

Prisons in Samoa

Does the standard of prisons in Samoa allow for the rights of prisoners to be upheld with the consideration of the local context.

Samoa is an island in the Pacific region with three main prisons on the island – Tafa'igata; the main prison, Oloamanu and Vaiata. These prisons incarcerates approximately 300 people.

Prison conditions in Samoa.

In May 2009 41 prisoners including serious criminals escaped from Tafa'igata Prison and hijacked a bus with civilians on board for the sole purpose of addressing issues of hunger and harsh working conditions. The prisoners claim that they were on their way to Parliament to see the Prime Minister Tuilaepa Aiono Sailele Malielegaoi and inform him of their complaints.

There have been various complaints like these over the years. Prisoners have complained not only about the conditions of the prisons in terms of living standards but also for harsh punishment by Prison officers.

In March 2011 23 year old Daniel Vailopa escaped from the main prison of Tafa'igata and made a complaint to local news media about the way he was treated in prison. Vailopa alleges that he was beaten by officers that caused internal bleeding. Furthermore, it was not until a month later that he was given medical attention. He also claims he was not fed properly and not given the opportunity to wear clean clothing.

According to the news report, the Police Commissioner had not known about Daniel's case and so if they had they assured they would have dealt with it.

Due to the high number of complaints the Police in Samoa have recently been introduced to undergo 'Professional Standards Unit', following two serious investigations. One concerned a female prisoner alleging that an officer had impregnated her and the other case involved a claim that a prisoner had loaned some money to an officer and wanted it paid back.

The United States Department of State 2010 issued a report on Samoan prisons. The report highlighted concerns about how poor the conditions were, that the prisons were very old and over crowded. There were concerns about the wellbeing of prisoners with no doctor or nurse based at the facilities. In the past there had been outbreaks of typhoid and influenza because of the poor hygiene at the facilities.

The United Nations Human Rights Council in their Universal Periodic Review earlier this year noted the living standards at the Tafa'igata prison was still very poor. Many of the facilities were outdated and food, water and basic sanitation were inadequate. It also noted that large groups of prisoners were confined

together in small and harsh cells. Prisoners had been employed outside prisons including for private purposes for officials.

The report also noted that the current legislation in Samoa which governs the operation of prisons, the Prisons Act 1967 was under review. Samoa has been urged to establish a Human Rights institution. This is one of the recommendations from the United Nations Human Rights Council Universal Periodic Review.

In 2004 an alternative report to CEDAW, Samoan Non-Government Organisations noted that 'women in prison have little access to rehabilitative programs and counseling. The prisons do not provide facilities to enable a breastfeeding female prisoner to breastfeed, care and nurture her child.' Similar issues had been noted in the UNICEF 2006 Analysis of the situation of children, woman and youth in Samoa.

Compare the two reports.

Rights under the Samoan Constitution

Like many Pacific nations, Samoa has a Constitution which protects many fundamental rights as well as customary practices which are culturally significant. Under Part II of the Samoan Constitution declares these fundamental rights. Section 7 Right from inhuman treatment is relevant to the rights of prisoners stating that no person shall be subjected to torture or to inhuman or degrading treatment of punishment. *Forced Labour section.*

International Human Rights

Samoa was admitted as part of the United Nations in 1976. The United Declaration of Human Rights emphasizes similar rights to those declared under the Samoan constitution. Article 5 – No one can be tortured or treated cruelly and Article 8 – Everyone has the right to ask for legal help when their rights are not respected.

Samoa Society – Crux of argument.

Samoa is made up of two main islands, Savaii and Upolu and smaller islands Manono, ... with a population of about 2000. The economy has traditionally been dependent on agriculture and fishing. In modern times, development aid, families from overseas and agriculture exports have become key factors in the nation's economy. Recent times there has been a great emphasis on Tourism with strength in hotel investments and the launch of a joint owned airline Virgin Samoa.

Traditionally there are budget restraints.

Punishment v Welfare

The Law and Order auction argument from New Zealand in the Samoan context. Will locking them up and throwing away the key work? What about the need for rehabilitation and the possibility of reintegration? Would there be more culturally specific punishment methods that also address the need for welfare?

Rural setting of Samoan Prisons.

Samoan culture is greatly influenced by Christian principle and reflective on their treatment of prisoners. For example on the 50th anniversary of Samoa's independence prisoners were pardoned.

In December 2011 the 'Mauga o le Atua' church opened in the Tafa'igata prison. The Government played a role in building the church and emphasized their approach that despite the prisoner's punishment, that they were not forsaken. The church has been built in the hope that it will inspire the prisoners to leave one day, go out, pick up their lives and make the necessary improvements to better the country and society.

Discuss Christian values – prison choir.

According the Police Commissioner Lilomaiava Fou Taioalo, the church cost an approximate quarter million tala.

Discuss the area of funding and perhaps where funds could have been better use.

Model that prisons are just below the minimum living standard of society?

Push for rehabilitation

During refurbishment work on the Vaia'ata prison the prime minister gave the strong message that 'this is the last place you want to be'. '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.'

But how?

Like New Zealand, there is a need to minimise dependency on taxpayers. Prisoners in Samoa are 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.