Komesina o Sulufaiga

OMBUDSMAN
NHRI SAMOA

Lipoti o le Tulaga o Aiā Tatau a Tagata Soifua Iuni 2018

SĀ'ILI'ILIGA LAUTELE I SĀUĀGA I TOTONU O 'ĀIGA I SĀMOA

'Oute lē lafi i le ata o le la'au'

"Ia fa'ailoa le MEA MONI ma fa'atino MEATONU"

© Ofisa o le Komesina o Sulufa'iga, Sāmoa/ Ofisa mo Aiā Tatau a Tagata Soifua 2018
E leai se pule e fa'amatu'uina atu.

E mafai ona kopiina ma lolomiina fa'amatalaga 'olo'o i lenei tusi mo lou fa'aaogāina ma e mafai ona fa'aaogā ni vaega i ni au fa'amaumauga, folasaga, 'upega tafā' ilagi ma meafaitino mo a'oa'oga, 'ae ia mautinoa e fa' ailoa o le Ofisa o le Komesina o Sulufa'iga/Ofisa mo Aiā Tatau a Tagata Soifua, Sāmoa na maua mai ai ma o le pule fo'i o lenei tusi. O mana'oga uma mo le fa'aaogā ina fa'alaua'itele pe su'e ai ni tupe, po o se fa'atagaga e fa'aliliuina ai, ia fa'afeso'ota'i mai le info@ombudsman.gov.ws.

Fuafuaina ma le fa'atulagaina: Tisaan & Ofisa mo Aiā Tatau a Tagata Soifua

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UPU TOMUA

Sāmoa e, o le agaga fa'anoanoa, peita'i, e iai fo'i le fa'amoemoe, ou te fa'atāla'u'ula atu ai ma tu'uina atu i le Palemene lenei Līpoti o le Sā'ili'iliga Lautele i Sāuāga i Totonu o 'Āiga i Samoa (**Sā'ili'iliga**). O le fa'anoanoaga, ona o molimau na tu'uina mai i le taimi o le Sā'ili'iliga, e uiga i le mata'utia o sāuāga i totonu o 'āiga 'olo'o pagātia ai o tatou tagata, fa'apea le telē o le fa'afītāuli 'olo'o o tatou feagai nei. Peita'i, 'olo'o iai fo'i le fa'amoemoe ma le lototele, e āfua mai i fofō ua fa'atūina mai, e fa'atino ma galulue fa'atasi ma lo tatou Fa'atuatua, la tatou Aganu'u, fa'apea Aiā Tatau a Tagata Soifua, e mafai ai ona o tatou fa'afetaia'ia lenei gasegase ua pepesi i totonu o lo tatou atunu'u, le gasegase lea o sāuāga i totonu o 'āiga.

Ua laualuga i a tatou tala fa'asalalau tala o sāuāga i totonu o 'āiga fa'apea le matā'upu lautele o sāuāga, ma na manino ai i lo'u Ofisa, ua tatau ona fa'atino se galuega i lenei matā'upu. Ua tele taumafaiga, ua tele fo'i polokalame ua fa'atino i lenei matā'upu ma 'olo'o fa'aauau pea. Peita'i, e fōliga mai ua lē gata ina lē muta lenei fa'afītāuli, a ua fa'ateteleina. E pei ona 'ole'ā taga'i i ai, e fou le 'auala na filifilia mo le Sā'ili'iliga, ma ua mafai lea 'auala e le Ofisa nei i lalo o ona mālosi'aga ua tu'uina mai e le Palemene.

O sāuāga i totonu o 'āiga, e lafi i tua o le pupuni o le lē gaganaina. E tatau lā ona 'ave'ese lea pupuni, ina ia mafai ona fai se ***talanoaga a le atunu'u*** – e fa'aleoina ai tala mai tulimanu uma o lo tatou atunu'u, ina ia 'āto'atoa lo tatou mālamalamaga i le fa'afītāuli, ma tu'uina atu le avanoa i o tatou tagata e tu'uina mai ai ni fautuaga mo ni fofō e fō'ia ai. Na fuafua le Sā'ili'iliga ina ia maua e tagata uma, mai Lalomanu i Falealupo, o le taulaga ma nu'u i tua atu, le avanoa e 'auai ma fa'aleo o latou sao. E tusa ai ma lea fuafuaga, na fa'apea ona āu aso, vaiaso ma masina o o matou malaga ta'amilo i Sāmoa ma Komesina o le Sā'ili'iliga ma le 'aufaigaluega o le Sā'ili'iliga, ina ia maua avanoa e fa'aleo ai finagalo o le atunu'u ma o lenei Līpoti, o le taunu'uga lea o lenei vaega. Peita'i, e lē o le i'uga lea o le galuega. O le taimi lenei o galuega fa'atino. E tofu i tatou uma ma le sao. E mana'omia le faitauina o lenei Līpoti ina ia fa'alautele le mālamalamaga e uiga i sāuāga i totonu o 'āiga, ina ia mafai ai ona fa'atino o tatou sao ta'ito'atasi e fa'afetaia'i lenei fa'afītāuli ua feagai nei ma lo tatou atunu'u.

O le 'āmataga o lenei Sā'ili'iliga, na o matou tāpena ma le 'aufaigaluega ina ia fetāla'i manatu e uiga i ni māfua'aga ma ni fofō e ono mafai. Ou te tatalo atu fo'i ina ia fa'apēnā o outou finagalo i le faitauina o lenei Līpoti. E iai ni taunu'uga e ono lu'iina ai o outou talitonuga o le sa'o, 'ae mana'omia lo tatou talia o le meatonu, ua lē mafai e a tatou 'auala 'olo'o iai nei ona fō'ia le fa'afītāuli. 'Olo'o tupu ma lauolaola sāuāga i totonu o 'āiga, ma e tatau ona o tatou talia 'olo'o tupu, ona fa'ato'ā mafai lea ona o tatou fa'ato'ilaloina lenei fa'afītāuli.

O la matou pitolā'au i lenei Līpoti, ua taumafai e tonu le fa'amauina o talanoaga, manatu, folasaga ma felafolafoa'iga na iai a o fa'agāsolo le Sā'ili'iliga. O se talanoaga e le'i tupu muamua i le atunu'u, ma

‘ole’ā fa’apea ona fa’amauina. O i’uga ua matou fa’amauina ma Komesina o le Sā’ili’iliga, o i’uga uma e fa’avae i mau na tu’uina mai i le Sā’ili’iliga.

Ua iloga le āga’i i luma o lo tatou atunu’u i le itū tau i le mafai ona talanoaina matā’upu fa’apenei ma e lē se la’asaga fa’atauva’a lea. Ua toeitiiti māe’a le taimi o le talanoa, ma o le fa’amoemoe, e māe’a ane le faitauina o lenei Līpoti, ua sāunia tagata uma e ‘auai i fa’atinoga. E matuā leai, leai lava se fesiligia e lo’u māfaufau po o lo’u loto, ‘auā ua ou mautinoa, ‘āfai e talia e tagata uma (e lē gata i o tatou sui i upufai o mālō, ta’ita’i fa’aleaganu’u ma ta’ita’i fa’alelotu, a o i tatou uma) i’uga ma fautuaga o lenei Līpoti, e lē gata ina mafai ona o tatou fa’ato’ilaloina sāuāga i totonu o ‘āiga ma isi sāuāga uma, ‘ae ‘ole’ā fa’apea ona mālosi ātili ai o tatou talitonuga fa’aleaganu’u fa’apea lo tatou Fa’atuatua.

E lē mafai ona fa’ataunu’uina lenei Sāili’iliga pe ana lē seanoa le loto tetele o i latou uma na tūla’i mai ma fa’asoa mai, ma fofola mai o latou loto i mea na tutupu, i lo latou fa’amoemoe ma le talitonuga, o lo latou tūla’i mai, ‘ole’ā fa’apea ona tāofia ai le tutupu o nei puapuagā i ni isi tagata i le lumana’i. E matuā fa’afeagai le toa, loto tetele, le māua’i ma le fa’atuatua na fa’aalia e i latou uma na o’o i ai sāuāga, ma uiga o i latou na fa’atinoina sāuāga. O le māfua’aga lea ua tatau ai iā i tatou uma ona filigā ia maua lea agaga o le māua’i, ina ia ‘ave’esea le pupuni o le lē gaganaina o sāuāga i totonu o ‘āiga, ma fa’atino lo tatou sao i le tafi’eseina o lenei mala mai la tatou aganu’u.

FA'AFETAI

E lē mafai ona maua se ata tonu i lenei Līpoti o le tulaga o sāuāga i totonu o 'āiga i Sāmoa pe ana leai le loto tetele o i latou na a'afia i sāuāga, na fa'asoa mai i mea na tutupu iā i latou i taimi o avanoa fa'alaua'itele ma le fofogaina o mau e le'i fa'alaua'iteleina, fa'apea folasaga tusitusia mai nofoaga lata mai ma nofoaga e mamao. E fa'ailoaina fo'i la matou fa'afetai iā i latou na tūla'i mai ma fa'asoa mai i sāuāga na o latou fa'atinoina i tagata e pele iā i latou, ma lo latou naunau'tai ia faia se suiga mo o latou fānau, o o latou afafine ma atali'i.

E lē gata i lea, e momoli atu le fa'afetai mo le lagolago e ala i fesoasoani i tomai ma tupe na ofoina mai e pā'aga nei: Asia Pacific Forum of National Human Rights Institutions, Auckland University of Technology, Bluesky Samoa, The Commonwealth Secretariat, Digicel Samoa, le Mālō o Sāmoa, United Nations Development Programme, United Nations Population Fund and UN Women. Fa'afetai tele, ma e tāua tele iā i matou lo outou naunauta'i i le lagolagoina ma le puipuiga o aiā tatau a tagata soifua uma, 'aemaise tinā ma tama'ita'i, teine ma fa'apea teineiti ma tamaiti uma o Sāmoa.

E tāua fo'i le fa'ailoa o le agaga o le fa'afetai i Matāgaluega 'ese'ese a le Mālō, Fa'alāpotopotoga Tūma'oti, pā'aga tau ātīna'e, faiā'oga o iunivesitē ma a'oa'oga maualuga, loia, faufautua, tagata tomai fa'apitoa tau soifua mālōlōina, isi tagata tomai fa'apitoa, autalavou, lotu 'ese'ese, matai ma 'auala o fa'asalalauga, mo le fesoasoani, le sao, ma le 'auai i avanoa fa'alaua'itele e fa'aleo ai manatu, feiloa'iga e le'i fa'alaua'iteleina, ma folasaga tusitusia a o fa'agāsolo le Sā'ili'iliga. Fa'afetai mo le lagolago i le tu'uina mai o fa'amatalaga ina ua talosagaina e le Sā'ili'iliga.

Fa'afetai tele iā i latou uma na 'auai i fa'atalatalanoaga fa'alaua'itele i totonu o nu'u ma afio'aga e fa'aleo ai manatu ma fefa'asoaa'iga i nu'u ma afio'aga. Ua fa'aavanoaina lava o outou taimi e 'auai ma tu'uina mai manatu aogā ma lagona i mea na tutupu, na fesoasoani ai i le Sā'ili'iliga.

E fia momoli atu fo'i la'u fa'afetai tele i Komesina o le Sā'ili'iliga i le galulue punoua'i i vaiaso e tele e talia fa'amatalaga ma tu'u fa'atasi lenei Līpoti.

Iā i latou uma na ofoina mai o latou taimi e fesoasoani ai i le 'aufaigaluega ma le Ofisa i 'auala 'ese'ese ina ia mafai ona taunu'u manuia lenei galuega tāua – *Faafetai lava!* Ia sasa'a mai fa'amanuiaga a le Ali'i iā te outou.

E mulia'i se fa'afetai lē 'a'u mo Mr. Ashley Bowe i le tu'ufa'atasiga o le Līpoti, ma Lufilufi Taule'alo mo le fa'aliliuina.

I'UGA NA MAUA I LE SĀ'ILI'ILIGA, FAUTUAGA MA LE FUAFUAGA O FA'ATINOGA

Ki :

Mataupu o lo'o mo'omia se fa'aiuga/ tali fa'anatinati	Amata i totonu o le 1-2 tausaga mai le vaitaimi e fa'alauiloa āloaia ai e le Ofisa le[1] Lipoti
Mataupu o lo'o mo'omia se fa'aiuga/ tali vave	Amata i totonu o le 2-3 tausaga mai le taimi e talia āloaia ai e le Palemene le Lipoti
Mataupu faagasolo o lo'o mo'omia se faaiuga/tali	Amata i totonu o le 3-5 tausaga mai le taimi e talia āloaia ai e le Palemene le Lipoti

I'UGA 1 O LE SĀ'ILI'ILIGA: O sāuāga i totonu o 'āiga o se matā'upu matuā lavelave ua feagai ma le atunu'u. O se fa'afītāuli e feso'ota'i māfua'aga, u'una'i o fa'atinoga, ma taunu'uga. E mana'omia le galulue fa'atasi ma le māopoopo o le atunu'u i se 'auala ina ia tāofia ma puipuia ona tagata mai sāuāga i totonu o 'āiga. O se taumafaiga a Sāmoa o le atunu'u, e tatau ona fa'avae ma ta'imua le Fa'asāmoa, Talitonuga Fa'alefa'atuatua ma le ta'iala o Aiā Tatau a Tagata Soifua.

I'UGA 2 O LE SĀ'ILI'ILIGA: Ua o'o atu i le la'asaga o se fa'ama'i pepesi le fa'atonu/sāuaga i upu ma sāuāga tau faigā 'āiga fa'asaga i tamaiti.

- O le 9 mai ni tamaiti e 10 i Sāmoa e o'o i ai sāuāga.
- E māsani ona ogaoga tulaga e o'o i ai le fa'atonu/sāuāga o le tino, ma sopo atu mai "fa'asalaga talafeagai" i lalo o tulafono a Sāmoa.
- O faigā 'āiga fa'ataututala ma le mata'ifale 'olo'o fa'atino i tamaiti, ua o'o i tulaga o se fa'ama'i mata'utia ua pepesi i Sāmoa.

[1] Taga'i i le aso na fa'alauiloa āloaia ai le Lipoti fft 12 Setema 2018.

I'UGA 3 O LE SĀ'ILI'ILIGA: O Sāuāga i Totonu o 'Āiga ua toeitiiti lava a'afia ai 'āiga uma i Sāmoa, fa'atasi ai ma le to'atele o tagata ua o'o i ai sāuāga mātuiā i o latou ōlaga:

- Toeitiiti lava 9 mai se to'a 10 tagata ua o'o i ai sāuāga o le tino po o le māfaufau i totonu o o latou lava 'āiga;
- O le to'atele o tama'ita'i (6 mai se to'a 10) ua o'o i ai sāuāga e fa'atino e se pā'aga vāvālalata;
- Toeitiiti lava tutusa le ta'atele o sāuāga mai se tagata e lē se pā'aga vāvālalata ma le ta'atele o sāuāga mai pā'aga vāvālalata;
- Ua o'o atu i le 1 mai se to'a 5 tama'ita'i ua tosoina;
- Ua o'o atu ina māsani tagata i sāuāga, ua fa'apea ai ona māsani i le pō, a'a, tatu'i, palauvale po o le taufa'amata'u ma e leai se manatu e mamafa ia faiga pe aofia fo'i i le uiga o sāuāga;
- O sāuāga i totonu o 'āiga ua mālilliu ai tagata ma ua mālepelepe ai 'āiga.

I'UGA 4 O LE SĀ'ILI'ILIGA: E matuā la'iitiiti lava se mālamalamaga i sāuāga fa'asaga i ni vaega patino e pei o tagata e iai mana'oga fa'apitoa, tagata ua matua le soifua, fa'afāfine ma tagata e 'ese lagona tau itūpā mai fa'atulagaga māsani. O fa'amatalaga māua e fōliga mai ai e mafai ona ta'atele sāuāga ma e mana'omia le iai o ni fesoasoani talafeagai mo nei vaega.

I'UGA 6 O LE SĀ'ILI'ILIGA: O a'afiaga mai sāuāga i totonu o 'āiga e fa'ateleina ai le lamatiaga o le 'avea o se tasi e āfāina i sāuāga, po o se fa'atino sāuāga i le lumana'i.

I'UGA 7 O LE SĀ'ILI'ILIGA: O le tau mo le tamāo'āiga o Sāmoa o sāuāga i totonu o 'āiga e mafai ona lē itiiti ifo i le ST$98m - $132m i le tausaga (6 – 7% o le tamāo'āiga o Sāmoa).

I'UGA 8 O LE SĀ'ILI'ILIGA: O sāuāga i totonu o 'āiga ua lautele ai soliga o le Fa'asāmoa, Talitonuga Fa'alefa'atuatua ma aiā tatau a tagata soifua.

I'UGA 9 O LE SĀ'ILI'ILIGA: E tutusa a'a, agatausili ma talitonuga fa'avae o le Fa'asāmoa, Talitonuga Fa'alefa'atuatua ma aiā tatau a tagata soifua. E tofu i latou ma 'auala e puipuia ai le taunu'uga fa'amoemoeina e tasi 'olo'o o latou naunau uma i ai, ma o le fa'aopoopoina o le mālosi o le tasi, e fa'apea ona fa'aopoopoina ai le mālosi o isi.

I'UGA 28 O LE SĀ'ILI'ILIGA: O le lē lava o le fa'amāoni o le Mālō ma ana fa'atinoga, e ala i le lē lava o puna'oa, lagolago ma le lē māopoopo o taumafaiga, e 'avatu ai i tagata se fe'au, e talia le tulaga lē tutusa o itūpā, ma e talia sāuāga i totonu o 'āiga.

I'UGA 50 O LE SĀ'ILI'ILIGA: Talu ai le uiga fa'ata'amilo o sāuāga i totonu o 'āiga, na'o le tasi lava le 'auala e fa'afetaia'i ai ma fa'aitiitia lona ta'atele. O le fa'atupuina lea o se 'auala e matuā tē'ena ma lē talia ai so'o se itū'āiga o sāuāga i totonu o le atunu'u.

