized. In addition to raising awareness, the Office will also have a major role to play under the soon to be finalized Policy regarding handling grievances pertaining to refusal of access to information requests for instance.

## HRS collaborates with Danish Institute of Human Rights on human rights and SDG mainstreaming

In December 2021, the Office collaborated with the Danish Institute of Human Rights to working with a consultant to carry out an assessment regarding the extent in which SDGs are mainstreamed not only in the work of the Government but most importantly the work of the Office i.e. in its reports and recommendations. A final report of the mapping and identification issued in January 2022 highlighted that there are gaps and inconsistencies in referencing and use of SDGs and Agenda 2030 in the various documents produced by the Ombudsman. It therefore recommended,

- There could be an attempt to refer to relevant SDGs and SDG indicators, where relevant, in every document or report produced by the Ombudsman. SDGs, targets and indicators could be kept to hand to facilitate their inclusion.
- Particular attention could be paid to those SDGs least referenced

It was also recommended that staff could take the online training modules that introduces the links between 2030 Agenda and human rights, and how NHRIs can work strategically to promote and protect human rights through the 2030 Agenda and other online training.

**LOOKING FORWARD:** The Office aims to progressively realize and implement recommendations made in the final report to ensure that SDGs are continuously referenced in its work.

## VFSC pilot project wraps up<sup>18</sup>

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<sup>18</sup> **Note:** This project was co-led by the HRS and ECS and therefore are counted under both outputs.

The Office in collaboration with the UNDP Spotlight Initiative conducted the final 3 activities for its VFSC Pilot Project which wrapped up in December 2021 followed by an evaluation of the overall project which completed in January 2022. 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.

The Office would like to acknowledge the support of various partners who collaborated with the Office on the 3 activities 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 the 6 villages of Asau, Vaiee, Lotopue, Lalovi Mulifanua, Tago and Saleia.

**LOOKING FORWARD:** The Office will continue to approach MWCSO to consider continuing this activity. Looking at the bigger picture and sustainability of the program, it would be more appropriate for a government ministry with existing relevant mechanisms to continue this program such as MWCSO with the Office to assist with technical advice for transitioning purposes.

### Family Life Education (FLE) facilitator's trainings

The Office through the HRS and ECS in collaboration with the Samoa Family Health Association (SFHA) and partners carried out its Family Life Education facilitator's trainings in October 2021 and April 2022 targeting representatives from CSO/NGO. The purpose of the trainings was to build the capacity and equip facilitators with the relevant knowledge and skills to deliver Comprehensive Sexual Education (CSE) programs for young people in Samoa. Modules taught in the trainings covered areas including among others gender, sexual and reproductive health, human rights, and healthy relationships. The Office developed and facilitated the module on rights, values and sexuality.

**LOOKING FORWARD:** The Office will continue to collaborate with SFHA and partners to deliver the FLE facilitators trainings to ensure that the Module on rights, values and sexuality reach as many youth as possible in Samoa. This is a good opportunity for the Office to expand the scope of its awareness work through Samoa. Such engagement will contribute to the Office's work in safeguarding the sexual and reproductive health rights of young people in Samoa.

### Civil Society UPR Recommendations Follow up Workshop

On the 24 February 2022, the Office in collaboration with the OHCHR Regional Office based in Fiji hosted the [Civil Society UPR Recommendations Follow up Workshop](#). A total of 11 CSO/NGOs took part in the workshop all of whom participated in the UPR process in 2021. The purpose of the workshop was to help civil societies identify recommendations from Samoa's UPR that were consistent with recommendations made in their alternative submissions and develop a roadmap that will guide their monitoring and follow-up work from now to 2026. The CSOs were also informed of reporting processes for treaty bodies and how they can contribute especially to the upcoming reviews for Samoa by treaty bodies including



Convention on the Rights of a Child (CRC), Convention on the Elimination of all forms of Discrimination Dissemination against Women (CEDAW), Convention on the Rights of Persons with Disabilities (CRPD) and others scheduled for this year.

The Office also developed a monitoring and follow-up tool for CSO/NGOs to track progress of the Government's implementation efforts of the UPR recommendations. The tool will greatly assist CSO/NGOs with their mid-term review in 2024 and the next reporting for Samoa in 2026.

**LOOKING FORWARD:** The Office aims to hold mid-term review workshop in 2024 with CSO/NGOs to follow up on progress of implementation of UPR recommendations.

**Amicus curiae function promoted and utilized**<sup>19</sup>

**Our impact:** While there was no impact, The Office managed to commence work in this space by seeking support from APF. This will be followed up in the coming years.

**Ministry of Finance indicators**  
Ad-hoc engagement with Courts

<input type="checkbox"/>	Achieved
<input checked="" type="checkbox"/>	Partially achieved <sup>20</sup>
<input type="checkbox"/>	Not achieved

## Activities

### The amicus curiae function (“friend of the court”)

Given the limited manpower, the Office has yet to engage and utilize its amicus curiae function. However, there have been internal discussions to look into engaging the courts especially with more human rights issues being litigated in court. Assistance has been sought from the APF to assist with capacity building of staff in this space. The Office continues to monitor cases brought before the courts to identify avenues for intervention when warranted.

**LOOKING FORWARD:** The Office plans to work with its partners including APF as well as the courts to raise awareness of the amicus curiae functions and utilize this when and where necessary and required.

## Greater compliance with human rights obligations and standards

**Implementation of human rights obligations and recommendations (national and international) improved**<sup>21</sup>

**Our impact:** Produced 1 human rights report to Parliament focusing on the impact of COVID-19 and government measures on the rights and freedoms of Samoans especially on the most vulnerable groups and appeared before the UPR Working Group during Samoa's UPR Cycle 3.

**Ministry of Finance indicators**  
1x SHRR, ad-hoc thematic issue

<input checked="" type="checkbox"/>	Achieved
<input type="checkbox"/>	Partially achieved
<input type="checkbox"/>	Not achieved

<sup>19</sup> Strategic Outcome(s) 3, Intermediate Outcome 3.3, *Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*.

<sup>20</sup> The Office has yet to engage the court and vice versa. It is partially achieved because work has been undertaken in this space and also the function operates on an ad-hoc basis.

<sup>21</sup> Strategic Outcome(s) 4, Intermediate Outcome 4.1, *Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*.



# Activities

## Monitoring and reporting on the human rights implications of COVID-19

The Office submitted its annual [SHRR 2022 on COVID-19 and human rights](#) to Parliament on 30 June 2022 consistent with section 40 of the *Ombudsman Act 2013*.

Built on available research on COVID-19 as well as responses from stakeholder and community consultations and a national questionnaire survey, the Report provides an analysis of the impact of COVID-19 on the economic social and cultural rights as well as civil and political rights of the people of Samoa especially the most vulnerable including – persons with disabilities (PWDs), children and young people, the elderly and people with underlying medical conditions (including those living with HIV), women and girls (including pregnant mothers), people in detention, frontline workers, and low income families.

Assessed against human rights principles and standards, the Report also analyses the Government's measures in response to the pandemic, as well as the role various actors can play in Samoa's COVID19 response.

Some of the key findings of the Report include:

- Measures imposed by the Government to respond to COVID-19 had a great impact on the rights and freedoms of individuals including freedom of movement, access to health, right to education and work
- The pandemic highlighted the importance of the freedom of movement. Lock downs and restrictions greatly affected the freedom of individuals to move around freely hindering other rights such as the right to work, attend school, and access to health care
- While various measures were utilized to ensure that members of the public received information relating to Samoa's COVID-19 response, there was still some confusion and inconsistency in the information being shared and messaging due to poor coordination by the Government
- The closure of schools had a great impact on the right to education for children. While many shifted to online learning, it did not reach many students especially for those in rural areas and low income families due to lack of internet access and not enough devices. This can result in existing inequalities being further exacerbated
- COVID-19 and the Government's measures particularly the lockdowns and border closures had a great impact on the economy – with many businesses being forced to close down or struggling to pay rent despite the Government's support
- The increase in the cost of food items and the continued rise in the cost of living generally has greatly impacted many households' especially low income families and the unemployed struggling to make ends meet
- The pandemic also led to the prevalence of social issues including gender based violence affecting women and girls, crime including theft and burglary, and discrimination especially towards those who test positive for the virus
- Vaccine hesitancy (due to lack of information sharing on vaccine effectiveness) and those against vaccines were some of the key challenges hindering efforts of the Government to efficiently roll out vaccines

- There were some instances of disinformation and misinformation disseminated online especially in relation to vaccine efficacy, creating a challenge for the Government's efforts and negatively influencing the views of members of the public
- Those feeling the harshest impact of the Government's COVID-19 measures were those already vulnerable including low income families, women and girls (including pregnant mothers), the elderly and persons with disabilities, people in detention and persons of diverse gender identities and expression

The above findings directly impact on the realization of various SDGs including in particular:

- **SDG 2: Zero hunger** in relation to rising cost of living impacting on food security
- **SDG 3: Good health and well-being** in relation to health and mental health impacts as a result of COVID-19
- **SDG 5: Gender equality** in relation to issues such as gender based violence affecting women and girls
- **SDG 6: Clean water and sanitation** in relation to having access to clean water and sanitation especially to avoid the spread of diseases such as the pandemic
- **SDG 8: Decent work and economic growth** in relation to many people especially those in the tourism industry losing their jobs and therefore struggling to provide for their families
- **SDG 9: Industry, innovation and infrastructure** in relation to poor access to technology to support children with their learning online, as well as online options for accessing basic services
- **SDG 16: Peace, justice and strong institutions** in relation to the reduction of government services available due to lockdown restrictions which had an impact on physical access to services

Finally, the Report provides practical information, recommendations, and guidelines for applying a human rights based approach given the restrictions and limitations imposed by the ongoing pandemic, for Parliament and the Government's immediate consideration to ensure the continuous promotion and protection of the rights and freedoms of all the people of Samoa today and for any future pandemics or public health emergency.

The Report is now with Parliament for scrutiny and debate. It is available on the Office website for download and for the public's information.

**LOOKING FORWARD:** The Office will ensure to lobby the government through the relevant and responsible ministries to implement and progressively realize the recommendations contained in its SHRR 2022. Taking action on the recommendations will contribute in meeting recommendations made in Samoa's UPR and also the SDGs. The Office will ensure that awareness on the findings and recommendations is carried out during the FY 2022-2023 to ensure that agencies are made aware of their human rights obligations and their role to play. Awareness among Parliamentarians will also be carried out on the SHRR 2022 to ensure effective debate of the report findings in Parliament during the first sitting in 2023.

**Legislative and policy interventions consistent with human rights standards<sup>22</sup>**

**Our impact:** provided submissions to 2 legislative bills and to 3 national policies.

**Ministry of Finance indicators**  
*3x pieces of legislations/ bills reviewed*

	Achieved
	Partially achieved
	Not achieved

## Activities

### Legislative bill submissions and policy interventions

#### 1. Income Tax Amendment Bill 2021

On the 23 May, 2022 Office appeared before the Economic Sector Parliamentary Committee to present its submission on the *Income Tax Amendment Bill 2021*.

The Office in its submission provided that irrespective of political and religious beliefs and views, that the amendments contained in the Bill would be discriminatory as it will be conferring on church ministers a privilege or advantage on the ground of religion.

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*Article 15(2) of the Constitution makes it clear that any law (current or proposed) conferring on any person or persons any privilege or advantage on the ground of religion would be discriminatory and therefore inconsistent with Article 15 of the Constitution.*

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Consequently, exempting church ministers from paying tax as proposed by the Bill may be seen as a privilege on the ground of religion and therefore would be discriminatory and prima facie inconsistent with Article 15(2) of the Constitution.

While the Office acknowledges the contribution of the church as an entity to society and the idea of maintaining the separation between religion and the state, it is important to emphasize that *exempting an individual (in this case church ministers) from paying tax is a privilege not a right*.<sup>23</sup> The paying of tax by ordinary citizens including church ministers is a *collective responsibility* and *necessary measure* that contributes to the overall development and social security and wellbeing of everyone through funding healthcare, education etc.

The Office's submission urged the Committee to consider the implications of the amendments on our Constitution and human rights obligations. Any amendments must be made in a manner consistent with

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<sup>22</sup> Strategic Outcome(s) 4, Intermediate Outcome 4.2, *Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*.

