OMBUDSMAN

NHRI SAMOA

ANNUAL REPORT 2022 - 23

FINANCIAL YEARS 2022 -23

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November 2023

OMBUDSMAN
NHRI SAMOA

Komesina o Sulufaiga

8 March 2024

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

ANNUAL REPORT FY 2022-2023

I hereby submit the Office of the Ombudsman National Human Rights Institution (Ombudsman NHRI Samoa) Annual Report for FY 2022-2023 as required by section 57 of the *Ombudsman Act 2013*.

The report highlights the achievements of the Office from 1 July 2022 to 30 June 2023.

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 *Ombusdman (Komesina o Sulufaiga) Act 2013* and the *Public Finance Management Act 2001.*

Maualaivao Pepe Seiuli
ACTING OMBUDSMAN

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Key acronyms

GGU	Good Governance Unit
SIU	Special Investigation Unit
HRU	Human Rights Unit
ECU	Engagement & Communication Unit
CSU	Corporate Services Unit
UPR	Universal Periodic Review
VFSC	Village Family Safety Committee
SHRR	State of Human Rights Report
OOJ	Outside of jurisdiction
FY	Financial Year
GANHRI	Global Alliance for National Human Rights Institutions
CSO/NGO	Civil Society Organization/ Non-governmental Organization
NHRI	National Human Rights Institution

Acting Ombudsman's **message**

Pursuant to section 57, Part 7 of the *Ombudsman (Komesina o Sulufaiga) Act 2013*, it is my pleasure to submit the Annual Report of the Office of the Ombudsman/ National Human Rights Institution of Samoa on its performance, activities and financial statements for the Financial Year ending 30 June 2023.

In the past twelve months, the Office of the Ombudsman has actively continued its commitment to ensure integrity in governance and respect for human rights. The term posed multiple challenges for the Office in terms of staff turnover, technological disruptions, and climate change to name but a few. Notwithstanding these challenges, the Office remains committed to the impartial discharge of our mandates to give our best work for the dignity, protection and equality of all.

The Office's performance within the allocated budget for the 2022-2023 financial year demonstrated innovation and the adaptive capacity to effectively manage and utilize funds appropriated by Parliament. This is a testament to my committed and hard-working team.

We commend the Government for its continuing responsiveness through various initiatives to promote Good Governance and Human Rights.

The Office acknowledges with gratitude the continued commitment and support extended by our international and regional partners in delivering Office program activities and projects. Our partners, namely the Office of the New Zealand Ombudsman, the Asia-Pacific Forum of National Human Rights Institutions (APF), the Commonwealth Ombudsman, the Pacific Community (SPC), UNDP, and UNFPA continued invaluable support throughout the period under review.

The Office of the Ombudsman will continue to be proactive in utilizing its limited resources to serve the people to ensure fairness, equality, respect and protection is afforded to all.

Soifua ma ia Manuia.
Maualaivao Pepe Seiuli

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[1].

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

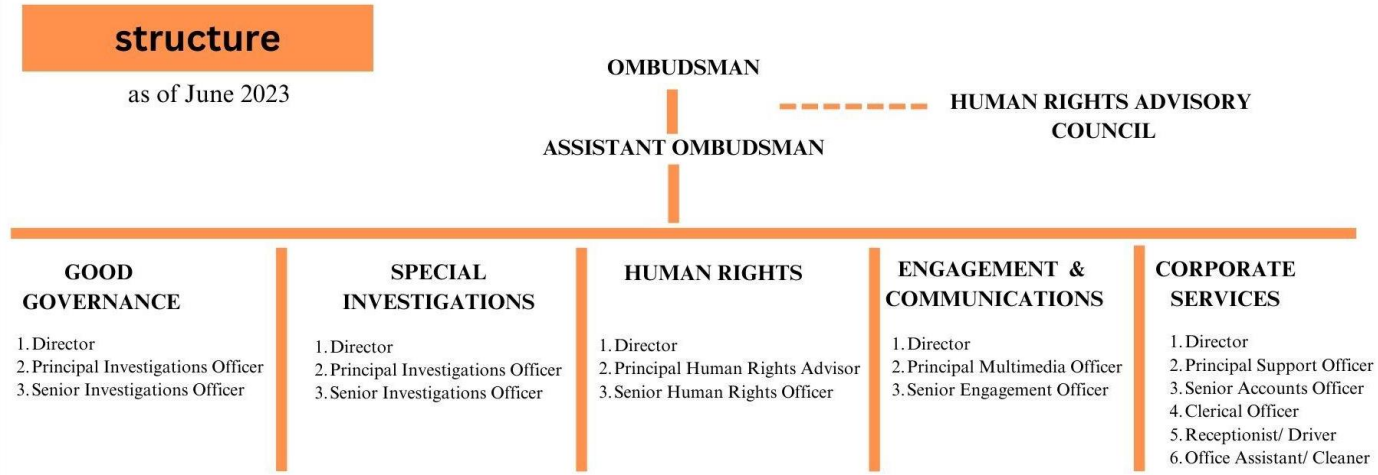
Our work will be constantly guided by our core values and principles including:

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

[1] See Article 82A and 82B, *Constitution of Samoa*.

Organization

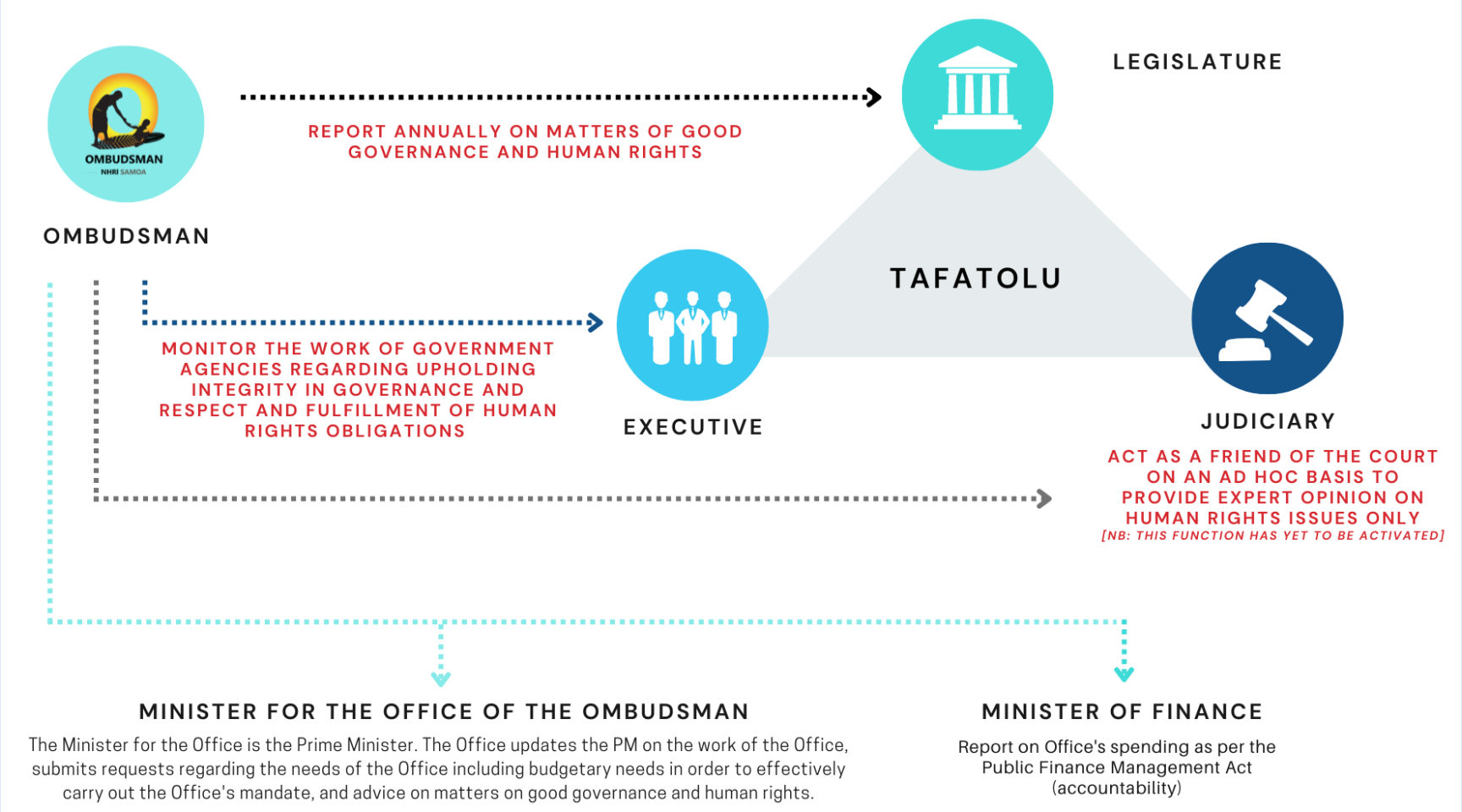
Led by the Ombudsman, our Office is made up of 3 main divisions and 2 supporting divisions. Each Division is led by a Director who reports to the Ombudsman and the Assistant Ombudsman. The Office also has a Human Rights Advisory Council that advises the Ombudsman on human rights matters where and when necessary.



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 2022-2023

Good Governance Unit

GGU	Financial Year
81 Complaints	22/23
64 Complaints	21/22

increase 27%

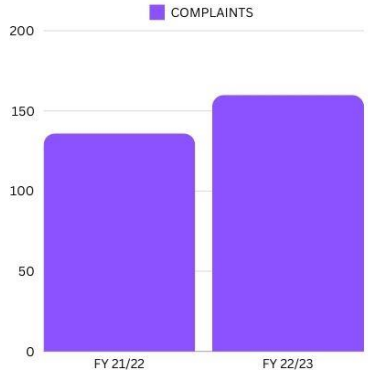
Special Investigation Unit

SIU	Financial Year
79 Complaints	22/23
72 Complaints	21/22

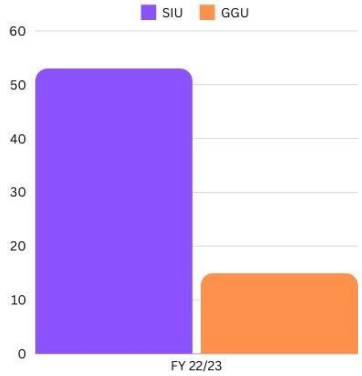
increase 9.72%

Financial Year	
22/23	160 Complaints
21/22	136 Complaints

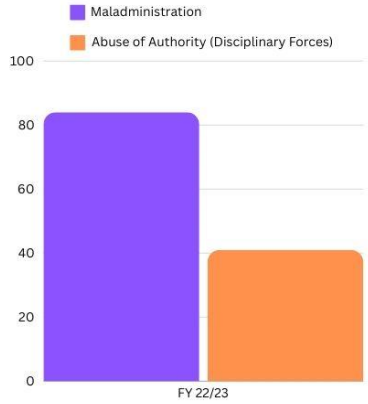
increase 17.7%



A total of (68) complaints were Resolved SIU (53) & GGU (15))

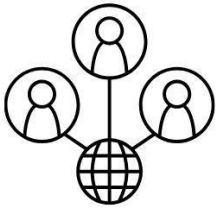


(84) Complaints received were maladministration and (41) complaints were against abuse of authority by disciplinary forces.



The Office dedicated 1 week from 17th to 21st October 2022 to enhance Community Awareness on its mandates, roles & functions.

The Village Family Safety Committee (VFSC) guide "Talanoa Toolkit" was launched in August 2022 to assist villages to set up community-based Family Safety Committees.



Engaged & completed the APF Inter-Government Mechanisms (IGM) Project

Conducted 11 prison visits

1 December 2022 recruited a Principal Multimedia & Engagement Officer for its newly established Engagement & Communications Unit (ECU).

10th December 2022 Commemorated the annual Human Rights Day.

The Office in partnership with SPREP, Pacific Climate Change Centre & MNRE hosted a dialogue and workshop for Government agencies on the Right to a healthy environment and climate change.

27 – 29 September 2022 Parliamentarian Dialogue

Utilized 98% of the Office budget for FY 2022-2023

23 September 2022 launched its new Ombudsman Website

Tofia le Ofisa Autu o Fesootaiga ma Faalauiloa e mataituina tulaga i Faamatalaga ma fesootaiga a le Ofisa

One- Ombudsman database system established 17 August 2022

September 2022 conducted a Complaints Handling training for OMB Liaison Officers (OLO)
Phase 2 of our Proactive Ombudsmanship Initiative.
22 OLOs from different government agencies attended the training.

July 2022 participated in the Public Sector Survey.

Conducted a children and young people's forum in collaboration with the Pacific Community (SPC) and the Child Rights Connect Geneva (CRC) on July 2022 to advance the understanding of rights and freedoms of children and young people in Samoa.

March 2023 conducted surveys and consultations in schools across Upolu, Savaii & Manono on children's rights. .

29 November 2022 conducted fraud prevention deterrence assessment

Comprehensive Audit for FY 21/22 & FY 22/23 – 26 August 2022

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

The Office's Office Strategic Goals for FY 2021/22-2024/25 are premised on the *Pathway for the Development of Samoa* (Key Strategic Outcome 1: Improved Social Development and Key Strategic Outcome 3: Security and Trusted Governance), as well as 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 buy 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.**

LOOKING FORWARD: The Office will continue to ensure that it makes references and analyses the linkages of national/sector goals and SDGs to its ongoing work.

Strategic Framework[2]

OUTCOMES MATRIX					
Goals	● Strong institutions that are transparent and accountable ● Rights and freedoms respected and part of everyday life ● Improved access to information and complaints resolution services				
Strategic Outcomes	**Integrity in governance**		**Respect for human rights**		
	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
Intermediate outcomes	1.1. Improved quality of **public administrative systems** and processes for managing complaints 1.2. **Timely and fair** handling of complaints to the reasonable satisfaction of the public 1.3. Public's **confidence and**	2.1. Public institutions including prescribed disciplinary forces understand and adhere to **good governance principles** displayed through practices and policies	3.1. **Human rights based approach** observed and practiced in policy development and project implementation 3.2. **Engagement** with national and international partners on human rights protection strengthened	4.1. Implementation of **human rights obligations and recommendations** (national and international) improved 4.2. Legislative and policy interventions consistent with **human rights standards** 4.3. Participation in **human rights**	5.1. Public's understanding of **rights and responsibilities** enhanced 5.2. Public especially vulnerable **communities empowered** to exercise their rights and responsibilities

[2] Office of the Ombudsman NHRI Samoa, *Strategic Plan FY 2021/22 – 2024/25*.

	trust in public institutions maintained	2.2. **Rule of law** strengthened and **access to justice** ensured for all 2.3. **Address misconduct** in prescribed disciplinary forces	3.3. **Amicus curae** function promoted and utilized	**reporting** processes improved 4.4. Conditions and **management of places of detention** improved	
Cross-cutting outcomes	i. **Gender mainstreaming:** gender equality and the empowerment of women integrated in the Office's policies, procedures, programmes and projects. ii. **Partnerships:** strengthened partnerships to assist and support the public and government on matters relating to good governance and human rights iii. **Coordination and coherence:** improved coordination and coherence observed and integrated into programme work and projects to ensure effective execution of mandates and the delivery of services. iv. **Relevance:** 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				
Supporting outcomes	i. **Corporate/ administration:** robust administrative processes and systems enabling effective and responsive delivery of operations and services. ii. **Communications:** enhanced public awareness of our key roles, services and processes that enables increased access and engagement				

Output 1: Good Governance Unit (GGU)

Overview of work

Since the lifting of the nation's State of Emergency lockdown and the reopening of our international border in August 2022, the Office was again open to the public particularly for GGU complaints and enquiries. GGU resumed its normal services and activities - complaints investigations and agency referrals[3]; community engagement booths[4] and the continuing Ombudsman Practice Statement Rollout to public agencies. There were no own motion investigations or referrals from the Prime Minister or a parliamentary committee 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 81 registered complaints[5] received by GGU for 2022-23. 46 were complaints against public/state agencies (57%) and 35 complaints were against private entities/out of jurisdiction (43%).