FAUTUAGA	TAUNU'UGA O FA'ATINOGA	VAEGA E FA'ATINOINA	TAIMI FA'ATULAGAINA
FAUTUAGA 1: Ia fa'avaeina i se tulafono, se Ofisa mo le Tāofiga o Sāuāga i Totonu o 'Āiga, Ta'iala a le Atunu'u mo le Tāofiga o Sāuāga i Totonu o 'Āiga ma se Ta'iala o Feso'ota'iga, Fono a le Atunu'u mo le Tāofiga o Sāuāga i Totonu o 'Āiga, ma se Komiti Fa'apitoa e fa'avae ma fa'a'autū i ai le tu'ufa'atasiga ma le māopoopo o le tali atu a ofisa uma i sāuāga i totonu o 'āiga.	• Fa'atino fefa'asoaa'iga i le fa'avaeina o le Ofisa mo le Tāofiga o Sāuāga i Totonu o 'Āiga • Atina'e se tulafono e fa'avaeina ai se Ofisa Tāofiga o Sāuāga i Totonu o 'Āiga. • Ātīna'e se Ta'iala a le Atunu'u mo le Tāofiga o Sāuāga i Totonu o 'Āiga, e fa'avae i talitonuga fa'avae o le Fa'asāmoa, aiā tatau a tagata soifua, ma le Talitonuga Fa'alefa'atuatua. • Atina'e se Ta'iala o Feso'ota'iga mo le Tāofiga o Sāuāga i Totonu o 'Āiga. • Fa'amāopoopoina o ofisa, fa'alāpotopotoga ma tagata uma e aofia i le tāofiga o sāuāga i totonu o 'āiga. • Ao ma fa'amāopoopo fa'amaumauga tau sāuāga i totonu o 'āiga. • Tulituliloa ma fa'alauiloa i galuega fa'atino ma gāoioiga uma e "lē talia e le atunu'u se sāuāga".	• Matagaluega o Tinā ma Tama'ita'i, Atina'e o Nu'u ma Afio'aga ma Agafeso'ota'i • Ofisa Loia Sili • Ofisa mo Aiā Tatau o Tagata Soifua • Matagaluega o Fa'amasinoga ma le Fa'afoeina o Mātaupu tau Fa'amasinoga • Vaega o tulafono ma le faamasinoga tonu a Samoa • Komisi o le Toefuata'iga o Tulafono a Sāmoa	• Mataupu faagasolo o lo'o mo'omia se faaiuga/tali
FAUTUAGA 2: Tatau i le Palemene ona silasia ma fa'atino faanatinati fautuaga i totonu o lipoti o Aiā Tatau a Tagata Soifua a le Ofisa 2015 ma le 2016 aemaise mataupu patino i sauaga i tinā, tama'ita'i, tamaiti ma tagata e iai mana'oga fa'apitoa.	• Fa'atalatalanoa lipoti o Aiā Tatau o Tagata Soifua 2015 ma le 2016 na tu'ufa'atasia e le Ofisa. • Fai se fuafuaga ma fa'amatu'u le fa'atinoina o fautuaga i totonu o lipoti o Aiā Tatau o Tagata Soifua 2015 ma le 2016 i ofisa a le Mālō.	• Palemene • Mālō ma ofisa uma o le Mālō e iai o latou sao	• Mataupu o lo'o mo'omia se fa'aiuga/ tali fa'anatinati
FAUTUAGA 3: Fai se su'esu'ega e fa'amauina ai le fa'atuputupulai'a o sāuāga o fa'afafine, tagata e 'ese o latou lagona tau itūpā mai	• Amata se fa'atalatalanoaga ma fa'atinoina se su'esu'ega e fa'amauina ai sāuāga o lo'o a'afia ai fa'afafine, tagata e 'ese o latou lagona tau	• Ofisa o Aiā Tatau o Tagata Soifua • Matagaluega o Tinā ma Tama'ita'i, Atina'e	• Mataupu o lo'o mo'omia se fa'aiuga/ tali vave /

fa'atulagaga māsani o itūpā ma tagata ua matua le soifua, aemaise foi le fa'atinoina o a'oa'oga e fa'atatau i isi aia tataou o lo'o a'afia ai lea vaega.	itūpā mai fa'atulagaga māsani o itūpā ma tagata ua matua le soifua. • Fa'atino a'oa'oga e fa'atatau i isi aiā tatau o lo'o a'afia ai lea vaega.	o Nu'u ma Afio'aga ma Agafeso'ota'i • Asosi o Fa'afafine	Mataupu o lo'o mo'omia se fa'aiuga/ tali fa'anatinati
FAUTUAGA 4: Fa'avae se "Polokalame o Nu'u Sa'oloto mai Sāuāga", e tu'uina atu ai fa'atōsina tautupe mo le fa'atinoga o taumafaiga mo le Tāofiga o Sāuāga i Totonu o 'Āiga e fa'avae i fautuaga o le Sā'ili'iliga.	• Ātīna'e ma fa'atino Polokalame mo Nu'u Sa'oloto mai Sāuāga. • Feiloa'i ma fefa'asoaa'i ma Fono a Nu'u i tulaga mana'omia. • Sā'ili'ili 'auala o fa'atupega.	• Matagaluega o Tinā ma Tama'ita'i, Atina'e o Nu'u ma Afio'aga ma Agafeso'ota'i e galulue fa'atasi ma Fa'alāpotopotoga Tūma'oti talafeagai • Mālō • Fono a Nu'u	• Mataupu o lo'o mo'omia se fa'aiuga/ tali vave

I'UGA 2 O LE SĀ'ILI'ILIGA: Ua o'o atu i le la'asaga o se fa'ama'i pepesi le fa'atonu/sāuaga i upu ma sāuāga tau faigā 'āiga fa'asaga i tamaiti.

- O le 9 mai ni tamaiti e 10 i Sāmoa e o'o i ai sāuāga.
- E māsani ona ogaoga tulaga e o'o i ai le fa'atonu/sāuāga o le tino, ma sopo atu mai "fa'asalaga talafeagai" i lalo o tulafono a Sāmoa.
- O faigā 'āiga fa'atautala ma le mata'ifale 'olo'o fa'atino i tamaiti, ua o'o i tulaga o se fa'ama'i mata'utia ua pepesi i Sāmoa.

I'UGA 5 O LE SĀ'ILI'ILIGA: E tele ma lautele a'afiaga tumau i le soifua manuia i le tino ma le māfaufau o tagata āfāina i sāuāga i totonu o 'āiga ma i latou e molimauina ia sāuāga. O nei a'afiaga e aofia ai:

- Fa'afītāuli i le soifua manuia o le māfaufau, e pei o le loto fa'anoanoa (depression), fā'atu, pule i le ola ma amio fa'amisa;
- Fa'ateleina le fa'aaogāina o le 'ava mālosi ma vailā'au, fa'ateteleina le so'ona fai solo o faigā 'āiga ma tele pā'aga tau faigā 'āiga;
- Manu'aga, ma e mafai ona i'u i le oti;
- Fa'afītāuli i le soifua mālōlōina o tinā ma'itaga ma failele, e aofia ai ma'itaga e le'i mana'omia, ma'itaga e lē taunu'u manuia (miscarriages) ma fa'afītāuli e tutupu i taimi o ma'itaga (pregnancy complications);
- Manatu e maualalo ma lē taulia lona tagata, e i'u ai i fa'afīfāuli tau soifua mālōlōina ma le āmio;
- Sāuāga fa'asolo i le vā o augā tupulaga;
- Fa'aitiitia le aogā i ni galuega ma āfāina ai ātīna'e o le tamāo'āiga o le atunu'u.

I'UGA 10 O LE SĀ'ILI'ILIGA: O tamaiti e sāuāina pe molimauina sāuāga a o tuputupu a'e, e matuā telē le lamatiaga e 'avea ai o ni tagata e fa'atino i ai sāuāga, po o ni tagata fa'atino sāuāga i totonu o āiga i le lumana'i.

I'UGA 11 O LE SĀ'ILI'ILIGA: E fa'atetele sāuāga fa'asaga i tamaiti ona e talitonu sesē mātua, o ia faiga na fesoasoani 'ia i latou i lo latou tutupu a'e, po o le fa'aaogā fo'i o isi māfua'aga o le lē pūlea o āmio a tupulaga talavou, o se 'alofaga mai le lē fa'atinoina o o latou lava tiute.

I'UGA 12 O LE SĀ'ILI'ILIGA: O itū'āiga fa'asalaga uma i le tino ma upu mālolosi,[2] o itū'āiga sāuāga ia, ma o se māfua'aga tu'usa'o o le ta'atele o sāuāga i totonu o 'āiga, ma o se māfua'aga feso'ota'i o le fa'ateleina o le lamatiaga e sau aso, e 'avea lea tamaitiiti o se tagata fa'atino sāuāga, po o se tagata e āfāina i sāuāga.

FAUTUAGA	TAUNU'UGA O FA'ATINOGA	VAEGA E FA'ATINOINA	TAIMI FA'ATULAGAINA
FAUTUAGA 5: Ia talia e le Mālō le 'ave'esea o le fuai'upu 14 o le *Tulafono o Tamaiti 1961* ma fa'atino fefa'asoaa'iga talafeagai. Āga'i mālie atu i le fa'asāina o fa'asalaga sasa ma upu mālolosi i totonu o 'āiga.	• 'Āmata fa'atalanoaga/fefa'asoaa'iga i le 'ave'esea o le fuai'upu 14 o le *Tulafono o Tamaiti 1961*. • Fa'atupu le silafia o mātua i taunu'uga lē manuia o fa'asalaga sasa ma le lafo o upu mamafa i tamaiti; • Ātīna'e polokalame mo mātua, o tausiga ma a'oa'iga lelei, e tu'uina atu e Komiti mo le Saogalēmū o 'Āiga, e ala atu i Sui o Nu'u, lotu, ma isi 'auala talafeagai; • Māta'itūina o fua fa'atatau o sāuāga fa'atino i tamaiti ma manatu o tagata e uiga i le fa'atonu o tamaiti i le sasa ma upu mālolosi.	• Mālō • Ofisa Loia Sili • Komisi o le Toefuata'iga o Tulafono a Sāmoa	• Mataupu o lo'o mo'omia se fa'aiuga/ tali vave
I'UGA 13 O LE SĀ'ILI'ILIGA: Ua lē toe talanoa mātua i fānau a ua suitūlaga sāuāga i le talanoa. O le lē lava o ia feso'ota'iga, ua fa'ateleina ai le lamatia o tamaiti mai le fa'atinoga o isi sāuāga.			
FAUTUAGA	TAUNU'UGA O FA'ATINOGA	VAEGA E FA'ATINOINA	TAIMI FA'ATULAGAINA

[2]Silasila i le **Fa'amatalaga Fa'amālamalama o le Sāili'iliga 6**.

FAUTUAGA 6: Toe fa'amautū le māsani o le Fa'asāmoa o feso'ota'iga aogā lelei i le vā o mātua ma le tamaitiiti.	• A'oa'o feso'ota'iga aogā lelei ma talitonuga feso'ota'i o le Fa'asāmoa, o se vaega o polokalame o tausiga ma a'oa'iga lelei a mātua. • Ātīna'e upu o le gagana Sāmoa e feso'ota'i ma sāuāga tau faigā 'āiga ma isi itū'āiga sāuāga fa'apea isi vaega e leai ni upu o le gagana o iai nei, ina fa'afaigōfie talanoaga aogā lelei a mātua ma fānau.	• 'Āiga • Matagaluega o Tinā ma Tama'ita'i, Atina'e o Nu'u ma Afio'aga ma Agafeso'ota'i • Tagata uma e iai o latou sao	• Mataupu o lo'o mo'omia se fa'aiuga/ tali fa'anatinati
I'UGA 14 O LE SĀ'ILI'ILIGA: E a'oa'oina tamaiti mai lo latou fānau mai, i manatu māsani e uiga i nafa o itūpā, ma tapu'e ātili ai se ōlaga e pūlea e ali'i, e a'oa'oina ai teine e 'au'auna ma usita'i i ali'i, lagolagoina aiā tau faigā 'aiga a tama, ma fausia ai se si'osi'omaga o le lē fa'asalaina o tagata fa'atino sāuāga.			
FAUTUAGA	**TAUNU'UGA O FA'ATINOGA**	**VAEGA E FA'ATINOINA**	**TAIMI FA'ATULAGAINA**
FAUTUAGA 7: Lagolagoina, fa'alauiloa ma fa'atino se 'auala e tutusa ai itūpā i le tausiga ma le a'oa'iga a mātua o tamaiti e fa'avae i le Fa'asāmoa ma aiā tatau a tagata soifua, e fa'afetaia'i ai le sosaiete e pūlea e ali'i, le 'au'auna atu ma usita'i o tama'ita'i i ali'i, ma aiā tau faigā 'āiga a ali'i.	• A'oa'o i polokalame o tausiga ma a'oa'iga lelei a mātua taunu'uga o le lē tutusa o itūpā ma le 'ese'ese o le faiga o tamaiti e fa'avae i itūpā. • Tu'uina atu fa'ata'ita'iga e mafai ona fa'atino i 'auala e tausi ma a'oa'i ai tamaiti, e lē fa'apito i se itūpā, ma fa'amanuiaga e mafai ona maua mai ai e se tamaitiiti. • Māta'itū taunu'uga o polokalame.	• Matāgaluega o Tinā & Tama'ita Matagaluega o Tinā ma Tama'ita'i, Atina'e o Nu'u ma Afio'aga ma Agafeso'ota'i, e galulue fa'atasi ma Fa'alāpotopotoga Tūma'oti talafeagai	• Mataupu o lo'o mo'omia se fa'aiuga/ tali vave
I'UGA 15 O LE SĀ'ILI'ILIGA: O Sāmoa o se sosaiete e pūlea e ali'i, e maualalo ifo ai le tulaga o tama'ita'i i le tulaga o ali'ii. O le lē tutusa o tutusa o tulaga o itūpā, o le māfua'aga 'autū lea o sāuāga i totonu o 'āiga i Sāmoa, ma le meafaigaluega 'autū o le fa'atūmauina o le maualuga atu o ali'i. **I'UGA 16 O LE SĀ'ILI'ILIGA:** O le sosaiete e pūlea e ali'i 'olo'o fa'amālosia ma fa'atūmauina e ala i: • Le manatu ta'atele i Sāmoa o uiga o tama tāne; • Aiā tau faigā 'āiga a ali'i;			

- Le lē lava o feso'ota'iga i totonu o so'otaga;
- Le tu'ua'ia o le tagata āfāina ma le ta'atele o le teufatuina o māfua'aga fa'atū mai e lagolago ai le fa'atinoga o sāuāga i totonu o 'āiga.

FAUTUAGA	TAUNU'UGA O FA'ATINOGA	VAEGA E FA'ATINOINA	TAIMI FA'ATULAGAINA
FAUTUAGA 8: Fa'atulaga le tulaga tutusa o itūpā ia ta'imua i fa'amoemoega o le Ofisa mo le Tāofiga o Sāuāga i Totonu o 'Āiga ma ātīna'e galuega fa'atino ma 'auala e mafai ona fetu'una'i ai āmioga a ali'i ma tama'ita'i ina ia 'ave'esea manatu fa'a sosaiete e pūlea e ali'i, o le maualuga atu o ali'i, ma māta'itū taunu'uga i le va'aiga mamao āga'i atu i le lumana'i.	• Taga'i i le Taunu'uga o Fa'atinoga mo le Fautuaga 1 i luga.	• Taga'i i le Taunu'uga o Fa'atinoga mo le Fautuaga 1 i luga.	• Mataupu o lo'o mo'omia se fa'aiuga/ tali vave

I'UGA 17 O LE SĀ'ILI'ILIGA: E lautele le fa'aaogāina ma le fa'aaogāina sesē o le Fa'asāmoa e fa'amālosia ai le sosaiete e pūlea e ali'i, o le mea e i le fatu o sāuāga uma i totonu o 'āiga.

I'UGA 18 O LE SĀ'ILI'ILIGA: Ua tele ina lē o toe amana'ia le vā tapuia ma le Fa'asāmoa e pei ona sa iai, ma ua 'ave'esea ai 'auala mana'omia o le tāofiga o sāuāga i totonu o 'āiga e maua i totonu o le Fa'asāmoa.

I'UGA 19 O LE SĀ'ILI'ILIGA: Ua fa'alētonu feso'ota'iga i Sāmoa ma ua lē toe iai ni feso'ota'iga i le vā o ni itū se lua, ma ua fa'aopoopoina ai le ta'atele ma si'itia le lamatiaga mai sāuāga i totonu o 'āiga.

FAUTUAGA	TAUNU'UGA O FA'ATINOGA	VAEGA E FA'ATINOINA	TAIMI FA'ATULAGAINA

FAUTUAGA 9: Fa'afetaia'i le fa'auiga sesē o le Fa'asāmoa 'olo'o fa'ateleina ai le lē tulaga tutusa o itūpā ma iai le sao i sāuāga i totonu o 'āiga, ma fa'ama'oti ma fa'atino ni 'auala e mafai ai e le Fa'asāmoa ona tāofi ma puipui mai sāuāga i totonu o 'āiga.	• A'oa'oga fa'atupu silafia o tagata lautele ma a'oa'oga i ā'oga i 'auala 'olo'o fa'aaogā ai le Fa'asāmoa e lē tutusa ai tulaga o itūpā ma 'auala e i'u atu ai i sāuāga i totonu o 'āiga. Ia fa'apea fo'i ona fa'ailoa atu e ta'ita'i fa'a'upufai, ta'ita'i fa'aleaganu'u ma ta'ita'i o lotu. • A'o'aoga mo tagata lautele ma totonu o ā'oga i feso'ota'iga aogā lelei ma 'auala e fō'ia ai fe'ese'esea'iga, e fa'aaogā ai agatausili fa'aleaganu'u. • Ātīna'ega o upu i le gagana Sāmoa e feso'ota'i ma so'o se itū'āiga sāuāga i totonu o 'āiga e ala e fefa'asoaa'iga e aofia ai tagata mai so'o se vaega o tagata i totonu o le atunu'u. • Silafia o tagata lautele ma a'oa'oga i totonu o ā'oga i le vā tapuia ma le tāua o ia so'otaga i le tāofiga ma puipuiga mai sāuāga i totonu o 'āiga.	• Matagaluega o Tinā ma Tama'ita'i, Atina'e o Nu'u ma Afio'aga ma Agafeso'ota'i • Matāgaluega o Ā'oga, Ta'aloga ma Aganu'u • Iunivesitē Aoao o Sāmoa • Ofisa o Aiā Tatau o Tagata Soifua • Tagata uma e iai o latou sao	• Mataupu o lo'o mo'omia se fa'aiuga/ tali fa'anatinati
I'UGA 20 O LE SĀ'ILI'ILIGA: Ua fa'aaogā sesē le Tusi Pa'ia e lagolago ai sāuāga fa'asaga i tama'ita'i ma tamaiti, ma ua fa'aauau ai le sosaiete e pūlea e ali'i, o se si'osi'omaga e fanafānau ai sāuāga.			
FAUTUAGA	**TAUNU'UGA O FA'ATINOGA**	**VAEGA E FA'ATINOINA**	**TAIMI FA'ATULAGAINA**
FAUTUAGA 10: Ātīna'e se talitonuga fa'alefa'atuatua mo le manuia o tagata lautele e uiga i sāuāga i totonu o 'āiga, e fa'afetaia'i ai le fa'auiga sesē o le Tusi Pa'ia 'olo'o lagolagoina le lē tutusa o itūpā ma sāuāga.	• Fefa'asoaa'iga lautele e ta'ita'i e le Lotu, ma tagata tomai fa'apitoa i matā'upu tau sāuāga i totonu o 'āiga, tagata āfāina, tagata fa'atino sāuāga, tupulaga talavou ma vaega tetele o tagata i totonu o Sāmoa 'aemaise tagata i nu'u ma afio'aga. • Fa'amamafa le fa'ama'otiina o 'auala e mafai ona fa'aaogā ai a'oa'oga mai le Tusi Pa'ia, e	• Ta'ita'i uma o Lotu • Fono Aoao a Ekalesia So'ofa'atasi • Matagaluega o Tinā ma Tama'ita'i, Atina'e o Nu'u ma Afio'aga ma Agafeso'ota'i	• Mataupu o lo'o mo'omia se fa'aiuga/ tali fa'anatinati

	‘ave’esea ai le pupuni o le lē gaganaina ‘olo’o ufiufi ai sāuāga i totonu o ‘āiga.		
I’UGA 21 O LE SĀ’ILI’ILIGA: E iai tulaga i le atunu’u ‘olo’o tāofiofia ai pea le ‘auai o tama’ita’i (ma isi vaega patino) i Fono a Nu’u, Palemene ma le Lotu, ua ātili fa’amausalī ai le sosaiete e pūlea e ali’i ma lamatia ai le fa’amanuiaina o ni taumafaiga e fa’afetaia’i sāuāga i totonu o ‘āiga, e ala i le lē fa’atāuaina o manatu o i latou e aupito a’afia.			
FAUTUAGA	**TAUNU’UGA O FA’ATINOGA**	**VAEGA E FA’ATINOINA**	**TAIMI FA’ATULAGAINA**
FAUTUAGA 11: Fa’atino ‘auala mana’omia e ‘ave’esea ai pā pupuni ‘olo’o a’afia ai le ‘auai o tama’ita’i ma isi vaega o tagata i Fono a Nu’u, le Palemene ma Lotu.	• Āmata fa’atalanoaga a Fono a Nu’u ia aofia i a latou tulafono: a) Aiaiga e mana’omia ai le fefa’asoaa’i aloa’ia o le Fono ma Sui Tama’itai o Nu’u ma Faletua ma Tausi i le fausaga o faiga fa’avae ma tulafono a le nu’u; b) Aiaiga e mafai ona fa’ao’o sa’o atu e le peresetene o le komiti a tinā ni matā’upu ma popōlega o le komiti a tinā i le fono a le nu’u, ‘ae lē fa’aui atu o le sui o le nu’u. • Fa’aauau polokalame o ta’ita’iga a tama’ita’i ma tulituliloa taunu’uga.Fesoasoani i le mafai ona ‘auai ma fai se sao aogā o tama’ita’i, ‘āiga e maualalo le tulaga o le tamāo’āiga, ma isi vaega o tagata i faigā fa’ai’uga a lotu. • Tatau i le Palemene ona silasia ma fa’atino faanatinati fautuaga i totonu o lipoti o Aiā Tatau a Tagata Soifua a le Ofisa 2015 ma le 2016 aemaise mataupu patino i le auai o tagata e iai mana’oga fa’apitoa i fa’aiuga fai. • Fai se fa’atatau talafeagai a Fono a Nu’u, le Palemene ma Lotu mo le auai (po’o le fa’asoaina o manatu foi) o tagata e ‘ese o latou lagona tau itūpā mai fa’atulagaga māsani o itūpā, tamaiti, autalavou ma tagata matutua.	• Matagaluega o Tinā ma Tama’ita’i, Atina’e o Nu’u ma Afio’aga ma Agafeso’ota’i, e galulue fa’atasi ma Fono a Nu’u, Sui o Nu’u ma Sui Tamaita’i o Nu’u • Palemene/ Mālō	• Mataupu o lo’o mo’omia se fa’aiuga/ tali vave • Mataupu o lo’o mo’omia se fa’aiuga/ tali fa’anatinati