<sup>23</sup> See for example - <https://www.dallasnews.com/news/faith/2008/10/02/pastor-tax-exemption-for-churches-is-privilege-not-right/>; <https://goodfaithmedia.org/tax-exemption-not-a-right-but-a-privilege-cms-16820/>; <https://churchesandtaxes.procon.org/>.

our Constitution specifically Article 15(1) and 15(2), as well as with human rights law in which Samoa is already a party, specifically the ICCPR.

## 2. SQA Amendment Bill 2022

The Office attended consultations and provide feedback on the *SQA Amendment Bill 2022*. Key concerns raised by the Office included the impact on the rights of consumers/students who will lose out if the service providers are de-registered once the law comes into force as the amendment proposes new criteria for compliance. Questions were also posed regarding a grievance mechanisms for consumers/students who will lose out if their service providers is de-registered for not meeting the new requirements proposed by the amendments. In moving forward the Office will,

- monitor and foresee possible grievances and complaints that may be lodged by consumers/students who will lose out if their providers are de-registered, as well as complaints from providers themselves; and
- continuously monitor, review and strengthen SQA grievance mechanism to ensure they are effective in resolving complaints and informed by best practice.

## 3. Policy interventions

The Office was consulted and provided feedback to three national policies for the FY 2021-2022. These policies include:

- Samoa National Employment Policy
- Freedom of Information Policy
- COVID-19 National Alert Level Classification Review
- National Prevention Framework for Violence Against Women and Girls

**Participation in human rights reporting processes improved<sup>24</sup>**

**Our impact:** submitted Statement of Compliance to GANHRI in June 2021 and appeared before the Sub-Committee on Accreditation (SCA) in September. Office awarded 'A' status after the SCA's review in October 2021.

**Ministry of Finance indicators**  
*CRPD and NHRI Accreditation*

	Achieved <sup>25</sup>
	Partially achieved
	Not achieved

## Activities

### Office retains its 'A' status

<sup>24</sup> Strategic Outcome(s) 4, Intermediate Outcome 4.3, *Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*.

<sup>25</sup> The Office has yet to provide its alternative submission to the CRPD Committee as this is all dependent on the Government submitting its national report first. The Government of Samoa has yet to submit its national report. The due date for the national report was November 2020. Once the Government submits its report, the Office can then submit. The Office's submission to the UPR and treaty bodies are usually ad hoc. The timeframes for reporting are controlled by the United Nations mechanisms.

The Office was officially [re-accredited as an 'A-Status'](#) Institution by the Global Alliance of National Human Rights Institutions (GANHRI) on the 2 November 2021. It is the only NHRI in the Pacific excluding New Zealand and Australia to achieve such status. The review of the Office's compliance with the Paris Principles took place during [GANHRI SCA](#) session that ran virtually from 18-29 October 2021. The Office State of Compliance was submitted in June 2021.

The 'A' status position of the Office means that it is compliant with the [Paris Principles](#) which govern the work of national human rights institutions across the world. The recognition not only goes towards the dedication and hard work carried out by the Officer since its first accreditation in 2016, it is also one that recognizes the investment of the Government in ensuring that human rights of Samoans are safeguarded through its support of the work of the Office, which must be sustained.

Some of the [key areas](#) for the Office to consider in moving forward include:

- interpret its human rights mandate broadly to include both civil and political as well as economic, social and cultural rights. Furthermore, the human rights mandate should be extended to the acts and omissions if both the public and private sectors. This should be explicitly mentioned in the legislation;
- continue to raise awareness among members of the public of the Office's position on human rights issues and violations and to look into activating the individual human rights complaint handling services resources permitting;
- advocate for amendments to enabling law to provide for an explicit mandate to conduct ad hoc and unannounced visits to all places of deprivation of liberty (public and private);
- advocate for the government to provide appropriate level of funding in order to guarantee the Office's ability to freely determine its priorities and activities;
- to limit the term of office for the Ombudsman to only 1 re-appointment to promote institutional independence;
- continue to advocate for an adequate level of funding so as to permit the employment and retention of staff with the requisite qualifications and experience to fulfill the Office' human rights mandate.

**LOOKING FORWARD:** The Office taking into account its resources, will strive to ensure that it implements recommendations and address areas for improvement in the coming years before its next re-accreditation in 2026. One of the key areas that it has commenced work on is the review of its legislation to address issues relating to the term of office for the Ombudsman, cover issues affecting those in the private sector and investigating of 'individual' human rights complaints. The Office will also continue to lobby the Government to continue to invest in its work to ensure that the rights of all Samoans are continuously protected.

### **Engagement with UN mechanisms and special procedures**

The Office also engaged and was consulted by UN mechanisms and procedures to not only share information about the work of the Office but also advice on ways to further improve the work of the Government in areas consulted on. The Office met and consulted virtually with:

1. **CEDAW Working Group Expert meeting for the Pacific:** focusing on the rights of Indigenous women and girls – May 2022

2. **UN Special Rapporteur on Violence against Women:** focusing on Climate Change and GBV against Women and Girls, Regional Consultation- Asia Pacific – June 2022
3. **UN Special Rapporteur for Climate Change:** focusing on what are the priority areas in relation to human rights protection from climate change impacts – June 2022

**LOOKING FORWARD:** The Office will continue to engage with UN mechanisms and special procedures to not only provide information on human rights situation in Samoa but to also link them with groups carrying out human rights work in Samoa. It will also continue to lobby and encourage the Government to invite such mechanisms to Samoa for country visits where and when necessary.

*Conditions and management of places of detention improved<sup>26</sup>*

***Our impact:** carried out 2 spot checks between July – December 2021 and 1 major inspection in April 2022. The latter focused on COVID-19 preparedness, prevention and control in places of detention.*

**Ministry of Finance indicators**  
1x inspection & report

	Achieved
	Partially achieved
	Not achieved

## Activities

### Spot checks conducted at prison sites in Upolu and Savaii

The Office between July and December 2021 conducted spot checks of the inspection facilities. The Ombudsman visited the main facility at Tanumalala in the lead up to Samoa's UPR in November 2021. Office staff also carried out spot checks of the Juvenile facility at Mulifanua and the Vaiaata prison facility in Savaii. Feedback from these spot checks have been used in the Office's reporting and also referred to the Ministry of Police and Prisons for their consideration.

**LOOKING FORWARD:** The Office will continue to conduct spot checks of all detention facilities and make recommendations to the relevant agency for their consideration and action. Feedback from the spot checks will also be incorporated into the annual inspection reports and international submissions on the rights of prisoners.

### COVID-19 preparedness, prevention and control in places of detention

As a result of the extreme risks posed by COVID-19 to people in detention, the Office on the 28 April 2022, undertook its COVID-19 Assessment for the Tanumalala Prison Facility.

From its COVID-19 Assessment, the Office observed several good practices such as having dedicated isolation cell blocks for positive cases, testing for staff when they come in and leave shifts, distributing of sanitizers, soaps and face masks for inmates and staff, granting temporary release for prisoners who were 55 years and have underlying health conditions, and early release for inmates who have already served over 50 per cent of their total term and have 6 months remaining, as well as breastfeeding mothers. However, there were also deep concerns especially in relation to overcrowding, anxiety and mental stress,

<sup>26</sup> Strategic Outcome(s) 4, Intermediate Outcome 4.4, *Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*.

delays in handling court cases due to court shutdown, as well as lack of resources such as testing kits to conduct comprehensive surveillance for all inmates as well as visitors to the facility. The report issued 16 recommendations for the MPPS to consider to ensure that the rights of inmates and custodies (as well as staff) continued to be protected and safeguarded from vulnerability to COVID-19.

While the Office’s COVID-19 Assessment was only conducted for the Tanumalala Prison, recommendations made are relevant for all three prison facilities managed by the MPPS to ensure consistency in measures applied. This is especially essential for the Juvenile Detention Centre at Olomanu where young offenders must be provided with the necessary support in accordance with Samoa’s obligations under the Convention on the Rights of the Child.

The [Report](#) is available on the Office website for the public’s information.

**LOOKING FORWARD:** The Office will conduct a follow-up of its recommendations and provide feedback to the responsible agency regarding their progress on implementation.

**Established and improved human rights culture consistent with Fa'asamoa**

*Public’s understanding of rights and responsibilities enhanced<sup>27</sup>*

***Our impact:** conducted 3+ consultations with communities and civil society groups on human rights implications of COVID-19, celebrated human rights day and conducted a dialogue on good governance and human rights, developed a Toolkit for village based advocate to use and guide their work on family violence prevention in communities.*

<b>Ministry of Finance indicators</b> <i>5x Community Public Education, 3x Friendly Schools, 8 workplace awareness, 1 HR Day, 1x Human Rights Tool kit, 3x Office newsletter, 1x community discussions to develop Samoan vocabulary on FV, 3x International days activities</i>		Achieved
		Partially achieved <sup>28</sup>
		Not achieved

Activities

**Police Recruits training on human rights and good governance standards**

In August 2021 and March 2022, the Office delivered a half-day awareness training session for Police Recruit as part of its ongoing partnership with the MPPS. The Office presented its key mandates and functions that are relevant to Police work, shared fundamental human rights standards to consider in

<sup>27</sup> Strategic Outcome(s) 5, Intermediate Outcome 5.1, *Ombudsman NHRI Samoa* [Strategic Plan FY 2021/22 – 2024/25](#).

<sup>28</sup> The national lockdown prevented the Office from carrying out its Friendly Schools, and the workplace awareness. Furthermore, delays in the approval of the national budget meant that some of the activities had to be reprioritized. For example, the Samoan vocabulary on family violence and international activities had to be postponed to the FY 2022-2023.

practice when carrying out its duties, and on its role as an oversight agency. The Office acknowledges the continuous partnership and support of the MPPS.

**LOOKING FORWARD:** The Office will continue to work in collaboration with MPPS to carry out trainings for its new police recruits to raise awareness on human rights and good governance standards that police need to take into account when carry out their work. It plans to develop a module/ Guide on law enforcement and human rights standards to assist police with their work in the coming years.

### **Consultations and awareness raising on human rights implications of COVID-19**

NHRI conducted [2 community consultations](#) in Upolu and Savaii in March 2022 to gauge the attention and engage with the community people and discuss on human rights and the impacts of COVID-19, on the rights of the Samoan people. Consultations in Savaii was conducted in the district of Fa'aseleaga and Lefaga district for Upolu. The consultations also provided the opportunity to raise awareness among participants of the roles of the Office.

Consultations and awareness raising on human rights and COVID-19 was also carried out for civil society groups during the UPR follow up workshop in February 2021.

### **Human rights day and dialogue on good governance and human rights**

Samoa joined nations around the world to celebrate [Human Rights Day 2021](#). This year's celebration on the theme "end inequalities advance human rights" was an opportunity to acknowledge and recognize all CSO/NGO for their tremendous work in advancing human rights in Samoa with special focus on agencies who have been pioneers in advocating and lobbying for equality of opportunities, accessibility, fairness of processes, and eradication of barriers and discrimination in Samoa over the years.

The celebration coincided with the Office national dialogue on good governance and human rights. The dialogue focused on strengthening partnerships and developing collaborative strategies with CSO/NGO to better promote and protect human rights in Samoa.

**LOOKING FORWARD:** The Office will continue to celebrate human rights day every year. It will also follow up on its good governance and human rights dialogue in FY 2023-2024.

### **Village Based Advocates Talanoa Toolkit<sup>29</sup>**

The Office with the assistance of UN Women developed and finalized in December 2021 the [Talanoa Toolkit for Village-Based Advocates Against Family Violence](#), a resource initiated from recommendations of the [National Inquiry into Family Violence 2018](#) and the Village Family Safety Committee Pilot Project 2019-2021 serves as a primary prevention tool to be used by a broad range of actors to facilitate conversations and dialogues to address family violence in community and family settings. It seeks to ensure that any persons, regardless of lived experience, socio economic background, status, identity have equal access to the knowledge and skills necessary to facilitate conversations and dialogues on gender-based violence and family violence prevention in their respective communities.