Regarding the complaints received for the period 2022-23: walk-ins-60 (74%); online-11 (14%); in writing-6 (7%); telephone-4 (5%). This was an indication that the majority of complainants preferred to file a complaint in person. GGU was understaffed for the last quarter of this period with the resignation of our Senior Investigation Officer in March 2023. The position has since been advertised.

GGU and SIU (Investigation arm of the Office) conducted the first-ever Complaints Handling training for OMB Liaison Officers (OLO) as Phase 2 of our Proactive Ombudsmanship Rollout in September 2022. Twenty two (22) government agencies attended the training. The training aimed to achieve the establishment of the awareness of functions of the Ombudsman in government agencies, extend our support and assistance to agencies in building and strengthening their complaint handling systems and establish a robust network in the public sector networking with agency OLOs[6] for ease of referrals and resolution of matters efficiently and in a timely manner. This activity also doubled as an open dialogue with public agencies. The highlight of this session was the presence and participation of the New Zealand Chief Ombudsman and his team imparting their experiences from Aotearoa.

The New Zealand Ombudsman also facilitated an online training that focused on building its participants' capacity or skills to mentor, train and coach others in order to bring out the best in our respective teams via a self-directed learning pack (reading, videos and quizzes), followed by an interactive Zoom workshop to discuss learning's, reflections and answer any questions. GGU and SIU attended these 4 different sessions that were scheduled on 15 September, 28 September, 19 October and 02 November 2022.

[3] The purpose of our referral system is to direct complainants to the appropriate agencies that are more equipped to address their concerns.

[4] Salelologa Market in Savaii 6-7 June 2023 with SIU and ECU.

[5] 10 formal complaints; 36 informal complaints; 35 OOJ complaints.

[6] Ombudsman Liaison Officers.

Summaries

More effective, efficient and equitable public governance

Improved quality of public administrative systems and processes for managing complaints[7]	***Our impact:*** *Received 81 complaints and resolved 16 to the full satisfaction of complainants.*	
Ministry of Finance indicators *5x Practice Statement to 5 public agencies; 1x public agencies complaints handling/investigations training; 1x good governance dialogue with public agencies; OMB Casebook*		**Achieved**
		Partially achieved[8]
		Not achieved

Activities

Complaints

Complaints received for period July 2022 – June 2023	81		
Resolved[9] 15	Suspended[10] 13	Active[11] 18	OOJ[12] 35
Comparison with FY 2021-2022	GGS received a total of 64 complaints (Resolved – 14; Early resolution – 11; Suspended –9; Referrals – 6; OOJ – 24) during the last financial period (July 2021 to June 2022). In comparison, there is a **27%** increase in complaints this financial year. This can be attributed to the influx of complaints being lodged in person since the lifting of the SOE lockdowns.		

Nature of complaints	Agencies complain against
• Unreasonable administrative decisions/actions (30)[13] • Employment related (16)[14]	MJCA (5); MWCSD (5); SWA (4); MNRE (3); SNPF (3); SAW (3); SLAC (2); EPC

[7] Strategic Outcome 1, Intermediate Outcome 1.1, 1.2 and 1.3, *Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*.

[8] GGU was unable to complete the OMB Casebook by 30 June 2023 due to unanticipated circumstances. This activity has been reallocated for completion by 30 June 2024 (FY 23-24).

[9] Includes both completed formal investigations and early resolutions.

[10] After 6 months without any further contact with the complainants, these cases were suspended until further information are submitted.

[11] Most of these cases were referred to the subject agencies to be addressed first. Others are on-going formal cases.

[12] 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 for assistance. Other OOJ complaints such as LTC decisions, village council decisions and domestic matters (Family Court) were referred to the relevant agencies (MJCA, MWCSD, MESC, legal counsel).

[13] Included delayed action, failure to act, unfair treatment, poor service.

[14] Included unfair termination, unbecoming conduct, entitlements.

• OOJ – Contributions/entitlements/termination/service (19); Court decisions/matters (13); Village Council decisions (3)	(2); SLC (2); MCIL (2); MAF (1); MCR (1); MESC (1); MOH (1); MPPS (1); MPMC (1); PTO (1); SHC (1); NUS (1); MOPPCS (1); DBS (1); SAA (1); SSC (1)

Key case summaries

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 Commerce, Industry & Labour (MCIL)

Unreasonable administrative decision/action

Ms. A complained against the Registrar of Cooperative Societies (MCIL) for allegedly acting beyond its legal authority by removing the original registered members (Ms. A included) of their District Council (DC) in an unlawful and illegal manner without due diligence as required under the provisions of the *Cooperative Societies Ordinance 1952* (Ordinance). There was confusion as to the chairmanship and membership of the DC (the initial DC composition did not include their Member of Parliament (MP)).

After the preliminary assessment, a notice of intention to investigate the complaint was forwarded to MCIL. In response, MCIL stated that they had received advice from MWCSD (the responsible agency for vetting DC membership before registration) supporting the changes in the DC's membership that included the MP as chairman. Moreover, the action was made easier on the counsel of the Attorney General (AG) detailing the selection criteria for DCs' that included all current MPs to act as chair for each DC.

On obtaining this information it was clear that MCIL had acted within its legal authority and that the administrative action/inaction as claimed by Ms. A was not unreasonable. Therefore, no further action was necessary although Ms. A could seek legal redress. Ms. A was informed accordingly, and the matter was recorded RESOLVED.

ii. Samoa Airways (SAW)

Delayed action

We received 2 separate online complaints from overseas (Mr. B, Ms. C) alleging delayed action in the processing of their fare refunds due to flight cancellations during the COVID-19 Pandemic and SOE lockdowns. The complainants were initially in contact with SAW and provided all the relevant documents required. However, as time progressed, there seemed to be no indication of when the complainants' fares were going be refunded leading to their frustrations and subsequent complaints to our Office. We contacted SAW and enquired about the fare refunds. SAW immediately requested the complainants' emails for contact regarding refund requirements. The complainants were notified and were in contact with SAW. The complainants acknowledged our assistance rendered. The matter was then documented as EARLY RESOLUTION. There was no formal notice but through direct communication with the relevant officers of the subject agency, matters can be resolved promptly.

iii. Public Service Commission (PSC)/MCIL

Unreasonable termination

Ms. D and Ms. E had complained to our Office that the decision by PSC to terminate their employment from MCIL was unreasonable and unfair. The complainants claimed that they were not afforded the opportunity to respond to the allegations against them. Given that this was a PSC matter, we advised the complainants that they should first utilize the PSC appeals process stipulated in the *Public Service Act 2004*. A Referral Form was then prepared and addressed to the MCIL OLO for further assistance. When the complainants were later contacted for an update on their matter, they apologized for not contacting us earlier and advised that they had engaged legal counsel. The complainants acknowledged the assistance rendered. This matter was documented as an EARLY RESOLUTION.

iv. Ministry of Agriculture & Fisheries (MAF)/PSC

Unfair treatment

Mr. F claimed that he was treated unfairly by MAF when seeking assistance for his poultry project. According to Mr. F, he was frustrated with the treatment from the Vaea Division staff for not providing him with adequate information for his project. Mr. F had already vented his disappointment with MAF CEO at the time. Mr. F was advised that another option was to seek an audience with the Minister and also further advice from PSC. A Referral Form was prepared for PSC for assistance, being the appropriate authority overseeing MAF.

Mr. F met with the PSC Commissioner and Legal Advisor at the time to discuss his issue. Mr. F was still not satisfied, however, we highlighted to him that the agencies and officers involved had all tried to accommodate his concerns, but his unnecessary persistence and outbursts led to him being barred from entering the Government Building. Mr. F acknowledged his actions and said that he was still in contact with the MAF officers of the Vaea Division regarding his project. Mr. F was then advised to continue to work with MAF and that the matter was now considered RESOLVED.

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 enhance public confidence.

Practice Statements to public agencies rollout.

The Office resumed its Practice Statement to public agencies when the SOE lockdown was lifted in August 2022.

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 of 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[15]	***Our impact:*** *carried out 1 high level dialogue, 1 investigations training and 2 workshops for police recruits on good governance principles.*

Ministry of Finance indicators *Frontline staff toolkit – handling initial complaints; Regular engagement/referrals with designated agency OLOs; 2x complaints handling/refresher trainings – GG investigators; OMB Complaints Handling & Investigation Manual finalized by 30 June 2023; 5x Completed Investigation Reports.*		Achieved
		Partially achieved[16]
		Not achieved

Activities

Complaints handling/Investigations training and Good Governance Dialogue with public agencies and disciplinary forces

On the 6 September 2022, the Office hosted a basic complaint handling training and a good governance dialogue with public agencies. We were very fortunate to facilitate these two sessions together with the NZ Chief Ombudsman and his team during their official visit to Samoa. The purposes of these sessions were:

1. To establish awareness of the functions of the Ombudsman in government agencies.
2. To extend support and assistance to agencies with existing complaints systems and to establish systems for agencies without a complaints mechanism.
3. For each agency to nominate an Ombudsman Liaison Officer (OLO) to ensure that the Ombudsman has direct and timely access to the agency when necessary. The OLO acts as the initial point of contact in any particular case between the Ombudsman and agency. Since 2018 about 30 agencies have been approached.

The NZ Ombudsman team also imparted their experiences and knowledge from Aotearoa. 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. Networking with the designated agency OLOs will also be vital in building good relationships.

Public's confidence and trust in public institutions maintained; number of awareness programs conducted and % of participation/engagement[17]	***Our impact:*** *GG and SIU held community booths in Savaii. Information sessions with agencies.*

[17] Strategic Outcome 2, Intermediate Outcome 2.3, *Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*.

Ministry of Finance indicators *2x community/public agencies information (at least 80% participation); 1x radio show; 1x bulk texting*		Achieved
		Partially achieved
		Not achieved

Activities

Community and Agency engagements

The Office (GGU, SIU, and ECU) held an information session with Samoa Shipping Corporation in October 2022 to increase awareness and visibility of our functions, mandates and access to our services. On 6-7 June 2023 we travelled to Savaii and opened a community booth at the Salelologa market to promote the Office and take in complaints. It was also an opportunity to gauge the extent of visibility of our Office in Savaii through a survey and discussions. In broadening our awareness campaign, we also participated in radio and TV shows (TV1, 2AP, Talofa FM).

LOOKING FORWARD: GGS will continue to engage with communities, schools and public agencies to raise awareness of 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.

Improved compliance with good governance standards and rule of law

Effective engagement with all public agencies; complaints resolution and staff capacity building[18]	***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[19]
		Not achieved

[16] The OMB Manual has not been completed due to unforeseen factors but has been allocated to FY23-24 for completion by 30 June 2024.

[17] Strategic Outcome 2, Intermediate Outcome 2.3, *Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*.

[18] Strategic Outcome 2, Intermediate Outcome 2.1 and 2.2, *Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*.

[19] 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.

Activities

Good Governance Dialogue for public agencies and disciplinary forces

On 9 December 2022, 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")

Public's confidence and trust in public institutions maintained; number of awareness programs conducted and % of participation/engagement[20]	***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[21]
		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 2nd 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

[20] Strategic Outcome 2, Intermediate Outcome 2.3, *Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*.

[21] 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.

debriefing session was held on 9th 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 Unit (NHRI)

Overview of work

The undertakings for this FY has been very challenging but also productive with lessons learnt for the Human Rights unit. Some of the key highlights achieved within this particular FY 22/23, for instance, the hosting of the 2nd Parliamentarian dialogue in collaboration with our partners[22] to raise awareness, increase capacity building on human rights issues in Samoa for the Parliamentarians. Moreover, the Office presented for deliberations two human rights position papers on the National Digital Identity Bill (ID Bill) and the Labor Employment Relations Amendment Bill 2012.

In addition, another highlight was the launching of the 'Talanoa toolkit' for village-based advocates on domestic violence. This toolkit resource derived from the piloting of the Village Family Safety committee project, which was rolled out in six villages. It now has this toolkit available for all communities should they desire to use it.

Another key highlight hosting the Children and Young Peoples' human rights forum in July 2022 in partnership with SPC and Child-connect. This CYP forum resulted in establishing a CYP taskforce. The taskforce was tasked to compile the CYP shadow submission for the CRC convention. It was the first of its kind, creating a safe space and environment for children to freely share issues that restrict the exercise of their rights.

Moreover, the NHRI unit provided human rights position papers to deliberate its position to Parliament with regards to discussions of the National Digital Identity Bill (ID Bill) and the Labor Employment Relations Amendment Bill 2012.

In terms of engagement of the team to national, regional and international human rights meetings and workshops, this FY has been eventful with a good number of human rights affiliations and engagements.

[22]UNFPA, DFAT, Samoa Family Health Association (SFHA), Office of the Clerk Legislative Assembly (OCLA), MFAT, MJCA, NOLA, SFA, etc.

The regional 'talanoa' and workshops for the roll out of the Pacific Intergovernmental mechanisms on climate and rights, the Pacific human rights community-led development project, as well as the Pacific forum for all NHRIs which was held in Fiji early 2023. Director Human rights was also invited to join the APF mission in Kazakhstan in June 2023. The team were not only caught up in this FY with regional and international affiliations but also with several national engagements and workshops with national government sectors and local partners.

Summaries

Greater protection of rights and freedoms

Human rights-based approach observed and practiced in policy development and project implementation[23]	***Our impact:*** *provided advice to the government on important issues including COVID-19, political impasse, and family violence.*	
Ministry of Finance indicators *3X submissions / advice / statements to Govt.* *4X awareness workshops (Govt/Judiciary/parliament)* *3X human rights toolkit / guide Ad-hoc submissions/ advice to Government based on issue*		Achieved
		Partially achieved
		Not achieved

Activities

Parliamentarian Dialogue at Saletoga Resort 27 – 29 September 2022

One of the highlights of 2022/2023 was the Office organizing a successful Human rights dialogue between the office of Ombudsman/NHRI, its partners and the parliamentarians of Samoa. This was an effective avenue to engage the politicians to have dialogue on human rights related issues during this 3-day program. The selected participants were from parliament members who were also members of parliamentary committees tasked to review and scrutinize the Office's annual State of human rights reports.