I'UGA 22 O LE SĀ'ILI'ILIGA: O le leai o se a'oa'oga i faigā 'āiga ma so'otaga lelei i matā'upu a'oa'oina i ā'oga, ma fa'asinoala e tu'uina atu i faiā'oga e uiga i itūpā ma sāuāga tau faigā 'āiga, ua fa'amālosia ma tapu'e ai manatu māsani i itūpā, ma fa'ateleina ai le a'afiagōfie o tamaiti i sāuāga tau faigā 'āiga.			
FAUTUAGA	**TAUNU'UGA O FA'ATINOGA**	**VAEGA E FA'ATINOINA**	**TAIMI FA'ATULAGAINA**
FAUTUAGA 12: Fa'aaogā se fa'agāsologa o fefa'asoaa'iga e ātīna'e ai se matā'upu a'oa'oina tau saogalēmū o 'āiga, e a'oa'oina ai tamaiti uma.	• Fefa'asoaa'i ma ātīna'e le matā'upu a'oa'oina o le Saogalēmū o 'āiga e fa'aaogā ai aiā tatau a tagata soifua, le Fa'asāmoa ma le Talitonuga Fa'alefa'atuatua ma ia aofia ai: a) Aiā tatau tau faigā 'āiga ma le soifuaga fānau manuia; b) Itū'āiga ma māfua'aga o sāuāga i totonu o 'āiga; c) So'otaga lelei (fausia i so'otaga lelei 'olo'o iai nei i matā'upu a'oa'oina); d) Fa'atautaiga o le ita ma feso'ota'iga aogā lelei; e) Ao'aoga o mātua. • Māta'itūina ma iloiloga o le matā'upu a'oa'oina ma ona taunu'uga.	• Matagaluega o A'oga, Ta'aloga ma Aganu'u • Matagaluega o Tinā ma Tama'ita'i, Atina'e o Nu'u ma Afio'aga ma Agafeso'ota'i • Tagata uma e iai o latou sao	• Mataupu o lo'o mo'omia se fa'aiuga/ tali vave
I'UGA 23 O LE SĀ'ILI'ILIGA: 'Olo'o fesoasoani fa'asalaga sasa i ā'oga, i le ta'atele o sāuāga i totonu o 'āiga ma isi taunu'uga lē lelei mo le atunu'u lautele. E mana'omia le fa'asā taputapu, ona fa'ato'ā taunu'u manuia lea o ni taumafaiga e fō'ia ai sāuāga i totonu o 'āiga. Peita'i, e lē o 'āto'atoa le fa'atinoina o le sā 'olo'o iai nei i Sāmoa, ma fa'apea ai ona fa'ateleina le lamatiaga ma le ta'atele o sāuāga i totonu o 'āiga.			
FAUTUAGA	**TAUNU'UGA O FA'ATINOGA**	**VAEGA E FA'ATINOINA**	**TAIMI FA'ATULAGAINA**
FAUTUAGA 13: Fa'amālosia le sā o fa'asalaga sasa i totonu o ā'oga e ala i le a'oa'oina o tagata uma o le atunu'u i ona taunu'uga lē manuia	• Fa'aaofia a'oa'oga i taunu'uga o fa'asalaga sasa i ā'oga, i polokalame o tausiga ma a'oa'iga lelei a mātua ma fa'asalalau atu e ala atu i sui o nu'u.	• To'omaga • Matagaluega o Tinā ma Tama'ita'i, Atina'e o Nu'u ma Afio'aga ma	• Mataupu o lo'o mo'omia se fa'aiuga/ tali vave

ma 'auala 'olo'o solia ai le Fa'asāmoa ma aiā tatau a tagata soifua.	• Māta'itū manatu ma uiga fa'aalia e uiga i fa'asalaga sasa i ā'oga. • A'oa'oina faiā'oga i 'auala e lē ni sāuāga e fa'atonu ai tamaiti ma māta'itū lagona o tamaitiā'oga e uiga i sāuāga e fa'atino e faiā'oga ina ia fa'amautinoa le 'āto'atoa o fa'atinoga.	Agafeso'ota'i, e galulue fa'atasi ma sui o nu'u • Matagaluega o A'oga, Ta'aloga ma Aganu'u • Iunivesitē Aoao o Sāmoa • Ofisa o Aiā Tatau o Tagata Soifua	
I'UGA 24 O LE SĀ'ILI'ILIGA: O se tasi o itū 'olo'o fa'aauau ai pea sāuāga i totonu o 'āiga, o le leai lea o se lagolago i lona tafi'esea mai ta'ita'i o upufai o mālō, tagata faigaluega a le mālō, ta'ita'i fa'aleaganu'u ma ta'ita'i fa'alelotu, ma lo latou 'auai, o ni tagata fa'atino sāuāga. **I'UGA 25 O LE SĀ'ILI'ILIGA:** E to'atele tagata e lē iloa pe mālamalama fo'i i tulafono 'autu ma 'au'aunaga 'olo'o iai. O lona uiga, e mafai ona to'atele tagata āfāina e lē mauaina lea fesoasoani latou te mana'omia, ma lē mafai ai ona 'ausia le tāofiga o sāuāga i le lumana'i, ma tu'uavanoa ai pea i le fa'aauauina o sāuāga.			
FAUTUAGA	**TAUNU'UGA O FA'ATINOGA**	**VAEGA E FA'ATINOINA**	**TAIMI FA'ATULAGAINA**
FAUTUAGA 14: Fa'atino se polokalame o a'oa'oga a le atunu'u ma polokalame fa'apitoa e fa'atupu silafia, e fa'a'autū i manatu ma uiga fa'aalia ma fa'atinoga e āfāina ai tagata, ma le mālamalamaga i tulafono ma 'au'aunaga 'autū.	• Fa'ama'oti tagata e fai ma fa'ata'ita'iga lelei mai vaega uma o le atunu'u, e aofia ai le Mālō, 'aufaigaluega a le Mālō, ta'ita'i fa'aleaganu'u ma ta'ita'i fa'alelotu, ma ta'ita'i i taumafaiga fa'atupu silafia. • Fa'ama'oti ma fa'asalalau atu fa'amatalaga i tulafono ma 'au'aunaga 'autū. • Māta'itū ma iloilo taunu'uga o taumafaiga.	• Matagaluega o Tinā ma Tama'ita'i, Atina'e o Nu'u ma Afio'aga ma Agafeso'ota'i • Matagaluega o Fa'amasinoga ma le Fa'afoeina o Mātaupu tau Fa'amasinoga • Vaega o tulafono ma le faamasinoga tonu a Samoa • Tagata uma e iai o latou sao	• Mataupu o lo'o mo'omia se fa'aiuga/ tali fa'anatinati

I'UGA 26 O LE SĀ'ILI'ILIGA: O tusitala, o ni pā'aga 'autū i le fa'afetaia'iga o sāuāga i totonu o 'āiga ma e mana'omia a'oa'oga i tomai i 'auala o le tusiga o līpoti ma fa'alauiloa, i se ala e lē fa'aopoopo ai le lagolagoina o manatu ma uiga 'olo'o i'u i sāuāga i totonu o 'āiga, pe tula'i mai ai fo'i ni isi lamatiaga mo tagata ua āfāina.			
FAUTUAGA	TAUNU'UGA O FA'ATINOGA	VAEGA E FA'ATINOINA	TAIMI FA'ATULAGAINA
FAUTUAGA 15: la fa'amautinoa e mafai e tusitala ona līpoti matā'upu tau sāuāga i totonu o 'āiga i se 'auala e puipuia ai tagata āfāina, ma si'itia ātili le mālamalamaga o le atunu'u i uiga ma māfua'aga.	• Fefa'asoaa'i ma ātīna'e Tulaga Fa'ata'atitia a le Atunu'u mo le līpotiina o sāuāga i totonu o 'āiga. • Fa'atino a'oa'oga faifaipea mo le 'au tusitala i taimi fa'atūlagaina ma māta'itū ma iloilo taunu'uga.	• Asosi o le 'au tusitala / faasalalau a Samoa e galulue fa'atasi ma tagata uma e iai o latou sao	• Mataupu o lo'o mo'omia se fa'aiuga/ tali fa'anatinati
I'UGA 27 O LE SĀ'ILI'ILIGA: E mafai ona fa'ateleina ma 'olo'o fa'ateleina e 'auala o fa'asalalauga le lamatiaga mai sāuāga i totonu o 'āiga, e ala i le lagolagoina o manatu māsani e uiga i itūpā ma isi manatu lē manuia e māfua ai sāuāga i totonu o 'āiga.			
FAUTUAGA	TAUNU'UGA O FA'ATINOGA	VAEGA E FA'ATINOINA	TAIMI FA'ATULAGAINA
FAUTUAGA 16: Fa'aitiitia a'afiaga e āfāina ai i 'auala o fa'asalalauga, e ala i a'oa'oga ma le fa'ata'atitia o tulaga mana'omia i 'auala o fa'asalalauga.	• Taga'i toto'a ma fa'atino le Fautuaga 12 a le Sā'ili'iliga e uiga i a'oa'oga i faigā 'āiga i totonu o ā'oga. • Tu'uina atu i mātua a'oa'oga i 'auala e talatalanoa ai i a latou fānau e uiga i so'otaga lelei, e 'auala atu i nu'u ma afio'aga. • Tu'uina atu a'oa'oga i 'auala uma o fa'asalalauga i uiga, māfua'aga ma taunu'uga o sāuāga i totonu o 'āiga, ma lo latou sao e mafai ona fa'atino i le ūna'iga o le tulaga tutusa o itūpā ma le 'alofia o manatu māsani 'ae lē sa'o, fa'apea sāuāga.	• Matagaluega o A'oga, Ta'aloga ma Aganu'u • Matagaluega o Tinā ma Tama'ita'i, Atina'e o Nu'u ma Afio'aga ma Agafeso'ota'i • Asosi o le 'au tusitala / faasalalau a Samoa	• Mataupu o lo'o mo'omia se fa'aiuga/ tali vave

I'UGA 28 O LE SĀ'ILI'ILIGA: O le lē lava o le fa'amāoni o le Mālō ma ana fa'atinoga, e ala i le lē lava o puna'oa, lagolago ma le lē māopoopo o taumafaiga, e 'avatu ai i tagata se fe'au, e talia le tulaga lē tutusa o itūpā, ma e talia sāuāga i totonu o 'āiga.			
FAUTUAGA	**TAUNU'UGA O FA'ATINOGA**	**VAEGA E FA'ATINOINA**	**TAIMI FA'ATULAGAINA**
FAUTUAGA 17: Fa'avaeina se Nofoaga Tūtotonu a le Atunu'u mo Fa'alavelave tau Sāuāga i Totonu o 'Āiga, e iai faufautua fa'amāonia taualoa.	• 'Āmata fefa'asoaa'iga i le fa'avaeina o le Nofoaga Tūtotonu mo Fa'alavelave, e maua ai 'au'aunaga 'ese'ese ma ia maua i Apia fa'apea nu'u ma afioga i tua. • Fa'avaeina fa'ailoga ma tusipasi taualoa mo faufautua.	• Mālō	• Mataupu faagasolo o lo'o mo'omia se faaiuga/tali
FAUTUAGA 18: Lagolagoina e le Palemene 'ātoa le fa'afetaia'iga o sāuāga i totonu o 'āiga.	• Taumafai e talia ma fa'amāonia e sui uma o le Palemene fautuaga a le Sā'ili'iliga.	• Ofisa o Aiā Tatau o Tagata Soifua	• Mataupu o lo'o mo'omia se fa'aiuga/ tali fa'anatinati
FAUTUAGA 19: Si'itia tupe fa'aaogā ma le mafai ona tu'uina mai molimau fa'amāonia o galuega o polokalame e fa'afetaia'i ai sāuāga i totonu o 'āiga, ma ia ta'imua le tulaga tutusa o itūpā.	• Iloiloga tūto'atasi o tupe fa'aaogā a polokalame 'olo'o iai nei e fa'alagolago i mana'oga ma tupe fa'atatauina ua fa'amatu'u atu, ma le fa'aaogāina o tupe fa'atatauina ua fautuaina. • Fefa'asoaa'i ma taumafai ia tutusa totogi mo sui tama'ita'i o nu'u ma sui o nu'u, ma ia fa'avae le tu'uina atu i se faiga e fa'avae i le fa'atinoga o galuega e mafai ona aogā lelei ai le māta'itūina ma iloiloga. • Fa'alautele matāfaioi fa'atūlagaina a le Matāgaluega o Tinā ma Tama'ita'i, Ātīna'e o Nu'u ma Afio'aga, ia aofia ai fa'atinoga e lē fa'apito i se itūpā ma fa'atinoga e fa'afetaia'i ai le lē tutusa o tulaga o itūpā, e pei o le 'auai o tama'ita'i i ta'ita'iga.	• Mālō	• Mataupu o lo'o mo'omia se fa'aiuga/ tali vave
I'UGA 29 O LE SĀ'ILI'ILIGA: O le lē fa'avaeina o ni faiga aloa'ia e tali atu ai i sāuāga i totonu o 'āiga, o le 'auai lava lea o le tele o Fono a Nu'u i le ta'atele o sāuāga i totonu o 'āiga.			

I'UGA 30 O LE SĀ'ILI'ILIGA: E lē o mafai e matai ona puipuia tu'usa'o tagata e āfāina i sāuāga i totonu o 'āiga ma lē o fa'atinoina sa latou galuega o so latou tiute i nei matā'upu. O lona uiga, 'olo'o gata i totonu o 'āiga, ma leai ni taunu'uga manuia. E lē lava galuega a matai 'olo'o fai i le taimi nei e tāofia ai sāuāga i totonu o 'āiga, e ala i fa'ata'ita'iga lelei ma le fa'atupuina o le to'afīlēmū i le vā o tagata o o latou 'āiga.			
FAUTUAGA	**TAUNU'UGA O FA'ATINOGA**	**VAEGA E FA'ATINOINA**	**TAIMI FA'ATULAGAINA**
FAUTUAGA 20: la ta'ita'i ma taulāmua Fono a Nu'u i fa'atinoga e tāofia ai sāuāga i totonu o 'āiga.	• A'oa'oga lautele ma au'ili'ili mo sui o nu'u i uiga, māfua'aga ma taunu'uga o sāuāga i totonu o 'āiga, ma fa'asalalauina atu i matai uma o le nu'u, ma ia māta'itū taunu'uga. • Fa'avave le fa'avaeina o se Komiti a Nu'u mo le Saogalēmū o 'Āiga ma mautinoa le tulaga tutusa o itūpā i le filifiliga o le Komiti • Fa'atino teuteuga o le *Tulafono o Fanua ma Suafa 1981* ina ia mana'omia se tala'aga e le'i fa'atinoina ni sāuāga, o se tasi lea aiaiga mo le 'ūmia o se suafa matai, ma ni aiaiga e 'ave'esea ai se suafa matai pe 'āfai e fa'amāonia e le Fa'amasinoga se solitulafono tau sāuāga i totonu o 'āiga. • Fa'atinoga o polokalame a nu'u e a'oa'oina ai tagata i uiga, māfua'aga ma taunu'uga o sāuāga i totonu o 'āiga, ma fa'aitiitia lamatiaga e tutupu ai sāuāga i totonu o 'āiga.	• Matagaluega o Tinā ma Tama'ita'i, Atina'e o Nu'u ma Afio'aga ma Agafeso'ota'i, e galulue fa'atasi ma sui o nu'u • Fono a Nu'u • Ofisa Loia Sili • Matagaluega o Fa'amasinoga ma le Fa'afoeina o Mātaupu tau Fa'amasinoga (Fa'amasinoga o Fanua ma Suafa)	• Mataupu o lo'o mo'omia se fa'aiuga/ tali vave
I'UGA 31 O LE SĀ'ILI'ILIGA: Ua tele ina lē fa'atinoina le nafa o le lotu i le tāofiga o sāuāga i totonu o 'āiga ma 'olo'o tapu'eina le sosaiete e pūlea e ali'i, 'olo'o lalago ai sāuāga i totonu o 'āiga. 'Olo'o iai le sao o le lotu i le sa'oloto o fa'atino sāuāga e leai ni fa'asalaga ma 'olo'o talia tagata fa'atino sāuāga i lana 'aufaigaluega.			
FAUTUAGA	**TAUNU'UGA O FA'ATINOGA**	**VAEGA E FA'ATINOINA**	**TAIMI FA'ATULAGAINA**

FAUTUAGA 21: Ia tāofia e lotu le ūna'iga ma le lagolagoina o manatu ma uiga fa'aalia e fanafānau ai sāuāga i totonu o 'āiga ma ia 'avea o se ta'ita'i i le tāofiga o sāuāga i totonu o 'āiga.	• Ia 'auai faife'au i Komiti a Nu'u mo le Saogalēmū o 'Āiga. • Fa'atino a'oa'oga lautele ma au'ili'ili mo faife'au i uiga, māfua'aga ma taunu'uga o sāuāga i totonu o 'āiga, ma māta'itūina taunu'uga o ia a'oa'oga. • 'Auai lotu i le ātīna'ega o se talitonuga fa'alefa'atuatua mo le manuia o tagata lautele ma le saogalēmū o 'āiga. • Ātīna'e fautuaga mo faife'au o lotu i 'auala e ūna'i ma lagolagoina ai le leai o ni sāuāga, ma le laugaina o se talitonuga fa'alefa'atuatua mo le manuia o tagata lautele, e lē iai ni sāuāga. • Fa'atino faufautuaga mo ulugāli'i i a latou 'aulotu, e pei o le polokalame 'olo'o fa'atino nei e le lotu o le *Harvest Centre*. • Toe fa'atino asiasiga fa'aauau i tagata o 'aulotu ina ia ātīna'e so'otaga lelei, si'itia ta'ita'iga fa'aleagaga, ma 'avea o se 'auala o ulua'i lapata'iga ma le tāofiga o sāuāga i totonu o 'āiga. • Fa'avae tapula'a o saofaga fa'alelotu, ia feso'ota'i ma tupe e gafatia e 'āiga.	• Ta'ita'i uma o Lotu • Fa'alapotopotoga o Ekalesia So'ofa'atasi	• Mataupu o lo'o mo'omia se fa'aiuga/ tali vave
I'UGA 32 O LE SĀ'ILI'ILIGA: E lē o 'ausia tulaga lelei i le aoina o fa'amaumauga tau sāuāga i totonu o 'āiga ma faifaipea le sesē ona līpotiina le tulaga tonu o le lautele o le fa'afītāuli, ma fa'aitiitia ai le aogā o nai taumafaiga 'olo'o iai e fa'afetaia'i ai.			
FAUTUAGA	**TAUNU'UGA O FA'ATINOGA**	**VAEGA E FA'ATINOINA**	**TAIMI FA'ATULAGAINA**
FAUTUAGA 22: Fa'a'ogātotonu i taumafaiga o le tāofiga o sāuāga i totonu o 'āiga i Sāmoa le aoina o	• Ātīna'e se faiga e tu'ufa'atasia ai le aoina o fa'amaumauga a matāgaluega uma ma Fa'alāpotopotoga Tūma'oti 'olo'o tu'uina atu 'au'aunaga.	• Matagaluega o Fuainumera Fa'amauina	• Mataupu o lo'o mo'omia se fa'aiuga/ tali fa'anatinati

fa'amaumauga ma le Māta'itūina ma Iloiloga.	• Fa'avasega fa'amaumauga ma faamatalaga tau sāuāga i itupa, ituaiga, tausaga, manaoga faapitoa, nofoaga, ituaiga sāuāga aafia, tulaga o le tamaoaiga ma isi. • Ia fa'aaogā le Matāgaluega o Fuainumera Fa'amauina i le fa'amāoniga o fa'amaumauga ma a'oa'oga i tomai o le aoina o fa'amaumauga mo matāgaluega ma ofisa 'autū. • Ātīna'e le Ta'iala a le Atunu'u mo le Māta'itūina ma Iloiloga o le Ta'iala a le Atunu'u mo le Tāofiga o Sāuāga i Totonu o 'Āiga.	• Matagaluega o Leoleo (Vaega o Sāuāga Fa'alotoifale) • To'omaga mo ē Puapuagatia • Koluse Mūmū • Matagaluega o Va-i-Fafo ma Feta'ataua'iga(Sadata) /Ofisa o Aiā Tatau o Tagata Soifua	
I'UGA 33 O LE SĀ'ILI'ILIGA: Ua mālosi atu le ta'iala fa'aletulafono a Sāmoa i matā'upu tau sāuāga i totonu o 'āiga, nai le tulaga sa iai. Peita'i, e vāivai pe leai fo'i se fa'atinoga ma le māta'itūina o le aogā lelei.			
FAUTUAGA	**TAUNU'UGA O FA'ATINOGA**	**VAEGA E FA'ATINOINA**	**TAIMI FA'ATULAGAINA**
FAUTUAGA 23: Fa'amālosia le ta'iala fa'aletulafono ma ātīna'e se ta'iala lautele ma au'ili'ili o le māta'itūina ma iloiloga.	• Pāsia le Tulafono Taufa'aofi o le Tausiga ma le Puipuiga o Tamaiti. • Teuteu le *Tulafono o le Saogalemu o Aiga 2013* ina ia: a) Aofia ai sāuāga tautupe po o sāuāga tau tamāo'āiga i le fa'amatalaina; b) Aofia ai se aiaiga o le taimi fa'atapula'aina mo le fa'ao'oina atu o poloa'iga tau puipuiga; c) Maua le puipuiga e tagata e līpotiina sāuāga i totonu o 'āiga; ma	• Mālō • Ofisa Loa Sili • Matagaluega o Tinā ma Tama'ita'i, Atina'e o Nu'u ma Afio'aga ma Agafeso'ota'I (Ofisa mo le Tāofiga o Sāuāga) • Matagaluega o Va-i-Fafo ma Feta'ataua'iga(Sadata) /Ofisa o Aiā Tatau o Tagata Soifua	• Mataupu o lo'o mo'omia se fa'aiuga/ tali vave