The overall purpose of the Talanoa Toolkit is to ensure that conversations about addressing family violence within villages and families by village-based advocates are guided by consistent messaging being

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<sup>29</sup> **Note:** This project was co-led by the HRS and ECS and therefore are counted under both outputs.



upheld by policy makers, development partners, and key stakeholders providing first response and family violence prevention services in Samoa. The key messages contained in the Talanoa Toolkit aims to encourage courageous and empowering conversations in addressing intimate partner violence, violence against children and sexual violence in Samoa.

**LOOKING FORWARD:** The Office will be launching the Toolkit in August 2022. It will also in collaboration with relevant NGOs continue to raise awareness of the Toolkit and distribute copies to those who may be interested to be village based advocates to use in their family violence prevention work.

**Public especially vulnerable communities empowered to exercise their rights and responsibilities<sup>30</sup>**

**Our impact:** held 3 human rights advisory council meetings, and empowered 6 villages to set up VFSC within their communities including the finalization of bylaws to address family violence.

<b>Ministry of Finance indicators</b>		Achieved
3x human rights advisory council meetings;		Partially achieved
Empowerment programme/ project		Not achieved

## Activities

### Human Rights Advisory Council meetings

The Office held the first meeting for the newly appointed Human Rights Advisory Council in August 2022. The first meeting was an induction for the new members to discuss their roles and responsibilities. The second and third meeting was to allow members to report on human rights issues affecting the groups they represent and also to update them of the work of the office.

The Council’s membership was revised in early 2021 to have a representative groups that deal with specific groups and areas. The new council is made up of the following advisors: Disability Advisor, Faith-Based Advisor, Equal Opportunity Advisor, Women’s Rights Advisor, Diversity Advisor, Community Advisors (x2), and Children and Young people Advisors (x2).

**LOOKING FORWARD:** The Office aims to fully utilize the potential of the members of the council to not only provide report on human rights issues affecting the groups they represent but also to collaborate on specific human rights projects that the Office will carry out during the council member’s tenure which is for three years.

### Village bylaws to address family violence in 5 villages launched

One of the activities under the Office’s Village Family Safety Committee (VFSC) Pilot Project was to encourage the 6 villages who were part of the project to review and draft bylaws that would incorporate rules and penalties for addressing family violence in their villages. An example include addressing violence specifically against children, women and girls, persons with disability. Also, for the first time, Village

<sup>30</sup> Strategic Outcome(s) 5, Intermediate Outcome 5.1, Ombudsman NHRI Samoa [Strategic Plan FY 2021/22 – 2024/25](#).

Councils have agreed to incorporate in their bylaws the need for Village Councils to help and assist the enforcement of protection orders of victims that may require help.

On the 10 December 2021, 5 of the 6 villages who were part of the VFSC Project i.e. Lalovi Mulifanua, Vaiee, Taga, Asau and Saleia [officially released their bylaws](#). The bylaws release was launched by the Honorable Prime Minister during the Human Rights Day 2021 celebrations.

**LOOKING FORWARD:** The Office working with the MWCSO will continue to encourage other villages to review their bylaws to include measures to address family Violence.

### **Village Family Safety Committee Pilot Project Monitoring and Evaluation Report**

The Monitoring and Evaluation activity of the VFSC Pilot Project carried out from 26 November 2021 – 31 January 2022 was a partnership program between the Office (HRS) and UNDP. The activity was to assess the performance (including the approach) of the pilot program and made recommendations on the successes, pitfalls and lessons learnt of the projects. From the evaluation it was found that projects objectives and priorities were relevant, 60% fully achieved and 20% were not achieved with 20% partially achieved. Since the close of the project various other villages have expressed interests in setting up their own VFSCs. The overall evaluation of the pilot also saw how activities to address family violence were more impactful at the village level rather than district levels. Strategic interventions to address family violence (in the community and any setting) must be constant and continuous over a longer period of time (at least 3-4 years) to ensure change of mindset in the long run.

**LOOKING FORWARD:** The Office intends to hand over the VFSC Project to the MWCSO as the relevant implementing government agency to take it forward. It will assist with providing technical advice to the ministry to assist with transition and implementation. It is important for the Government through the MWCSO to take up the VFSC project given its obligation as duty bearer for respecting, protecting and fulfilling human rights. Finally, to assist villages who may be interested in setting up their own VFSC's the Office will develop a Guide on setting up VFSC to provide guidance.

## **Output 3: Special Investigation Services**

### **Overview of work**

SIU continues its work with a physical capacity of three staff members.

With COVID-19, there were a number of challenges to perform the functions of the Unit as the majority of complaints are received in person. Two of the Unit's three staff members, contracted COVID-19 during the financial year, thereby suspending a major Prison investigation and postponing the scheduled Police reviews for the new financial year.

This financial year, SIU received 72 complaints with the majority being prison related. The Unit conducted 10 monthly visits to the Tanumalala Prison and the Olomanu Juvenile Detention Centre; receiving in total, 41 complaints from prisoners, through its Ombudsman Complaint Boxes.

### **Summaries**

## Improved compliance with good governance standards and rule of law

*Independent, credible and effective discharge of the functions of the SIU<sup>31</sup>*

**Our impact:** Received 72 complaints and resolved 53 to the full satisfaction of complainants.

### Ministry of Finance indicators

50+ complaints received and resolved; Evidence of recommendations accepted by Police or Corrections as a result of review report conducted; 1x Own Motion Investigation subject to serious complaints received; 3x Reviews of complaint mechanisms continuing (2 Police, 1 SPCS); Achieve 100% rate in addressing matters referred to the office in a timely manner

	Achieved
	Partially achieved <sup>32</sup>
	Not achieved

## Activities

### Complaints against disciplinary forces

Complaints received for period July 2021 – June 2022	<b>72</b> Of the 72 complaints there were 6 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.			
Resolved <b>53</b> (Including OOJ, Referred, Suspended files)	Active/pending <sup>33</sup> <b>19</b>	Suspended <sup>34</sup> <b>01</b>	Referred <b>08</b>	OOJ <b>07</b>
Comparison with FY 2020-2021	SIS received a total of <b>88</b> complaints during the last financial period (July 2020 to June 2021).  In comparison, there is a <b>22.2%</b> decrease in complaints this financial year. This can be attributed to the effects of COVID-19 as complainants could not lodge their complaints in person as they normally do.			
Nature of complaints	Agencies complaint against			
<ul style="list-style-type: none"> <li>Poor service</li> <li>Complaints from prisoners about conditions and issues in prison</li> </ul>	<ul style="list-style-type: none"> <li>MPPS</li> <li>MJCA</li> <li>Prison Parole Board</li> <li>Accident Compensation Corporation</li> </ul>			

<sup>31</sup> Strategic Outcome 2, Intermediate Outcomes 2.1, 2.2 and 2.3, *Ombudsman NHRI Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*.

<sup>32</sup> Disciplinary force reviews for this FY have been postponed to the new financial year due to COVID-19.

<sup>33</sup> These cases are active/ pending due to complainants having yet to return with required documents for assessment as well as pending investigations at prison.

<sup>34</sup> The case was suspended as the complainant is reconsidering whether to continue with his complaint.

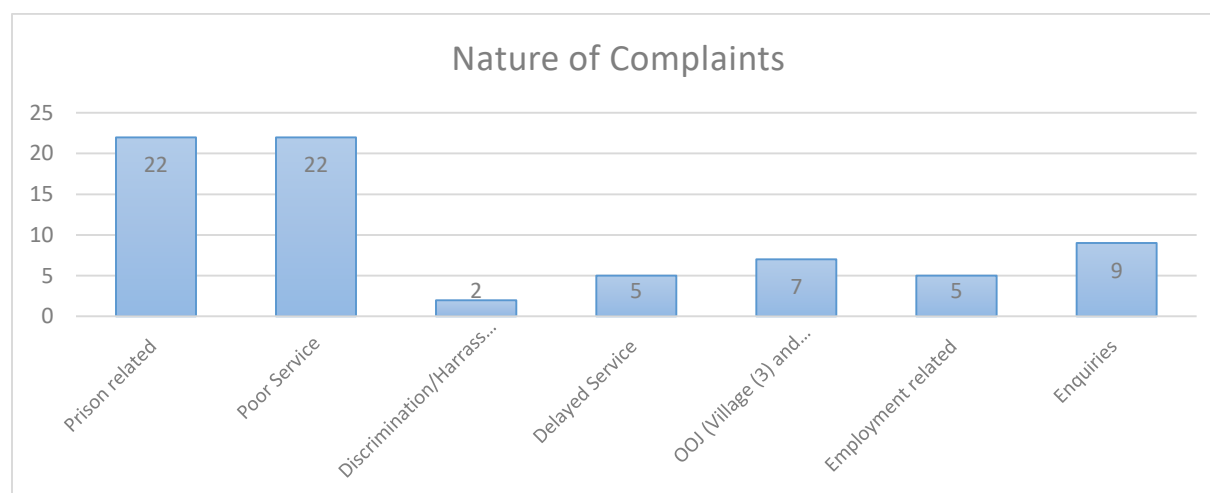
<ul style="list-style-type: none"> <li>• Discrimination</li> <li>• Enquiries for assistance in legal aid, parole etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Samoa Tourism Authority</li> <li>• Samoa Qualifications Authority</li> <li>• Samoa Fire &amp; Emergency Services Authority</li> <li>• Village mayor</li> </ul> <p><b>NOTE:</b> SIS continues to receive the highest number of complaints against MPPS and continues to work hand in hand with the said disciplinary force in building effective ways to dispose and resolve complaints as most effectively and efficiently as possible.</p>
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## Trends and analysis of complaints received

The MPPS continues to be the most complained of disciplinary force in the public sector with 44 complaints this financial year. This is not a surprise given the merge with prisons.

SIU continues to work closely with the Police Professional Standards Unit through its referral system to ensure that complaints are referred for investigation and monitored for progress on a timely basis. Also through its routine prison visits and preliminary enquiries, SIU issues recommendations and alternative options for redress that can and have resolved complaints early and to the satisfaction of the complainant where applicable.

## Nature of Complaints



### i. Poor services

The majority of complaints received against disciplinary forces were prison related and pursuant to the poor quality of services rendered to members of the public. Complainants have complained of insulting remarks made by officers to false information provided as an effort to avoid the performance of their duties.

**LOOKING FORWARD:** Plans are being laid for SIS to work with the Police Training Unit to conduct sessions on complaint handling for Police Outposts to address these emerging trends in complaints.

## ii. Prison related Complaints

All complaints from prisoners are collected by SIU officers themselves on a monthly basis through its Ombudsman Complaint Boxes, as prisoners have voiced time and time again, that they do not trust correction officers to refer their complaints to our office. It is an arduous and resource heavy task but one that is done faithfully in an effort to improve the accessibility of our office to prisoners.

The Office carried out a total of ten prison visits for the FY 2021-2022. The purpose of the visits were to:

- i. Deliver enveloped, written responses of previous complaints to prisoners;
- ii. Collect, if any, new letters from prisoners;
- iii. Interview prisoners upon request or when we see necessary; and
- iv. Conduct ongoing investigations (SIU08)

From these visits the Office received 41 complaints from prisoners. Most prisoners are complaining about the prison food claiming they are infested, undercooked, small in quantity and unhealthy. There are equal complaints about misconduct of correction officers, ranging from uttering insulting and threatening words, assault, theft of properties, sleeping whilst on duty at night, unfair treatment, biased and inappropriate investigations. Others are requests for information on sentences/parole terms, accident compensation, medical assistance and legal aid.

**LOOKING FORWARD:** SIS will continue to carry out regular visits of prison facilities and address complaints made by prisoners. These trends in complaints are reported to the Commissioner of Police and/or relevant agencies with recommendations on areas of improvement. SIS responds to all prisoner complaints in confidence.

## Key case summaries

### i. Early Resolution Cases

The following complaints were resolved early through preliminary enquiries:

#### SIU31/21 PC:

Launched: 18<sup>th</sup> June 2021 via Tanumalala OMB Box

Summary: SIS received a complaint from an inmate requesting an investigation into a vehicle accident in 2017 that resulted in a permanent disability to his leg; he now walks with a limp. A Correction Officer was reversing in an SPCS vehicle and had run over his leg.

OMB Action: SIS interviewed the complainant, recorded his statement and took photographs. We had queried with PSU and found no record of disciplinary action against this officer. The matter was therefore referred to PSU to initiate an investigation.

Result: Correction Officer involved has been arrested and charged with Reckless Driving Causing Injury to the prisoner/ complainant.