The Speaker of the House, and the leader of the Opposition party participated in this 3-day dialogue and found it productive, as it enhanced human rights education and discussions amongst the Office and the members of parliaments that participated.

As a result of this dialogue, the members of parliament were well informed and aware of the issues raised and the concerns which may cause friction and restriction in carrying forward the work for the human rights unit and its reporting obligations. It was deemed successful as the Office embedded suggestions from the members of parliament as to ways to overcome obstacles that the Office may encounter in carrying out its human rights mandate.

LOOKING FORWARD: The Office endeavors to continue this dialogue when a new Ombudsman is appointed.

[23] Strategic Outcome(s) 3, Intermediate Outcome 3.1, *Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*.

High level Dialogue and Workshop for Government agencies on the Rights to a Healthy Environment, 12-14 April 2023

The Ombudsman/NHRI Samoa in partnership with inter-governmental body SPREP and Pacific Climate Change Centre and Ministry of Natural Resources and Environment hosted a high-level dialogue and workshop for Government agencies on the right to a healthy environment and climate change.

The aim was to raise awareness and increase understanding on the link between climate and human rights, the right to a healthy environment and the importance of having a human rights-based approach to climate change actions. The high-level dialogue hosted the CEO/management level for Samoa government mechanisms to a 'talanoa' session followed by the workshop for the operational mid-management level participants from the same/relevant agencies. In total there were 72 participants with 48 females, 18 males, 2 faafafine and 4 persons with disabilities (PWDs).

An Outcome Statement was developed at the end of the dialogue and activity to capture the deliberations and identify areas for continued support between NHRI and partners. A guide was also developed to assist government agencies on how to incorporate a human rights-based approach in climate change actions.

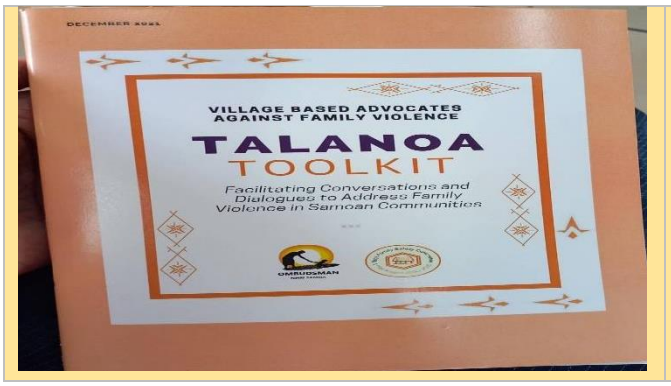
The activity was supported by the European Union through APF and SPREP and Pacific Climate Change Centre.

LOOKING FORWARD: The Office continues to seek available and relevant opportunities from outside donors and stakeholders to collaborate in unpacking issues affecting human rights, for instance the real and ever persistence climate change.

Launch of the Village Family Safety Committee Guide (Talanoa Toolkit) 19 August 2022.

A guide was developed by the Office of Ombudsman/NHRI to assist the villages who wish to set up their own community-based Family Safety Committees. The guide is a resource with the overall purpose of providing information and considerations for establishing Village Family Safety Committees. The guide emphasized on the important note that village family safety committees (VFSCs) serve as an informational network to provide awareness and informal referral pathway that provides first assistance within their respective villages.

The Talanoa Toolkit is the first of its kind, a resource for village-based advocates against family violence initiated from recommendation #20 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, or 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.



LOOKING FORWARD: The Office will continue to educate and inform our people through its promotion & awareness work as well as available toolkits / resources which can be accessed online for public use.

Greater Compliance with human rights obligations and standards

Engagement with national and international partners on human rights protection strengthened [24]	***Our impact:*** *The Office collaborated on 2 main human rights related projects with national and regional level with the focus on climate change and community-led approach. Human rights capacity building for staffs through Asia Pacific programs and collaborative networks with regional and international NHRIs.*
Ministry of Finance indicators *2x international/ regional/ partnerships 2x national partnerships (CSO/ private sector)*	☐ Achieved ☐ Partially achieved ☐ Not achieved

Activities

APF Inter- Government Mechanisms (IGM) Project – Blended Learning Course Workshop on engaging with IGMs. (23 -25 August 2022 Nadi, Fiji)

The regional engagement workshop undertook for all Pacific Island NHRIs to engage with inter-governmental mechanisms on the discussion of human rights and climate change. The regional engagement workshop was attended by two staffs from Samoa NHRI to join the discussion and shared understandings with delegates from Pacific Islands Forum Secretariat, SPC and SPREP as regional/ intergovernmental mechanisms with relevant functions and mandates. The engagement also developed national plans for country NHRIs engagement with IGMs on human rights issues relating to the environment and climate change.

[24] Strategic Outcome(s) 3, Intermediate Outcome 3.2, *Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*.

LOOKING FORWARD: The Office intends to continue to work with the regional organizations to develop and further build our team's capacity and strengthen network in order to understand how each organization can assist and support the work of the NHRI within Samoa and the Pacific.

2022 Partnership Program for Human Rights Officers – Seoul, South Korea (7 – 11 November 2022)

Samoa NHRI staff, senior human rights officer had the privilege to participate the international engagement partnership program for human rights officers in South Korea in 2022. This opportunity has allowed Samoa NHRI staffs to build their capacities and increased knowledge on international human rights standards and mechanisms as well as the knowledge built on the human rights works in national and international level. This was the 2nd round for this partnership program after its first round in 2019, and Samoan human rights team have learnt so much from the wealth of knowledge taught and shared with other human rights offices from other countries.

LOOKING FORWARD: The Office will continue to look for available opportunities for its staff to build capacity and knowledge to ensure that staff are well versed and equipped with solutions to issues pertaining to human rights.

Pacific Blended Learning Course on Human Rights Community-Led Development (HRCLD): 21st – 25th November 2022

One of the regional Human rights projects administered and co-funded by APF and SPC in which NHRI and ECU collaboratively engaged to was the Community-led development programme. This project develops the capacity of NHRIs about facilitating structures and processes in communities that enable people to address human rights issues which affect their lives. The face-to-face workshop was held in Lautoka Nadi/Fiji, where delegations from Samoa, Cook Islands and Fiji were invited to learn and discuss on best practices and strategies, as well as navigating the founding principles of this community-led approach into a well-developed mechanism for country level.

LOOKING FORWARD: The Office in its goal in ensuring that all staff are well prepared to deal with daily issues relating to human rights within the community, this project allows the staff to be more realistic as it contextualizes the material to reflect the pacific values and way of life. As such, the Office plans to strengthen its partnership with APF and SPC by ensuring that there is continuity of this project so that the communities at the national level can benefit from the knowledge and information deliberated for this project.

Final 'Talanoa' session for APF IGM & NHRI and Climate Change Project, Fiji, 10-11 May 2023.

Director for Human Rights and Senior Human Rights officer joined the Asia Pacific Forum of NHRI Intergovernmental Mechanism and NHRI Project final Talanoa workshop. The talanoa brought together participants of the project -Pacific NHRIs, Samoa, Fiji, NZ, and Australia and invited regional intergovernmental bodies and NGOs. The Talanoa was for participants of the European Union Grant activity to report back and discuss on the implementation of their activities. Samoa Human Rights Director led the delegation by presenting on the implementation experience of Samoa from its High-level dialogue and workshop in April 2023. Samoa's report was well-supported by SPREP's representative who was also part of Samoa's IGM project, Mrs Ofa Kaisamy. Fiji, NZ and Australia's' NHRI teams also joined the 'talanoa' and discussions re the next steps for IGM project. This project was funded by the European Union through the Asia Pacific Forum of NHRIs.

LOOKING FORWARD: Similarly to other projects, the office intends to continue its work by ensuring that it works closely with high level personnel within the government and so as the regional organizations in order to get human rights issues deliberated and ascertain the best practical solutions for such issues for our communities at the national level.

Greater protection of rights and freedoms.

Established and improved human rights culture consistent with Fa'aSamoa.

Implementation of human rights obligations and recommendations (national and international) improved.[25]	**Our impact**: *Development of the state of human report 2023, research analysis for state of human rights in Samoa and consultation reports for state of human rights in Samoa 2023. Delayed SHRR due to NHRI & ECU staff turnover.*	
Ministry of Finance indicators ● 1 x SHRR, ad-hoc thematic issue		Achieved
		Partially achieved
		Not achieved

Activities

SHRR 2023:

As per mandate of the office of Ombudsman to report to parliament every year on the status of human rights in Samoa, NHRI is gradually working on its SHRR 2023 with the focus on 'safeguarding the rights of children in Samoa'. The report is currently in its review stages and for onwards submission to parliament. The Office under HRU has completed all its consultations in March 2023 with selected communities in Upolu, Savaii and Manono-tai followed by school surveys conducted for primary and secondary schools. A survey was also conducted for government ministries as well as NGOs and CSOs.

To ensure the reflection of holistic views in the state of human rights report 2023, a call for submission from the public was also opened from November 2022 until May 2023 for any individual of any background and age who wish to contribute by sharing his/her views on safeguarding the human rights of children in Samoa. Prior to the roll out of consultations and surveys to amass the collective views of all Samoans, a desk-top review was executed by HRU to assist with the report to ensure the formulation of productive recommendations for the report.

LOOKING FORWARD: The NHRI endeavors to complete the 2023 SHRR with its newly recruited staff and intends for the SHRR 2023 to be submitted to parliament by March 2024.

[25] Strategic Outcome(s) 4, Intermediate Outcome 4.1, *Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*

Greater compliance with human rights obligations and standards.

Legislative and policy interventions consistent with human rights standards	***Our impact**: Office contributed to the review of legislations through the Ombudsman and Human rights position papers.*	
Ministry of Finance indicators ● 3x pieces of legislations/ bills reviewed		Achieved
		Partially achieved
		Not achieved

Activities

Human Rights position to Drafting National Digital Identity Bill – 18th - 19th July 2022.

Consultations was carried out by the Samoa Bureau of Statistics which took place in 2 days to consult with the public and organizations to contribute to the final assessment of the draft bill before submission to OAG for final Assessment. HRU shared in consultations its position to relevant rights that might be impacted as well as the role to investigate complaints and grievances.

Human Rights Intervention to Labor & Employment Relation Amendment Bill 2012 – Parliament Economic Committee Sitting – 31st August 2022.

Human rights submission to LERA Amendment bill was tabled and discussed before the economic parliamentary committee on August 2022. The Ombudswoman and her team presented the human rights intervention pertaining to relevant articles/clauses of the Bill. The human rights position mainly articulated on areas such as the minimum age for employment, contributing risk to high school dropout rates, working hours for young ages and the safety in workplaces.

LOOKING FORWARD: The Office appreciates the opportunity given for its position to be heard but it looks forward to assisting the government agencies in ensuring that their obligations as duty bearers are upheld at the international standard in line with its promise when it ratified the relevant human rights international treaty, especially upholding all obligations which are in line with the Universal Declaration of Human Rights.

Greater compliance with human rights obligations and standards.

Participation in International human rights reporting processes improved.	***Our impact**: The office committed in conducting the first Children and Young People's Forum. Compilation of Children's submission and submission of CED shadow report to Geneva.*	
Ministry of Finance indicators ● Submission of shadow reports (CRC & CEDAW reporting to UN Treaty Bodies) (provided that Government reports)		Achieved
		Partially achieved
		Not achieved

Activities

CYP Forum Shadow Submission for CRC Convention– November 2022

The Children and young people's forum was carried out in July 2022 with the purpose of compiling a shadow report from the children's views on the rights of children in Samoa. One of the major objectives was to advance the understanding of Samoan children and young people on the UN reporting process and system for CRC convention. Children and young people were informed on the process and how their shadow submission with their combined voices in the form of a shadow report could be heard in Geneva and the CRC committee. The convention report process signifies that shadow submissions could only be submitted when the CRC committee confirmed the receipt of the state report. Meanwhile, the Samoa state report is still in the process of write-up and the completed CYP shadow submission would be submitted following the submission of the state's report on Samoa's fulfillment of its obligations to CRC convention.

LOOKING FORWARD: The Office finds it effective knowledge sharing and learning when the children and young people are brought together so that the NHRI Samoa can draw reference from their life experiences what the status or which stage is the human rights education or level of knowledge of human rights is currently at here in Samoa. The Office believes that educating the younger generation on human rights issues can assist the office in spreading the same into their families, their churches and affiliations. Additionally, having this creates a safe space for the children to freely voice their opinions and also their thoughts on matters that hinder or restricts the exercise of their human rights.

Samoa NHRI alternative submission on the Convention for the Protection of All Persons from Enforced Disappearance. (CED) 9th June 2023.

Samoa Human rights unit has submitted its alternative submission to the committee on the Enforced Disappearances in Geneva this mid-year, following the Samoa state/government reporting which was submitted and received by the committee on the 24th of March 2023. This convention was ratified by Samoa in 2012 and the government is obligated to report on the implementation status, whilst NHRI provides shadow submission in light of this report from its independent mandated role of promoting and protecting human rights in Samoa.

LOOKING FORWARD: The Office looks forward to working hand in hand with the international arena in ensuring that the obligations of the duty bearer under this convention are in line with the standard that is set for all states that have ratified this convention. As such, it is prepared for further deliberation or questions from the Committee for the CED should there be any in due course.

Greater compliance with human rights obligations and standards.

Conditions and management of places of detention improved.	***Our impact**: Samoa NHRI conducted a visit and human rights inspection in Vaiaata prison at Savaii, assessing the human rights status for Vaiaata place of detention re Mandela rules (international standard of human rights for Places of detentions)*

Ministry of Finance indicators ● 1x inspection & report		Achieved
		Partially achieved
		Not achieved

Prison Inspections of Vaiaata prison:

Another major highlight and achievement for this year was our human rights inspections of Vaiaata prison in early July 2023. The Director and team along with the CSU representative joined the team to visit Vaiaata sites and inspected the planned areas as per the office mandate. This is to ensure that the Mandela rules for international standards are met. The visit was a great experience and good learning for the new recruits of the Office as there was a big difference from the last time the office visited Vaiaata. The Inspections report compliments the improvements of Vaiaata facilities as well as many areas that were of negative observations from past Detention Inspections Reports of Vaiaata. The new location of new sites that was sighted had the following which in our view as inspectors were well within the Mandela rules and also the standard which the state is obligated to uphold. These are:

- good running water accessible at all times;
- health status have been improved during the HRU visits;
- good living conditions;
- wholesome meals;
- clean bathrooms and toilets; and
- A good civilized community of prisoners.

LOOKING FORWARD: The Office will continue to carry out inspection on places of detention. However, in the near future, we will no longer write in advance, rather we will carry out our spot checks.

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

Public's understanding of rights and responsibilities enhanced.	***Our impact**: Samoa NHRI committed to conduct consultations through communities, NGOs, CSOs, children and young peoples and schools.*

Ministry of Finance indicators ● 2X friendly schools (30 participants per friendly school)		Achieved
		Partially achieved

• 1 Children's Dialogue (30 participants) • 1X Human Rights Day (50 participants) • 5X community public awareness / consultations (50 participants per consultation)		Not achieved

Activities

Children and Young People's Forum: 7th July 2022.