	d) Mana'omia ai Fono a Nu'u e fesoasoani i le fa'amālosia ma le māta'itūina o poloa'iga tau puipuiga. • Ātīna'e se ta'iala lautele ma au'ili'ili o le māta'itūina ma iloiloga o tulafono uma tau saogalēmū o 'āiga.		
I'UGA 34 O LE SĀ'ILI'ILIGA: O le lē tu'uina atu o 'au'aunaga talafeagai ma le lagolago i tagata āfāina fa'apea le tāofiga o sāuāga i totonu o 'āiga, e tu'ua'ia ai le Mālō i le salalau o le soliga o aiā tatau a tagata soifua ma fa'aali mai ai lona lagolagoina o sāuāga i totonu o 'āiga.			
FAUTUAGA	**TAUNU'UGA O FA'ATINOGA**	**VAEGA E FA'ATINOINA**	**TAIMI FA'ATULAGAINA**
FAUTUAGA 24: Fa'amautinoa le maua e tagata uma o nofoaga e sulufa'i i ai, e fa'avae i mana'oga 'olo'o iai.	• Fa'atino iloiloga tūto'atasi o mana'oga ma tu'uina atu fautuaga pe fa'atino 'au'aunaga i le ta'ita'iga a Fa'alāpotopotoga Tūma'oti, pe ta'ita'i e le Mālō, po se tu'ufa'atasiga. • Tu'uina atu nofoaga o sulufa'iga ia fa'amalieina le mana'oga ua fa'ama'otiina. • Ia iai le mālosi'aga i le Ofisa mo Aiā Tatau a Tagata Soifua e māta'itū tulaga mana'omia i nofoaga o sulufa'iga. • Si'itia le tulaga o 'au'aunaga a le vaega o le mālōlōina o le māfaufau ia mafai ona tali atu i mana'oga o le atunu'u (e pei ona maua mai i le iloiloga o mana'oga ua tā'ua i luga).	• Mālō • Ofisa o Aiā Tatau o Tagata Soifua • Matagaluega o le Soifua Soifua Mālōlōina Maloloina/Auaunaga Fa'asoifua Mālōlōina	• Mataupu faagasolo o lo'o mo'omia se faaiuga/tali
I'UGA 35 O LE SĀ'ILI'ILIGA: E lē o lava a'oa'oga talafeagai mo Leoleo i tomai e fa'afoe ai matā'upu tau sāuāga fa'alotoifale. E leai se molimau e fa'ailoa mai ai fua o a'oa'oga ua maua e le lautele o leoleo, ma 'olo'o laualuga pea manatu e āfāina ai tagata, ma fa'atinoga tuai, 'olo'o tāofia ai tagata mai le līpoti atu o sāuāga i totonu o 'āiga.			
FAUTUAGA	**TAUNU'UGA O FA'ATINOGA**	**VAEGA E FA'ATINOINA**	**TAIMI FA'ATULAGAINA**

FAUTUAGA 25: Fa'aopoopoina tomai ma agava'a e mafai ai e 'au'aunaga a Leoleo ona fa'atino la latou matāfaioi o le ofisa 'autū e maua ai le puipuiga mo tagata āfāina i sāuāga i totonu o 'āiga.	• Fa'atino le 'auala o le lē talia o sāuāga e le 'ātoaga o 'au'aunaga a leoleo. • Fa'aopoopoina leoleoga i nu'u ma afio'aga. • Fa'atino a'oa'oga i le Saogalēmū o 'Āiga mo i latou uma fa'ato'ā ulufale ma a'oa'oga fa'aauau toe fa'amanatu mo leoleo uma, ia aofia ai: a) Manatu māsani i itūpā, fa'aitū'au ma le sao i sāuāga i totonu o 'āiga; b) O nafa o le mālosi ma le pule i le ta'amilosaga o sāuāga; c) Māfua'aga ma taunu'uga o sāuāga i totonu o 'āiga i Sāmoa; d) Tali atu i tagata āfāina ma tagata fa'atino sāuāga i totonu o 'āiga; e) 'Au'aunaga ma faiga e 'auina atu ai tagata āfāina ma tagata fa'atino sāuāga mo isi fesoasoani (ft. poloa'iga tau puipuiga); f) Auivi o tulafono; g) Tulaga faatonuina o 'aiā tatau faalevaomālō; h) Faamaumauga o sāuāga i totonu of 'āiga.	• Matagaluega o Leoelo • To'omaga mo ē Puapuagatia • Matagaluega o le Soifua Soifua Mālōlōina Maloloina/Auaunaga Fa'asoifua Mālōlōina • Ofisa o Aiā Tatau o Tagata Soifua	• Mataupu o lo'o mo'omia se fa'aiuga/ tali fa'anatinati
I'UGA 36 O LE SĀ'ILI'ILIGA: E lē lava puna'oa a 'Au'aunaga Fa'asoifua Mālōlōina ma le iloa e fa'atino ai su'esu'ega aogā lelei o tagata āfāina i sāuāga i totonu o 'āiga, ma e leai fo'i se faiga tau 'au'aunaga lagolago fa'asoifua mālōlōina e 'auina atu i ai tagata āfāina. E lē līpotiina matā'upu tau sāuāga i totonu o 'āiga ona o manatu ma uiga fa'aalia o le 'aufaigaluega, ma e iai fo'i tagata fa'atino sāuāga i le 'aufaigaluega, ma fa'aauau ai pea lava sāuāga i totonu o 'āiga.			
FAUTUAGA	**TAUNU'UGA O FA'ATINOGA**	**VAEGA E FA'ATINOINA**	**TAIMI FA'ATULAGAINA**
FAUTUAGA 26: Tapu'e ātili ma fa'aleleia le sao ma le gafatia e	• Talia e le Matāgaluega o le Soifua Mālōlōina o sāuāga i totonu o 'āiga, o se matā'upu tau	• Vaega mo soifua mālōlōina	• Mataupu o lo'o mo'omia se

'au'aunaga fa'asoifua mālōlōina, e mafai ai ona talafeagai la latou puipuiga fa'asaga i sāuāga i totonu o 'āiga, ma fa'atino so latou sao i le fa'amutaina o le ta'amilosaga o sāuāga.	soifua mālōlōina o tagata lautele, ma ia ātīna'e se fuafuaga lautele ma au'ili'ili o lana tali atu e fa'afetaia'i lea matā'upu, e aofia ai; • Fa'avaeina o se fa'agāsologa o su'esu'ega o ma'i mo sāuāga i totonu o 'āiga, e 'ogātotonu ai le manuia o le tagata āfāina, ma ia mautinoa e lē toe tula'i mai ai le fa'aopoopoina o se isi āfāina; • A'oa'oga faifaipea i taimi fa'atulagaina, mo tagata tomai fa'apitoa tau soifua mālōlōina i le saogalēmū o 'āiga, ia aofia ai matā'upu 'olo'o mulimuli mai: a) Manatu māsani i itūpā, fa'aitū'au, ma le sao i sāuāga i totonu o 'āiga; b) Nafa o le mālosi ma le pule, ma le ta'amilosaga o sāuāga i totonu o 'āiga; c) Māfua'aga ma taunu'uga o sāuāga i totonu o 'āiga i Sāmoa; d) Tali atu i tagata āfāina ma tagata fa'atino sāuāga i totonu o 'āiga; e) 'Au'aunaga ma faiga e 'auina atu ai tagata āfāina ma tagata fa'atino sāuāga mo isi fesoasoani; f) Ta'iala fa'aletulafono; g) Tulaga mana'omia fa'avāomālō tau aiā tatau a tagata soifua; h) Fa'amaumauina o matā'upu tau sāuāga i totonu o 'āiga. • Fa'aleleia le aoina o fa'amaumauga ma le fa'amaumauina o matā'upu. • Fa'atino se faiga aloa'ia mo le 'auina atu o tagata āfāina ma tagata fa'atino sāuāga mo isi fesoasoani.	• Matagaluega o le Soifua Soifua Mālōlōina Maloloina/Auaunaga Fa'asoifua Mālōlōina • Fa'alapotopotoga mo le Soifua Mālōlōina o 'Āiga Samoa	fa'aiuga/ tali fa'anatinati

FAUTUAGA 27: Ātīna'e se 'au'aunaga lagolago fa'asoifua mālōlōina mo Sāmoa.	• Fa'atino se su'esu'ega 'āmata tūto'atasi e fa'amanino ai mana'oga ma le ātina'ega o fuafuaga. • Sā'ili'ili ma maua mai fa'atupega 'āmata ma lagolago tau tomai fa'apitoa mai pā'aga fa'avāomālō.	• Vaega mo soifua mālōlōina • Matagaluega o le Soifua Soifua Mālōlōina Maloloina/Auaunaga Fa'asoifua Mālōlōina • Fa'alapotopotoga mo le Soifua Mālōlōina o 'Āiga Samoa	• Mataupu o lo'o mo'omia se fa'aiuga/ tali fa'anatinati
I'UGA 37 O LE SĀ'ILI'ILIGA: E iai galuega mo le āga'i i luma ua fa'atinoina e le vaega o fa'amasinoga ua tatau ma onomea ai le fa'amālō. Peita'i, 'olo'o iai isi itū e mana'omia le taga'i i ai, e aofia ai le mauaina e tagata o avanoa i le fa'amasinoga, le iloa ma le mālamalama o tagata i tulafono, ma le fa'aaogāina o fa'atinoga fa'aleaganu'u i le faiga o i'uga o fa'asalaga.			
FAUTUAGA	**TAUNU'UGA O FA'ATINOGA**	**VAEGA E FA'ATINOINA**	**TAIMI FA'ATULAGAINA**
FAUTUAGA 28: Fa'amālosia le fa'amasinoga ina ia mautinoa e tutusa le mauaina o fa'amasinoga tonu, talafeagai tulaga mana'omia o 'au'aunaga ma taga'i toto'a fa'amasino i lamatiaga mo tagata ua āfāina i sāuāga i totonu o 'āiga, ona o le fa'aaogāina o ifoga ma tusi molimau o āmio.	• Fa'avaeina le Ofisa 'Autū o Matā'upu Fa'aletulafono mo Tagata Lautele e lava puna'oa mana'omia e tali atu ai i mana'oga o le atunu'u tau fesoasoani fa'aletulafono, ma le fa'atupuina o le silafia. • Fa'atino se iloiloga e fua ai le aogā o faufautuaga i matā'upu tau sāuāga i totonu o 'āiga, ma le tāofia pe 'āfai e aliali mai e ono o'o i le fa'aopoopoina o le āfāina o tagata ua āfāina. • Fa'avae fua o tulaga mana'omia mo 'au'aunaga e 'auina atu i ai tagata, ma ia faifaipea le māta'itūina.	• Matagaluega o Fa'amasinoga ma le Fa'afoeina o Mātaupu tau Fa'amasinoga • Matagaluega o Leoleo • Matagaluega o le Soifua Soifua Mālōlōina Maloloina/Auaunaga Fa'asoifua Mālōlōina	• Mataupu o lo'o mo'omia se fa'aiuga/ tali vave
I'UGA 38 O LE SĀ'ILI'ILIGA: E lē o tā'ua manino sāuāga i totonu o 'āiga, o se tasi o matāfaioi a Fono a Nu'u, i le *Tulafono o Fono a Nuu 1990*.			

I'UGA 39 O LE SĀ'ILI'ILIGA: E lē o puipuia e Fono a Nu'u tagata āfāina i sāuāga i totonu o 'āiga ma o isi taimi 'olo'o o latou tāofia le o'o atu o tagata āfāina i le fa'amasinoga, ma fa'ateleina ai le si'osi'omaga 'olo'o olaola ai sāuāga i totonu o 'āiga, e ala i fa'asalaga e lē lelei le fa'avaeina, ma le tāofia o le līpotiina atu o matā'upu i leoleo.			
FAUTUAGA	**TAUNU'UGA O FA'ATINOGA**	**VAEGA E FA'ATINOINA**	**TAIMI FA'ATULAGAINA**
FAUTUAGA 29: Teuteu le *Tulafono o Fono a Nuu 1990* ia fa'ama'oti, o sāuāga i totonu o 'āiga o se tasi lea o matā'upu e taga'i i ai Fono a Nu'u.	• Fefa'asoaa'i ma tagata talafeagai i teuteuga o le *Tulafono o Fono a Nu'u 1990* ina ia fa'ama'oti ma aofia sāuāga i totonu o 'āiga, o se tasi o matā'upu e tatau ona taga'i i ai Fono a Nu'u.	• Matagaluega o Tinā ma Tama'ita'i, Atina'e o Nu'u ma Afio'aga ma Agafeso'ota'i, e fa'afesoaa'i ma Sui o Nu'u • Fono a Nu'u	• Mataupu o lo'o mo'omia se fa'aiuga/ tali vave
FAUTUAGA 30: Tu'uina atu le mālosi'aga i Fono a Nu'u ma Komiti mo le Saogalēmū o 'Āiga, e fa'atino se sao i le tu'uina atu o tagata fa'atino sāuāga i totonu o 'āiga i le fa'amasinoga.	• Fa'alēaogāina tulafono 'olo'o iai a Fono a Nu'u e līpoti muamua atu i le Fono matā'upu tau sāuāga i totonu o 'āiga 'ae le'i o'o atu i leoleo. • Fai ni tulafono e fa'amālosi'au ai e līpoti atu matā'upu tau sāuāga i totonu o 'āiga i Fono a Nu'u. • Fa'atulafonoina le līpoti atu o Fono a Nu'u ma/po o Komiti mo le Saogalēmū o 'Āiga i Leoleo. • Tu'uina atu le mālosi'aga i Komiti mo le Saogalēmū o 'Āiga e māta'itū ai poloa'iga tau puipuiga ma tagata palola i matā'upu tau sāuāga i totonu o 'āiga.	• Fono a Nu'u	• Mataupu o lo'o mo'omia se fa'aiuga/ tali fa'anatinati
FAUTUAGA 31: Tu'u atu le mālosi'aga i Fono a Nu'u / Komiti mo le Saogalēmū o 'Āiga, e fa'atino so latou sao tu'usa'o i le puipuiga i matā'upu ta'itasi o	• 'Atofaina e le Komiti mo le Saogalēmū o nofoaga e malu ai tagata āfāina mai sāuāga i totonu o 'āiga • Fai tulafono a nu'u e fa'ata'atia ai fa'asalaga i matā'upu tau sāuāga i totonu o 'āiga, e fa'avae	• Fono a Nu'u, e galulue fa'atasi ma Komiti mo le Saogalēmū pe a fa'avaeina	• Mataupu o lo'o mo'omia se fa'aiuga/ tali vave

sāuāga i totonu o 'āiga, e ala i le tu'uina atu o nofoaga e malu ai tagata āfāina, ma fa'asalaga talafeagai mo tagata fa'atino sāuāga.	i fa'asalaga tupe tolopōina ma/po o fa'asalaga e fa'atino ai galuega mo le manuia o le nu'u. • Taga'i i le 'ave'eseina o le fa'asalaga o le fa'atūla'i 'ese ma le nu'u ona o sāuāga i totonu o 'āiga, vaganā ua matuā manino lona talafeagai.		
I'UGA 40 O LE SĀ'ILI'ILIGA: E tele ina lē o ofoina atu e lotu i Sāmoa se puipuiga i tagata āfāina i sāuāga i totonu o 'āiga, ma e tele taimi e fautuaina ai tagata āfāina e toe fo'i atu i le so'otaga ma lea pā'aga, ma fa'aopoopoina ai o latou lamatiaga mai isi sāuāga.			
FAUTUAGA	TAUNU'UGA O FA'ATINOGA	VAEGA E FA'ATINOINA	TAIMI FA'ATULAGAINA
FAUTUAGA 32: Si'itia le mafai e le lotu ona puipui tagata mai sāuāga i totonu o 'āiga ma tāofia fa'atinoga e mafai ona o'o ai tagata āfāina i se tulaga e lamatia ai mai isi āfāina.	• Fefa'asoaa'i ma fa'avaeina ta'iala a le atunu'u mo faife'au i le feagai ai ma tagata āfāina ma tagata fa'atino sāuāga i totonu o 'āiga, ia aofia ai: a) Uiga, māfua'aga ma taunu'uga o sāuāga i totonu o 'āiga i Sāmoa; b) 'Auala e feagai ai ma tagata āfāina ma tagata fa'atino sāuāga i totonu o 'āiga; c) Tulafono ma 'au'aunaga; d) Fautuaina o ulugāli'i ua aliali mai fa'ailoga po o lamatiaga o sāuāga i totonu o 'āiga e) Fa'asāina o le fautuaina o se tasi e toe fo'i i se so'otaga o iai sāuāga. • Fefa'asoaa'i ma pā'aga talafeagai ma fa'avae se faiga o nofoaga e malu ai tagata āfāina i sāuāga i totonu o 'āiga. • Fa'avae se 'auala mo fa'aseā ma 'auala e līpoti ai (ma fa'agāsologa o fa'asalaga feso'ota'i) mo tagata o le lotu e fa'atino sāuāga.	• Fa'alapotopotoga o Ekalesia So'ofa'atasi • Ta'ia'i uma o Lotu	• Mataupu o lo'o mo'omia se fa'aiuga/ tali vave
I'UGA 41 O LE SĀ'ILI'ILIGA: 'Olo'o fa'atino e Fa'alāpotopotoga Tūma'oti se galuega tele e tatau ona 'ave i ai le fa'amālō, e tali atu ai i le mana'oga e lē o fa'amalieina e le Mālō. Peita'i, e mana'omia le mafai ona fa'amālamalama fa'atinoga, le fa'amāopoopoina, a'oa'oga i			

tomai o galuega, ma e mana'omia le aoina o fa'amaumauga ina ia si'itia le aogā lelei o fa'atinoga, ma ia fa'amautinoa e maua e tagata āfāina i sāuāga i totonu o 'āiga tausiga talafeagai, i tulaga mana'omia o 'au'aunaga ua fa'ata'atitia.			
FAUTUAGA	**TAUNU'UGA O FA'ATINOGA**	**VAEGA E FA'ATINOINA**	**TAIMI FA'ATULAGAINA**
FAUTUAGA 33: Fa'ama'ite e le Mālō le fa'amālosia ma le fa'amāopoopoina o Fa'alāpotopotoga Tūma'oti, i la latou tali atu i sāuāga i totonu o 'āiga.	• Fa'avae 'auala o le fa'amāopoopoina. • Fa'avae fua o tulaga mana'omia a le atunu'u o 'au'aunaga a Fa'alāpotopotoga Tūma'oti e feso'ota'i ma le tāofiga ma le puipuiga o sāuāga i totonu o 'āiga, ma le māta'itūina o ia tulaga mana'omia. • Fa'atino a'oa'oga ma le ātīna'ega o tomai ma le mafai ona fa'atino o galuega a le vaega o Fa'alāpotopotoga Tūma'oti. • Ātīna'e se faiga e fa'ata'atia ai 'auala o le aoina o fa'amaumauga. • Sā'ili'ili ma maua mai fesoasoani tautupe ma tomai fa'apitoa.	• Matagaluega o Tinā ma Tama'ita'i, Atina'e o Nu'u ma Afio'aga ma Agafeso'ota'i, e galulue fa'atasi ma le Fa'amalu o Fa'alāpotopotoga Tūma'oti o Samoa ma isi Fa'alāpotopotoga Tūma'oti	• Mataupu o lo'o mo'omia se fa'aiuga/ tali vave
I'UGA 42 O LE SĀ'ILI'ILIGA: O le manatu sesē o le 'ava mālosi o se "māfua'aga" 'ae lē se u'una'i, 'olo'o iai le sao i le māsani o le lē fa'asalaina ma maua ai pea le avanoa e tagata fa'atino sāuāga e "tu'ua'i le 'ava mālosi" 'ae lē feagai ma taunu'uga o a latou fa'atinoga. O lenei manatu sesē ua seu 'ese ai le va'ai mai māfua'aga tonu o sāuāga i totonu o 'āiga – o le lē tutusa o tulaga o itūpā, ma le mālosi ma le pule. **I'UGA 43 O LE SĀ'ILI'ILIGA:** O le fa'aaogā fa'atāutala o le 'ava mālosi o se u'una'i o le fa'atinoga o sāuāga i totonu o 'āiga ma, o le fa'afetaia'iga o le so'ona fa'aaogā fa'atāutala ma le fa'aaogā sesē o le 'ava mālosi, e mafai ona fa'aitiitia ai itū'āiga sāuāga uma i totonu o le atunu'u.			
FAUTUAGA	**TAUNU'UGA O FA'ATINOGA**	**VAEGA E FA'ATINOINA**	**TAIMI FA'ATULAGAINA**