#### SIU51/21:

Launched: 14 December 2021

Summary: Complainant is an overseas lawyer that complained of Police preventing them from seeing their clients in prison after months of correspondence.

OMB Action: SIS reached out to the Deputy Commissioner that expedited the matter and the issue was resolved within a week.

Result: The local representatives of the overseas law firm were able to see and interview their client before Christmas.

#### SIU59/21:

Launched: 14 December 2021

Summary: A mother lodged a complaint against her village Mayor for imposing a hefty ST\$10,000.00 fine, for the assault of their local pastor's son. She felt that the fine was unreasonable given the minimal nature of the offence and the fact that she had already paid ST\$2,000 and had conducted a traditional ifoga that was already accepted by the pastor and his family.

OMB Action: The Office contacted MWCSO and referred the complainant. They were also advised that according to the Village Fono Act they can appeal the Village Fono's decision within 7 days by way of writing to LTC.

Result: The fine was reduced to the production of an ifoga on top of ST\$2000.00 already paid.

#### SIU01/22:

Launched: 19<sup>th</sup> January 2022

Summary: SIS received a complaint against 2 officers for the unreasonable delay in the investigation of a matter that was lodged in November 2021. The complainants were worried that the subject of the complaint may attempt to leave the jurisdiction on seasonal employment without the refund of their monies that the subject obtained from them by deception.

OMB Action: SIS noted the complaint and quickly wrote to the Ministry for assistance.

Result: The Police moved to complete the investigation and arrested the suspect.

## ii. Investigations

The following complaints escalated to formal investigations during this financial year by SIS.

#### SIU14/21:

Launched: March 2021 – Final stages of Editing

Summary: SIS received a complaint from an officer, alleging unfair treatment through the denial of his right to a fair trial. The officer and his partner (who is also an officer) were involved in a drunken altercation in a public place whilst off duty.

Update: We are in the final phase of finalizing the investigation report.

#### SIU08

**Launched:** April 2022 – ongoing

**Summary:** SIS received a referral from the Deputy Commissioner of the Ministry of Police, Prisons and Corrections Services regarding a complaint from different inmates alleging maladministration by the Prison Management.

**Status:** This investigation was suspended halfway through the financial year as SIS staff members contracted COVID-19, posing a physical risk to prisoners during interviews. A rough estimate of 30 interviews has already been conducted at Tanumalala Prison with interviews scheduled for Vaiaata Prison. This is an ongoing investigation.

**iii. Jurisdictional challenge**

SIU28/20

**Summary:** Complaint from anonymous employees of SFESA wrote a letter to the Ombudsman, alleging differential treatment by an executive member to a subordinate, resulting in unfair promotions and the abuse of Government funds. After 10months of extensive investigations, a final report was tabled and referred to SFESA, MPE, MOF, SAO and Cabinet with ten (10) recommendations.

**Status:** MOF confirmed misappropriation of Government funds. FESA thereby terminated 2 officers implicated in the report.

**Update:** The Ombudsman’s jurisdiction has been challenged in the Supreme Court. Our office worked collaboratively with the Attorney General’s Office to lodge submissions that were heard on 28 September 2022. His Honor Justice Clarke has reserved his decision till November 2022.

**Disciplinary Force/ Police Professional Standards Review**

SIS is mandated under section 68(5) of the *Police Service Act 2009* to carry out reviews of the Professional Standards Unit on a regular basis. Given the unforeseen outbreak of COVID-19, the national lockdowns that followed in 2020, 2021 and 2022, and SIU staff members contracting COVID-19, SIU were only not able to carry out annual reviews from the periods of July 2020 to June 2021 and July 2021 to June 2022.

**LOOKING FORWARD:** SIS aims to continue its’ PSU reviews in the next financial year with an additional review of the Sexual Offenders Registry as is mandated under section 43 of the *Sexual Offenders Registration Act 2017*.

*Effective engagement with the public on the functions of the SIU<sup>35</sup>*

*Our impact: carried out 1 high level dialogue, and 2 workshops for police recruits and 2 community engagements.*

Ministry of Finance indicators 2x public awareness programs for SIU		Achieved
		Partially achieved
		Not achieved

<sup>35</sup> Strategic Outcome 2, Intermediate Outcome 2.3, *Ombudsman NHRI Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*.

# Activities

## Good Governance Dialogue for public agencies and disciplinary forces

*Refer to explanation of this activity under GGS (i.e. “Good Governance Dialogue for public agencies and disciplinary forces”)*

## Police Recruit training on human rights and good governance standards

*Refer to explanation of this activity under HRS (i.e. “Police Recruits training on human rights and good governance standards”)*

## Community awareness and engagement

*Refer to ECS section which provides the narrative for this activity (i.e. “Public information booth” and “School engagements”). Note that all engagement activities with schools and communities are carried out collectively.*

*An adequately resourced SIU with capable staff able to adequately deliver all SIU functions<sup>36</sup>*

*Our impact: staff successfully complete professional development training in investigations and fraud examination that will greatly help with fulfillment of investigations mandate of the Office.*

### Ministry of Finance indicators

*1x position to be advertised, 2x capacity building training for SIU officers*

	Achieved
	Partially achieved <sup>37</sup>
	Not achieved

# Activities

## Certificate IV Government Investigations training

Through the technical assistance of the Commonwealth Ombudsman, officers of the Ombudsman investigation arm continue to undertake an intense 12 month course delivered by ICETS (Investigation Compliance and Enforcement Training System) that focuses on specific skillsets required for Government investigations.

- SIS Principal Investigations Officer has completed and received his Certificate in September 2021.
- SIS Senior Investigations Officer is currently undertaking this course.

## Certified Fraud Examiners course

<sup>36</sup> Strategic Outcome 2, Intermediate Outcome 2.2 and 2.3, *Ombudsman NHRI Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*.

<sup>37</sup> SIS staff undertook trainings in Government Investigations and in fraud examination. SIS was unable to advertise a position to increase staff due to budget constraints imposed by the Ministry of Finance.



Through the technical assistance of the Commonwealth Ombudsman, officers of the Ombudsman investigation arm continue to undertake an intense 12 month course delivered by ACFE (Association of Certified Fraud Examiners) that focuses on specific skillsets required for investigating corruption.

- Director SIS has completed and is a certified fraud examiner.
- SIS Senior Investigations Officer is currently undertaking this course.

The Office intends to expand its mandates into Fraud and this training can assist staff capacity building in such area.

**LOOKING FORWARD:** The Office will continue to lobby for positions to assist in the work of SIS and look for trainings opportunities to continue to build the capacity of staff to effectively carry out the SIS work of the Office.

### Ombudsman Tribunal

The Ombudsman Tribunal is established Under Regulation 8 of the *Special Investigations Regulations 2016*. This is an entity that:

- may hear and determine any complaint investigated by SIS;
- impose the penalties provided under the disciplinary rules of the disciplinary force; and
- make any other order as it thinks fit.

Efforts have been poured into building the physical capacity of the Tribunal (i.e. zoom system, pulpit, laptops, recorders etc.) so that when a complaint merits an escalation to the Ombudsman Tribunal, there is at least, physical capacity there.

### SIS staff Shortage

As the workload increases, so does the need for manpower. SIS is in need of a legal officer specifically in anticipation of the setup of the Ombudsman Tribunal. As with the challenges seen in this financial year, having two (2) staff members contracting COVID-19 meant that one officer had to take on the workload. As a small office, SIS officers are often requested to assist with other Units and their work because of the specific skillsets (e.g. Report writing and oratory skills) and the shortage in staff all round.

**LOOKING FORWARD:** SIS will be requesting for an additional staff member, namely a legal officer to join the team.

## Output 4: Engagement & Communications Services

**Note:** Most of the ECS are included under the Human Rights output for this Annual Report especially human rights awareness and education and workshops. This is because ECS was part of HRS for the FY 2021-2022 (July 2021 – June 2022) until FY 2022-2023 where it officially became a standalone Unit with its own budget line approved by the Ministry of Finance. Separate reporting for ECS will be included in the next Annual Report FY 2022-2023 (July 2022 – June 2023).

## Overview of work

The ECS is a new additional supporting unit of the Office recently set up as an output with an allocated budget which is a milestone achievement for the Office itself. Although, recently set up as an output it has not derailed its ability to carry out some of its functions for FY 2021-2022 even without an allocated budget. It has managed to achieve some of its tasks. The ECS in this fiscal year responsible with the first Office Dialogue in Good Governance and Human Rights, compiled and issued two newsletters and 13 press releases. It has increased reach on its social media platforms such as Facebook from 1,701 last fiscal year to 2,800 that is a 1,099 increase. Followers increased from 1,805 to 3,200 which is a 1,395 increase. This is a testament to the increase in engagement events and posts on social media in this financial year. ECS has developed and finalized 3 policies that will regulate and govern engagement and communication work of the Office.

## Summaries

### Enhanced public awareness of our key roles, services and processes that enables increased access and engagement

1. Enhanced public awareness about the Office & public empowered to access Ombudsman services<sup>38</sup>

*Public value complaints, enhanced awareness about the Office and human rights with individuals empowered to access Office services*

*Our impact: Increased awareness of the Office on social media. The number of individuals accessing Office services also increased.*

#### Ministry of Finance indicators

1x Office Dialogue, 1x Bulk Text Promo, 2x Radio Talk Shows, 2x Community, 2x Ministry Information Sessions, 3x Ombudsman School Program, 1x HR international Day event

Achieved

Partially achieved<sup>39</sup>

Not achieved

## Activities

### Office Dialogue and Human Rights International Day

**Refer to explanation of this activity under GGS and SIS (i.e. “Good Governance Dialogue for public agencies and disciplinary forces”) and HRS (i.e. “Human rights day and dialogue on good governance and human rights”)**

<sup>38</sup> Supporting outcome(s) ii, Ombudsman NHRI Samoa [Strategic Plan FY 2021/22 – 2024/25](#). Strategic Outcome 7, Intermediate Outcome 7.1, Ombudsman NHRI Samoa [Corporate Plan FY 2021/22 – 2024/25](#).

<sup>39</sup> This is partially achieved due to the fact that there was no committed budget for some of these activities for the FY 2021-2022 including Bulk Text Promo, Radio Talk Shows, and Ministry Information Sessions. Activities that were achieved were (1) part of the workplan of other Units within the Office and were thus financed from their budgets e.g. Human rights International Day event, and (2) did not cost as the Office piggy-backed on other agencies activities e.g. JICA and Samoa College open days covering the Ombudsman School Program.

## School engagements

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.

**LOOKING FORWARD:** The Office will continue to take part in community events in villages and schools to raise awareness of the role and mandates of the Office and how people can access its services.

## Community engagement

*Refer to explanation of this activity under HRS (i.e. “Consultations and awareness raising on human rights implications of COVID-19” and “VFSC pilot project wraps up”)*

### Pacific regional Community Outreach Project

The Office joins other Ombudsman Offices in the Pacific region on the Community Outreach Project spearheaded by Ombudsman New Zealand. This project focuses on bringing together Pacific Ombudsman to share on the development of an engagement strategy to encourage more Pacific engagements with Ombudsman services not only in New Zealand but also around the Pacific Region.

The intention is to build on joint projects that Offices can do together to continue with knowledge and good practice sharing of ideas. Ongoing Community outreach workshops take place online with the Office facilitating one of these workshops.

*Public have reasonable understanding about their rights and expectations about what the public sector should provide*

*Our impact: Information sharing from COVID-19 info sheets and standard response to FAQ about the Office contributed to understanding about limitation of rights, what the office can and cannot do.*

**Ministry of Finance indicators**  
1 x Resource/Guide/Toolkit/Factsheet

	Achieved
	Partially achieved
	Not achieved

## Activities

### COVID-19 info sheets<sup>40</sup>

Throughout the lockdown period, the Office continued to support the work of the Government by issuing key messages and information point on various issues to help inform and aid public understanding on human rights and how they can be impacted by measures taken to deal with the pandemic. These messages helped dispel common misconceptions around the application of human rights in times of emergencies. These information points and key messages included:

1. State of Emergency orders and human rights

<sup>40</sup> **Note:** This project was co-led by the HRS and ECS and therefore are counted under both outputs.