The children and young people's forum was organized and spearheaded by the NHRI with the support of the Pacific Community (SPC) and the Child Rights Connect Geneva (CRCnct) to advance the understanding of rights and freedoms of children and young people in Samoa. The forum not only enhanced the understanding of children and young people on their human rights, but it was also an avenue for them to formulate their submission to the CRC committee with regards to their human rights. The CYP forum was participated by 50 school students and 40 youth group representatives, which totaled up to 90 participants altogether.

LOOKING FORWARD: The Office currently has a submission from this group of children and young people and has been incorporated into the SHRR 2023. The Office further intends to continue to have such forum so that the children can participate and voice their daily experiences with regards to the exercise of their rights within their families and everywhere.

Validation Workshop for Children & Youth – (20th September 2023)

A follow up workshop for the CYP forum was undertaken to validate and finalized the CYP submission to the committee on the rights of the Child, as well as to raise their awareness on the UN resolution on the right to a clean and healthy environment. The program emphasized the importance of children's participation and voices on issues affecting their rights especially those that have and will be greatly impacted by climate change.

Celebrating Human Rights Day 2022 in Workplaces – 10th December 2022.

The office celebrated the world Human Rights Day 2022 with the focus on promoting human rights in workplaces. The Ministry of Works Transport and Infrastructure, Office of Electoral Commission and Samoa Water Authority were invited to participate through the production of a special video which was

publicly aired on the 10th of December 2022 to celebrate Human Rights Day in Samoa. The government agencies performed their human rights program based on their selected human rights themes/messages and invited HRU team to witness and filmed their performances from their own workplaces. The Human Rights video was opened with a special keynote from the Madam Prime Minister, Afioga Fiame Naomi Mata'afa, where she addressed the government holistic mission in ensuring the safeguarding of human rights in Samoa, followed by special remarks from the madam Ombudsman, Luamanuvao Katalaina Sapolu as well as members of the Human rights advisory council. The video was publicly released and aired on media for all people to view and obtain increased understanding in human rights.

LOOKING FORWARD: The Office celebrates Human Rights Day annually and looks at continuing this celebration with all stakeholders including all partners and donors.

Raising Public's Understanding on Human Rights through Community consultations – March 13th – 20th 2023.

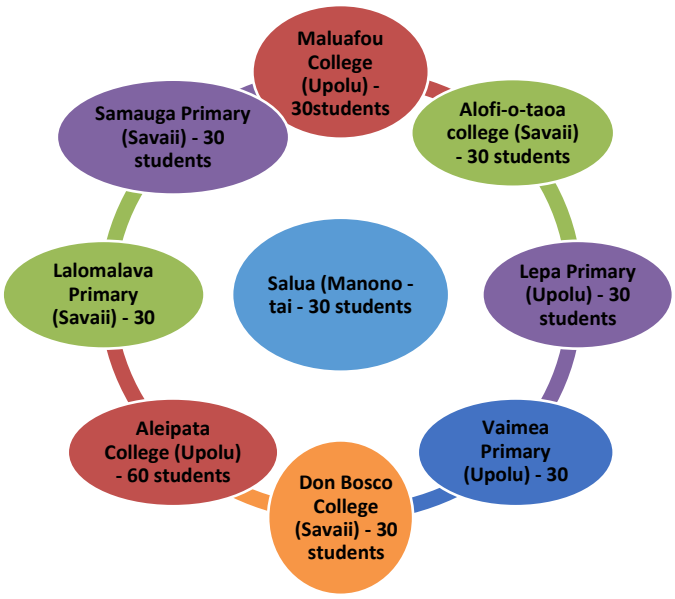
Human rights community consultations were rolled out in early 2023, to raise the awareness and understanding of the public on human rights as well as gathering the public's view and opinions on safeguarding human rights of children. There were five community consultations held, two in Savaii and two in Upolu with one held at Manono tai.

Savaii Community consultations (13th – 15th March 2023) - Gagaifomauga #1&2 district - Fa'asaleleaga # 3 district	Community consultations for Savaii were carried out in two districts of Gagaifomauga #1&2 and Fa'asaleleaga #3. Gagaifomauga consultations was held in Matavai, Safune with 74 participants, and Faasaleleaga continued on in Sapapalii with about 60 participants.
Upolu Community consultations (16th – 17th March 2023) - Aleipata Itupa-i-luga & Itupa-i-lalo. - Vaimauga #4	Aleipata community consultations took place in Lalomanu village with about 96 participants. Second consultations for Vaimauga #4 district was followed with only 31 participants.
Manono-tai consultations (20th March 2023) Salua, Apai, Faleuu	Manono-tai wrapped up all community consultations in March, and it took place at Apai village with about 50 participants.

Friendly School survey & consultations - Raising awareness on Children's Rights. (13th – 20th March 2023)

The Human Rights unit carried out school surveys and consultations in March 2023, to increase the awareness and understanding of children in their human rights. Children between 7 – 17 years old were involved from secondary and primary level schools in Savaii, Upolu and Manono-tai. This project also sought to obtain views of children to be incorporated into the state of human rights report which serves the focus of safeguarding the rights of children in Samoa. Over 300 students were involved and participated in this undertaking, and have contributed to the development of the state of human rights report for 2023.

LOOKING FORWARD: The Office in carrying out its SHRR will continue to have these KPIs in place which will assist with the ongoing promotional work for awareness purposes so that our people both young and old are aware of what human rights are and the issues which threatens the exercise of a person's right.



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

Public especially vulnerable communities empowered to exercise their rights. (measured by their representation / contribution in meeting and workshops	***Our impact****: Human rights council inclusive representation meetings, CYP forum submission, friendly schools dialogues and Private sector trainings.*
Ministry of Finance indicators • 5X Human Rights Advisory Council Meetings • 1X workshop (CSO / Private sector)	☐ Achieved ☐ Partially achieved ☐ Not achieved

Activities

Human Rights Advisory Council Meetings – FY 2022 - 2023

- ✓ 1st September 2022
- ✓ 2nd December 2022
- ✓ 3rd May 2023

Representation in the Human Rights Advisory Council (Members).

- Advisor for religious and faith based.
- Advisor for Persons with Disability.
- Advisor for Community.
- Advisor for Women and girls.
- Advisor for Children and young people.
- Advisor for Diversity.
- Advisor for Equal Opportunity.

Human Rights Advisory council called 3 meetings within FY 2022 – 2023. The first meeting in September 2022 discussed the reporting of the most popular human rights issues from observations of human rights advisors. The second meeting in December 2022 discussed on the SHRR 2023 report and consultations planning as well as the proposed Samoan human rights glossary projects. To assist with the NHRI role on promoting human rights as well as its monitoring role re human rights issues in Samoa[26], the Advisory council members assisted the office with the discussed works in planning. Strategic views and inputs were shared within these meetings to assist the office with their implementing activities.

LOOKING FORWARD: The Office looks forward to utilizing to the full potential those that are elected as members of the Advisory Council in the upcoming year so that they are more in tune with the work of the NHRI. It is also important that they are immersed in the work so that they can assist the capacity of the NHRI with the promotional work and awareness given their roles as advisors.

Samoa Fa'afafine Association consultations & workshop on human rights.

About 38 participants from the Samoa Faafafine and Faatama Association joined the consultations to share and discuss their views on the focus of the SHRR for 2023 which is on children's rights. Participants reflected multiple views on gaps and issues as well as recommendations on how to better safeguard the rights of children in Samoa especially Faafafine children. This activity was a success with great assistance from Pacific Community with its Human Rights and Social Development Division.

Amicus curiae function promoted and utilized.

Amicus curiae function promoted and utilized.	***Our impact**: Judiciary training and amicus.*	
Ministry of Finance indicators • Ad-hoc engagement with Courts		Achieved [27]
		Partially achieved
		Not achieved

Activities

The amicus curiae function ("friend of the court")

This Office has yet to fully utilize or commence engaging the amicus curiae function which is mandated by law. This is due to the lack of staffing for the Human Rights Unit as a core function.

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.

[26] Advisory Council Agreement

[27] The Office has yet to engage the court and vice versa. It is marked achieved because work there has been work undertaken for court research needing the input of the unit but not necessarily to the function to actually be present in court. Also the function operates on an ad-hoc basis.

Output 3: Special Investigation Unit (SIU)

Overview of work

SIU from 1 July 2022 to 30 June 2023 continues its work with a physical capacity of three staff members.

Walk-ins remain the predominant way of receiving complaints. SIU increases the accessibility of its services through the commencement of its Police Outpost Complaint Boxes projects this financial year.

For the financial period under review, SIU received a total of 79 cases; 73 of which are complaints and 6 enquiries. Two investigations were finalized, including a **monumental win** against a jurisdictional legal challenge for the Ombudsman.

The Unit **did not** complete all reviews and monthly visits to the prisons as planned due to staff shortage and competing interests.

With the increase in the workload and developing functions of the Unit, **increments have been requested** for SIU's staff who have been in their current roles for more than five (5) years without an increment. This is an effort to retain quality staff, boost morale and enhance productivity.

Summaries

Independent, credible and effective discharge of the functions of the SIU[28]

Our Impact

Received 79 cases
Resolved 53 this FY & 38 from previous FYs

MOF Indicators

50+ complaints received & resolved.
Evidence of recommendations accepted by Police or Corrections as a result of review report.
1x own motion investigation subject to serious complaints received.
3x reviews of complaint mechanisms continuing.
Achieve 100% rate in addressing matters referred to the Office in a timely manner

ACHIEVED

PARTIALLY ACHIEVED

NOT ACHIEVED

Activities

[28] Strategic Outcome 2, Intermediate Outcomes 2.1, 2.2 and 2.3, *Ombudsman NHRI Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*.

Complaints & Enquiries Received by SIU:

Cases received for period July 2021 – June 2022	79 Of the 79 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.				
Complaints	73	Enquiries			6
Resolved & Closed **53** (Including OOJ, Referred, Suspended & Early resolutions files)	Active/ pending[29] **26**	Suspended[30] 01	Referred[31] 15	OOJ 09	Early resolution 05
Comparison with FY 21-22	SIU received **72** complaints during the last financial period (July 2021 to June 2022). In comparison, there is a **9.72% increase** in complaints this financial year. This can be attributed to work resumption after COVID-19 and the increase in accessibility of the Office through continued awareness and new complaint handling avenues.				
Cases from previous FY resolved & closed during the FY 2022 – 2023	**38** This is inclusive of cases from FY2020-2021 and FY2021-2022.				

TRENDS AND ANALYSIS OF COMPLAINTS RECEIVED

i. Avenue of complaints to the Office

It is a constant goal of the Office in general to be visible and accessible to the general public as it is a recurring feedback, that not much is known about the complaint handling mandate of the Office. This is why there is continuous effort by SIU to be proactive in engaging the public and establishing avenues for them to lodge complaints

This financial year, SIU continues to receive complaints predominantly through walk-ins (i.e. 52 complaints). This is followed by complaints received through SIU Prison Complaint Boxes (i.e. 11 complaints), letters (i.e. 9 complaints), online complaints forms (i.e. 3 complaints) and email (i.e. 3 complaints).

[29] These cases are active/ pending as they are currently in the preliminary enquiry phase (ie. complainants or subject agencies have yet to respond with requested information).

[30] The case was suspended as the complainant is reconsidering whether to continue with his complaint.

[31] These were cases where the complainants had not gone to the appropriate agency to lodge a complaint first. We set appointments and send over referral forms to our relevant Ombudsman liaison officers to handle the complaint.

***New Initiative**

Although people prefer to lodge their complaints in person, it must be acknowledged that this is not always possible for those living in remote areas, especially Savaii. As the trends above show, more people are writing to us to lodge their complaints. Therefore, this financial year, SIU has commenced its SIU Police Complaint Box project with the support of the Ministry of Police, Prisons & Corrections Services (MOPPCS), stationing a complaint box at every Police Outpost in Samoa. These boxes will function much the same as SIU Prison Complaint Boxes whereby complaints will be collected on a regular basis. As of the 8 June 2023, there is now an SIU Police Complaint Box at Tuasivi Police Station and the Fagamalo Police Station. SIU aims to establish a Police Complaint Box at every Police Station in Savaii by the next financial year.

ii. Disciplinary forces complained of

MOPPCS continues to be the most complained of disciplinary force in the public sector with 41 complaints this financial year. This is a universal trend and is to be expected of any law enforcement agency given their frontline role in public service.

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

Agencies Concerned		
Disciplinary Forces	Land Transport Authority	01
	Ministry of Customs & revenue	01
	Samoa Fire & Emergency Services Authority	01
	Ministry of Police, Prisons & Corrections Services	41
Government Ministries	Ministry of Agriculture & Fisheries	01
	Ministry of Health	01
	Ministry of Justice & Courts Administration	08
	Ministry of Natural Resources & Environment	01
	Ministry of Women, Community & Social Development	01
State-owned Enterprises	Samoa Airways Limited	01
	Samoa National Provident Fund	01
	Samoa Tourism Authority	02
	Samoa Water Authority	02
	Accident Compensation Corporation	01
Educational Institutions	National University of Samoa	01
	Loto Taumafai	04

Private Company/ Corporation	Insel Fehmarn	01
	Black Sands Casino	01
	Media Outlets	01
Village Fono	01	
Domestic Related	03	
Office of the Ombudsman	09	

iii. Nature of Complaints & Enquiries Received:

In the top three trends of complaints received by SIU, are those complaints related to employment, poor service and delay or a failure to act.

a) Employment Related Complaints

The most employment-related complaint received is for unfair termination. Other complaints range from suspensions to unpaid salaries, questionable recruitment and selection, vague internal policies and claims to benefits and entitlements.

b) Poor Services

Ten of the complaints against the discipline forces were due to poor service by Government staff. The complainants were unsatisfied due to unclear communication or the lack thereof. Some complainants were met with rude/ discriminatory behavior from the staff.

c) Delayed Action or Failure to Act

Complainants are frustrated as to the lengths it takes sometimes for cases to be investigated and resolved by disciplinary forces. Others often complain of having no updates on the matters they lodged or for being made to 'go around in circles' just to have no real update on their matters.

d) Prisoner complaints

SIU officers collect the complaints from prisoners on a monthly basis through its SIU Prisoner Complaint Boxes. Prisoners have voiced time and time again that they do not trust correction officers in the collection and referral of their complaints to our office, hence this system.