FAUTUAGA 34: Fa'aitiitia fua fa'atatau o le fa'aaogā fa'atāutala o le 'ava mālosi.	• Fa'amāonia ma fa'atino fautuaga a le Komisi o le Toefuata'iga o Tulafono a Sāmoa e uiga i toefuata'iga e feso'ota'i ma le 'ava mālosi ina ia tāofia le fa'aaogā fa'atāutala o le 'ava mālosi, ma fa'amautinoa le maua o puna'oa mana'omia mo le fa'atinoga ma le māta'itūina. • Fa'avae ni tulafono a Fono a Nu'u e fa'ata'atia ai fa'asalaga e fa'avae i galuega fa'atino mo le manuia o afio'aga, mo matā'upu tau fa'aaogāina fa'atāutala o le 'ava mālosi. • Iloilo ma māta'itū taunu'uga o polokalame o le fa'atautaiga o le 'ava mālosi ma fua mana'oga o iai o le atunu'u ma fa'amautinoa e mafai ona maua e tagata uma o le atunu'u ia polokalame.	• Mālō • Fono a Nu'u	• Mataupu o lo'o mo'omia se fa'aiuga/ tali fa'anatinati
I'UGA 44 O LE SĀ'ILI'ILIGA: Ua mōu atu le agaga sa iai i le faiga o fa'alavelave. O le taimi nei, ua fa'atino pei o se tauvāga, ma ua saga fa'aopoopo ai le 'avega tautupe i 'āiga, ma e mafai ona 'avea lea o se u'una'i o fa'atinoga o sāuāga i totonu o 'āiga, ma fa'ateteleina ai le salalau o sāuāga i le atunu'u. E fa'apea fo'i taunu'uga o fa'asalaga a Fono a Nu'u, o sala tupe ma le fa'atūla'i 'ese ma le nu'u. **I'UGA 45 O LE SĀ'ILI'ILIGA:** Ua āga'i atu lava ina lē mafai ona pūlea le maoa'e o tupe o saofaga i le lotu ona ua fai fa'atauvāga ma le lē mafai e lotu ona pūlea aofa'i e tu'uina atu, ma ua o'o atu ai i le so'ona fa'aopoopoina o le 'avega tautupe, ma i'u atu ai i le u'una'iga o le ātili ta'atele o sāuāga i totonu o 'āiga.		
FAUTUAGA	**TAUNU'UGA O FA'ATINOGA**	**VAEGA E FA'ATINOINA**	**TAIMI FA'ATULAGAINA**
FAUTUAGA 35: Fai se galuega i fa'atinoga fa'aleaganu'u ma fa'alelotu ia fa'aitiitia ai sāuāga i totonu o 'āiga, e tūla'i mai ona o 'avega tautupe, ma fa'aopoopo polokalame mo le fa'a'āu'upegaina tautupe mo 'āiga.	• Fa'avae ni tulafono a Fono a Nu'u e fa'atapula'a ai saofaga i fa'alavelave. • Fa'avae ni ta'iala a le lotu e fa'atapula'a ai tupe mo tiute fa'alelotu, e fa'avae i tupe maua a 'āiga. • Taga'i 'āiga i isi 'auala e fa'aitiitia ai a latou tupe e fa'aalu i tiute fa'aleaganu'u ma tiute fa'alelotu.	• Matagaluega o Tinā ma Tama'ita'i, Atina'e o Nu'u ma Afio'aga ma Agafeso'ota'i • (Ofisa mo le Tāofiga o Sāuāga i Totonu o 'Āiga) • Fono a Nu'u • 'Āiga	• Mataupu o lo'o mo'omia se fa'aiuga/ tali fa'anatinati

	• Fa'alautele atu polokalame a le Mālō mo le fa'aāu'upegaina o 'āiga i le itū tautupe ma māta'itū taunu'uga.		
I'UGA 46 O LE SĀ'ILI'ILIGA: O le ita ma le fuā e mafai ona u'una'ia sāuāga i totonu o 'āiga, ma mafai ona fa'aaogāina e tagata fa'atino sāuāga, o se meafaigaluega; o le fa'afetaia'iga o ia fa'afītāuli e lua, e mafai ona fa'aitiitia ai sāuāga i totonu o 'āiga.			
FAUTUAGA	**TAUNU'UGA O FA'ATINOGA**	**VAEGA E FA'ATINOINA**	**TAIMI FA'ATULAGAINA**
FAUTUAGA 36: Ātīna'e se mālamalamaga i le sao o le ita i sāuāga i totonu o 'āiga, fa'alautele atu polokalame o le fa'atautaiga o le ita, ma fa'afetaia'i le sao o le fuā, e ala i a'oa'oga ma polokalame fa'atupu silafia.	• Ātīna'e se fa'agāsologa e su'esu'e ai le sao o le fa'atautaiga o le ita i tagata ta'ito'atasi. • Fua le aogā lelei o polokalame i se fa'atūlagaga faifaipea, fa'amautinoa 'olo'o iai agava'a e tali atu ai i mana'oga, ma ātīna'e se faiga e 'auina atu ai tagata i 'au'aunaga mana'omia (ia aofia ai Fono a Nu'u / Komiti mo le Saogalēmū o 'Āiga). • Fa'afetaia'i le sao o le fuā i a'oa'oga, polokalame fa'atupu silafia, ma polokalame o le fa'atautaiga o le ita.	• Matagaluega o A'oga, Aganu'u ma Ta'aloga • Matagaluega o Tinā ma Tama'ita'i, Atina'e o Nu'u ma Afio'aga ma Agafeso'ota'i (Ofisa mo le Tāofiga o Sāuāga i Totonu o 'Āiga) • Matagaluega o le Soifua Soifua Mālōlōina Maloloina/Auaunaga Fa'asoifua Mālōlōina	• Mataupu o lo'o mo'omia se fa'aiuga/ tali fa'anatinati
I'UGA 47 O LE SĀ'ILI'ILIGA: O le o'o mai i Sāmoa o le soifuaga e fa'aaogā ai le tupe, ma le lē lava o le mālamalama i le fa'afoeina o tupe, ua tu'ufa'atasia ia e tūla'i mai ai 'avega tautupe, ma i'u ai ina si'itia le lamatiaga mai sāuāga i totonu o 'āiga.			
FAUTUAGA	**TAUNU'UGA O FA'ATINOGA**	**VAEGA E FA'ATINOINA**	**TAIMI FA'ATULAGAINA**
FAUTUAGA 37: Si'itia le mālamalamaga o le atunu'u i le fa'afoega o matā'upu tautupe.	• Fa'aofi a'oa'oga o mālamalamaga tautupe i matā'upu a'oa'oina i ā'oga. • Fa'ateleina polokalame o mālamalamaga tautupe mo nu'u ma afio'aga e ala atu i	• Faletupe Tutotonu o Samoa e galulue fa'atasi ma le Matagaluega o Aoga, Aganu'u ma Ta'aloga	• Mataupu o lo'o mo'omia se fa'aiuga/ tali vave

	feso'ota'iga ma sui o nu'u, ma māta'itū taunu'uga.	ma le Matagaluega o Tinā ma Tama'ita'i, Atina'e o Nu'u ma Afio'aga ma Agafeso'ota'i (Ofisa mo le Tāofiga o Sāuāga i Totonu o 'Āiga)	
I'UGA 48 O LE SĀ'ILI'ILIGA: O suiga o le ōlaga mai tulaga sa māsani ona iai, ua si'itia ai le lē iloa atu e se tasi o mea e tutupu i se 'āiga, ua vāvāmamao tulaga o fale, ma fa'aitiitia ai le ono iai o se lavea'i i taimi o sāuāga i totonu o 'āiga, ma ua mōu atu fo'i le tūlaga mautū sa iai ali'i ma tama'ita'i i totonu o nu'u ma afio'aga.			
FAUTUAGA	TAUNU'UGA O FA'ATINOGA	VAEGA E FA'ATINOINA	TAIMI FA'ATULAGAINA
FAUTUAGA 38: Fa'aitiitia a'afiaga ona o le leiloa atu o puipuiga sa iai o le tāofiga o sāuāga, e ala i le fa'amālosia o isi 'auala o le puipuiga ma le fa'atinoga o fautuaga 'ese'ese ua tu'uina atu e le Sā'ili'iliga e fa'avae ai 'auala fou. O le fa'atinoina 'āto'atoa o fautuaga a le Sā'ili'iliga, e mafai fo'i ona fa'aaogāina le toe fa'afo'i ai le tulaga mautū sa iai, o ali'i ma tama'ita'i i totonu o nu'u ma afio'aga.	• Taga'i ma fa'amāonia fautuaga uma a le Sā'ili'iliga.	• Mālō	• Mataupu o lo'o mo'omia se fa'aiuga/ tali fa'anatinati/ Mataupu o lo'o mo'omia se fa'aiuga/ tali vave/ Mataupu faagasolo o lo'o mo'omia se faaiuga/tali
I'UGA 49 O LE SĀ'ILI'ILIGA: O le si'itia o le fa'aaogāina o masini 'eletoroni e mafai ona o'o atu i le fa'ateleina o le lamatiaga o sāuāga i totonu o 'āiga.			

FAUTUAGA	TAUNU'UGA O FA'ATINOGA	VAEGA E FA'ATINOINA	TAIMI FA'ATULAGAINA
FAUTUAGA 39: Fa'atupu le silafia i taunu'uga o le so'ona fa'aaogā o tekonolosi ma ūna'i isi 'auala mālōlōina lelei e mafai ona fa'atino.	• Fa'atino a'oa'oga mo tamaiti ma mātua i a'afiaga e mafai ona taunu'u i ai le so'ona fa'aaogāina o tekonolosi ma e mafai ona fa'ateleina ai le lamatiaga o sāuāga i totonu o 'āiga. • Ātīna'e ma fa'asalalau atu isi fa'atinoga mo tagata talavou, 'aemaise gāoioiga e fa'avae i fa'atinoga fa'aleaganu'u e pei o le siva, fa'atautaiga o fōlauga, fa'atufugaga fa'asāmoa m.m.f.	• Matagaluega o Tinā ma Tama'ita'i, Atina'e o Nu'u ma Afio'aga ma Agafeso'ota'i • Matagaluega o A'oga, Aganu'u ma Ta'aloga • Ofisa o le Pule Fa'atonu • Ofisa o Aiā Tatau o Tagata Soifua	• Mataupu o lo'o mo'omia se fa'aiuga/ tali fa'anatinati

SĀUĀGA I TOTONU O 'ĀIGA I SAMOA

FANAU

87% SĀUAGA I UPU

o i latou na ‘auai i le su’esu’ega na tali mai na folafola atu le sāuāina i o latou ‘āiga

SASA/SĀUĀGA O LE TINO

86% na fea’a, tatu’i po o isi itū’āiga fa’ao’olima

SĀUĀGA TAU FAIGĀ ‘ĀIGA MA LE MATA'IFALE

9.5% o tama’ita’i na ‘auai i le su’esu’ega na līpoti mai na toso e se tagata o lo latou lava ‘āiga

SĀUĀGA E MAPUNA A’E I LE ITA

O se tasi o matā’upu na aliali a’e pea i le gāsologa o le Sā’ili’iliga, o le mātauina lea, e tele taimi e fa’atino ai faatonuga/sāuāga i upu mamafa, e lē ona ua iai se mea sesē ua fai e le tamaitiiti, a ua ‘avea o se ‘alofaga e fa’asasao ai le ita o le matua.

FA’ATALITANE O TAMAITI & MA ATA MĀTAGĀ E FA’AAOGĀ AI TAMAITI

Na fa’ailoa mai fo’i i le Sā’ili’iliga isi itū’āiga sāuāga tau faigā ‘āiga fa’asaga i tamaiti, o le fa’atalitane o tamaiti (e aofia ai tama ma teine), ma ata mātagā e fa’aaogā ai tamaiti.

“Ua outou fa’alogo i tūrisi e ō mai i inei e fai fa’atinoga tau faigā ‘āiga ma tamaiti? Ioe, ua tupu ma ‘olo’o tupu. E iai matā’upu fa’apea ua līpoti mai, ma ua o matou vā’ai fo’i i ai.” ~ Leoleo, ofisa o leoleo i nu’u i tua, Avanoa fa’alaua’itele e fa’aleo ai manatu

SĀUĀGA I TAMAITI VAETAMA

O se tulaga fa’anoanoa i le Sā’ili’iliga le tele o molimau na folasia i tulaga o le ‘ese ma le leaga o le faiga o tamaiti vaetama, mai le faiga o fānau moni. E toso isi (tamaiti vaetama), ae afisi isi (fānau moni).

TAGATA MATUTUA

SĀUĀGA I NOFOTANE

O le faiga o nofotane ua maualalo ifo ai lo latou tulaga mai isi tagata o le ‘āiga, o se faiga ua solia ai aiā tatau a tagata soifua ona o sāuāga o feagai ma latou. E lea faiga, ua fa’aitiitia ai fo’i le tāua o talitonuga fa’avae o le Fa’asāmoa o le feāvaa’i ma le fepuipuia’i.

SĀUĀGA I SE PĀ’AGA VĀVĀLALATA

O le tele o sāuāga i totonu o 'āiga i Samoa o sāuāga ia e fa'asaga i se Pā’aga Vāvālalata:

86% o i latou na fea’a, tatu’i, pō, āfāina i le fa’aaogāina o se meafaitino malō (ma’a/ ‘alā, fāsi lā’au, ‘ogālā’au, fa’agā’au, m.m.f.)

87% o i latou na aofia i le su’esu’ega na lafo i ai upu mātuiā ma upu lafo ‘ava’avau/’e’ē

24% o i latou na titina

87% o i latou na o’o i ai upu fa’afefe o le sāuāina po o le āfāina o le tino

SĀUĀGA I VĀ O TAGATA O ‘ĀIGA

E feso’ota’i itū’āiga sāuāga ese’ese. O le ta’atele o sāuāga fa’atino e ali’i i ali’i, e tele ina lē talanoaina, peita’i, e tele taimi na fa’amati’e ai e tagata a o fa’agāsolo le Sā’ili’iliga.

Sāuāga e fa’asaga i isi

O sāuāga i totonu ‘āiga e, ma e mafai ona tupu i so’o se tasi. E iai vaega ua mautinoa e ono a’afia gofie ma e tatau ona ō tatou taga’i toto’a i ai, ina ia ō tatou malamalama ma foi’a sāuāga o feagai ma i latou.

“O se mea fa’anoanoa ai lo’u loto lo’u va’ai atu i se tamaitiiti o fasi e tagata o o latou lava ‘āiga. Tamaiti ‘olo’o nunumi māfaufau ma lē mautinoa po o le ā le itūpā e iai, a ua sāuāina e o latou lava ‘āiga ina ia iloa ai āmio fa’atama a ia ‘aua ne’i fa’afāfine.”

Tagata e ‘ese o latou lagona mai le fa’atulagaga māsani o itūpā

tagata ua Matua le Soifua

Fa'afafine

Tagata e iai mana’oga fa’apitoa

Fa'amatalaga: Fa'atalatalanoaga faalaua'itele mo le Sā'ili'iliga lautele i Sāuāga i totonu o ‘Āiga i Sāmoa 2017

OMBUDSMAN NHRI SAMOA

Komesina o Sulufaiga

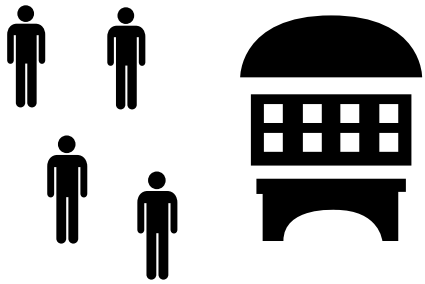
‘AUAI I FAIGĀ FA’AI’UGA

PALEMENE

5/50 o nofoa o le Palemene ‘olo’o ‘ūmia e TAMA'ITA'I

FONO A NU'U

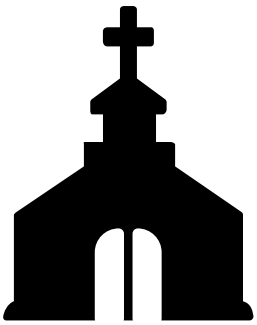
11% o matai uma i Sāmoa o TAMA'ITA'I



36 afioaga i Samoa e LĒ O MAFAI ona matai ai se tama'ita'i

21 (8%) afioaga i Sāmoa e fa’atagaina ai ona matai se tama’ita’i ae LĒ MAFAI ona auai i Fono a Nu'u

O LE LOTU



O lo'o iai tama'ita'i o lo’o auai i ta’ita’iga o lotu ma ekalesia. Peita'i, i lona aotelega, o ē o lo’o gafa ma le FĀIGA O LE TELE O FA’AI’UGA, o ALI’I.

Fa'amatalaga: Tusiga igoa 2011 ma le Su'esu'ega 2015 & 2017 fa'atino'ina e le Vaega o Su'esu'ega ma Matāupu Fa'asāmoa

OMBUDSMAN NHRI SAMOA

Komesina o Sulufaiga

PUIPUIGA O TINĀ MA TĀMA'ITA'I MA FĀNAU O LE MATĀFAIOI A TATOU UMA

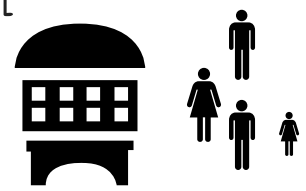
MĀLO

Taulamua i le talanoaina o mataupu tau sāuāga i totonu o ‘āiga. E āfua mai mauga se manuia o se atunuu ma ona tagata.

TĀMA/MĀTUA

Talanoa i le fanau ma le tinā. Ia talia ni fautuaga ma ta’imua i fa’ata’ita’iga lelei mo le lelei o le ‘āiga. Ia ta’ita’i ma le fa’aaloalo ma le alofa mo isi. Fa’ailoa ma fa’aaoga ni ta’iala ma ni auala talafeagai mo le a’oa’oina /fa’atonutonuina o le fanau.

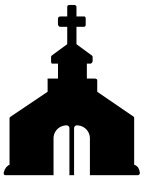
FONO ALII MA FAIPULE



Ta’imua i le puipuiga o tinā, tama’ita'i ma fanau o Afioaga mai sāuāga i totonu o ‘āiga. Ia solomua i le Fono le taulogologo i ‘āiga ma avea ma fa’ata’itaiga lelei e tete’e atu i sāuāga.

EKALESIA/FAIFEAU

Ta’imua i le puipuiga o tinā, tama’ita'i ma fanau o Ekalesia mai sāuāga i tototnu o ‘āiga. Fa’amalosiau ma fautua i ‘āiga e ala i le una'ia ma laugaina o a’oa’oga fa’atusipaia e tete’e atu i sāuāga. Ofo atu le fesoasoani ma le lagolago e ala i fautuaga fa’aleagaga ma ia avea ma se lavea’i muamua. Fa’atapula’a mea fai tupe a Ekalesia ia fuafua lelei i tamaoaiga ma gafatia e ‘āiga.



FOMA’I/TAUSI MA’I

Galūlūe ma le fa’aeteete i lagona o ē ua a’afia i sāuāga . Mautinoa o lo’o talafeagai le taulimaina o mataupu. Ofo atu se fesoasoani talafeagai ma fa’asino i 'au'aunaga po’o ni fa’alapotopotoga e ono mo’omia e lē o lo’o a’afia.

AIGA O TA’ITO’ALUA

Aua le vaai maualalo i ē o lo’o maupaolo atu i ‘āiga. Ia amanaia le tāua ma le tamali’iaga o so’o se tagata soifua. Manatua e i ai le sao o tagata uma aua le atina’e soifua manuia o so’o se ‘āiga.