2. Vaccine mandates and human rights
3. Access to information, privacy & COVID19
4. Non-Discrimination and COVID-19

## Standard Response Guide to frequently asked questions about the Office issued

The Office issued a response guide to frequently asked questions to assist Office frontline staff and anyone who is fielding calls and walk-ins for the Office during the covid-19 lockdown period; and be used in situations when the relevant staff are unavailable to take queries and appointments by members of the public relating to the mandated role of the Office and services.

This guide is also for general information about the roles and functions of the Office, what we can and cannot investigate processes and how to make a complaint to the Ombudsman. This will ensure that the public is served in a professional manner but also ensure that the information relayed is informed, accurate and relevant.

### 2. Effective communication and engagement with general community, agencies and among identified target audience<sup>41</sup>

*Enhanced accessibility in rural, remote areas and wider reach to diverse groups and ages*

*Our impact: The Office is becoming more visible to the public and to all ages through public informational booths.*

#### Ministry of Finance indicators

1 x Public Booths

Achieved

Partially achieved

Not achieved

## Activities

### Public information booth

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.

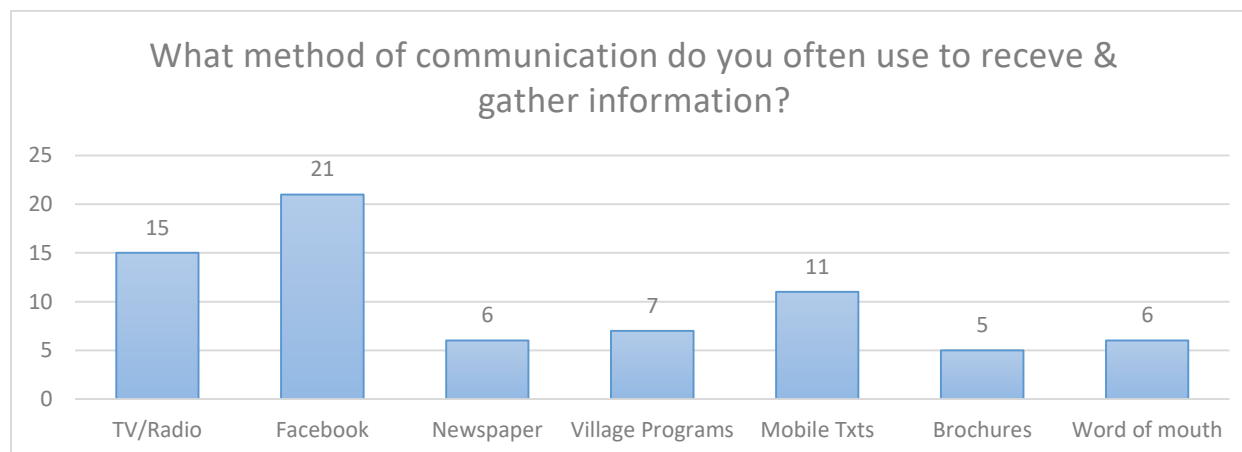
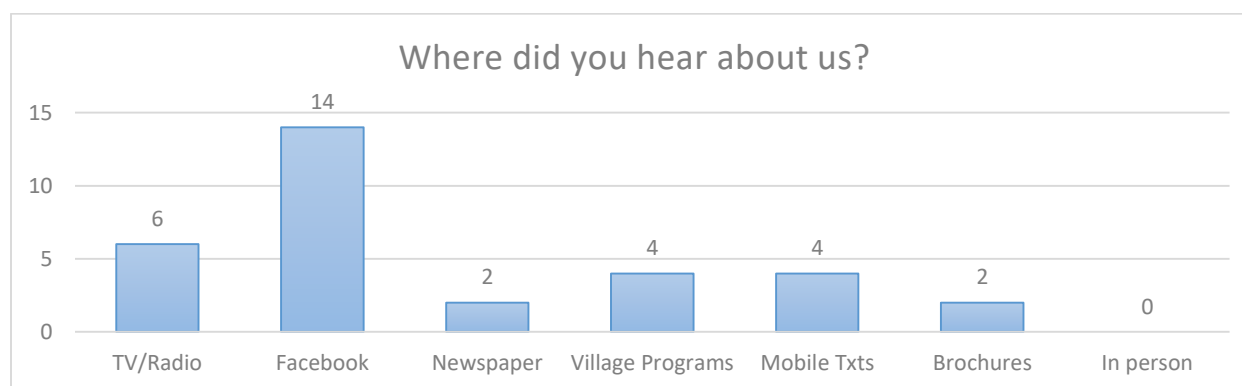
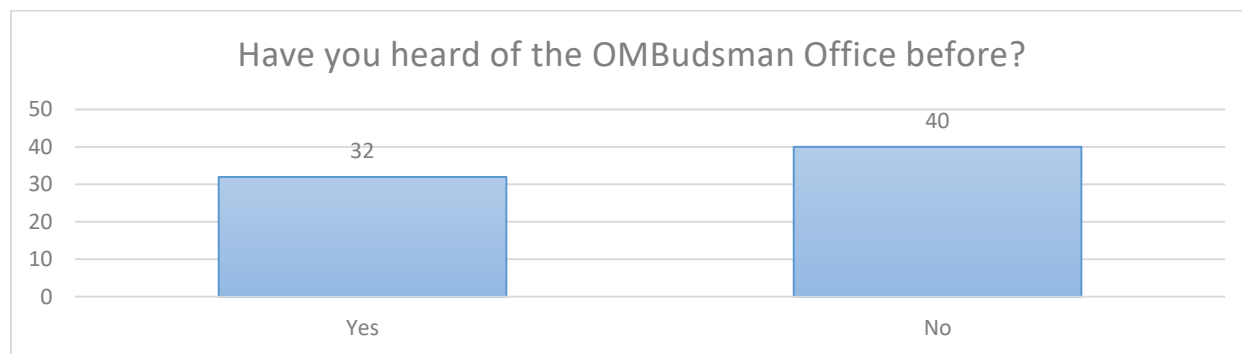
### Office Awareness Survey

Seventy-one (71) participants participated in the short survey that was done as part of the informational booth held on the 11 & 12 of August for 2 hours on the Ground Floor of SNPF Plaza Building.

This was to draw from the public their knowledge about the Office and what methods of communication that they often use to gather information to help us inform our future communication and awareness

<sup>41</sup> Supporting outcome(s) ii, *Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*. Strategic Outcome 7, Intermediate Outcome 7.2, *Ombudsman NHRI Samoa Corporate Plan FY 2021/22 – 2024/25*.

strategies. The participants were randomly approached by the staff to complete the survey and distribute brochures about the Office.



Out of the 71 participants surveyed, 40 have not heard about the Office with 31 who answered yes. Based on this result with majority not being aware, this highlights the lack of exposure to members of the public. This is a challenge which would require the Office using the ONE-OMBUDSMAN approach to proactively raise awareness amongst our communities at all levels on its role etc.

Majority of the participants became aware of the Office through Facebook. Those who provided this response stated that Facebook and social media is the most accessible in Samoa and also many people are on Facebook nowadays. This feedback provides an opportunity for the Office to look at strategically utilizing its social media platforms to disseminate information about its role and activities for the public's information.

The most popular methods used by those surveyed to receive and gather information were TV/Radio, mobile texts and village programs. To ensure that our programs and activities reach a greater scope of the public and effectively, we should continue to tap into these mediums.

**LOOKING FORWARD:** The Office will continue to roll out its public information booth awareness to expand the public's understanding and knowledge of the role and mandates of the Office and how people can access its services. Future booths will be targeted to more remote areas and government agencies. The Office will continue to maximize its use of social media especially Facebook to expand its awareness work given that it was identified to be an effective mode of communication and one that was widely used by members of the public.

*Communications systems (e.g., websites, press, social media etc.) maintained, updated and accessible to the public*

**Our impact:** Exposure and awareness of the Office and its work increased as evident from social media.

**Ministry of Finance indicators**  
Increase in social media reach

	Achieved
	Partially achieved
	Not achieved

## Activities

### Social media platforms updates

The Office has been proactive in utilizing its social media platforms including twitter, Facebook, YouTube and website to raise awareness especially with the challenges of COVID-19 and the nationwide lockdown which prevents face to face gatherings.

The Office managed to grow its following on Facebook from 1,701 in July 2020-June 2021 to 2,800 in July 2021 – June 2022, a 1,099 increase. Followers increased from 1,805 to 3,200 which is a 1,395 increase. This is a testament to the increase in engagement events and posts on social media in this financial year. Twitter following was at 36 people. The Office has published 4 awareness videos on its [YouTube Channel](#).

It has also published public awareness videos on its YouTube channel.

**LOOKING FORWARD:** The Office will continue to take advantage of technology and utilize social media platforms to maximize scope and reach of its awareness work.

*Enhanced visibility of Ombudsman Reports/Findings/Recommendations and activities*

**Our impact:** The Office compiled and issued 2 newsletters and 13 press releases and increase of 8 press releases from the previous year.

**Ministry of Finance indicators**  
1 x Press Release, 2 Newsletter

	Achieved
	Partially achieved
	Not achieved

## Activities

<a href="#">Newsletters</a> issued	<b>FY 20-21</b>	<b>FY 21-22</b>	<a href="#">Press Releases</a> issued	<b>FY 20-21</b>	<b>FY 21-22</b>
	2	2		5	13

**LOOKING FORWARD:** The Office will continue to produce 2 newsletters every financial year and issue press releases for all its activities to raise awareness of the work of the Office.

### 3. Efficient coordination and effective delivery of ECS functions and whole Office activities<sup>42</sup>

*ECS has capacity and resources/equipment to execute its functions*

*Our impact: approval of proposal for new staff and securing of video recording equipment.*

#### Ministry of Finance indicators

1x staff secured; 1 x camera stand, 1 x microphone

Achieved

Partially achieved

Not achieved

## Activities

### Staff and video equipment secured

The Office was able to successfully propose and was approved new positions for the Engagement and Communications Services Unit. These new positions are the Principal Multimedia Officer and Senior Engagement Officer. The former will be recruited in the next financial year (FY 2022-2023) while the latter will be recruited in FY 2023-2024. The Office was also able to secure video recording equipment that will help with the recording of Office videos and promotional advertisements.

**LOOKING FORWARD:** The Office will continue to review the capacity needs of the Engagement and Communications Services Unit and make proposals for this to the Ministry of Finance.

*ECS policies/procedures and practices developed*

*Our impact: developed and finalized 3 policies that will regulate and govern engagement and communication work of the Office.*

#### Ministry of Finance indicators

develop 2 policies on engagement and communications

Achieved

Partially achieved

Not achieved

## Activities

### Engagement and communications policies developed and finalized

<sup>42</sup> Supporting outcome(s) ii, *Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*. Strategic Outcome 7, Intermediate Outcome 7.3, *Ombudsman NHRI Samoa Corporate Plan FY 2021/22 – 2024/25*.

The Office developed and finalized in three new policies to regulate engagement and communication work of the Office:

1. **Engagement & Consultations Policy:** The Policy outlines the process and key principles that must be considered in undertaking stakeholder consultation and engagement to encourage greater stakeholder participation in decisions, reports, and activities of the Office; provides how the Office will use the results of consultations and feed back to stakeholders (where necessary and appropriate); and outlines the roles and responsibilities of employees when implementing the Policy.
2. **Emails & IT policy:** The Office recognizes that the use of the internet and email is necessary in the workplace, and employees are encouraged to use the internet and email systems responsibly, as unacceptable use can place the Office and others at risk. The policy defines and provides guidelines for the acceptable and appropriate usage of the Ombudsman Office’s internet network and email.
3. **Media & Communication Policy:** This policy provides guidance for employees on internal and external communication including the administering of letters, engagement with the media as well as use of social media.

**LOOKING FORWARD:** The Office will continue to implement and review its engagement and communication policies to ensure that it can effectively engage and communicate with its stakeholders (internal and external).

*Review/monitoring of the impact of engagement and communications<sup>43</sup>*

***Our impact:** completed an annual stakeholder survey the first time. These survey helps inform the Office’s direction, priorities, and identify whether its meeting needs of stakeholders or not.*

**Ministry of Finance indicators**  
1 x Annual Stakeholder Survey

	Achieved
	Partially achieved
	Not achieved

# Activities

## Annual Stakeholder Survey 2021

The Office distributed its Annual Stakeholder Survey 2021 in November 2021 to seek feedback from its stakeholders on areas that the Office performed well in and areas that require improvement. The survey was due in March 2022.