The purpose of the visits are to:

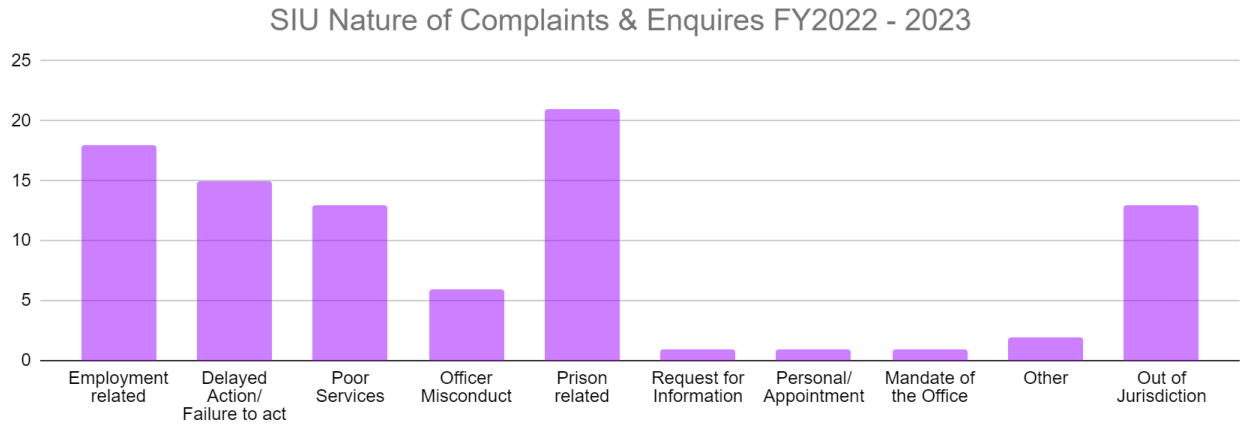
i. Deliver enveloped, written responses of previous complaints to prisoners;
ii. Collect, if any, new letters from prisoners;
iii. Interview prisoners upon request or when we see necessary; and
iv. Conduct ongoing investigations

The Office has received 11 complaints from prisoners this financial year. The Unit's commitment to other tasks on hand, from awareness programs and outreach programs to overseas trainings and conferences to ongoing investigations have stretched the staff that we were not able to visit the OMB Complaint Boxes as much this financial year.

Most of the complaints are regarding their weekend release from unfair selection to eligibility queries and requests to be granted such. There had been complaints about alleged misconduct of correction officers namely assault allegations, threatening and insulting words, and discriminatory treatment.

ESOLUTION AND WAY FORWARD:

- All complaints were addressed by SIU. The majority were resolved either through effective communication with Ombudsman Liaison Officers in disciplinary forces to resolve complaints early or our referral systems.
- Two investigations were finalized this financial year. One of them was a major prisoner case that was referred by the Coroner as detailed in the Key Case Summaries section below.
- These trends are noted, charted and made known to disciplinary forces through routine Review Reports and forms part of continuous educational and awareness programs with disciplinary forces.
- SIU will continue to aim to regularize visits of prison facilities and address complaints by prisoners in the upcoming financial year.



Key case summaries

i. Early Resolution

SIU75/22:

Launched: 06th December 2022

Summary: The complainant lodged a complaint about being unfairly terminated by LTA Management and LTA Board.

OMB Action: The Office conducted a thorough inquiry of the matter through documentary evidence provided by the complainant and LTA.

A brief report outlining the findings, decision and recommendations of SIU was provided to the complainant and LTA.

Result: SIU sustained LTA decision.

SIU31/21 PC & SIU48/21 PC:

Launched: 18th June 2021

Summary: The Office received a complaint from an inmate stating that in 2020, he was hospitalized from injuries sustained during work whilst in prison, when a motor vehicle driven by an on-duty correction officer went over his leg. He is permanently limping from this incident.

OMB Action:

- The Office interviewed and photographed the complainant/ prisoner, conducted preliminary enquiries with Police and Prisons, and referred the matter to the Commissioner of Police.
- SIU after its research of the Accident Compensation Act 1989, liaised with the ACC and were informed of the complainants' eligibility to be compensated.

Result: SIU was able to confirm his eligibility and informed the complainant via letter dated 03rd May 2023. As per Section 35 (1) of the Act, he was injured by accident through the use of a specified conveyance in Samoa i.e. a motor vehicle. The MOPPCS and ACC had agreed to work together to compensate the complainant/ prisoner accordingly.

SIU38/23:

Launched: 04th April 2023

Summary: SIU received a complaint against the MOPPCS regarding numerous promotions that the complainant deemed unfair and discriminatory.

OMB Action:

- SIU highlighted to the complainant the proper avenue and grounds of appeal as per MOPPCS legislation and policy.

Result: The complainant was eventually promoted around September 2023 and was granted back pay dating back to April 2023.

ii. Investigations

SIU14/21:

Launched: 22nd March 2021

Summary: SIU 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.

OMB Action: The Office conducted a full investigation of the matter, conducting interviews and siting a number of legal authorities, policies and practices carried out by MOPPCS.

Result: An Investigation Report entitled “Conduct unbecoming” was released on 08th November 2022 to the Commissioner of MOPPCS with seven (7) findings and recommendations. The Ombudsman is of the opinion that the sentence of the complainant was proportional to his misconduct.

SIU08/23:

Launched: 10th February 2023

Summary: SIU received a referral from the Coroner prompting the Office to investigate the circumstances surrounding the death of Kolani Lam, an inmate serving life in prison.

OMB Action:

- SIU carried out interviews with prisoners, prison management and staff. Other independent witnesses were also invited to corroborate certain allegations.
- SIU examined and sited prison documents, policies and Commissioner orders regarding a number of administrative issues
- Visual evidence was captured to illustrate conditions that the Coroner needed certain specifics on.

Result: SIU submitted an Investigation Report to the Coroner entitled "A life worth living behind bars" to the coroner on 13 July 2023 with eight (8) findings and ten (10) recommendations.

iii. Jurisdictional challenge

SIU28/20:

Launched: 28 September 2022

Summary: Complaints 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 10 months 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 had 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 delivered his decision and struck out the complaint against the Ombudsman.**

DISCIPLINARY FORCE REVIEWS

SIU is mandated under section 68(5) of the *Police Service Act 2009* to carry out reviews of the Professional Standards Unit (PSU) on a regular basis. PSU upon request of the Office, provides quarterly lists of complaints received. Such will be reviewed by SIU members to ensure that;

1. Recommendations from previous FY reports are well adopted
2. Current case files follow stipulated standard

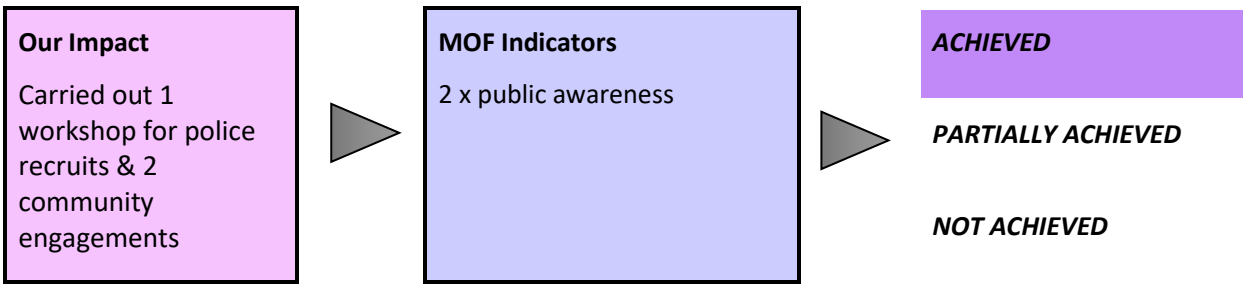
On 14 October 2022, SIU conducted a review on site for three (3) weeks. This was a combination Review Report of complaints received by PSU across two annual periods (July 2020 and June 2021 and July 2021 to June 2022) given the number of lockdowns and the ripple effect of COVID throughout the financial

year. SIU reviewed 215 files and interviewed four (4) staff including the new Officer in Charge of PSU on different aspects of their complaint handling systems. There were issues highlighted around sentencing and adjudications, charging of officers, and wording of charges in order to promote consistency in sentencing. Of most pressing issues is the staff capacity. PSU is severely understaffed (ie. 7 staff members) with physical needs such as a vehicle and a more honed direction on its functions.

For the period under review, only one of three reviews was completed due to competing interests and staff shortage.

LOOKING FORWARD: SIU aims to continue its' reviews in the next financial year which will include a separate review of prisons as well as that 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[32]



Activities

Police Recruit training

As with every Police Recruit training, the Office is invited to present its mandates, functions and services. SIU works closely with the Ministry of Police, Prisons & Corrections Services through its biannual reviews of PSU, prison visits and investigations.

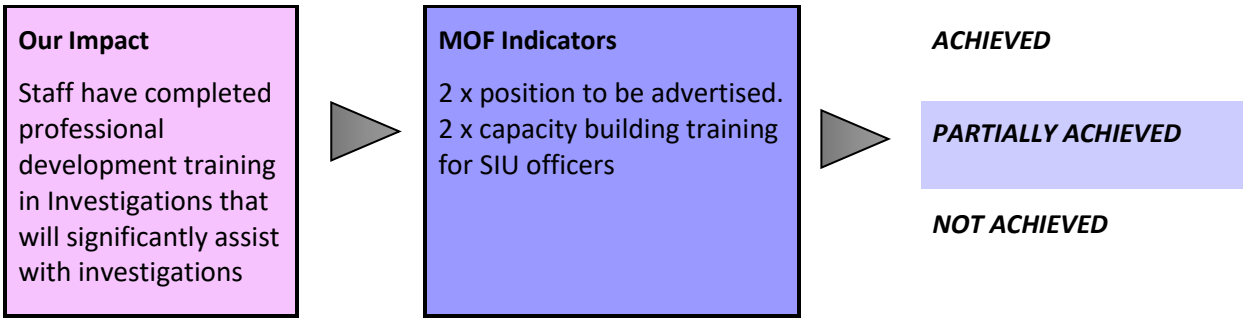
Awareness and Engagement

The Office had dedicated one whole week from 17th October to 21st October 2022 to its awareness rollout. SIU team participated in 3 x radio shows, 1 x TV show and 1 x information session with Samoa Shipping Services. The program focused on informing the public of the Office's mandates and functions and ensuring their access and understanding of our services. The Office received great feedback.

On 06th and 07th June 2023, SIU and the Good Governance Unit set up its second Community Booth at the Salelologa market for increased accessibility of the office to members of the public in Savaii. Thirteen (13) complaints were lodged to the teams with twenty-five (25) people stopping by to learn more about the office over the course of two (2) days at the Booth.

[32] Strategic Outcome 2, Intermediate Outcome 2.3, *Ombudsman NHRI Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*.

An adequately resourced SIU with capable staff able to adequately deliver all SIU functions[33]



Activities

Certificate IV Government Investigations training

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

- SIU Senior Investigation Officer has successfully completed this training.

Certified Fraud Examiners course

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

- Director SIU has completed and is a certified fraud examiner.
- SIU Senior Investigations Officer is currently undertaking her examinations.

Coaching for Senior Investigators & Leaders Program Workshop

The NZ Ombudsman facilitated four separate webinars on Coaching for Senior Investigators & Leaders Workshop to provide investigators with skills to mentor, train and coach others in order to bring out the best in each team member. Webinars were from September through to October and November 2022. In March 2023, a face-to-face workshop was conducted in Fiji and one representative from each Pacific island who had participated was invited.

- SIU Senior Investigation Officer participated in this two-day workshop.

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

[33] Strategic Outcome 2, Intermediate Outcome 2.2 and 2.3, *Ombudsman NHRI Ombudsman NHRI Samoa Strategic Plan FY 2021/22 – 2024/25*.

Ombudsman Tribunal

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

i. may hear and determine any complaint investigated by SIS;
ii. impose the penalties provided under the disciplinary rules of the disciplinary force; and
iii. 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. Efforts are now spearing towards building the human capacity for this function under SIU.

Staffing

It is evident that the workload is continuing to increase for SIU not only in complaint handling and investigations but also in disciplinary force reviews, professional development, awareness, capacity building, and other activities for the office. SIU 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. Once the Ombudsman Tribunal is in place, this will mean additional undertaking for current staff. In this respect, SIU is petitioning for increments for current staff, all of which have been in their current roles for more than five years without an increment. This is crucial towards the recognition of their hard work and to incentivize the flow of continuous quality work. In due time, we will also be looking into acquiring hiring more staff specifically in anticipation of the setup of the Ombudsman Tribunal.

LOOKING FORWARD: SIU is proposing increments for current staff.

Output 4: Engagement & Communications Unit (ECU)

Overview of work

As one of the two essential supporting Units[34] of the Office of the Ombudsman (the Office), ECU has continued to provide its supporting role and services across the Office. The focus since has been to ensure that the statutory services of the Ombudsman would engage and be implemented in the most meaningful, efficient, and economical way. Retrospectively, the FY 2022-2023 saw the increased collaborative approach of services such as the Office Dialogue in Good Governance and Human Rights, altogether with selected modes and mediums of dissemination, in the effort to increase awareness more-so the Office's literal and virtual reach locally and worldwide.

[34] In addition to the Corporate Services Unit (CSU) of the Office

Summaries

1. Enhanced public awareness about the Office & public empowered to access Ombudsman services[35]

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 • *1 x 30sec Office ad, 4 x 15min Online Fa'asoa/Explainer sessions, 1 x Office Dialogue, 1 x Bulk Text Promo,* • *3 x Radio Talk Shows; 2 x Community, 2 x Ministry Information Sessions, 3 x Ombudsman School Program,* • *1 x HR international Day event, 1 x Parliamentarian Roundtable Dialogue Resource/Guide/Toolkit/Factsheet*		Achieved Partially achieved Not achieved

Activities

First NHRI Children and Young People's Forum July 7, 2022

The key objective of the forum was for children and young people to not only understand the Convention on the Rights of the Child (CRC) reporting process but most importantly to share their views on issues affecting their rights and freedom and make recommendations on ways in which the Government can help address these issues.

Children & Young People's Taskforce/Working Group Meeting

The Children and Young People's Taskforce/Working Group (Taskforce) was established from the above July 7, 2022 Children and Young People's Forum. It held its first meeting to discuss but not limited to the format and structure of their alternative submission to the CRC Committee.

Further, issues raised at the Forum with timeframes for drafting and finalization of the report were discussed. NHRI assisted the Taskforce with the technical tips and guides for writing a report, while they led the analysis and drafting of their report. The alternative submission was a child-led initiative and an outcome of the 2022 Children & Young People's Forum. The taskforce convened a second meeting in August 2022 to submit chapters of their report, which was validated at the follow-up forum held later in September 2022.

[35] 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*.

Enhanced awareness of children and young people on ratified conventions – Convention on the Rights of the Child;

The Office partnered with TV5 Samoa in July to bring home the first human rights-related virtual trivia with particular focus on human rights. The trivia was spread over 4 weeks with each week focusing on different topics varied from understanding Samoa's constitution to basic rights and conventions awareness. It was an opportunity to raise awareness about the Office and its mandate but also to raise awareness and understanding about Human Rights and how they are protected in Samoa. The Trivia attracted more than 4,000 viewers every week and 802 players in total. The Office acknowledges TV5 for supporting educational awareness programs through this initiative.

LOOKING FORWARD: The Office will continue to utilize TV and online media platforms to raise awareness on human rights, conventions and the role and mandates of the Office.