FA’AMASINOGA

Ia toe tilotilo i le fa’aogaina o ifoga ma tusi molimau e uiga i amioga o lo’o tu’uina atu i le fa’amasinoga. Ia mautinoa o lo’o lagona se leo ma manatu o ē o lo’o a’afia.

FAIAOGA

A’oa’oina ma una'ia le malamalama o fanau i mataupu tau mafutaga soifua manuia ma a’oa’oga tau feusuaiga. Tafiesea le fa’aogaina o sāuāga o se fa’asalaga ae fa’ailoa auala talafeagai e a’oa’i ai le fanau.

AIGA

Ta’imua e fausia se si’osi’omaga e lagolagoina le saogalemu o tagata uma o le ‘āiga. Ia avea ma se si’osi’omaga e malupuipuia ma ola fiafia ai tinā, tama'ita'i ma fanau. Ia taulamua i le a’oa’oina o tu ma aga o le alofa, fa’aaloalo o le tasi i le tasi, ma fa’aaloalogia le vā tapuia o tagata. Ia ta’imua 'āiga i le faia o fa’ata’itaiga lelei i fanau. Ia a’oa’oina amio pulea ma upu e tautatala ai.

FĀIPULE

Ia talisapaia ma lagolago fautuaga tu’uina atu e le Lipoti. Ia taulamua i fa’ata’ita’iga lelei e tete’e atu i sāuāga i totonu o aiga i Samoa.

LEOLEO

Talia ma le loto maualalo se fautuaga e avatu e tuāoi ma mautinoa e i ai le tiute o ē o lo’o nonofo latalata ane e lipoti ai i leoleo se mataupu tau sāuāga i totonu o 'āiga pe afai e ono a'afia ai se soifua.

Galulue ma le fa’aete'ete i lagona o ē ua a’afia i sāuāga. Mautinoa o lo’o talafeagai le taulimaina o mataupu ma ia maioio lona su’esu’eina. Ia lelei le fa’amauina o fa’amaumauga o mataupu tau sāuāga i totonu o Samoa atoa. Ia taulamua i fa’ata’ita’iga lelei e tete’e atu i sāuāga i totonu o ‘āiga.

TUĀOI

Talatalanoa ma fa’asoa i se leo mālu ma loto maualalo i lou tuāoi pe afai o e masalomia ni fa’afitauli tau sāuāga. Aua le matamuli pe fefe e lipoti se fa’alavelave tau sāuāga i totonu o ‘āiga i leoleo pe āfai o se fa’avalevale o lo’o e iloa e ono a’afia ai o se soifua.

'AU FA’ASALALAU

Ia lipoti mataupu tau sāuāga i se auala e ono puipuia ai ē o lo’o a’afia. Ia lipotia fo’i i se auala e ono fa’atuputupula'ia ai le iloa ma le malamalama i natura ma mafua'aga o sāuāga i totonu ‘āiga. Unai'a le tulaga tutusa o alii ma tama'ita'i ma āloese mai i le fa’aogaina o ni fa’ata’ita’iga lē talafeagai e ono fa’aauau ma unaia ai pea sāuāga .

OMBUDSMAN
NHRI SAMOA

FAI NEI SAU SAO
Aua le lafi i le ata o la'au
Ia fa’ailoa le MEAMONI ma fa’atino MEATONU

Komesina o Sulufaiga

VAEGA / FAIGA MO LE TĀOFIGA MA LE PUIPUIGA MAI SĀUĀGA I TOTONU O 'ĀIGA

'ĀIGA

- Toe fa'amautū le māsani o le Fa'asāmoa o feso'ota'iga aogā lelei i le vā o mātua ma le tamaitiiti ina ia mafai ona maua se siosiomaga saogalemu mo le fa'asoaina o manatu.
- Ia foafoa se siosiomaga saogalēmū mo tagata uma mai sāuāga, ma taulamua ma faia ma fata'ita'iga lelei i le fanau.
- Fa'ataua tū ma aga Fa'asamoa o le fa'aaloalo, Vā Feāloa'i/ tapuia m.m.f.
- Fa'ailoa ma fa'atino nisi auala talafeagai ma lelei e fa'atonu'ina ai le fanau 'ina ia maua le ola fiafia ma le saogalemu.
- Ia avea ma tiutetauave ma toe silasila toto'a i nisi auala talafeagai e fa'aiti'itia ai noataga fa'aleaganu'u ma fa'alelotu.

EKALESIA / LOTU

- Toe fa'atino asiasiga fa'aauau i tagata o 'aulotu ina ia ātīna'e so'otaga lelei.
- Fa'atino faufautuaga mo ulugāli'i i a latou 'aulotu, ma fa'avae tapula'a o saofaga fa'alelotu, ia feso'ota'i ma tupe e gafatia e 'āiga.
- Fefa'asoaa'i ma fa'avaeina ta'iala a le atunu'u mo faife'au i le feagai ai ma tagata āfāina ma tagata fa'atino sāuāga i totonu o 'āiga, ia aofia ai le fa'asāina o le fautuaina o se tasi e toe fo'i i se so'otaga o iai sāuāga.
- Fa'avae nofoaga e malu ai tagata āfāina i sāuāga i totonu o 'āiga, ma 'auala mo fa'aseā ma 'auala e līpoti ai (ma fa'agāsologa o fa'asalaga feso'ota'i) mo tagata o le lotu e fa'atino sāuāga.

FONO A NUU

- Avea sāuāga i totonu o 'āiga ma matā'upu e taga'i i ai Fono.
- Fa'avave le fa'avaeina o se Komiti a Nu'u mo le Saogalēmū o 'Āiga e gafa lea i le mata'ituina o matā'upu tau sāuāga.
- Fai ni tulafono e fa'amālosi'au ai e līpoti atu matā'upu tau sāuāga i totonu o 'āiga i Fono a Nu'u; fa'ata'atia ai fa'asalaga i matā'upu tau sāuāga i totonu o 'āiga, e fa'avae i fa'asalaga tupe tolopōina ma/po o fa'asalaga e fa'atino ai galuega mo le manuia o le nu'u; fa'ata'atia ai fa'asalaga i matā'upu tau sāuāga i totonu o 'āiga, e fa'avae i fa'asalaga tupe tolopōina ma/po o fa'asalaga e fa'atino ai galuega mo le manuia o le nu'u; ma fa'atapula'a ai saofaga i fa'alavelave.
- Fa'amalosia ma fa'atulafonoina le līpoti atu e Fono a Nu'u i Leoleo sāuāga i totonu o 'āiga.
- Māta'itū poloa'iga tau puipuiga ma tagata palola i matā'upu tau sāuāga i totonu o 'āiga.
- 'Atofaina nofoaga e malu ai tagata āfāina mai sāuāga i totonu o 'āiga ma taga'i i le 'ave'eseina o le fa'asalaga o le fa'atūla'i 'ese ma le nu'u ona o sāuāga i totonu o 'āiga, vaganā ua matuā manino lona talafeagai.

VAEGA / FAIGA MO LE TĀOFIGA MA LE PUIPUIGA MAI SĀUĀGA I TOTONU O 'ĀIGA

MĀLO/ MATĀGALUEGA a le MĀLO

- Fa'avae se Ofisa mo le Tāofiga o Sāuāga i Totonu o ‘Āiga e ‘fa'amāopo'opoina ‘au'aunaga uma e feso'ota'i ma sāuāga i totonu o ‘āiga ma fa'atino fautuaga tu'uina atu le Lipoti.
- Fa'avae ma fa'aofi i polokalame a'oa'oina a ā'oga mataupu e aofia ai aiga saogalemu ma mālamalamaga tautupe.
- Fa'amālosia le sā o fa'asalaga sasa i totonu o ā'oga.
- Māta'itū ma iloilo taunu'uga o polokalame o lo'o i ai ma nisi polokalame o lo'o fuafua.
- Si'itia tupe fa'aaogā ma le tu'uina mai o molimau fa'amāonia o galuega o polokalame e fa'afetaia'i ai sāuāga i totonu o ‘āiga.
- Tu'ufa'atasia le aoina o fa'amaumauga a matāgaluega uma ma Fa'alāpotopotoga Tūma'oti ‘olo'o tu'uina atu ‘au'aunaga.
- Fa'amālosia le ta'iala fa'aletulafon e ala lea i le pāsia'ina o le Tulafono Taufa'aofi o le Tausiga ma le Puipuiga o Tamaiti, ma le teuteu'ina o le Tulafono o le Saogalemu o Aiga 2013 ina ia aofia ai sāuāga tautupe po o sāuāga tau tamāo'āiga i le fa'atulagana o Sāuāga.
- Ātīna'e se ta'iala lautele ma au'ili'ili o le māta'itūina ma iloiloga o tulafono uma tau saogalēmū o ‘āiga.
- Saunia ni nofaga malu ia fetaui ma manaoga o ē o lo'o a'afia i Sāuāga ma ia mautinoa o lo'o mata'itu tulaga fa'atonuina.
- Mo Leoleo ia fa'atupuina se ‘auala e matuā tē'ena ma lē talia ai so'o se itū'āiga o sāuāga i totonu o le matagaluega. Ia si'itia leoleoga i nu'u ma afio'aga ma fa'atino ni a'oa'oga tau 'āiga saogalemu mo leoleo uma.
- Matāgaluega o le Soifua Mālōlōina e talia sāuāga i totonu o ‘āiga o se matā'upu tau soifua mālōlōina o tagata lautele, ma ia fa'avae se fa'agāsologa o su'esu'ega o ma'i mo sāuāga i totonu o ‘āiga. Fa'atino a'oa'oga faifaipea mo tagata tomai fa'apitoa tau soifua mālōlōina i le saogalēmū o ‘āiga. Ātīna'e atili le ‘au'aunaga lagolago fa'asoifua mālōlōina mo Sāmoa.
- Ia maua avanoa mo ‘au'aunaga faufautua e a'oa'oina fa'apitoa
- Fa'avae se Ofisa ‘Autū o Matā'upu Fa'aletulafono mo Tagata Lautele ia mautinoa o lo'o lava punaoa e fa'atino ai auaunaga ma fa'alauiloa
- Fa'amalosia ma ‘fa'amāopoopoina ‘au'aunaga a fa'alapotopotoga tumaoti e tali atu i sāuāga i totonu o 'āiga.
- Atina'e polokalame fou (pe fafau mai polokalame tuai) tau le a'oa'oga e talanoaina ai mafuaga ma 'u'una'i o fa'atinoga o sāuāga.

'ALI FA'ASALALALU

- Fuafua tulaga fa'atonuina mo le lipoti'ina o mataupu e aofia ai mataupu tau sāuāga, ma ia fa'aititia ai a'afiaga ma lamatiaga e fa'asaga i ē o lo'o sāuāina ona o fa'asalalauga.
- Fa'atino a'oa'oga mo le 'au fa'asalalau i natura, mafua'aga ma a'afiaga o sāuāga i totonu o 'āiga ma le tāua o le sao o le 'au fa'asalalau i le una'ia o faiga tutusa ma le 'aloese mai manatu masani e uiga i sāuāga.

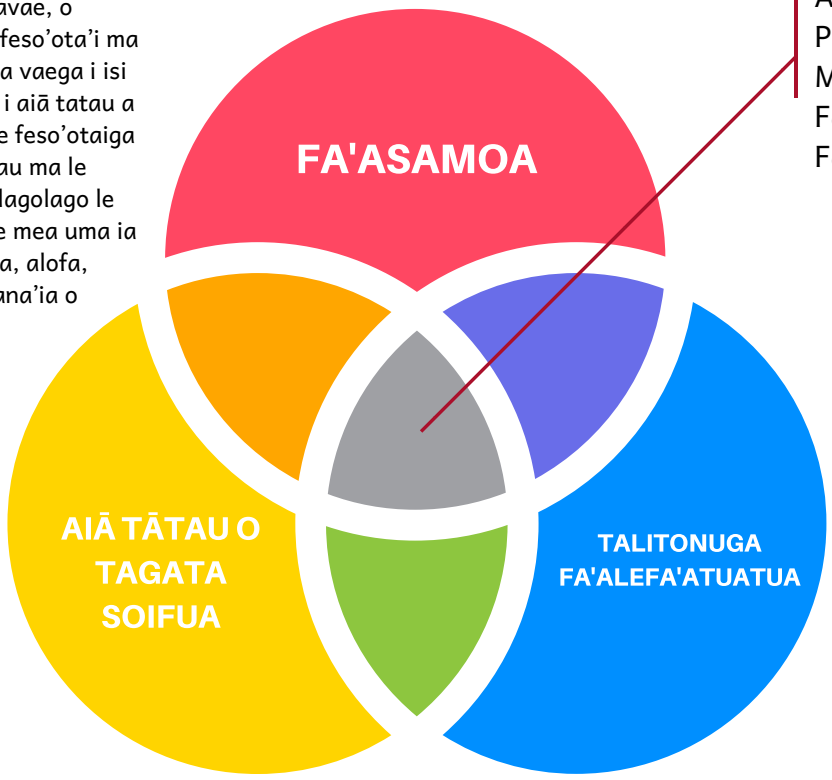
FA'ALĀPOTOPOTOGA TŪMA'OTI

- Fa'atino a'oa'oga ma le ātīna'ega o tomai ma le mafai ona fa'atino o galuega a le vaega o Fa'alāpotopotoga Tūma'oti.
- Ātīna'e se faiga e fa'ata'atia ai ‘auala o le aoina o fa'amaumauga.
- Ia mautinoa le iai o faiga tulaga tutusa o alii ma tama'ita'i i polokalamae fa'atino, ma 'aloese mai manatu masani e uiga i sāuāga.
- Galulue so'oso'otau'au ma le Malo e saunia ma ofo atu 'au'aunaga ese'ese ma talefeagai i ē ua 'a'afia i sāuāga.

POUTŪ E TOLU MO LE TĀOFIGA O SĀUĀGA I TOTONU O ‘ĀIGA

E ‘ogātotonu i felafolafoa’iga o le Su’esu’ega talitonuga fa’avae o le Fa’asāmoa, Talitonuga Fa’alelotu ma aiā tatau a tagata soifua. O talitonuga fa’avae ia olo’o iai le ālāfua, tūlaga mana’omia ma ‘auala ‘āfai e fa’atino, e mafai ona tāofia ma puipuia ai tagata mai so’o se itū’āiga sāuāga i totonu o ‘āiga.

E talisapaia e tu ma le aganuu fa’asamoa le aofia ai o tagata uma, fa’aaloalo, feso’ota’iga ma le fīlēmū. E iai lona talitonuga fa’avae, o vaega o le Fa’asāmoa e feso’ota’i ma e fa’alagolago le tasi ona vaega i isi ona vaega, e pei ona iai i aiā tatau a tagata soifua. O lea, o le feso’otaiga o le fa’atinoga o aiā tatau ma le Fa’asāmoa e mafai ona lagolago le tasi le tasi auā e fa’avae mea uma ia e lua i le tāua o le tagata, alofa, tūlaga tutusa ma le āmana’ia o tagata.



Fefa’aaloaloa’i,
Alofa,
Puipuia, Malupuipuia,
Mamalu/Tamaliiaga,
Faiga Tutusa,
Faiga Tonu

E fa’avae talitonuga Kerisiano i le alofa lē fa’atuā’oia, agalelei, āva, āmiotonu, fīlēmū ma le fa’amāgalo. O nei uiga uma e feso’ota’i ma talitonuga o le Fa’asāmoa ma e lagolago e le tasi le isi, e pei ona fa’amatalaina i le so’otaga o le Fa’asāmoa ma aiā tatau a tagata soifua.

E iai so’otaga e lē ma’ave’esea o aiā tatau a tagata soifua ma le Fa’asāmoa ma lo tatou Talitonuga Fa’alefa’atuatua. O lona uiga, e mafai ona mālosi ātili ‘auala e taofi ai sāuāga i totonu o aiga pe a aofia ai vaega ia e tolu.

‘Āfai tatou te puipuia aiā tatau a tagata ta’ito’atasi ua a’afia i sāuāga i totonu o ‘āiga ma puipuia mai le toe sāuāina i le lumana’i, o le tatou fa’amālosia foi lea o puipuiga malu o nu’u ma afio’aga. E faigōfie ona sosolo atu sāuāga i fafo o ‘āiga ma a’afia ai nu’u ma tāulaga, e pei ona o tatou molimauina i le fa’atupula’ia o mataupu tau sāuāga i nōfoaga faitele. O le fa’aleleia o le puipuiga o aiā tatau a tagata ta’ito’atasi, ole’ā fa’apea fo’i ona o tatou puipuia ai aiā tatau a tagata uma.

I’UGA 1 O LE SĀILIILIGA: O sāuāga i totonu o ‘āiga o se matā’upu matuā lavelave ua feagai ma le atunu’u. O se fa’afītāuli e feso’ota’i māfua’aga, u’una’i o fa’atinoga, ma taunu’uga. E mana’omia le galulue fa’atasi o le atunu’u i se ‘auala e tāofia ma puipuia ai ona tagata mai sāuāga i totonu o ‘āiga. O se taumafaiga a Sāmoa, e tatau ona fa’avae ma ta’imua le Fa’asāmoa, Talitonuga Fa’alefa’atuatua ma le ta’iala o Aiā tatau a tagata soifua.

‘ANOTUSI

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3. Sā’ili’iliga Lautele i Sāuāga i Totonu o ‘Āiga

- 3.1 ‘Autū
- 3.2 Tu’utu’uga o le Galuega
- 3.3 Komesina o le Sā’ili’iliga
- 3.4 ‘Auala o le Sā’ili’iliga
- 3.5 Tu’ufa’atasiga o Molimau
- 3.6 Aiā Tatau e Tali mai ai
- 3.7 Taimi Fuafuaina

4. Fa’atulagaga o le Līpoti

- 4.1 Vaega II: O Uiga o Sāuāga i Totonu o ‘Āiga
- 4.2 Vaega III: Sāuāga i Totonu o ‘Āiga i Sāmoa
- 4.3 Vaega IV: ‘Auala ‘olo’o iai nei, Māfua’aga o Sāuāga ma U’una’i o ona Fa’atinoga
- 4.4 Vaega V: Vā’ili’iliga ma Fofō

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- 5.3 A’afiaga
- 5.4 Gagana
- 5.5 Māfua’aga o sāuāga ma U’una’i o fa’atinoga
  - 5.5.1 ‘Ese’esega o Māfua’aga ma U’una’i
  - 5.5.2 Mālosi ma le Pule
  - 5.5.3 Sāuāga Fa’avae i Itūpā ma le Lē tulaga tutusa o Itūpā
- 5.6 O le ta’amilosaga o sāuāga
- 5.7 Manatu Lē fa’avaea e uiga i sāuāga i totonu o ‘āiga

- 6.1 O se va’aiga aoao i sāuāga i totonu o ‘āiga i Sāmoa
- 6.2 Tulafono a Sāmoa ma sāuāga i totonu o ‘āiga
  - 6.2.1 ‘Auala māsani o puipuiga
  - 6.2.2 ‘Auala o puipuiga i lalo o tulafono
- 6.3 Faiga ma ‘au’aunaga ‘olo’o iai nei
- 6.4 Fa’asāmoa, Aiā Tatau a Tagata Soifua ma le Talitonuga Fa’alefa’atuatua
  - 6.4.1 Aiā Tatau a Tagata Soifua
  - 6.4.2 Fa’asāmoa
  - 6.4.3 Talitonuga Fa’alefa’atuatua

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7.1.6 Ta’atele o sāuāga i le tino ma upu mamafa /fa’atonu+
7.1.7 Sāuāga tau faigā ‘āiga ma le mata’ifale
7.1.8 Ta’atele o sāuāga tau faigā ‘āiga ma le mata’ifale
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7.2.4.1 Sāuāga i Nofotane
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8.2 Tagata ua matua le soifua
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10.1.3 Fenumia’i le fa’auigaina o le “fa’asalaga talafeagai”
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10.3 Fa'asāmoa ma Manatu Māsani o Tagata
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10.4 Talitonuga Fa'alefa'atuatua
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VAEGA I: FA'ATOMUAGA

1. Ofisa mo Aiā Tatau a Tagata Soifua

O Ofisa mo Aiā Tatau a Tagata Soifua o ni ofisa tūto'atasi na fa'avaeina mo le puipuiga ma ia fa'amautinoa e fa'atino e mālō a latou matāfaioi tau aiā tatau a tagata soifua. O ofisa nei e feso'ota'i ai aiā tatau a tagata soifua i le tulaga fa'avāomālō ma fa'atinoga o ia aiā tatau i totonu o atunu'u. Latou te fa'auigaina aiā tatau i tulaga o le soifuaga i totonu o le atunu'u ma fa'atino galuega ina ia mautinoa e fa'amanuiaina tagata e ala i lo latou maua o a latou aiā tatau fa'atagata soifua. E fesoasoani fo'i nei ofisa i le tāpenaga o tulafono, faiga fa'avae ma manatu mo le fa'aleleia ma le fa'amautūina o atunu'u e fai mea tonu mo ona tagata.[1]

Na fa'avaeina le ofisa a Sāmoa mo Aiā Tatau a Tagata Soifua, o se vaega o le Ofisa o le Komesina o Sulufa'iga (**Ofisa**) i lalo o le *Tulafono o le Komesina o Sulufa'iga (Ombudsman) 2013*. O le 2016 na 'ausia ai e le Ofisa le tulaga aupito maualuga o fa'atulagaga ("A" status) a le fa'alāpotopotoga Fa'avāomālō e fa'atulagaina Ofisa mo Aiā Tatau a Tagata Soifua. O lea tulaga aupito maualuga, o le āloa'ia lea fa'avāomālō o le tūto'atasi o le Ofisa ma le aogā lelei o ana taumafaiga e ūna'i le fa'alauiloaina ma le puipuiga o aiā tatau a tagata soifua i Sāmoa, talu mai lona fa'avaeina i le 2013. O le taimi nei, na'o Sāmoa le Ofisa mo Aiā Tatau a Tagata Soifua i le Pasefika 'olo'o 'ūmia lea tulaga.