From the survey, some of the key findings revealed that stakeholders were satisfied with the work of the Office in particular in human rights, were satisfied with the increase in engagement with CSO/NGOs which needs to be sustained, and were fully aware of the Office location and contact including adequate knowledge about mandate and functions of the Office.

<sup>43</sup> Supporting outcome(s) ii, *Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*. Strategic Outcome 6, Intermediate Outcome 6.2 *Ombudsman NHRI Samoa Corporate Plan FY 2021/22 – 2024/25*.



Many were also satisfied with the quality of work with reference to human rights reports, recommendations, submissions and engagements. They also however noted some areas for improvement including:

- strengthen lobbying efforts and reinforce the Government to implement recommendations;
- raise awareness of report findings and recommendations in communities especially those who were consulted;
- consider having a more in-depth focus on issues affecting faafafine and faatama and simplifying explanation about gender;
- maintain consistent engagement and involvement of stakeholders in joint projects and human rights trainings.

In relation to GRS and SIS, it was clear from stakeholder feedback that more awareness is required about the service offered by these Units and how the public can engage and maximize the use of these services to their benefit.

**LOOKING FORWARD:** The Office will address feedback raised in the survey accordingly to ensure its work delivers impact. It will continue to carry out its stakeholder surveys annually to gather views from its stakeholders to help improve the performance of the functions and services of the Office.

## Output 5: Corporate Services

### Overview of work

The Office was developed and implemented its Business Continuity Plan (BCP) and Work from Home (WFH) Policy as a result of the pandemic and the nationwide lockdown. The BCP provides overall guidance to the Office's Management in responding to any significant incident that threatens to interrupt normal operations. The WFH Policy provides a guide about remote work arrangements for all employees of the Office. It lays out terms and conditions of remote work to cater for situations such as public health emergencies to ensure the continuation of mandatory services.

In addition to the policies, CS working with the HRS and overseas partners developed the ONE-OMBUDSMAN database system managing its complaints and monitoring human rights. Training for staff was conducted on the new database system by HURIDOCs from Geneva.

CS also instituted the Performance Appraisal system for all Office staff and is currently in the process of reviewing and finalizing the Office's Human Resources Management Manual, Recruitment and Selection Manual and Operational Manual.

CS successfully facilitated the Recruitment and Selection process of Senior Human Rights Officer, Ms Vaelei Apulu Ioasa on 28 February 2022. It also conducted Induction Program for new staff and a refresher training for front line staff on complaints handling. CS was also able to obtain approval of a new position namely the Principal Multimedia Engagement Officer under the ECS. Recruitment and Selection are under way for this position.

### Summaries

## Robust administrative processes and systems enabling effective and responsive delivery of operations and services

### *Responsive and improved service delivery<sup>44</sup>*

**Our impact:** Customer satisfaction survey in place and successful completion of front liners refresher training on complaints handling

#### Ministry of Finance indicators

1x customer survey completed and analyzed; 1x annual induction/ refresher training for Office staff on complaints handling

Achieved

Partially achieved<sup>45</sup>

Not achieved

## Activities

### Systems to improve customer experience including refresher training for front liners and customer service survey

The Office developed and published on its website its [customer satisfaction survey](#) for members of the public especially those who have used the services of the Office. The purpose of the survey is to help the Office identify areas that it could look at to further improve its services.

The Office was able to carry out a successful refresher training pertaining to the up skilling of staff especially the front liners in serving the walk in customers as well as their role as very first point of contact to complaints handling. Staff were able to acquire knowledge on how to handle every person that comes in and to make sure they are satisfied with our service. The Office makes sure that this refresher trainings will be an ongoing process, to make sure that the staff are well equipped with the relevant experience and knowledge.

**LOOKING FORWARD:** The Office will proactively implement feedback from its customer satisfaction surveys to develop strategies and systems to improve customer experience. It will also continue to conduct refresher trainings for frontline staff who deal with members of the public on a daily basis to ensure that customers are served with utmost professionalism.

### Business Continuity Plan (BCP), and COVID-19 Protocols & Remote Work Arrangements (in times of emergencies) Policy operationalized

COVID-19 Protocols & Remote Work Arrangements (in times of emergencies) Policy. To ensure the continuation of mandatory services during COVID-19 nation-wide lockdown, the Office effectuated its COVID-19 Protocols & Remote Work Arrangements Policy to ensure reduced risk of infection and protection of clients and staff. Further, the policies serve as a guide for all staff on the terms and conditions

<sup>44</sup> Supporting outcome(s) i, *Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*. Strategic Outcome 6, Intermediate Outcome 6.1 *Ombudsman NHRI Samoa Corporate Plan FY 2021/22 – 2024/25*.

<sup>45</sup> While the Office has put in place its customer satisfaction survey this has yet to be analyzed and incorporated into the Annual Work Plan.

of remote work to ensure the wellbeing of employees and the continuation of mandatory services during a crisis.

### **Monitoring and reporting on Office operations improved<sup>46</sup>**

**Our impact:** Completed Real Time audit on 15 September 2021 and reporting to Ministry of Finance of spending.

#### **Ministry of Finance indicators**

*Facilitate and complete audit with Samoa Audit Office; Timely reporting to Ministry of Finance of spending*

	Achieved
	Partially achieved
	Not achieved

## Activities

### **Financial reporting to Ministry of Finance**

The Office successfully reported on its spending to the Ministry of Finance. For the FY 2021-22 the Office was able to utilized 92% of its annual budget. The 8% remaining that was underspent relates to activities that were postponed due to COVID-19 for GGS and SIS (5%), and for salary of Senior Human Rights Officer who was only hired in February 2022 (3%).

Staff also engaged in trainings on financial reporting and procedures with the Ministry of Finance. This enable them to make sure there is accuracy in financial reporting. Further, some staff also have the opportunity to involve in the Cabinet Liaison officers training that was done virtually. The training is a refresher for all liaison officers on drafting cabinet submissions and its requirements, official travel and reporting templates as well as processes and procedures that all offices should follow.

### **Real-time audit completed**

The Office successfully completed its Real time Audit on 15 September 2021 (Audit Office Ongoing Cooperation in National Governance and National Auditing Exercise). The purpose of the real-time audit exercise was to review the effectiveness of controls and management processes in light of high risk or operational issues that may hinder the achievements of the Office's objectives and desired goals. Real Time Audit covered Governance/Management Oversight Function, Internal Controls on Operations – financial and non-financial related and COVID 19 action plan and/or responses.

**LOOKING FORWARD:** The Office will continue to work with the Ministry of Finance to strengthen its financial reporting obligations and needs through trainings of staff on the Procurement Manual and others. It will also continue to work with the Samoa Audit Office to efficiently carry out the auditing of the Office's accounts and performance annually.

<sup>46</sup> Supporting outcome(s) i, *Ombudsman NHRI Samoa* [Strategic Plan FY 2021/22 – 2024/25](#). Strategic Outcome 6, Intermediate Outcome 6.2 *Ombudsman NHRI Samoa* [Corporate Plan FY 2021/22 – 2024/25](#).

## Strengthened Corporate Services and Human Resources<sup>47</sup>

**Our impact:** established data management system, installed firewall, institute a performance plan and appraisal system for staff and revised and developed human resource policies/ manuals that will be finalized FY 2022-23.

### Ministry of Finance indicators

3x human resource management systems and procedures revised/ developed; File management system developed and operationalized; Facilitate trainings for Office staff

	Achieved
	Partially achieved <sup>48</sup>
	Not achieved

## Activities

### Human Resource Manuals revised and finalized

The Office revised its Code of Conduct and Terms of Conditions of Employment Manuals to reflect new changes. Moreover, the latter was incorporated into the soon to be finalized Human Resource Management Manual (HRMM) to guide all human resource related matters for the Office including for instance, staff entitlements, grounds for termination of employment etc. The main aim of consolidating all human resources related guides/ manuals into one Manual is ensure consistency and practicality i.e. one stop shop. The Office is also in the process of finalizing its Recruitment and Selection Manual (RSM). Both the HRMM and RSM are anticipated to be finalized in FY 2022 – 2023.

**LOOKING FORWARD:** The Office will continue to work to finalize both its HRMM and RSM in the FY 2022-2023. Office staff will continue to be guided by their contracts and the public service terms and conditions of employment where necessary and applicable.

### Staff Performance Plan and Appraisal system

The Office instituted its Staff Performance Plan and Appraisal system. The purpose of the system is to monitor and evaluate staff performance annually. The monitoring and evaluation will help identify successes and also areas that require improvement. The staff Plan provide information to staff about the work they are responsible for as well as areas that they can identify for further learning and professional development. The Office will start using the new system for FY 2022-2023.

### Office shared server & firewall setup completed

To ensure effective management of office resources the CS successfully completed its annual asset inspection for FY 2020-2021 on Monday 30 August 2021. This was followed by the Ministry of Finance Asset inspection in November 2021.

<sup>47</sup> Supporting outcome(s) i, *Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*. Strategic Outcome 6, Intermediate Outcome 6.3 *Ombudsman NHRI Samoa Corporate Plan FY 2021/22 – 2024/25*.

<sup>48</sup> Human Resource Management Manual, Recruitment and Selection Manual, Operational Manual reviewed but have yet to be finalized. These are anticipated to be finalized in FY 2022-23.

## One-Ombudsman database system

With support from the Pacific Community Fiji and HURIDOCs, the Office continue developing an internal database for managing its complaints and monitoring human rights. Currently the Office does not have a robust one database system. It is anticipated that the database will contribute to greater efficiency in complaints handling and data management. The Office has completed consultations and a model of the system is expected to be ready in August 2022 with face-to-face training on the system to be carried out with staff and developers. It is anticipated that the One-Ombudsman database system will be fully operational end of 2022.

**LOOKING FORWARD:** The Office will continue to review and develop systems and procedures to ensure a strengthened corporate services and human resources. One of the key areas focus in the coming year is the review and finalization of the Office HRMM, RSM, Operational Manual and the Performance Appraisal System. Moreover, the Office will continue to build and fully utilize its online database created by HURIDOCs to manage and digitize all its records to ensure effective and efficient record management.

## Staff engagement: trainings, workshops etc.

GRS	<ul style="list-style-type: none"> <li>• Certified Fraud Examiners course – Dec 2021</li> <li>• ACFE Women's Summit Virtual Conference for anti-fraud professionals - March 2022</li> <li>• African Ombudsman Research Centre: Managing Evidence Webinar - April 2022</li> <li>• Commonwealth Ombudsman Complaints Handling Forum - June 2022</li> </ul>
HRS	<ul style="list-style-type: none"> <li>• NHRIs and advancing human rights in Humanitarian Action in the Asia-Pacific online course – Oct 2021</li> <li>• CSO/NGO and NHRI pre-session Samoa's UPR Cycle 3 – Oct 2021</li> <li>• 2nd UN Pacific Virtual Forum on Business and Human Rights (BHR) – Nov 2021</li> <li>• Awareness raising workshop on ILO Convention 190 – sexual harassment in the workplace – Nov 2021</li> <li>• Virtual webinar on the role of NHRIs in monitoring SDG achievements in their national context – Dec 2021</li> <li>• Tech for Democracy: National Human Rights Institutions (NHRIs) as digital rights watchdogs webinar – Dec 2021</li> <li>• Consultation with NHRIs on advancing implementation of the Global Compact for Safe, Orderly and Regular Migration (GCM) in Asia and the Pacific – Dec 2021</li> <li>• Training the Trainers on Track GBV Data in judicial decisions-making virtual workshop – Oct, Nov 2021</li> <li>• Family Life Education out of school committee meetings – Sept, Oct, Nov, Dec 2021</li> <li>• APF Human Rights Complaints Handling &amp; Investigations Course - Jan, Feb 2022</li> <li>• National Mechanism for Report &amp; Follow-up Taskforce meeting – Feb 2022</li> <li>• SQA Amendment Bill 2022 stakeholder consultations - March 2022</li> <li>• Roundtable on the Human Right to a Clean, Healthy and Sustainable Environment Implications for Business - April 2022</li> <li>• Asia &amp; Pacific Regional Consultation by the UN CESCR - May 2022</li> <li>• Consultations UN Sustainable Development Cooperation Framework UNSDCF 2023-27 - May 2022</li> <li>• International Humanitarian Law Additional Protocols briefing series - May 2022</li> </ul>