Police Basic Recruit Course 2022

The Office carried out its annual Police Basic Recruit Course for the August 2022 intake. The updated sessions covered key mandates and statutory functions of the Ombudsman that are relevant to Police work. These include sharing fundamental Human Rights standards that must be considered on the ground when carrying out police duties and its services more-so as an oversight agency. The Acting Ombudsman sincerely acknowledges this invaluable opportunity and continuous partnership of the Ministry of Police Prisons and Correctional Services particularly the Police Training Unit for this ongoing partnership.

September 20, 2022 Validation Workshop for Children & Young People

The Office of the Ombudsman hosted a workshop for Children and Young people, as a follow up with students who took part in the first Forum held in July, 2022. The objectives were to:

- Validate/finalize the children and Young People's submission to the CRC Committee.
- gather views on the Office's State of Human Rights Report 2023 questionnaire; and
- Raise awareness of opportunities where children's submission will be used, as well as raise awareness of the UN Resolution on the right to a clean and healthy environment.

Guest speakers all emphasized the importance of children's participation and voices on issues affecting their rights especially those that have and will be greatly impacted by climate change.

LOOKING FORWARD: the Children and Young People's report will be presented before the UN CRC Committee once the State provides its national report in the coming months.

The Office acknowledges the participation of the Ministry of Women Community & Social Development and members of its Advisory Council of the Office.

Oct 3, 2022 – Second Dialogue with Parliamentarians on Human Rights

The Office held its second Dialogue with Parliamentarians on Human Rights on the theme "Strengthening partnership and promoting proactive engagement [of the Office] with Parliamentarians in the realization and protection of Human Rights in Samoa". The dialogue was a collaboration with Samoa Family Health Association; Government of Australia through the UNFPA Transformative Agenda Program; and the Office of the Clerk Legislative Assembly. The three-day dialogue earmarked Members of Parliament who have

direct engagement with the work of the Office particularly the Parliamentary Committee endowed and tasked to review or else scrutinize the Office's Annual State of Human Rights Reports. The Ombudsman Afioga Luamanuvao Katalaina Sapolu (Sapolu) highlighted the special role of Parliamentarians as guardians of Human Rights in Samoa. Sapolu noted that: "Healthy democracies have a system of checks and balances at the executive, legislative and judicial levels, and each of these levels play its own unique and vital role in this democratic balance".

The Office is grateful thus acknowledges the participation of all members of Parliament that attended and in particular the support of our working partners; the Samoa Family Health Association, the Government of Australia through UNFPA Transformative Agenda program and the Office of the Clerk Legislative Assembly[36].

2. Effective communication and engagement with general community, agencies and among identified target audience[37]

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

Savaii Information Booth Assignment.

The Office carried out a specialized awareness programs which was held for two days at the Salelologa Market in Savaii from June 6 – 7 2023 for the Savaii community following extensive awareness on national Radio 2AP in its efforts to serve and create awareness of our services across Samoa. As mooted well during the Law and Justice Sector's REACH project, the need to actually take its public services across to the rural residents (including across Savai'i) is really the actualization of the Office's vision and mission of ensuring equality for all; Thirty-eight (38) clients[38] visited the Information Booth to discuss their concerns and complaints against government Ministries and Agencies. An analysis based on economic sectors variable suggests most concerns were against the: transportation and public administration sector[39]

[36] Alternative source: https://www.samoagovt.ws/2022/10/press-release-ombudsman-held-2nd-dialogue-with-parliamentarians-on-human-rights-apia-24-september-2022/

[37] 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*.

[38] The 38 clients on record were those within the Office's statutory authority and jurisdiction.

[39] Note: We acknowledge the need (given time) to compile more relevant data for a more credible final analysis.

Communications systems (e.g., websites, press, social media etc.) maintained, updated and accessible to the public	***Our impact:*** *Exposure and awareness of the Office roles & functions, outreach to the community & impact through means of 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 actively utilizing its social media platforms including Facebook, YouTube and its Office website to inform the public on its roles & functions as well as to raise awareness.

In doing this, it has successfully achieved a growth of people following the Office through LIKES on its O*mbudsman Facebook*[40] *Page* from 2,800 in July 2022 to 2,900 in June 2023. Moreover, page followers increased from 3200 to 3500 during the same period. This is a testament to a steady increase in office community engagement programs & events coupled with media releases and posts on social media throughout the period under review.

To further enhance awareness, the Office signed a contract with Radio 2AP & TV9[41] in April 2023 to utilize radio and TV platforms in parallel with social media to ensure maximum coverage / reach of information to all members of our community, an investment to ensure that no one is left behind in its service delivery.

LOOKING FORWARD: The Office will continue to take advantage of technology through radio & TV platforms and utilize its social media platforms to maximize awareness of office roles & functions and full coverage/ reach of its services.

Increase in viewers and followers of the Office online largely as a result of this ongoing collaboration	***Our impact:*** *Increase in viewers and followers of the Office online largely as a result of this ongoing collaboration*
Ministry of Finance indicators ● *Increase in Social Media Reach*	☐ Achieved ☐ Partially achieved ☐ Not achieved

[40] https://www.facebook.com/NHRIOmbudsmanSAMOA

[41] https://www.facebook.com/100085636686711/videos/1003540377670906

The Office website is an effective medium of communication where it enables a global access to the Office via this online mode enabling lodging of complaints online, obtaining information pertaining to the office roles & functions, its publication, press releases, office newsletters and so forth.

Communications systems for the Office website are maintained, updated and accessible to the public.	***Our impact:*** *The Office website is bilingual and can be accessed on both Samoan and English.*
Ministry of Finance indicators • *Increase online presence & accessibility*	Achieved Partially achieved Not achieved

LOOKING FORWARD: The Office website for the next financial year will continue to be updated and improved to be user-friendly for ease of lodging complaints and accessibility of information. We envisage completing work for a plugin to be installed onto the website to calculate the number of viewers that access our webpage monthly, etc.

Activities

Enhanced visibility of Ombudsman Reports/ Findings/ Recommendations and activities	***Our impact:*** *The Office compiled and issued 2 newsletters and 9 press releases and decrease of 4 press releases from the previous year.*
Ministry of Finance indicators *1 x Press Release, 2 Newsletter*	Achieved Partially achieved Not achieved

Newsletters issued	***FY 21-22***	***FY 22-23***	***Press Releases issued***	***FY 21-22***	***FY 22-23***
	2	2		13	9

LOOKING FORWARD: The Office will continue to produce 4 newsletters in the next financial year due to the increased engagements of the Office and issue press releases for all activities to raise awareness of the work of the Office.

CSU Output 1: Corporate Services (CSU)

Overview of work

Similar to previous years of work conducted, the Corporate Services was tasked with the effective daily management and support of all Office Operations in administration, logistics, finance and human resources. In its role, it is one of the two support Units of the Office that endeavors to provide sound leadership and effective management of internal systems and processes, efficient support, and coordination to ensure successful implementation of Office programs.

The Corporate Services Unit is accountable for;

- all Office reporting and planning (formulate Plans for the Office strategic directions as well as policies for human resources development and management.
- budget formulation, management, and monitoring.
- administration of procurement and payment services.
- management of office assets and equipment.
- administrative services.
- records management services.
- transportation services.

People performance and capability

This section reports on our staff as of 30 June 2023, and through the period under review.

As of 30 June 2023, employed by the Ombudsman was a total of 18 full time employees (19 with OMB).

In terms of gender presentation, as presented in *Table 1*, 52 percent of staff identify as female while 48 percent identify as male. In parallel to the previous 3 years, the percentage of female employees is slightly higher in comparison to male employees. Despite this, the Office in its commitment and efforts continues to ensure gender equality and inclusion of all staff in all aspects of its operations.

Chart 1: Total Workforce as at 30 June 2023

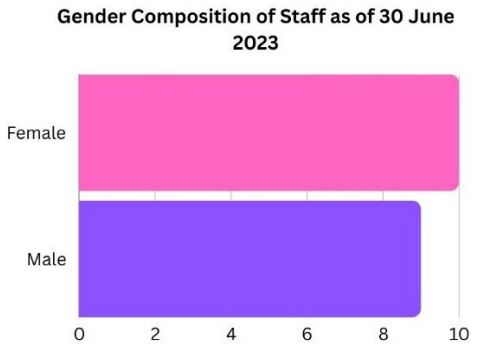


Chart 2: Distribution of male and female among the different Employment Levels within the Office as of 30 June 2023

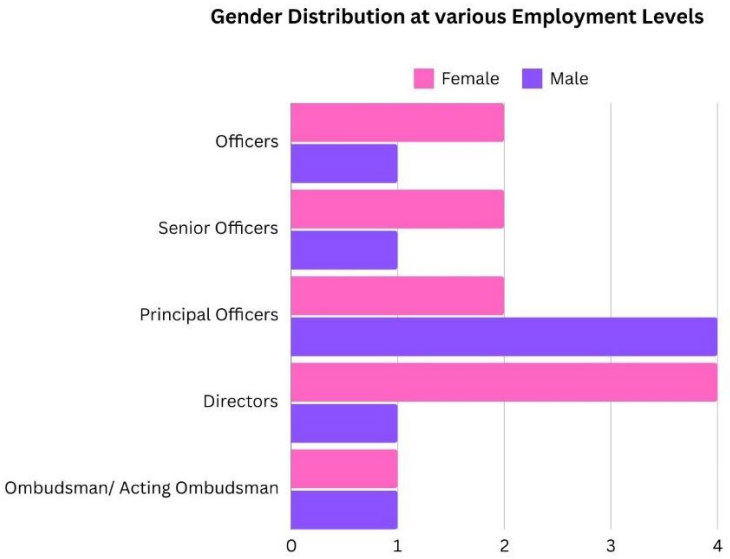


Chart 2 presents the gender distribution among the different position levels within the Office as of 30 June 2023.

In terms of working arrangements, all employees were covered under individual employment agreement/ contracts as of 30 June 2023. Of these, all were under full-time employment.

While our work is very uniquely interesting and engaging, employee turnover is inevitable for several reasons. Our staff are highly trained and are in-demand by national and regional human rights and integrity agencies. Four staff left voluntarily in the 2022/23 year resulting in a staff turnover of 22.22 percent.

The Office in June 2023 bid farewell to its first female Ombudsman, Afioga Luamanuvao Katalaina Sapolu. Her exemplary leadership has contributed to expanding the multi-faceted mandates of the Ombudsman Office. We wish Luamanuvao and her family all the very best in future endeavors.

Two of these vacant positions were successfully filled within the period under review.

Diversity, equity, and inclusion

We remain committed to attracting and retaining a diverse, skilled, and engaged workforce. Our smart and flexible work arrangements make a permanent effort by the Office to recognize and enable a healthy work-life balance for all staff and is a core element of a healthy and productive work environment.

Health, safety, and wellbeing

The health, safety and wellbeing of our staff continues to be a vital element of our daily operations whilst they perform all aspects of their roles. We have continued to promote measures to safeguard all staff health and safety in collaboration with the Ministry of Commerce Industry and Labor (MCIL). In our efforts, we have developed and implemented our Business Continuity Plan (BCP) to provide an overall guidance to the Office's Management in responding to any significant incident that threatens staff safety as well as interruption to its normal operations.

Other activities implemented to enhance the capability of our staff and support them in the performance of their roles for the period under review included;

- internal frontline complaints handling capability re-fresher training;
- implementation of the staff performance plan and professional development system;
- updating a suite of existing human resources policies and practices;
- commencing work to implement a database management system;

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

Responsive and improved service delivery[42]	***Our impact:*** *Customer satisfaction survey reviewed, completed Public sector survey in July 2022 & successful completion of front liners refresher training on complaints handling Feb 2023*	
Ministry of Finance indicators • *1x customer survey completed and analyzed; 1x annual induction/ refresher training for Office staff on complaints handling*		Achieved
		Partially achieved[43]
		Not achieved

Activities

[42] 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*.

[43] While the Office has put in place its customer satisfaction survey this has yet to be analyzed and incorporated into the Annual Work Plan.

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

The Office reviewed its existing online customer satisfaction survey for members of the public especially service end users. The purpose of the survey review was to ensure the Office accurately identifies service areas needing improvement.

The Office in July 2022 had also participated in the Public Sector Survey in collaboration with the Public Service Commission (PSC) to identify service areas needing improvement.

The Special Investigations Unit in collaboration with CSU successfully carried out in February 2023 its annual Complaints Handling refresher training, aimed to up-skill frontline staff in efforts to improve service delivery. Staff were able to learn and improve effective complaints handling skills.

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 training for frontline staff who serve members of the public daily to ensure responsive and improved service delivery.

Monitoring and reporting on Office operations improved[44]	***Our impact:*** *Completed Full Year Review (FYR) to MOF of its FY2021 2022 Budget utilization. **C**ompleted comprehensive audit for FY2021/2022 & 2022/2023 on 8 November 2022 ensuring timely 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 for FY 2022-23 to the Ministry of Finance through its Full Year Review. For FY 2022-23 the Office was able to utilize 96 percent of its overall annual budget. This was attributed to a 98 percent utilization rate for all Outputs and 86 percent for transactions on behalf of the state (below line items). The overall remaining 4% was substantially attributed to transactions on behalf of the state namely for the allocated budget for VAGST tax (57% utilized) and for salary appropriations for the four (4) staff that resigned within the period under review.

[44] 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*.

Comprehensive Audit for FY2021-2022 & FY 2022-23 completed

The Office successfully completed its Comprehensive Audits for two financial periods on 26 August 2022. The main objective of the audit was to examine that payments of the Office were fairly and accurately stated in financial reports and records as a basis for supporting the accuracy and completeness of the Public Accounts of the Government of Samoa as well as to ensure that internal financial systems, processes and records of the Office are adequate and reliable so as to safeguard public funds and resources.

LOOKING FORWARD: The Office will continue to work with the Ministry of Finance to strengthen its financial reporting obligations and needs through regular training for staff. It will also endeavor to continue its work with the Samoa Audit Office to efficiently carry out the timely audits of the Office's accounts and performance.

Fraud Prevention and Deterrence Assessment Completed

The Office through CSU participated and completed the Fraud Prevention and Deterrence Assessment carried out by the Samoa Audit Office on 29 November 2022. The objective of this important exercise was to identify and ensure all areas of fraud control implemented by the Office were effective.

Strengthened Corporate Services and Human Resources[45]	***Our impact:*** *established data management system, installed firewall, institute a performance plan and appraisal system for staff and revised and developed human resource polices/ manuals that will be finalized FY 2023-24.*	
Ministry of Finance indicators • *3x human resource management systems and procedures revised/ developed; Data management system developed and operationalized; Facilitate trainings for Office staff*		Achieved
		Partially achieved[46]
		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 but not limited to staff entitlements, grounds for termination of employment etc. The main aim of consolidating all human resources related guides/ manuals into one Manual is to ensure consistency and practicality. The Office is also in the process of finalizing its Recruitment and Selection Manual (RSM). Both

[45] 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*.