2. Sā'ili'iliga Lautele a le Atunu'u

E lautele matāfaioi ma mālosi'aga o le Ofisa i lalo o le *Tulafono o le Komesina o Sulufa'iga 2013* e ūna'i ma puipui ai aiā tatau a tagata soifua i Sāmoa. O se tasi o ana galuega tau'ave o le su'esu'eina lea o ni tulaga ua fa'alaua'iteleina, mautinoa, po o ni faiga māsani 'olo'o solia ai aiā tatau a tagata.[2] O nei su'esu'ega, e mafai ona fa'atino o se "Sā'ili'iliga Lautele a le Atunu'u". O se Sā'ili'iliga Lautele a le Atunu'u, e mafai ai ona fa'asalafa le iloiloga o se tulaga lautele ma lavelave, ma e vala'aulia ai le atunu'u lautele e 'auai. O le sā'ili'iliga e maua ai fa'amatalaga moni ma e iai lona sao tau a'oa'oga ma ua aogā tele le fa'aaogāina e Ofisa mo Aiā Tatau a Tagata Soifua i isi atunu'u o le lalolagi. O le līpoti o le Sā'ili'iliga Lautele a le Atunu'u, e folasia ai mau na maua i le sā'ili'iliga, le vā'ili'iliga o le tulaga 'olo'o iai, ma fautuaga e tu'uina atu i le Mālō, Fa'alāpotopotoga Tūma'oti, le vaega tūma'oti fa'apea isi tagata uma e tatau ona aofia ai. O lenei Sā'ili'iliga, o le ulua'i fa'atinoga lea o lenei itū'āiga galuega i Sāmoa fa'apea atumotu uma o le Pasefika.

[1] Asia Pacific Forum of NHRIs. "What are national human rights institutions?" Maua mai i le http://www.asiapacificforum.net/support/what-are-nhris/. Aso 30 Me 2018.
[2] Taga'i i le fuai'upu 34 o le *Tulafono o le Komesina o Sulufa'iga (Ombudsman) 2013*.

3. Sā'ili'iliga Lautele i Sāuāga i Totonu o 'Āiga

3.1 'Āutū

O le 2014 na fa'atino ai e le Ofisa se iloiloga o vaega 'olo'o iai fa'afītāuli tau aiā tatau a tagata soifua, ina ia mafai ona fa'atulaga le fa'asologa o ana galuega. Na laualuga i lea iloiloga, o sāuāga o se tulaga ua matuā ta'atele i Sāmoa ma ua mana'omia vave le fa'atino i ai o se galuega.[3] O lea na manatu ai le Ofisa, o le 'auala aupito talafeagai mo lea matā'upu tau aiā tatau a tagata soifua e lavelave ma ua maua'a, o le fa'atino lea o se Sāili'iliga Lautele a le Atunu'u.

Talu ai le lautele ma le tele o itū'āiga sāuāga i totonu o le atunu'u, na fai le filifiliga a le Ofisa e fa'a'utū lana ulua'i Sā'ili'iliga i "**Sāuāga i Totonu o 'Āiga**", ma le fa'amamafa i sāuāga fa'asaga i tinā, tama'ita'i ma teine, ma taunu'uga o sāuāga i le tausiga o tamaiti. E fa'apea fo'i a'afiaga o tagata i isi vaega a'afiagōfie e tula'i mai i le fa'agāsologa o le Sā'ili'iliga. Mo le Sā'ili'iliga:

> O le uiga o le "'Āiga", e aofia ai le 'āiga lautele i totonu o nu'u po o 'āiga na'o mātua ma fānau.
>
> O "Sāuāga" e aofia ai itū'āiga sāuāga uma e pei o sāuāga o le māfaufau, tino, faigā 'āiga ma sāuāga tautupe. E lē gata i lea, e aofia ai fo'i *"so'o se isi lava amioga o lo o faatonutonuina ai po o se amio faatautala e faia faasaga i se tagata... pe afai o sea amioga e afaina ai, po o e mafai ona mafua ai se tulaga e lamatia ai i, le saogalemu, soifua maloloina po o le tulaga sologa lelei o se tagata."*[4]

3.2 Tu'utu'uga o le Galuega

Na fa'ata'atia e le Ta'ita'ifono o le Sā'ili'iliga Tu'utu'uga o le Galuega, na tāpā ai finagalo o le atunu'u, ma e aofia ai itū nei:

i. Tu'ufesili ma su'esu'e ma fa'ama'oti i latou e aupito a'afiagōfie i sāuāga i totonu o 'āiga fa'apea uiga o le sāuāga na tupu;
ii. Tu'ufesili ma su'esu'e ma fa'ama'oti māfua'aga ma ni itū 'olo'o iai sao i le tupu o sāuāga i totonu o 'āiga;
iii. Tu'ufesili ma su'esu'e ma fa'ama'oti a'afiaga ona o sāuāga i totonu o 'āiga;
iv. Tu'ufesili ma su'esu'e ma iloilo au'ili'ili le talafeagai, aogā ma le lautele o polokalame ma 'au'aunaga 'olo'o iai nei e fa'afetaia'i ai fa'afītāuli e feagai ma i latou na a'afia i sāuāga i totonu o 'āiga;
v. Tu'ufesili ma su'esu'e faiga ma fa'alāpotopotoga 'olo'o iai nei (ft., lotu, ma Fono a Ali'i ma Faipule; ma
vi. Tu'uina mai se līpoti o taunu'uga o le Sā'ili'iliga ma ni fautuaga.

[3] Taga'i i le *Līpoti o le Tulaga o Aiā Tatau a Tagata Soifua 2015: Mo Sāmoa, Saunia e Sāmoa* Ofisa o le Komesina o Sulufa'iga/Ofisa mo Aiā Tatau a Tagata Soifua. (2015). Apia: Government Printers.
[4] Taga'i i le fuai'upu 2 o le *Tulafono o le Saogalemu o Aiga 2013*.

3.3 Komesina o le Sā'ili'iliga

O le matāfaioi a Komesina o le Sā'ili'iliga e 'avea ma sui o le Ofisa mo Aiā Tatau a Tagata Soifua, o le fa'atinoga lea o le Sā'ili'iliga, le saunia o le līpoti o le Sā'ili'iliga ua iai fautuaga. O lea e matuā tāua ai le filifilia o ni sui aupito agava'a. O le filifiliga o Komesina na fa'avae i tomai talafeagai, le silafia i sāuāga i totonu o 'āiga, ma le fa'atuatuaina o sui, ma ia fa'apea fo'i ona pāleni itūpā.

O Komesina nei o le Sā'ili'iliga:

- Maiava Iulai Toma, Komesina o Sulufa'iga (Ta'ita'ifono);
- Hon. Tolofuaivalelei Falemoe Leiataua, sa 'avea ma Sui o le Palemene (Sui Ta'ita'ifono);
- Tagaloatele Professor Peggy Dunlop, Polōfesa o Su'esu'ega tau Pasefika, Auckland University of Technology;
- Leasiolagi Professor Malama Meleisea, sa 'avea ma Fa'atonu, Su'esu'ega Tau Sāmoa, Iunivesitē Aoao o Sāmoa; ma
- Falenaoti Mulitalo June Kolotita Ailuai Oloiali'i, Sui 'olo'o galue mo le afio'aga ma o le Sui Tama'ita'i o le Nu'u mai le afio'aga o Vavau.

Na lagolagoina Komesina e sui o le Ofisa mo Aiā Tatau a Tagata Soifua i le gāsologa o le Sā'ili'iliga.

3.4 'Auala o le Sā'ili'iliga

E fa 'auala na maua ai fa'amatalaga molimau mo le Sā'ili'iliga:

i. **Su'esu'ega:** Na fa'atino su'esu'ega e le 'aufaigaluega ma isi na fesoasoani, i le taimi o fa'agāsolo le Sā'ili'iliga. O lenei galuega na aofia ai le aoina ma le vā'ili'iliga o fa'amaumauga, tala mai 'auala o fa'asalalauga, su'esu'ega o matā'upu fa'apitoa, līpoti ma polokalame e feso'ota'i ma sāuāga i totonu o 'āiga.[5]

ii. **Fa'atalanoaga:**[6] E tolu la'asaga o le fa'atinoga o fa'atalanoaga a le 'aufaigaluega o le Sā'ili'iliga ma i latou nei:

La'asaga 1: Fa'alāpotopotoga Tūma'oti talafeagai, matāgaluega a le Mālō, pā'aga tau ātīna'e ma 'auala o fa'asalalauga. Na fa'a'autū fa'atalanoaga i le mauaina mai o fa'amatalaga i galuega sa fa'atinoina ma 'olo'o fa'atino i le taimi nei e tali atu ai i sāuāga i totonu o 'āiga i Sāmoa, ma fa'ama'oti ai ni itū e mafai ona fa'aleleia.

La'asaga 2: Fa'alāpotopotoga i totonu o Nu'u ma Afio'aga. O le fa'amoemoega o fa'atalanoaga ma fa'alāpotopotoga i totonu o nu'u ma afio'aga, o le fia fa'ama'oti lea o ni tagata e mafai ona fa'aleo mai a latou molimau i taimi o avanoa fa'alaua'itele e fa'aleo ai manatu ma ia maua le lagolago a fa'alāpotopotoga i nu'u ma afio'aga e fa'alauiloa atu le Sā'ili'iliga ma fa'apea ona lagolago e ala i le taumafai i tagata o nu'u ma afio'aga e 'auai i fa'atalanoaga na fa'atulaga e fa'atinoina i nu'u ma afio'aga i taimi na fa'atulagaina. E lē gata i

[5] E maua le lisi 'ātoa o molimau na taga'i i ai le Su'esu'ega i le Pepa Fa'aopoopo A, ma e mafai ona taga'i i se tu'ufa'atasiga o molimau uma na iloiloina i le www.ombudsman.gov.ws.

[6] Mo ni fa'amatalaga fa'aopoopo, taga'i i le "Līpoti o Fa'atalanoaga." Document 58 o le tu'ufa'atasiga o molimau o le Su'esu'ega, e maua i le www.ombudsman.gov.ws.

lea, na sā'ilia fo'i finagalo ma manatu i uiga ma le ta'atele o sāuāga i totonu o 'āiga i ia nu'u ma afio'aga, 'ae po o ā fo'i ni manatu e fa'atū mai e fō'ia ai lenei fa'afītāuli.

La'asaga 3: Nu'u ma Afio'aga. O le fa'amoemoega o fa'atalanoaga, ia aofia uma nu'u ma afio'aga i Sāmoa ma ia 'auai fa'apotopotoga 'ese'ese uma i totonu o nu'u e mafai ona 'auai. O lea fa'amoemoe ina ia fa'amautinoa e avanoa tagata uma e 'auai i le Sā'ili'iliga e tu'uina mai o latou manatu ma mea na tutupu iā i latou, i le Sā'ili'iliga.

Na tu'uina atu iā i latou na 'auai se pepa o fesili e fa'atumu, ma na fa'apea fo'i ona vaevaeina sui 'auai i ni vaega mo fa'atalanoaga na tu'uina atu ai ni fesili mo le talanoaina. Na taula'i le pepa o fesili ia fa'ama'oti le tulaga o le ta'atele o sāuāga i totonu o 'āiga i Sāmoa, a o talanoaga i vaega, na tulituliloa ai se mālamalama'aga o tagata i māfua'aga, taunu'uga ma ni fofo o sāuāga i totonu o aiga. E 1,500 sui na 'auai i fa'atalanoaga na fa'atino i nu'u ma afio'aga. O ia feiloa'iga na fuafua fa'atatau i le mamao ma ala o femalagaa'iga ina ia mautinoa e tutusa avanoa e mafai ona 'auai tagata, e lē gata i Upolu 'ae fa'apea Savai'i.

iii. **Avanoa Fa'alaua'itele ma Avanoa e le'i Fa'alaua'iteleina e Fa'aleo ai Manatu:** O avanoa e fa'aleo ai manatu i le Sā'ili'iliga, e 'ogātotonu ia i le fa'amautinoaina e aofia tagata uma i se *talanoaga a le atunu'u* e mafai ona aofia ai tagata uma e mafai ona 'auai ma fa'alogologo atu i a latou molimau. O le fa'amoemoega 'autū o nei avanoa, o le fia maua lea o manatu 'ese'ese e tu'uina mai i le Sā'ili'iliga, fa'apea le atunu'u lautele. Na maua e Komesina avanoa e tu'uina atu ai fesili iā i latou na tu'uina mai molimau e sā'ili'ili ātili ai mea na tutupu ma iloa o tagata molimau. E iai tagata 'olo'o lamatia pea ma 'olo'o i se tulaga ma'ale'ale. O i latou nei na tu'uina mai a latou molimau i avanoa e le'i fa'alaua'iteleina ina ia mautinoa lo latou saogalēmū.

E tolu vaiaso na fa'agāsolo ai lenei vaega i le atunu'u, na maua mai ai molimau mai iā i latou na tutupu ai sāuāga i totonu o 'āiga, i latou na fa'atinoina sāuāga, fa'alāpotopotoga 'olo'o ofoina atu 'au'aunaga, tagata faigaluega a le Mālō, ma isi tagata na fia 'auai. E matuā tāua molimau na maua mai i nei avanoa fa'alaua'itele ma avanoa e le'i fa'alaua'iteleina i le fa'agāsologa o le Sā'ili'iliga Lautele a le Atunu'u ma o ia molimau, o le fa'avae lea o lenei Lipoti.

O se itū matuā ma'ale'ale le 'auai o tagata a'afia i sāuāga i totonu o 'āiga ('aemaise lava i latou 'olo'o iai pea i ia tulaga), e fa'asoa mai i mea tutupu iā i latou, 'auā e telē le lamatiaga e mafai ona toe tutupu mai ai isi sāuāga. O lea na matuā fa'aeteete ai le taga'i a le Ofisa ma fa'apea ona tausisia ai se tasi o ana ta'iala fa'avae, le *ta'iala fa'avae ia 'aua ne'i tula'i mai se āfāina.* O lea ta'iala fa'avae e mana'omia ai le 'āto'atoa o le 'alofia o se isi tulaga e a'afia ai le tagata.

Na tāpā e le Ofisa finagalo o i latou e iai tomai fa'apitoa i sāuāga i totonu o 'āiga, i latou na o'o i ai sāuāga ma i latou e fa'atinoina sāuāga, ma fa'apea ona fuafua ai le fa'atinoga o avanoa fa'alaua'itele ma avanoa e lē fa'alaua'iteleina, ina ia fa'amautinoa e lē toe āfāina i latou e molimau.[7]

iv. **Folasaga Tusitusia:** Mo i latou e le'i mafai ona 'auai i avanoa fa'alaua'itele po o avanoa e le'i fa'alaua'iteleina e fa'aleo ai manatu (pe le'i mana'o fo'i e 'auai), na vala'aulia e le Sā'ili'iliga

[7] Taga'i i le "When collecting evidence from survivors of family violence." *Guideline*. Document 125 Inquiry anthology, e maua i le www.ombudsman.gov.ws.

folasaga tusitusia mai tagata na a'afia i sāuāga, tagata na fa'atinoina sāuāga, faiā'oga o iunivesitē ma a'oa'oga maualuga, lōia, fa'alāpotopotoga fa'avāomālō ma isi.

3.5 Tu'ufa'atasiga o Molimau

Mo i latou e fia taga'i i fa'amatalaga molimau 'olo'o fa'avae ai le Līpoti o le Sā'ili'iliga ma fia su'esu'e mo se mālamalamaga ātili i sāuāga i totonu o 'āiga, ua tu'ufa'atasia ia pepa ma folasaga tusitusia ma e maua i le 'upega tafā'ilagi a le Ofisa – www.ombudsman.gov.ws. Ua 'atofa i pepa ta'itasi se numera (ft., Pepa o le Sā'ili'iliga 1) ma ua fa'apea ona tā'ua i le Līpoti mo le fa'afaigōfieina mo i latou e fia mauaina ia feso'ota'iga. Ua tu'uina atu se lisi 'ātoa o pepa uma o le Sā'ili'iliga i le **Pepa Fa'aopoopo A**.

3.6 Aiā e Tali mai ai

O le māe'a ai o le ulua'i tusiga, na tufaina atu le Līpoti i matāgaluega a le Mālō ma isi. Na fa'atulaga le taimi e tali mai ai e fa'amanino ni fa'amatalaga 'olo'o sesē pe tu'uina mai fo'i ni isi fa'amatalaga molimau e fa'avae ai i'uga o le Sā'ili'iliga. Na fa'apea ona fa'aopoopo tali talafeagai i le tusiga fa'ai'u.

3.7 Taimi fa'atulagaina

Na 'āmata aloa'ia le Sā'ili'iliga e le Afioga i le Pālemia, Afioga Tuilaepa Sailele Malielegaoi i le aso 10 o Tesema 2016, ma na tu'uina atu le Līpoti Fa'ai'u i le Palemene iā Iuni 2018.

4. Fa'atulagaga o le Līpoti

4.1 Vaega II: Uiga o Sāuāga i Totonu o 'Āiga

O ulua'i matā'upu o le **Vaega II** ua tu'uina atu ai se va'aiga i uiga o sāuāga i totonu o 'āiga, māfua'aga māsani, ma manatu ta'atele 'olo'o iai e uiga i ia sāuāga, ina ia maua ai e le 'aufaitau se mālamalamaga i le si'osi'omaga lautele. Ona fa'apea ai lea ona taga'i i le si'osi'omaga i Samoa ma se aotelega o le va'aiga i sāuāga i totonu o 'āiga, tulafono 'olo'o iai nei, ma faiga ma 'au'aunaga 'olo'o iai i le taimi nei. E fa'ai'u le **Vaega II** i se va'aiga mai le Fa'asāmoa, le Talitonuga Fa'alefa'atuatua, ma aiā tatau a tagata soifua ma o latou so'otaga. O le fa'amoemoe o le **Vaega II,** o le tu'uina atu lea i le 'aufaitau o se mālamalamaga lautele ma se fa'avae e mafai ai ona fau ni fa'ai'uga.

4.2 Vaega III: Sāuāga i Totonu o 'Āiga i Sāmoa

O le **Vaega III** 'olo'o fa'atino ai vaega (i) ma le (iii) o Tu'utu'uga o le Galuega a le Sā'ili'iliga. Ua iloiloina au'ili'ili ai sāuāga i totonu o 'āiga, e pei ona fa'amatalaina e i latou na a'afia i sāuāga, ma i latou na fa'atinoina sāuāga. 'Olo'o aofia ai ni su'esu'ega fa'apitoa ma mea na tutupu ua fa'avasegaina i itū'āiga sāuāga ma 'olo'o 'āmata mai i le taimi o tamaiti lāiti. Ua iai se vā'ili'iliga i le fa'ai'uga o le tele o su'esu'ega fa'apitoa ina ia ātīna'e se mālamalamaga i itū ma māfua'aga ta'atele o sāuāga mātuiā. E fa'ai'u le **Vaega III** i se vā'ili'iliga o le taunu'uga o sāuāga i totonu o 'āiga, ua tu'ufa'atasia ai molimau uma o mea na tutupu, o o latou taunu'uga, le tau mo le tamāo'āiga o Sāmoa, ma le tulaga ua o'o i ai le va'aiga, o sāuāga o le vaega māsani o le ōlaga.