	<ul style="list-style-type: none"> <li>• Regional Meeting of Experts from Pacific on General Recommendation on the rights of indigenous women and girls - May 2022</li> <li>• NHRI Tech Alliance meetings - March, April, May 2022</li> <li>• GANHRI Climate Change Caucus meetings - June 2022</li> <li>• Regional Consultation with the UN Special Rapporteur on Violence against Women and Girls on Climate change and GBV – June 2022</li> <li>• Dialogue with UN Special Rapporteur on Climate Change – June 2022</li> </ul>
SIS	<ul style="list-style-type: none"> <li>• Certificate IV Government Investigations – September 2021</li> <li>• Certified Fraud Examiners course – Dec 2021</li> <li>• Induction Course for new Office employees– March 2022</li> <li>• Investigation Skills &amp; Technique for PSC Investigator Forum –June 2022</li> <li>• ACFE Women's Summit Virtual Conference for anti-fraud professionals - March 2022</li> <li>• African Ombudsman Research Centre: Managing Evidence Webinar - April 2022</li> <li>• Commonwealth Ombudsman Complaints Handling Forum - June 2022</li> </ul>
ECS	<ul style="list-style-type: none"> <li>• Basic Counselling workshop – Oct 2021</li> <li>• Child Parent Awareness workshop – Oct 2021</li> <li>• Facilitator training on Comprehensive Sexual Education for young people – Nov, Dec 2021</li> <li>• Family Life Education meetings – Nov, Dec 2021</li> <li>• SQA Consultations on Post-Secondary Education and Trainings Framework – March 2022</li> </ul>
CS	<ul style="list-style-type: none"> <li>• APF gender Equality for National Human Rights Institutions – Sept, Oct 2021</li> <li>• Samoa Senior Executive Training &amp; Development Program (ACEO Cohort) – August 2021</li> <li>• Child Counselling Techniques &amp; Skills Short Course – 2-13 August 2021</li> <li>• Developing Competency Standards for Human Resources Practitioners Training – 12-16 July 2021</li> <li>• Occupational Safety and Health in the workplace training – 20 May 2022</li> <li>• Refresher workshop on Cabinet Processes and Procedures – 24 June 2022</li> <li>• National Mass Vaccination Campaign – 23-24 Sept 2021</li> </ul>

**LOOKING FORWARD:** The Office will continue to engage in all relevant trainings and workshops to build knowledge and skills and strengthen capacity of staff to effectively carry out its mandate. Staff learning development needs contained in their performance plans will be progressively released based on available opportunities.

## Engagement & Communications

The Office recruited the Director for ECS in July 2021 with the goal of having a dedicated unit to coordinate all of the Office's engagement and communication work to ensure enhanced public awareness of our key roles, services and processes. ECS however did not have its own budget line and operated under the HRS

until its budget line was approved by the Ministry of Finance for the FY 2022-2023. With the Office's engagement and communications work previously concentrated under the HRS, the office now has one dedicated to coordinate engagement activities, manage the website, newsletters and communications. The Office continues to expand its social media presence by establishing a twitter and YouTube Channel in addition to its Facebook page to raise awareness on the work of the Office and to engage stakeholders through strategic and informative content.



## Promoting gender equality

### Gender equality outcomes

The Office has been proactive in ensuring that gender considerations are mainstreamed across its activities, programmes and policies. Having an environment that promotes gender equality will create and improved human right environment for everyone especially women and girls.

#### Our impact:

- We conducted our first ever Gender Audit with the support of APF
- We ensured that gender balance was achieved in the establishment of our Human Rights Advisory Council and that gender topics were included in all our capacity building activities and workshops
- We facilitated and provided feedback to national policies and activities focusing on eliminating gender based violence

## Gender Audit

Between February and April 2022, the Office with support from APF undertook its first ever internal [Gender Audit](#) to examine and understand how effectively, it includes gender equality in its internal operations (such as its structure, organization culture and practice, policies and procedures, funding and resourcing) and its external work (across all its functions and work divisions).

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*A gender audit exercise provides an opportunity for an organization to increase its understanding of gender equality and to strengthen its practices.*

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The key outcomes of the gender audit were to;



1. increase the Office's capacity to apply a gender perspective to its activities and to its internal policies and practices and;
2. Strengthened gender equality leadership and expertise in the Office, in order that it can continue its internal protection and promotion of gender equality, and contribute to the efforts of other organizations in Samoa.

The audit exercise involved a review of key office documents and semi-structured interviews with both internal and external stakeholders. As a result of the audit, it identified where the Office is doing well to promote gender equality and where it could improve. In light of this, 19 recommendations were made towards 5 focus areas of the audit. Some of the recommendations include:

1. Explicitly translate strategic gender mainstreaming statements into the internal and external operations of the Office, including work plans and design performance measures accordingly.
2. Reflect gender equality (such as the use of images and language) on the website and in external communications
3. Facilitate internal gender equality refresher training at least once per year to support staff apply a gender lens to their work.
4. Ensure the outside 'face' of the Office, including the website, social media and other communications, is gender inclusive.
5. Develop a checklist or tool that will support the Office to apply a gender lens to all its external activities.

The Office acknowledges the support of the APF for its ongoing support as well as the Office external partners and staff who participated in the process.

## Human Rights Advisory Council membership

The Office elected new members for its Human Rights Advisory Council in July 2022. The membership was revised to ensure representation of the different groups and that there was a gender balance. The Council has nine members 4 are men (including one with a disability) and 3 are women (including a youth member), and 1 faafafine. Guided by the [Advisory Council Handbook](#), council members are responsible among others for the following:

- Assist the Office in enlarging its knowledge and awareness of human rights issues in Samoa;
- Assist the Office in the promotion of awareness, appreciation and protection of human rights in Samoa;
- Raise issues concerning the observance and violations of human rights.

**LOOKING FORWARD:** The Office plans to implement recommendations contained in its Gender Audit report in the coming years to ensure that it continues to strengthen its systems, policies, programmes and activities to ensure that gender considerations are mainstreamed across. The Office continues to strengthen its expertise in the area of promoting gender equality through having a dedicated gender focal point. Developing staff capacity to mainstream gender will remain a high priority as the Office continues to implement its Strategic Plan FY 2021/22 – FY 2024/25.



# Financials

The Office receives its core funding from the Government. However, it also receives funds from regional and international institutions and donor agencies including APF, Pacific Community and others.

We are grateful to the Government for its continued investment and to our donor partners for their continued interest in safeguarding human rights in Samoa.

## FY 2021-2022 expenditure by Unit (Output)

### 1. Local budget

	GGs	HRS	SIS	ECS <sup>49</sup>	CS
Budget allocated by Ministry of Finance	\$504,079.00	\$404,541.00	\$352,172.00	<b>Note:</b> ECS used budget from HRS during FY 2021-22. ECS will have its own budget for the FY 2022-2023	<b>Note:</b> budget for CS is taken from the budgets of other outputs: GGS (35%), HRS (35%) and SIS (30%).
Budget utilized by each output	\$494,257.00	\$392,497.00	\$342,207.00		
Under spent	\$9,822.00*	\$12,043.00**	\$9,965.00***		

### IMPORTANT NOTES FOR UNDERSPENT BUDGET:

\* The underspent amount of SAT \$9,822.00 was due to COVID19 Lockdown where some activities for GGS e.g. practice statement rollout and awareness was put on hold.

\*\* The underspent amount of SAT \$12,043.00 is the unused salary for the position Senior Human Rights Officer when it was vacant for the months of July 2021-February 2022.<sup>50</sup> The Senior Human Rights Officer was only hired in February 2022. HRS had utilized all of its operational budget allocated by the Ministry of Finance including using some funds from GGS and SIS. Donor funding was also requested and fully utilized to finance additional activities for HRS as highlighted in Part 2 below.

\*\*\* The underspent amount of SAT \$9,965.00 was due to COVID19 Lockdown where some activities for SIS e.g. practice statement rollout and awareness was put on hold.

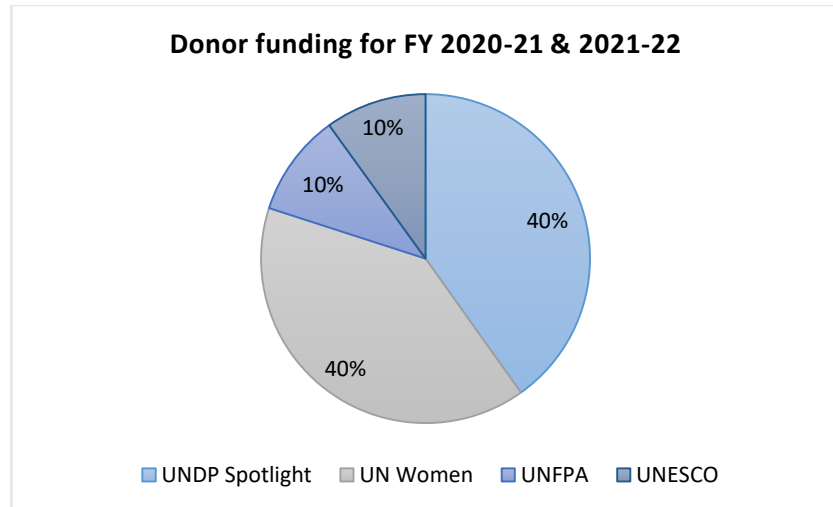
### 2. Donor funding to human rights work for FY 2020-21 & 2021-22

The Office received the below funding from its donor partners for its human rights work.

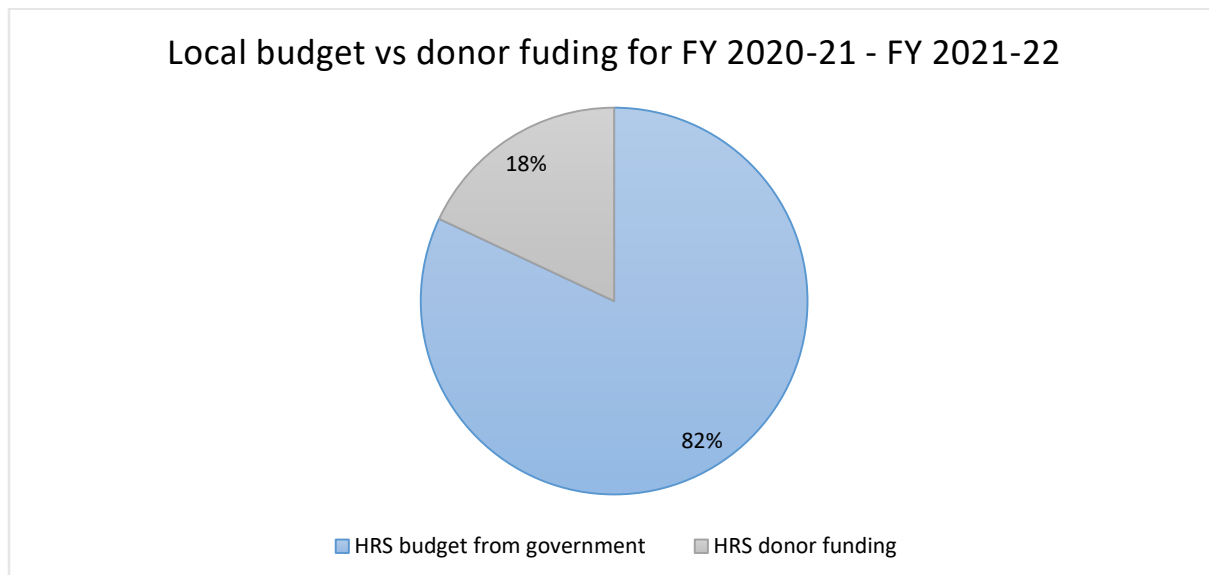
<sup>49</sup> **Note:** for FY 2021-2022 which is covered in this Annual Report, ECS does not have an allocated budget. ECS has utilized budget lines of GGS, HRS and SIS with regard to these outputs “engagement” and “communication” work. ECS will have its own budget line for the FY 2022-2023.

<sup>50</sup> **Note:** The position was advertised 3 times.