[46] 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 2024-25.

the HRMM and RSM are anticipated to be finalized in FY 2024 – 2025 with the assistance of the New Zealand Office of the Ombudsman.

LOOKING FORWARD: The Office with the assistance of the New Zealand Office of the Ombudsman will continue to work to finalize both its HRMM and RSM in the FY 2024-2025. Office staff will continue to be guided by their contracts and terms and conditions of employment and Code of Conduct policies where necessary and applicable.

Employee Performance Appraisal & Development Plan system

CSU for the period under review successfully coordinated and facilitated the FY2022-23 midterm performance appraisal and learning development plans for all staff in December 2022.

The full year appraisal was also conducted for all employees, and this concluded on 30 June 2023.

The purpose of the biannual exercise was to monitor and evaluate staff performance. The learning development component provides a monitoring and evaluation element of the review which aims to assist staff identify their successes and performance areas that require improvement. The objective is to provide each staff member with a learning and professional development plan to guide the progress of career succession.

Office website revamp

To ensure maximum office reach and engagement, the CSU team conducted and facilitated work in revamping and upgrading the Office website aimed to improve accessibility on electronic devices and to enable online lodging of complaints. The newly upgraded website went live on 23 September 2022.

One-Ombudsman database system

With support from the Pacific Community Fiji and HURIDOCS, the Office on 17th August 2022 commenced using its Uwazi Data Management tool, an internal database for managing all incoming correspondence, complaints as well as monitoring human rights violations lodged with the Office. The robust centralized database system is intended to ease time consuming manual processes and contribute to greater efficiency in complaints handling and data / record management. The Office commits to continue partnership with SPC & HURIDOC to improve the Uwazi system for effective and efficient data management and office daily operations.

LOOKING FORWARD: The Office will continue to review and develop systems and procedures to ensure strengthened corporate services and human resources. Of primary priority in the next 12-24 months is the review and finalization of the Office HRMM, RSM and the Operational Manual. 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 Engagements, trainings & workshops attended: 1 July 2022 - 30 June 2023

Good Governance Unit	• Phase 2 Proactive Ombudsmanship rollout – Sep 2022 • Training held for Public Agencies Ombudsman Liaison Officers (OLO) Senior Investigators and Leaders Program in collaboration with the NZ OMB Office – September 2022
Human Rights Unit	• Children and Young People's Forum 2022 TATTE – 7 July 2022 • Children's Working group meeting – 29 July 2022 • Talanoa Toolkit Launch & set up of village family safety committee (VFSC) Guide – 19 Aug 2022 • Advisory Council meeting – 1 Sep 2022 • VALIDATION WORKSHOP FOR CHILDREN & YOUNG PEOPLE - 20 Sep 2022 • 2nd Dialogue with Parliamentarians on human rights – 3 to 5 Oct 2022 • IGM Project - Pacific Talanoa in Fiji – 20 – 21 Oct 2022 • Partnership program for Human Rights officers, Korea – 7 – 11 Nov 2022 • Blended learning course on Human Rights community led Development Fiji – 21 – 25 Nov 2022 • Pacific Regional forum on National Human RIGHTS Institutions 2023: 21 – 22 Feb 2023 • Consultation - the Rights of Children in Samoa" with NGOs – 3 March 2023 • Pacific Human Rights and Community Led follow up Workshop: 7 – 9 March 2023 • Community Consultation on SHRR 2023 on the impacts of climate change: 12 – 20 March 2023 (Upolu, Savaii, Apolima & Manono) • Samoa National Youth council consultation – 31 March 2023 • Ombudsman High level dialogue & workshop for Government agencies - 12 – 14 Apr 2023 • Pacific Prevention Summit Fiji: 22 – 28 Apr 2023 • Advisory council meeting: 3 May 2023 • Talanoa IGM Project follow up meeting in Fiji: 10 – 11 May 2023 • Prison Inspection for Savaii: 7 June 2023 • APF Capacity assessment of the National center for Human Rights of Kazakhstan – 19 – 30 June 2023
Special Investigations Unit	• Phase 2 Proactive Ombudsmanship rollout – September 2022 • Coaching for Senior Investigators and Leaders Program NZ OMB – September 2022 • Basic complaint handling and investigations training for Ombudsman Liaison Officers: 6 Sep 2022 • Self-assessment tool and investigation training – 9 Sep 2022 • Building Effective Leadership in the Public Service training: 25 – 28 Oct 2022 • Coaching for senior investigators and leaders: 21 – 22 March 2023 • Vaiaata Prison inspection: 5 – 8 June 2023

Engagement & Communications Unit	• First Virtual Trivia on Human Rights – July – September 2022 • Police Basic Recruits Training – 9 Aug 2022 • Community Info Booth Upolu & Savaii: 19 – 20 Aug 2022 • Refresher Frontline Complaints Handling training – 21 Feb 2023 • Police Basic Recruits Training – 13 Apr 2023 • Radio talkback show – 25 May 2023
Corporate Services Unit	• Public Sector Engagement Survey: 13 July 2022 • National stakeholders dialogue on establishing an NHRI Cook Islands (MPS) – 9 – 10 Aug 2022 • Comprehensive Audit FY2020/2021 & FY2021/2022 :22 – 26 Aug 2022 • ONE OMBUDSMAN Huridocs database training (UWAZI): 16 – 17 Aug 2022 • Induction for members of parliament (OMB) – 21 Sep 2022 • Fraud Prevention and Deterrence Assessment – 29 Nov 2022 • Records taskforce meeting on transferring records / data – 19 Jan 2023 • Refresher Frontline Complaints Handling training – 21 Feb 2023 • Recordkeeping & Data Management Awareness Training: 28 Feb – 1 March 2023 • Public Accounts FY2023/2024 – 7 June 2023 • Human Resources Essentials for non-HR Managers – June – Aug 2023

Financials

The Office receives its core funding from the Government. However, for the period under review, it also received financial support for its ongoing projects from regional and international institutions and donor agencies including APF, Pacific Community (SPC), UNFPA, UN Women and others.

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

FY 2022-2023 FINANCE SECTION

1. ***Table 1*: Financial Performance: Summary of Budget for FY ending 30 June 2023**

Annual Approved Budget FY 2022 2023 Outputs		**1,426,354**	**Remaining**
Approved Personnel (all outputs)	1,058,195		
Approved Operating	277,021		
Approved Capital	91,138		
Less total spending (98% utilized)		1,394,430	
			31,924
Annual Transactions on Behalf of the State Approved Budget for FY 2022/2023		**227,341**	
Less total spending (97% utilized)		220,192	7,149
Remaining Balance			**39,072**

Expenditure Notes:

The overall utilization for the Office budget both personnel and operations at 30 June 2023 was 98%.

a) **Analysis on Output Expenditure** *(refer table 2)*
   a. Note all Outputs Personnel & Operations total utilization ranges from 91%-99%.
   b. Lowest utilization of 91% was under Output 4: ECU Personnel due to the resignation of their director in early 2023

b) **Transactions on Behalf of the State** *(refer table 3)*
   a. Membership fees utilization for International Ombudsman Institute (IOI) was at 89% incidental to the exchange rate variation.
   b. Membership fees for the Asia Pacific Forum of National Human Rights Institutes (APF) was 100% utilized.
   c. Commemoration of the Annual National Human Rights Day celebration utilization was 100%.
   d. Membership fees utilization for Global Alliance of National Human Rights Institute (GANHRI) utilization was 97% incidental to the exchange rate variation.
   e. Rents & Leases utilization was 100%.
   f. Ombudsman Taumeasina Resident utilization was 87% due to surplus calculations of tax (included in the appropriation)
   g. VAGST Output tax utilization was 95%.

c) **General Ledger Summary** *(refer table 4)*
   a. All Outputs utilization at 98%
   b. Transactions on behalf of state at 97%
   c. Overall ledger summary utilization at 98%

d) **Budget Summary** *(refer table 5)*
   a. Capital utilization at 100%.
   b. Operating utilization at 100%
   c. Personnel utilization at 97%
   d. Overall utilization of summary by budget category at 98%

e) Registered Assets *(refer table 6)*
   a. Closing Balance of Office Assets at 30 June 2023 was at SAT$836,880 tala.

f) **Irregularity reports** *(refer table 7)*
   a. There were no recorded Irregularities incurred for the period under review.

Table 2: Output Expenditure

Outputs Provided by Ministry	Cost Pool	Actuals	Utilization %	Final Budget Est.	Variance	Original Budget
2910: Good Governance Unit	Personnel	304,093	99%	308,458	4,365	333,267
	Operating	70,338	100%	70,340	2	70,340
	Capital	24,737	100%	24,809	72	-
	TOTAL	**399,168**	**99%**	**403,607**	**4,439**	**403,607**
2920: Human Rights Unit	Personnel	181,955	97%	189,193	7,238	213,758
	Operating	60,806	100%	60,907	101	60,907

	Capital	24,562	100%	24,565	3	-
	TOTAL	**267,232**	**97%**	**274,665**	**7,342**	**274,665**
2930: Special Investigations Unit	Personnel	183,074	99%	186,009	2,923	201,815
	Operating	16,425	100%	16,430	5	16,430
	Capital	15,803	100%	15,806	3	-
	TOTAL	**215,302**	**99%**	**218,245**	**2,943**	**218,245**
2940: Engagement & Communications Unit	Personnel	142,762	91%	157,202	14,440	183,160
	Operating	12,999	100%	13,000	1	13,000
	Capital	25,956	100%	25,958	2	-
	TOTAL	**181,717**	**93%**	**196,160**	**14,443**	**196,160**
2991: Corporate Services Unit	Personnel	214,978	99%	217,333	2,355	217,333
	Operating	115,941	100%	116,344	403	116,344
	Capital	-	-	-	-	-
	TOTAL	**330,919**	**99%**	**333,677**	**2,758**	**333,677**

Table 3: Transactions on Behalf of the State

Transaction on behalf of the state	Actuals	Utilization %	Final Budget Est.	Variance	Original Budget
D32: International Ombudsman Institute (IOI)	2,228	89%	2,500	272	2,500
E11: Asia Pacific Forum of National Human Rights Institute **NHRI (APF)**	4,094	100%	4,094	0	4,094
E16: Annual National Human Rights Day	15,000	100%	15,000	0	15,000
E31: Global Alliance of National Human Rights Institute (NHRI)	13,843	97%	14,240	397	14,240
G23: Rents & Leases	104,438	100%	104,438	0	104,438
G75: Ombudsman Taumeasina Resident	20,870	87%	24,000	3,130	24,000
Q01: VAGST Output Tax	59,721	95%	63,069	3,348	63,069
TOTAL	**196,513**	**97%**	**227,341**	**7,147**	**227,341**

Table 4: General Ledger

GENERAL LEDGER SUMMARY	ACTUALS	YTD	UTILIZATION	BUDGET	FUNDS REMAINING
Output provided by Ministry	1,394,430	1,394,430	98%	1,426,354	31,924
Transaction on behalf of the state	220,192	220,192	97%	227,341	7,149
TOTAL	**1,614,622**	**1,614,622**	**98%**	**1,653,695**	**39,073**

Table 5: Budget Summary

SUMMARY BY BUDGET CATEGORY	ACTUALS	YTD	UTILIZATION	BUDGET	FUNDS REMAINING
Capital	91,058	91,058	100%	91,138	80

Operating	276,510	276,510	100%	277,021	512
Personnel	1,026,862	1,026,862	97%	1,058,195	31,333
TOTAL	**1,394,430**	**1,394,430**	**98%**	**1,426,354**	**31,925**

Table 6: Registered Assets

Registered Assets	Amount
Total Assets FY22/23	SAT$735,824
New procurement FY22/23	SAT$116,322
Write Off Assets FY22/23	SAT$15,266
Close Balance of Office assets as at 30 June 2023	**SAT$836,880**

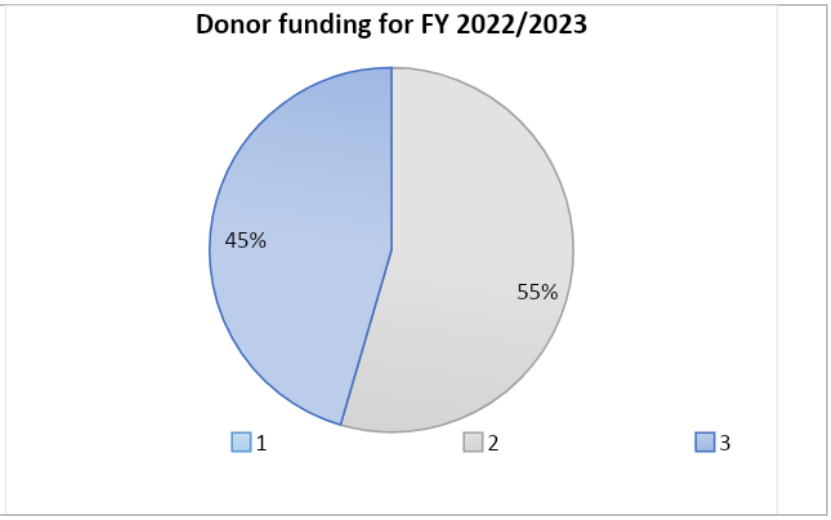
Table 7: Irregularity Reports

Irregularity Reports	FY2022/ 2023
No irregularity reports incurred for FY2022/2023	0

2. Donor funding for FY 2022-23

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

Donor partner	Funding amount
Asia Pacific Forum of National Human Rights Institute **NHRI (APF)**	SAT $27,387[47]
UNFPA	SAT $22,849[48]



Refer to Annex 1 for the Ombudsman NHRI Samoa Office's Statement of Certification of its financial statement provided by Ministry of Finance.

[47] **Note**: This funding was fully utilized during the financial period under review FY 2022-2023.

[48] **Note**: This funding was utilized during the financial period under review FY 2022-2023.

Annex 1: Ombudsman NHRI Samoa's financial statement

MINISTRY OF FINANCE

STATEMENT OF CERTIFICATION

The Statement of Receipts and Payments, Schedule 2, and accompanying notes/information from other schedule of the Public Accounts on Fixed Assets (Schedule 9) for the financial year ended 30th June 2023 form part of the Financial Statements for the Office of the Ombudsman. These are drawn up in accordance with the reporting requirements of the Public Financial Management Act 2001 and Amendments, Part XIV, Financial Reporting and International Public Sector Accounting Standard (IPSAS).

As required by PFM Act 2001 and Amendments, Section 110, the Ministry of Finance hereby certifies that the attached Statements for the Office of the Ombudsman are based on the unaudited results for the year ended 30th June 2023, as reflected in the accounting records of the Ministry of Finance for the Treasury Fund.

On behalf of the Government of Samoa.

