

PRISONS IN SAMOA

- **Does the Standard of Prison's in Samoa allow for the Rights of Prisoner's to be upheld with consideration of the local context?**

OUTLINE

- **The crux of this discussion**
- **The Issues**
- **Discussion point**
- **How is the issue currently being addressed**

PRISONS CONDITIONS IN SAMOA

May 2009

- **41 Prisoners, including serious criminals escaped from Tafa'igata Prison and hijacked a bus for the sole reasons of addressing issues of hunger and harsh work conditions**



PRISONS CONDITIONS IN SAMOA

23 year old escapes from prison and alleges being beaten by officers which caused injury, being left in a dark for months and having no clean clothes



“It is very hot and you can hardly breathe. They've kept me in this dark cell for four months now naked and I tell you I sleep on my faeces and urine...”

PRISONS CONDITIONS IN SAMOA

US Department of State 2010 Report

- Poor Prison conditions
- Very old Prison facilities
- Tafa'igata Prison had 29 cells, various sizes, 8 of them were apprx 30 feet by 30 feet & housed 20-25 inmates.
- Not all cells had toilet facilities
- No doctor or nurse at the facility – Influenza, Typhoid outbreaks
- Around 300 inmates combined in Tafa'igata, Oloamanu and Vaiaata.

PRISONS CONDITIONS IN SAMOA

**UN Human Rights Council Universal Periodic Review
2012**

RIGHTS UNDER THE SAMOAN CONSTITUTION

nbbj



INTERNATIONAL HUMAN RIGHTS

SOCIETAL ISSUES

THE BIGGER PICTURE



PUNISHMENT V WELFARE

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PUNISHMENT V WELFARE

- Dec 2011 – Mauga o le Atua church opened

“Government has played its role in building this church for you. It’s an indication that despite your punishment here, you are not being forsaken by your leaders. Hopefully this church will inspire you to leave this place, go out there, pick up your lives and make the necessary improvements to better our country, our society.”

- Approx quarter of a milion tala



PUSH FOR REHABILITATION

- **“This is not a hotel and we don’t want you to get too comfortable in these facilities. The idea is, you come here, you take a good look at yourself and you leave a better more productive citizen”**
- **“A prison is for rehabilitation of offenders and not a general accommodation facility.”**
- **Minimise dependence on taxpayers.**
- **Prisons encouraged to grow their own food, maintain their cattle piggery farms and look at other avenues – like harnessing bio-gas from animal waste – for cooking.**



LAW REFORM COMMISSION REPORT

THE OFFICE OF THE OMBUDSMAN

**Komosina o le Sulufaiga
Est in 1988**

Currently legally mandated to receive and investigate complaints of prisoners and detainees on issues of inhumane overcrowding, status, circumstances of juvenile offenders, improvement of pretrial detention, bail, record keeping.

Office lacked accessibility because of minimum public awareness of the office's function

SAMOA'S LAW AND JUSTICE PLAN

CREATING A HUMAN RIGHTS COMMISSION

- **June 2012 – Goal is to set up a Human Rights Institution by mid 2013.**
- **An extension of the Office of Ombudsman**
- **Adoption of a report done by the Asia Pacific Forum end of 2011 which includes recommendations about the structure, size, roles and functions and the resources required to meet international standards of Human Rights Institutions.**
- **One of many Pacific Nations – Nauru, Palau, Papua New Guinea, Solomon Islands & Vanuatu.**



CONCLUDING REMARKS

- **Movement towards upholding Human Rights**
- **Positive but...**
 - **Consider conflicting traditional customs**
- **Will require a balancing approach**