Donor partner	Funding amount
UNDP Spotlight	SAT \$80,683.00 <sup>51</sup>
UN Women	SAT \$79,998.50 <sup>52</sup>
UNFPA	SAT \$20,240.00 <sup>53</sup>
UNESCO	SAT \$20,000.00



### 3. Human Rights Services budget: local budget versus donor funding



The above graph highlights a comparison between local budget and donor funding for human rights work for two fiscal years: FY 2020-21 and FY 2021-22. The reason for including two fiscal years is because the donor funding given to the Office were to be utilized within two years.

**NOTE: Donor funding is mainly to (1) carry out additional activities or a project that the Office collaborates with a donor partner on, and (2) to fund activities under the Office's work plan due to the limited funding offered by Government.**

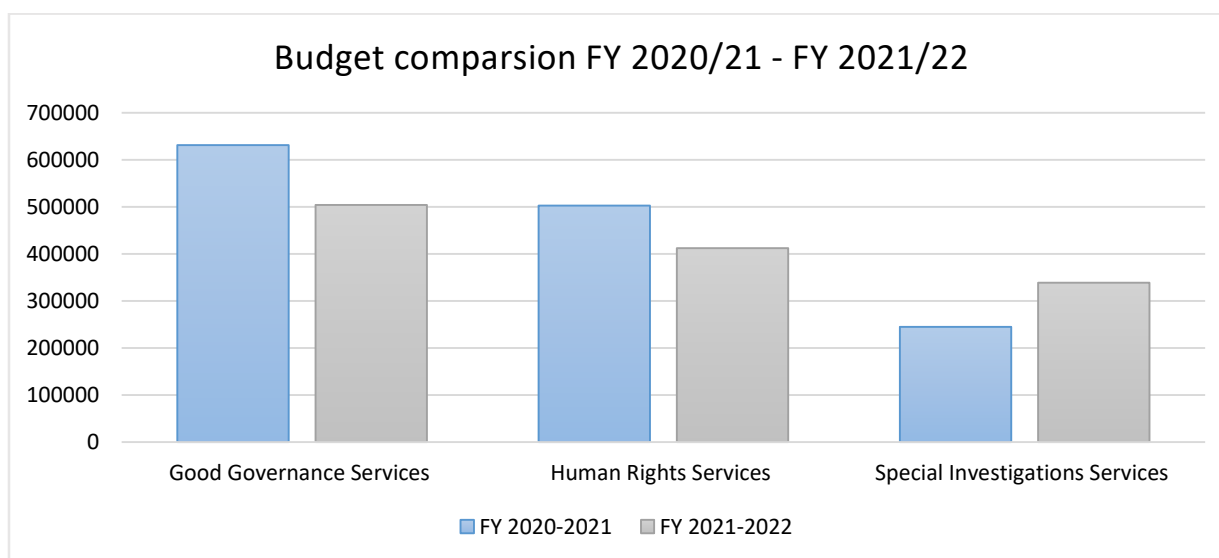
#### Comparison with FY 2020-2021

<sup>51</sup> **Note:** This funding was utilized over two FY periods i.e. FY 2020-2021 and FY 2021-2022.

<sup>52</sup> **Note:** This funding was utilized over two FY periods i.e. FY 2020-2021 and FY 2021-2022.

<sup>53</sup> **Note:** This funding was not utilized for FY 2021-22. It has been rolled over and will be utilized for FY 2022-23 for the Office's Parliamentary Dialogue.

			GGS	HRS	SIS
<b>FY 2021-2022</b>	Allocated by Ministry of Finance		\$504,079.00	\$404,541.00	\$352,172.00
	Utilization		\$494,257.00	\$392,497.00	\$342,207.00
<b>FY 2020-2021</b>	Allocated by Ministry of Finance		\$630,782.00	\$502,698.00	\$245,173.00
	Utilization		\$627,706.00	\$500,373.00	\$243,095.00



### Trends and challenges

There was a decrease in Office's budget for the FY 2021-2022 from the previous year. This decrease was observed across all government agencies as budget cuts were made to cater for the COVID-19 recovery efforts.

The decrease had an impact on the activities and programmes of the Office as some had to either be reduced or postponed. **It is important to highlight that the budget received by the Office especially for its human rights mandate could be increased further to adequately cater and finance its activities/programmes (for example consultations, training workshops, human rights education resources etc.), and for new staff given how broad the human rights mandate of the Office is.**

To address challenges faced especially by the HRS, the Office has pulled funding from other outputs namely GGS, SIS and CS in order to finance activities for HRS. The table below highlights funds that the HRS had to pull from the budget of other Office outputs.

	<b>FY 2020-2021</b>		<b>FY 2021-2022</b>	
Outputs	Budget (operations only)	Budget redirected to HRS	Budget (operations only)	Budget redirected to HRS
GGS	\$73,710.00	\$1,034.78	\$64,820.00	\$3,085.41

SIS	\$10,010.00	Nil	\$16,170.00	\$1,017.39
CS	\$50,772.00	Nil	\$107,536.00	\$243.48

This redirection of budgets from one output to another as highlighted above was *highly necessary and required* given the broad human rights mandate of the Office that it has to carry out according to what is required of it by its governing legislation i.e. the *Constitution* and the *Ombudsman Act 2013*.

Furthermore, the Office has reached out to its donor partners for assistance in implementing some of its human rights related work. The support from donors contributed in not only meeting activities and programmes contained in the Office's annual work plan but most importantly ensured that the reach and coverage of the Office's human rights work especially was comprehensive (see section on "*Donor Funding*" above).

**LOOKING FORWARD:** The Office will continue to lobby for more funding from Government so that it can effectively execute its programmes and activities especially regarding its human rights mandate. It will also continue to seek support from donor partners where and when necessary to carry out its activities.

The Office also aims to propose for a restructuring of its budget items to be programme-based (similar to current human rights day budget) rather than item-based for all outputs. For example, budget should be allocated as per each planned activity rather than allocated per item as catering, venue etc. as set out below.

Programme-based budget	Item-based budget
<ul style="list-style-type: none"> <li>• State of Human Rights Report (inclusive of consultations and report writing and printing)</li> <li>• Children and young people's forum</li> <li>• Capacity building workshops for government agencies and civil society</li> <li>• Parliamentary dialogue</li> </ul>	<ul style="list-style-type: none"> <li>• Catering</li> <li>• Venue</li> <li>• Transport</li> <li>• Accommodation</li> </ul>

***Refer to Annex 1 for the Ombudsman NHRI Samoa's financial statement provided by Ministry of Finance. Please note that the statement provided by MOF audited by its internal auditors has yet to be audited by the Samoa Audit Office, The Samoa Audit Office's report containing the Ombudsman NHRI Samoa's audited financial report for FY 2021-2022 is usually submitted after the Annual Report is submitted.***

# Our staff

The Ombudsman NHRI Samoa reports to the Speaker and Parliament. There are currently 16 staff led by the Ombudsman.

It is important to note that as the work of the Office continues to grow and expand (especially its human rights mandate as well as in the access to information and privacy space) the need for more staff is highly necessary and needed.

**LOOKING FORWARD:** The Office will continue to review its organizational structure and make necessary changes and proposals for new staff so that it can effectively execute its mandate.

## Ombudsman NHRI Samoa

<b>Luamanuvao Katalaina Sapolu</b> Ombudsman	<b>Maualaivao Pepe Seiuli</b> Assistant Ombudsman	<b>Fuimaono Vaiao Eteuati</b> Director GGS
<b>Lagafuaina Tavita</b> Director SIS	<b>Loukinikini Vili</b> Director HRS	<b>Loau Davina Rasch-Salanoa</b> Director Corporate Services
<b>Tracey Mikaele</b> Director ECS	<b>Leota Taalo Leota</b> Principal Investigator SIS	<b>Nepa Papalii</b> Senior Investigator SIS
<b>Toetu Isaako</b> Principal Investigator GRS	<b>Iuogafa Sooiolo</b> Senior Investigator GRS	<b>Charles Dean</b> Legal & Investigating Officer HRS
<b>Vaelei Apulu-Ioasa</b> Senior Human Rights Officer GRS	<b>Ieti Seiuli</b> Senior Accounts Officer CS	<b>Rosuweti Galuvao</b> Support Officer CS
<b>Salamasina Sanele</b> Clerical Officer CS	<b>Ropati Sitivi</b> Driver/Receptionist CS	<b>Mele Taveuveu</b> Cleaner CS
Principal Multimedia Officer <b>[Vacant: advertise FY 2022-23]</b>	Senior Engagement Officer <b>[Vacant: advertise FY 2023-24]</b>	

## Human Rights Advisory Council

The Human Rights Advisory Council also assists with the human rights related work of the Office. They are not staff but merely advisors to the Ombudsman on human rights issues. They only receive a sitting allowance when meetings are called which takes place 3-4 times a year.

<b>Caroline Ryan</b> Children & Young People Advisor	<b>Okalani Mariner</b> Children & Young People Advisor	<b>Rosita Esera</b> Women's Rights Advisor
<b>Ari Hazelman</b> Disability Advisor	<b>FT. Utufua Naseri</b> Faith-based Advisor	<b>Seulu Iloa Togia</b> Community-based Advisor
<b>[vacant]</b> Community-based Advisor	<b>Vaito'a Toelupe</b> Diversity Advisor	<b>Fata Christopher Aluni</b> Equal Opportunities Advisor

# Annex 1: Ombudsman NHRI Samoa's financial statement

SCHEDULE 2.16						
STATEMENT OF MINISTRY RECEIPTS BY REPORTING CATEGORY AND EXPENDITURE BY OUTPUT APPROPRIATION ACCOUNT <i>for the financial year ended 30 June 2022</i>						
	Notes	2022	Original Estimate	Final Estimate	(Over)/Under	2021
OMBUDSMAN'S OFFICE		\$	\$	\$	\$	\$
<b>PAYMENTS</b>						
<b>Outputs</b>						
1.0 Administrative Justice (Investigation and Resolution of Complaints about Government Ministries)		494,257	510,620	504,079	9,822	629,706
2.0 Human Rights		392,497	412,216	404,541	12,043	500,373
3.0 Special Investigation Unit		342,207	338,630	352,172	9,965	243,095
<b>Total Outputs</b>		<b>1,228,962</b>	<b>1,261,466</b>	<b>1,260,791</b>	<b>31,830</b>	<b>1,373,175</b>
<b>Transactions on Behalf of State</b>						
<b>Membership Fees</b>						
International Ombudsman Institute		2,279	2,500	2,500	221	2,424
Global Alliance of National Human Rights Institutions		14,234	14,234	14,234	0	14,234
Asia Pacific Forum of National Human Rights Institutions		3,967	4,094	4,094	127	3,852
<b>Government Policies and Initiatives</b>						
National Human Rights Day		14,705	15,000	15,000	295	14,576
Rents and Leases (NPF Plaza)		104,438	104,438	104,438	1	143,736
Rents and Leases (OB Taumeasina resident)		20,870	24,000	24,000	3,130	0
VAGST Output Tax		43,266	57,903	57,903	14,637	61,938
<b>Total Transactions on Behalf of State</b>		<b>203,758</b>	<b>222,169</b>	<b>222,169</b>	<b>18,411</b>	<b>240,760</b>
<b>TOTAL PAYMENTS - OMBUDSMAN'S OFFICE</b>		<b>1,432,720</b>	<b>1,483,635</b>	<b>1,482,960</b>	<b>50,240</b>	<b>1,613,935</b>
<b>GOVERNMENT DEVELOPMENT PROJECTS</b>						
		2022	Original Estimate	Receipts	Payments	Opening Balance
		\$	\$	\$	\$	\$
<b>Grants - GDP</b>						
National Public Inquiry on Family Violence Project (UNDP)		42,855	79,999	8	35,610	78,456
National Public Inquiry Report (SRH/Support Implementation of Recommendation) (UNFPA)		14,831	36,400	20,240	0	(5,409)
Spotlight Initiative (UNDP)		822	0	80,683	75,913	(3,948)
Ombudsman Samoa Knowledge Society Initiative (UNESCO)		6	0	20,000	19,994	0
<b>TOTAL GOVERNMENT DEVELOPMENT PROJECTS</b>		<b>58,514</b>	<b>116,399</b>	<b>120,932</b>	<b>131,517</b>	<b>69,099</b>

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