Tofilau Lae Siliva
Acting Chief Executive Officer

Date: 07 / 05 / 24

GOVERNMENT OF SAMOA

SCHEDULE 2.16

STATEMENT OF MINISTRY RECEIPTS BY REPORTING CATEGORY AND EXPENDITURE BY OUTPUT APPROPRIATION ACCOUNT

for the financial year ended 30 June 2023

OMBUDSMAN'S OFFICE	Notes	2023 $	Original Estimate $	Final Estimate $	(Over)/Under $	2022 $
PAYMENTS						
Outputs						
1.0 Good Governance Services		498,444	503,710	503,710	5,266	494,257
2.0 Human Rights Services		366,599	374,768	374,768	8,169	392,497
3.0 Special Investigation Services		281,486	284,980	284,980	3,494	342,207
4.0 Engagement and Communication Services		247,901	262,895	262,895	14,994	0
Total Outputs		1,394,430	1,426,354	1,426,354	31,924	1,228,962
Transactions on Behalf of State						
Membership Fees						
International Ombudsman Institute		2,228	2,500	2,500	272	2,279
Global Alliance of National Human Rights Institutions		13,843	14,240	14,240	397	14,234
Asia Pacific Forum of National Human Rights Institutions		4,094	4,094	4,094	0	3,967
Government Policies and Initiatives						
National Human Rights Day		15,000	15,000	15,000	0	14,705
Rents & Leases						
Rents and Leases (NPF Plaza)		104,438	104,438	104,438	0	104,438
Rents and Leases (Ombudsman's residence)		20,870	24,000	24,000	3,130	20,870
VAGST Output Tax		59,721	63,069	63,069	3,348	43,266
Total Transactions on Behalf of State		220,192	227,341	227,341	7,149	203,758
TOTAL PAYMENTS - OMBUDSMAN'S OFFICE		1,614,623	1,653,695	1,653,695	39,072	1,432,720

GOVERNMENT DEVELOPMENT PROJECTS

		2023 $	Original Estimate $	Receipts $	Payments $	Opening Balance $
Grants - GDP						
National Public Inquiry on Family Violence Project (UNDP)		6,964	0	59	35,949	42,855
National Public Inquiry Report (SRH/Support Implementation of Recommendation) (UNFPA)		(2,565)	0	0	17,396	14,831
NHRI-Strengthening Collaboration in Safeguarding the Rights of Samoans from the Impacts of Climate Change (Other)	*1*	0	0	27,387	27,217	0
Spotlight Initiative (UNDP)	*1+e*	0	81,058	0	0	822
Ombudsman Samoa Knowledge Society Initiative (UNESCO)	*1*	0	0	0	0	6
TOTAL GOVERNMENT DEVELOPMENT PROJECTS		4,399	81,058	27,446	80,563	58,514

Notes

1 Project completed and closed off.

e Estimates declared in Approved Main Estimates FY22/23 but no movements during financial year.

Additional Information to Accounts:

Schedule 9 - Fixed Assets

Opening Balance as at 1st July 2022	735,824
Additional Assets purchased during the financial year	116,322
Assets Disposed/Written-Off during the financial year	15,266
Closing Balance of Ministry's Fixed Assets as at 30th June 2023	836,880

Annex 2: BUDGET FY 2022/2023 – KEY PERFORMANCE INDICATORS

Output 1: 2910: Good Governance Unit

PERFORMANCE MEASURE/ INDICATOR	TARGET	PROGRESS	COMMENTS
Improved quality of public administrative systems and processes for managing complaints, as measured by public agency participation in trainings/ dialogue and issue of annual case summaries	5x Practice statements to 5 public agencies by 30 June 2023	Completed/ Achieved	6 public agencies were visited during the FY22/23 period. SLAC, SAA, SSC, SPA OEC & OOR
	1x Public agencies complaints handling investigations training	Completed/ Achieved	A public agency complaints handling training was held in collaboration with the NZ Chief Ombudsman and his team in September 2022.
	1x Good Governance Dialogue with public agencies	Completed/ Achieved	A dialogue session with public agencies was also held together with the New Zealand Chief Ombudsman and his team in Sept 2022
	OMB Casebook released by 30 June 2023	Incomplete	Circumstances beyond control has had an impact in completing this target such as staff shortage but will be completed in the next FY 23/24
Effective engagement with all public agencies (Govt. Ministries, Public Enterprises) complaints resolution and staff capacity building	Frontline staff toolkit – Handling initial complaints	Completed/ Achieved	Fontline training was held together with SIU for frontline staff on 21 Feb 2023
	Regular engagement/ referrals – designated agency Ombudsman liaison Officer (OLO) x10	Completed/ Achieved	Regular engagement and referrals to respective agency ombudsman liaison officers (OLO) throughout the Proactive OMB initiative
	2x complaints handling & investigations refresher trainings – GGU Investigators	Completed/ Achieved	Refresher trainings were held together with SIU Investigations Officers
	OMB Complaints Handling & Investigations Manual finalized by 30 June 2023	Delay	Delayed due to short staff in our team. Completion has been rescheduled to next financial period FY23/24.
	Completed Investigations Reports x5	Completed/ Achieved	Target has been achieved.
Public Confidence and trust in public institutions maintained; number of awareness programs conducted and percentage of participation/ engagement	2x Community/ Public agencies information sessions (at least 80% participation)	Completed/ Achieved	Community information booths were held in Upolu (JICA open day) on 10 Nov 2022 & Savaii on 7&8 June 2023
	1x radio show	Completed/ Achieved	2x radio shows completed on 2AP May 2023
	1x bulk text for promotional information	Completed/ Achieved	2x bulk txt (eng & samoa) completed June 2023 (digicel & Vodafone service users)

Output 2: 2920 National Human Rights Unit

PERFORMANCE MEASURE/ INDICATOR	TARGET	PROGRESS	COMMENTS
Outcome 1: Enhanced basic understanding of human rights and linkages to Fa'asamoa			
Human Rights based approach observed and practiced in policy development and project implementation	3x submissions/ dvice/ statements to Govt, 4x awareness workshops (Govt/ Judiciary/ Parliament), 3x human rights toolkit/ guide	Completed/ Achieved	8 Submissions to Government: (1) Ombudsman Act review, (2) LERA, (3) Income Tax Amendment Bill 2021; (4) Samoa Digital Identification Bill 2022, (5) SQA Medicament Bill 2022, (6) One Government Digital Platform Policy, (7) Samoa National Employment Policy, (8) Covid-19 National Alert Level Classification Review; 4 Awareness workshops: (1) Parliamentarian Dialogue, (2) High Level Dialogue and (3) Workshop for Govt. agencies on the right to a healthy environment; (4) Law Enforcement Training; 3 Human Rights Toolkits: Talanoa Toolkit on GBV, Guide to Establishing a Family Safety Committee, Guide on how to incorporate a human rights based approach to climate change actions
Engagement with national and international partners on human rights protection	2x partnerships in human rights projects/ activities/ trainings	Completed/ Achieved	(1) High Level Dialogue and Workshop on the right to a healthy environment (collaborated with European Union, APF, SPREP & PCC and NGOs- NOLA, SFA, Youth, SRC); (2) Parliamentarian Dialogue (collaborated with NGO SFA and UNFPA & DFAT Australia); (3) Children and Young People Forum and Follow Up (collaborated with SPC & US Aid, OHCHR,) (4) HURIDOC database development (collaborated with SPC)
Amicus curiae function promoted and utilized	Ad-hoc engagement with Courts	Incomplete	Ad-hoc. No case that required engagement with court
Outcome 2: Greater compliance with human rights obligations and standards			
Implementation of human rights obligations and recommendations	1x SHRR, on a specific human rights issue or group submitted to Speaker by June 2023	Delayed	Drafting of report is soon to be finalized. Delay has been due to staff turnover and lack of experience of new staff on analyzing and drafting.
Regular review of legislative and policy inerventions consistency with human rights standards	3x pieces of legislation/ bills/ policies reviewed	Completed/ Achieved	Reviewed 1 law, 5 Bills and 3 policies: Ombudsman Act review, LERA, Income Tax Amendment Bill 2021, Samoa Digital Identification Bill 2022, SQA Medicament Bill 2022, One Government Digital Platform Policy, Samoa National Employment Employment Policy, Covid-19 National Alert Level Classification Review
Participation in international human rights reporting processes	Submission of shadow reports (CRC & CEDAW reporting to UN Treaty Bodies)	Completed/ Achieved	Submission on the Convention of Enforced Disappearance, 19 July 2023

	(provided that Government reports)		
Conditions and management of places of detention	1x inspection & report	Completed/ Achieved	Completed inspections of Vaiaata prison on 15 June and Report soon to be finalized
Outcome 3: Established improved human rights culture consistent with Fa'asamoa			
Level of the Public's understanding of rights and responsibilities	6x Public Edication and Awareness Programs, 1 Annual HR Day Event, 1x educational human rights awarebess production	Completed/ Achieved	9 Friendly Schools (319 participants in total); 2 Children's Dialogue (First Dialogue: 61 participants; 2nd Dialogue: 64 participants); 1 Human Rights Day (80 participants); 5 Community Consultations (322 participants in total)
Empowerment of the public especially vulnerable communities to exercise their rights and responsibilities; as measured by their representation / contribution in meetings and workshops	3x human rights advisory council meetings	Completed/ Achieved	5 human rights council meetings, 3 NGO/CSO workshops (SFA SHRR consultations, SNYC SHRR consultation, NGO SHRR consultation)

Output 3: 2930: Special Investigations Unit

PERFORMANCE MEASURE/ INDICATOR	TARGET	PROGRESS	COMMENTS
Independent, credible and effective discharge of the functions of the Special Investigations Unit	Evidence of recommendations accepted by Police and Corrections as a result of review report conducted	Completed/ Achieved	Police and Corrections continuing to adopt recommendations issued during reviews and investigations
	1x independent investigation completed subject to serious complaints received	Completed/ Achieved	Completed 2x own motions
	3x Reviews of complaint mechanisms continuing (Police and Corrections)	Partially completed	2x Reviews completed - PSU and Prisons, SORT has been adjourned for next financial year due to short staffing and unforeseen circumstances
	Achieve 100% rate in addressing matters referred to the office in a timely manner	Completed/ Achieved	All matters have been addressed in service standards
Effective engagement with the public on the functions of SIU	4x public awareness programs for SIU	Completed/ Achieved	2 Community Both (October & June) + 5+ Radio Shows
An adequately resourced SIU with capable staff able to adequately deliver all SIU mandated functions	2x capacity building training for SIU officers	Completed/ Achieved	Attended 6 external workshops, conducted 2x Police recruit trainings, 1x Ministry session, 2x induction sessions, 1x frontline complaint training, + 1 certified SIU officer in Cert IV, Government Investigations

Output 4: 2940: Engagement & Communications Unit

PERFORMANCE MEASURE/ INDICATOR	TARGET	PROGRESS	COMMENTS
Outcome 1: Enhanced public awareness about the Office & public empowered to access Ombudsman services			
Public value complaints, enhanced awareness about the Office and Human rights with individuals empowered to access OMB/NHRI services	1 x 30sec Office ad, 4 x 15min Online Fa'asoa/Explainer sessions, 1 x Office Dialogue, 1 x Bulk Text Promo, 3 x Radio Talk Shows	Completed/ Achieved	1 min Ad completed Dec 2022. Airing ad in April- May on Radio Polynesia, TV 3, TV 9 & Radio 2AP. 2 x Radio Talkshows on radio 2AP May2023 , 1 Office Dialogue and 2x Bulk Text Promotion June 2023 (digicel & Vodafone).
	1 x Resource (Guide or Toolkit or Factsheet developed by June 2023)	Completed/ Achieved	Frequently Asked questions Guide completed in July 2022 released on website & FB in 30 July 2022
Outcome 2: Effective communication and engagement with general community, agencies and among identified target audience			
Enhanced accessibility in rural, remote areas and wider reach to diverse groups & ages	2x Public booths in rural communities to be completed by June 2023	Completed/ Achieved	Public Booth in Savaii 17 Oct & JICA open day 10 November 2022 & Savaii 7 - 8 June 2023 via GG and SIU
Communications systems (i.e. websites, press, social media etc) maintained, updated and accessible to the public	Increase in social media reach by 30% from previous FY	Completed/ Achieved	Office Social Media presence has increased from last 12-24 months. Especially on YouTube, Instagram & Facebook. Facebook 2.9 Likes and 3.4k Followers to date.
Enhance visibility of OMB reports/ findings / recommendations and activities	3x Press releases. 2x newsletters & 1 report launch by June 2023	Incomplete	July - Dec 22 Newsletters completed. Jan - June 2023 (incomplete - unit without a director to lead program). 11 Press Releases completed.
Outcome 3: Efficient coordination and effective delivery of ECU functions and whole Office activities			
ECU has capacity and resources / equipment to execute its functions	1x Principal level multimedia officer to be recruited in FY22/23	Completed/ Achieved	Principal Officer position was filled in Dec 2022
	1x zoom & we video membership procured within FY22/23 (purchase of multimedia software)	Completed/ Achieved	Ofc software memberships on teleconferencing platforms purchased
ECU policies/ procedure and practices developed	Communications & outreach strategy plan completed within FY22/23	Completed/ Achieved	OMB Media & Communications Policy and the OMB Stakeholder Consultation & Engagement Policy finalized implemented FY22/23
Review / monitor of the impact of engagement and communications	1x annual stakeholder survey, 1x mid-year review within FY22/23	Incomplete	Director position vacant in April 2023, hence remaining Unit work of FY22/23 was not completed

CSU Output 1: 2991: Corporate Services Unit

PERFORMANCE MEASURE/ INDICATOR	TARGET	PROGRESS	COMMENTS
Quality Service Delivery – improve responsiveness & internal service delivery (internal)	A system for capturing inquiries and complaints data has been established and is operational (formal client handling processes.	Completed/ Achieved	Reviewed customer survey, completed in July 2022 the public sector survey & conducted complaints handling in Feb 2023. Established operationalized its Huridocs data management system for all office data & records
	Public & staff are aware of inquiry and complaints processes *1x annual induction/ refresher training for Office staff on complaints handling*	Completed/ Achieved	Launched its Information Board detailing its Complaints Handling Processes at Office reception area. Held 1x refresher training for CSU frontline staff in Feb 2023
	Office events are smoothly implemented, specifically as it relates to effective communication and logistical arrangements	Completed/ Achieved	Successfully coordinated and facilitated all Office events & programs scheduled for FY2022/2023 without any delays.
Enhanced Reporting & Monitoring - Finance & budget management, Human Resources Management & Records Management	Facilitate and complete in a timely manner annual audits, (real time audit, comprehensive audit, performance audit) with SAO;	Completed/ Achieved	***C****ompleted comprehensive audit for 2 financial periods, namelyFY2020/2021 & 2021/2022 on 26 Aug2022 ensuring timely reporting to Ministry of Finance of spending.*
	Timely reporting to Ministry of Finance on budget & spending (MYD & FYR)	Completed/ Achieved	*Completed Full Year Review (FYR) to MOF of its FY2021 2022 Budget utilization.*
Strengthened Corporate Services and Human Resources	2x human resource management policies and procedures revised/ developed. Data management system developed and operationalized. Facilitate trainings for Office staff.	Partially Achieved	2x human resource management policies near complete with assistance from NZOOTO. It is intended for these policies to be finalized and implemented in FY24/25. Data management system completed and successfully operationalized, 1x frontline complaint handling training completed.