4.3 Vaega IV: ‘Auala ‘olo’o iai nei, Māfua’aga o Sāuāga ma U’una’i o Fa’atinoga

O le **Vaega IV** ‘olo’o fa’atino ai vaega (ii) ma le (iv) o Tu’utu’uga o le Galuega a le Sā’ili’iliga. Ua au’ili’ili ai fa’amatalaga molimau na fofogaina ma taga’i i ai Komesina i le gāsologa ‘ātoa o le Sā’ili’iliga, e uiga i manatu ma uiga, talitonuga ma fa’atinoga, ta’iala o iai nei mo le tāofiga ma le puipuiga, ma matāfaioi ‘olo’o o latou fa’atinoina e feso’ota’i ma sāuāga i totonu o ‘aiga. ‘Olo’o fa’aaogā e Komesina Sā’ili’iliga fa’apitoa mai le **Vaega III**, fa’amatalaga fa’aopoopo a molimau, fa’atalanoaga ma sā’ili’iliga, na maua ai ni manatu e uiga i māfua’aga ma u’una’i o fa’atinoga, ua fai ma fa’avae mo le **Vaega V**.

4.4 Vaega V: Vā’ili’iliga & Fofō

O le vaega fa’ai’u o le Līpoti ua fa’atino ai vaega (v) ma le (vi) o Tu’utu’uga o le Galuega a le Sā’ili’iliga. Ua fa’afeso’ota’i ai i’uga na maua i le **Vaega IV** ma fofō na tu’uina mai i le fa’agāsologa o fa’atalanoaga ma avanoa fa’alaua’itele e fa’aleo ai manatu, fa’apea avanoa e le’i fa’alaua’iteleina. Ua fa’apea fo’i ona fa’aaogāina e Komesina sā’ili’iliga na fa’atino e le ‘aufaigaluega o le Sā’ili’iliga e uiga i isi su’esu’ega ma ‘auala aupito lelei mai vaega ‘ese’ese o le lalolagi, e fesoasoani i le faiga o fautuaga i tulaga ua fōliga mai ua lē fulisia finagalo i se fautuaga i le ‘āmataga. ‘Olo’o tele ina tu’uina atu fautuaga i ni vaega se tolu: o le **Mālō, o Lotu, ma Fono a Nu’u**.

E iai ni ‘auala ‘olo’o fa’aaogāina i le gāsologa o le Līpoti e fesoasoani i le ‘aufaitau i uiga o sāuāga i totonu o ‘āiga, ma ia atagia ai talanoaga i māfua’aga ma ni fofō a o fa’agāsolo le Sā’ili’iliga. O ia ‘auala e aofia ai:

Su’esu’ega Fa’apitoa:
O fa’amatalaga a tagata ta’ito’atasi na tu’uina sa’o mai i le Sā’ili’iliga pe na fa’ao’o mai i isi ‘auala, ma ua līpotiina atu ina ia maua se va’aiga i le tulaga na o’o i ai tagata na fa’ao’o i ai sāuāga, i latou na fa’atinoina sāuāga ma isi na molimauina nei sāuāga. O su’esu’ega fa’apitoa ‘olo’o aofia ai tagata ‘ese’ese mai vaega ‘ese’ese o Samoa.

Fa’amatalaga si’i sa’o:
‘Olo’o iai i le Līpoti fa’amatalaga si’i sa’o mai tagata na sāuāina, tagata na fa’atinoina sāuāga, tagata faigaluega i le mālō, Faife’au, faiā’oga o iunivesitē ma a’oa’oga maualuga ma isi, ina ia manino ātili uiga o sāuāga i totonu o ‘āiga, ma ni fofō e mafai ona fa’atino.

Fa’amatalaga Fa’amālamalama o le Sā’ili’iliga
O fa’amatalaga fa’amālamalama, o se tasi lea o ‘auala ua fa’ailoa atu ai i le ‘aufaitau vaega ‘autū o sāuāga i totonu o ‘āiga. ‘Olo’o aofia ai manatu fa’avae e uiga i sāuāga i totonu o ‘āiga, fa’amatalaga o tulafono, ‘au’aunaga ma polokalame ‘olo’o iai i Sāmoa.

Manatu lē fa’avaea:
O ni talitonuga po o manatu ta’atele ia e sesē. E iai ni manatu ta’atele lē fa’avaea ‘olo’o iai i Sāmoa e uiga i sāuāga i totonu o ‘āiga, ma e lē gata ina tāofia ai le fa’atinoga o ni galuega aogā e fō’ia ai, a ua fa’atetele ai le fa’afītāuli. Ua fa’amati’e e le Sā’ili’iliga nei manatu lē fa’avaea, ina ia leai se nunumi ma ia manino ai le avanoa mo fa’atinoga aogā lelei.

I’uga o le Sā’ili’iliga:
O i’uga a Komesina e uiga i le tulaga ‘olo’o iai sāuāga i totonu o ‘āiga i Sāmoa.

Fautuaga:
O fautuaga mo fa’atinoga po o galuega e fa’afetaia’i ai sāuāga i totonu o ‘āiga i Sāmoa, ua fa’avae i i’uga o galuega a Komesina ma ‘auala na fa’atūina mai e i latou na ‘auai i le Sā’ili’iliga.

VAEGA II: O UIGA O SĀUĀGA I TOTONU O ʻĀIGA

5. The Nature of Family Violence

There are many faces of family violence, many victims, and many different kinds of perpetrators. Not only that, family violence affects people in different ways across different cultures. It is important for us all to have a general understanding of this so that we are able to recognize and address it within the Samoan context and drawing from international best practice and comprehension where appropriate.

5.1 Types of violence

The types of violence carried out are numerous and encompass:[1]

- *Physical violence*: anything from a slap or a push on one end of the scale to being hit with a machete or shot with a gun at the other end of the scale;
- *Sexual violence*: Physical violence can also be of a sexual nature and include unwanted touching, harassment, rape, incest;
- *Emotional/Psychological and Verbal abuse*: intimidation, isolation, coercion, jealousy, threats, neglect, blaming, shaming and name calling are all examples of verbal abuse which can have a negative impact on a person emotionally, often of a long term nature;
- *Financial violence*: when one person in a relationship has control over the other's access to economic resources, limiting their independence and forcing them to depend on their partner;
- Any other controlling or abusive behaviour where such conduct harms or may cause imminent harm to the safety, health or wellbeing of a person.

5.2 Who is affected?

Family violence is not just limited to a man beating his partner, it can start from birth right up until old age. It is not always physical and can be experienced in many different ways. It is rarely a one off. Certain groups can be particularly vulnerable to family violence and in Samoa the following groups experience violence within the family setting:

[1] See *Family Safety Act 2013*.

- Children and teenagers (adopted and biological);
- Married and Unmarried Women;
- Men;
- *Fa'afafine*;
- Persons with Disabilities;
- The Elderly; and
- Persons of Diverse Sexual Orientation and Gender Identity and Expression (**SOGISC persons**).

Or, more simply put – **everyone is vulnerable to family violence**. The same is true for perpetrators, who similarly do not fit into one definable category. Those responsible for acts of violence can be men, women, *fa'afafine* or children, married or unmarried, *matai* (chief) or untitled, wealthy or poor, educated or not.

5.3 Impact

The impact of family violence is different from person to person and often victims can be re-traumatized if their reaction does not fit into what people think it should. For example, if a victim of rape does not fight back during the violent sexual assault, people sometimes question whether it actually constitutes rape, diminishing the experience of the victim, questioning their trauma and absolving the perpetrator of any responsibility.

Developing a thorough understanding of the ways in which family violence can impact people and the ways in which they may react is therefore crucial in ensuring victims are given the support they require and perpetrators are not allowed to act with impunity and are held responsible for their actions. This will be discussed in detail in **Part III** of the Report. Regardless of how a person reacts to being subject to violence the very act is a violation of their fundamental human rights such as the right to life, liberty and security of the person. It prohibits the full expression of life and violates principles of dignity, respect and *alofa* (love).

5.4 Language

The language we use when talking about someone who has experienced violence is important because the way we describe it has an effect on our perceptions of the act of violence and those involved. For example, referring to a person who has experienced family violence as a 'victim'. The word 'victim' can imply helplessness, pity and the sense of being trapped, which may not reflect the true situation of the individual and nor is it helpful in either coming up with a support plan or in the way we interact with that person from then on.

Alternatively, we may refer to people as 'survivors' which is associated more with a person who has overcome a situation. It is possible to be both a victim and a survivor and this Report will use the two terms interchangeably depending on the context.

5.5 Causes and Triggers

One of the key objectives of the Inquiry is to identify causes and triggers of family violence in Samoa. It is helpful to, first consider the difference between causes and triggers; the commonly accepted underlying causes of **all** types of violence worldwide; and the theory behind one of the most prevalent types - gender based violence (**GBV**).

5.5.1 Difference between Causes and Triggers

Understanding the distinction between causes and triggers is not often made but it is crucial to do so as classifying triggers as causes can often shift responsibility away from the perpetrator and contribute to the continuation of violence. Nonetheless, the Report will show it is important to address both causes and triggers to completely break the cycle of violence.

Inquiry Info Point 1: What is the difference between a cause and a trigger of family violence?

A **trigger** starts something that was already primed to happen. For example feelings of jealousy, alcohol, anger, stress, financial problems etc., can be triggers of family violence.[2]

A **cause** is the underlying reason family violence happens. For example, witnessing family violence as a child, power and control, gender inequality etc., can be causes of family violence.

Causes and triggers are usually inter-linked, in that they influence each other, so the only way to effectively prevent family violence is to identify and address each and every one.

5.5.2 Power and Control

Regardless of the type of violence, violence (within and outside the family setting) has its roots in **power and control.** 'Violence' is a means to exercise and protect power and control over another person. It is basic human nature to want to do so to protect ourselves by limiting the powers others have over us. However, this fails to take into account our civilization, our cultural values, our Faith or our

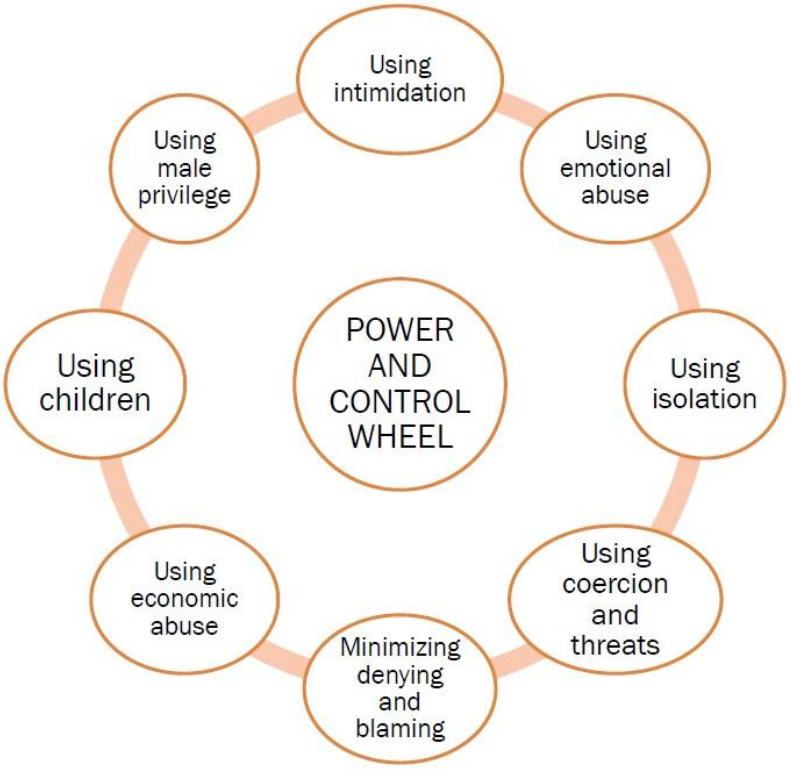
scared relationships. Power and control is exercised through violence by those who have forgotten or have never understood the value of sharing power and control through abiding by principles of love, dignity, equality and fairness. However, power and control is not the sole cause of family violence, rather it underpins all of the other causes and given the complex inter-linking nature it is absolutely necessary to understand those within the context of Samoa.

The power and control diagram below is a particularly helpful tool in "understanding the overall pattern of abusive and violent behaviors, which are used by a perpetrator to establish and maintain control over

[2]See **Myth 9** below for more details.

his partner in any given relationship".[3] Case studies will be analysed later in this Report to identify elements of the power and control wheel to establish any linkage between family violence and power and control.

Inquiry Info Point 2: The Power and Control Wheel



Adapted from: *National Centre on Domestic and Sexual Violence*

[3] Refer to National Centre on Domestic and Sexual Violence. "Power and Control Wheel." Retrieved from https://www.med.unc.edu/im/files/patient-education-handouts/power-and-control-wheel. Accessed 29 May 2018.

5.5.3 Gender Based Violence and Gender Inequality

A large proportion of family violence is perpetrated against women and girls and therefore one of the initial questions for the Report is whether gender inequality is the primary cause of family violence in Samoa, as it is in most other parts of the world. The Inquiry also considered all other types of family violence and whether the causes of that are also linked to gender inequality or if there are other roots.

'Gender inequality' is a characteristic of many societies, "with males on average better positioned in social, economic, and political hierarchies".[4] This is also the case for Samoa as highlighted later in the Report. Gender inequality is strengthen by power and control therefore maintaining the gender hierarchy in Samoa where women occupy a subordinate position and leads to the prevalence of GBV.

> "Gender based violence against women is one of the fundamental social, political and economic means by which the subordinate position of women with respect to men and their stereotyped roles are perpetuated."
>
> *CEDAW Committee, General Recommendation 35, Inquiry Document 72*

Part IV of the Report will examine to what extent power and control, gender roles and other causes and triggers all contribute to family violence in Samoa.

5.6 The Cycle of Violence

Consideration of both the *Power and Control Wheel* and *Cycle of Violence Wheel* will be of assistance when later analysing case studies and common trends from Samoa.

The cycle of violence wheel explains how and why the behavior of a person who commits family violence may change so dramatically over time. It also provides an understanding as to why the person affected by family violence continues to face a violent relationship.[5] The cycle goes through a number of stages as depicted in the graphic below.

Variations of the cycle occur because not every person's experience violence is the same. Nevertheless, it is important for Samoa to develop a national understanding of the cycle of violence in order to break it and to ensure that support services (such as the police, health workers, pastors, village councils, the Judiciary etc.) respond appropriately

The cycle of violence gives insight into one of the most confusing aspects of family violence – whereby the victim often believes that they are to blame and deserve what is happening to them. The cycle begins when the victim attempts to placate their abuser and anticipate what will make them angry such as disobeying him.

However, given violence is underpinned by a constant attempt to retain power and control and not because of actions of the victim, further violence is inevitable and the cycle continues.

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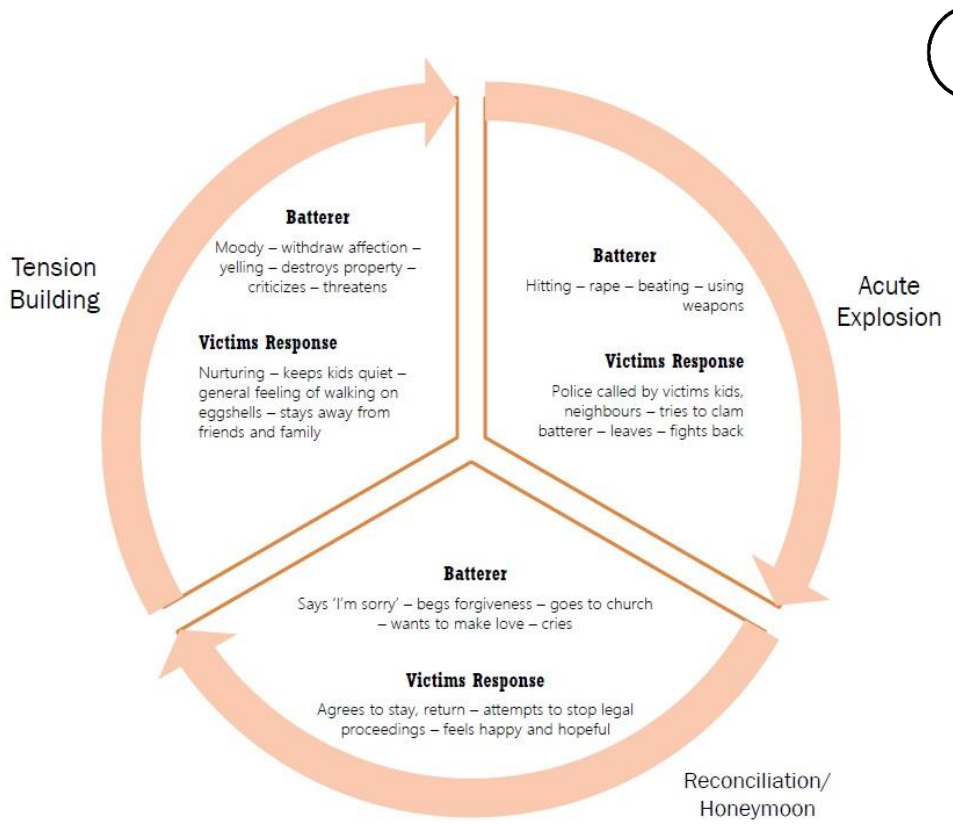
[4] Refer to UNDP. *Humanity divided: Confronting inequality in Developing Countries.* (2013). Retrieved from https://www.undp.org/content/dam/undp/library/Poverty%20Reduction/Inclusive%20development/Humanity%20Divided/HumanityDivided_Full-Report.pdf. Accessed 27 May 2018.

[5] MICHA Projects Inc. "The Cycle of Violence." Retrieved from http://www.bdvs.org.au/resource_files/bdvas/IR_5_Cycle-of-violence-factsheet.pdf. Accessed 13 May 2018.

Inquiry Info Point 3: The Cycle of Violence



Adapted from: *Arkansas Coalition Against Domestic Violence*

Over time, the victim comes to internalise the attitudes of the perpetrator as a protection mechanism and they now believe they are to blame, just as their abuser does. This in turn facilitates a broader environment where violence is far more accepted. The Report it will assess if this is happening in Samoa and if so how it can be addressed.

5.7 Myths of family violence

Equally as important in building up a national understanding of the causes and impact of family violence is a comprehensive understanding of some of the myths of family violence in Samoa. Throughout the Report, the Commissioners highlight commonly held misconceptions and myths relating to family violence in Samoa and the impact they have. Two common misconceptions, to begin the myth-busting process:

Myth 1: Alcohol and Drugs cause family violence

Reality: Alcohol and drugs are not present in the vast majority of family violence incidents reported to the police in Samoa. Furthermore, many people consume alcohol and drugs without going on to commit violence. The reality is that alcohol and drug **abuse** can sometimes trigger violence by altering inhibitions and decreasing patience and tolerance levels, but it is **not** the root cause of that violence.

Myth 2: Family violence is caused by anger

Reality: Anger is either a tool perpetrators use to scare their victim into submission or a trigger of family violence, it is not a cause of the violence itself. This is evident by when a perpetrator is committing a violent act they can easily pause if someone knocks at the door or the phone rings and not every person who angers the perpetrator is abused. Perpetrators are often in control of their actions, and not consumed by anger, to the point they can ensure any physical violence is carried out on parts of the body that are less likely to be visible to others. In other situations anger can trigger the underlying causes of family violence and therefore those people who struggle to contain their anger may be more at risk of perpetrating such violent acts.

Overall, due to the complex nature of family violence and its causes and triggers, effective responses usually require a coordinated centralized approach.

Therefore, rather than rely on external research to draw conclusions on the causes and triggers of family violence in Samoa, the Inquiry will instead restrict its use and focus on country-specific data, first hand research and evidence obtained in the course of the Inquiry to support its findings and recommendations.

"Though stakeholders in many countries are working to eliminate violence against children, their efforts are not always well coordinated and supported and few are undertaken at a large scale. Coordination mechanisms are therefore essential, as no single sector can deliver the full package of interventions."

INSPIRE: 7 Strategies for Ending Violence Against Children, World Health Organisation, Inquiry document 48

6. The Samoan Context

6.1 An overview of family violence in Samoa

"Family Violence is a national crisis issue; it is complex given its cross-cutting nature, widespread and remains shrouded in a culture of silence and acceptance as normal."

MWCSD, written submission, Inquiry document 1

"There is an epidemic of violence in our society. Far too many lives have been lost and serious injuries caused."

Justice Tafaoimalo Leilani Tuala-Warren, Inquiry document 49

Twenty years ago family violence was not talked of publicly. Even five years ago it was not as common to talk about as it is today. Reverend Taumafai Komiti of the Methodist church highlighted to the Inquiry, "I think we need to acknowledge that we have come a long way – the awareness is starting to be there".[6] The Commissioners agree that Samoa has indeed come a long way in terms of being able to speak about family violence where it was previously not possible and this has shone a light on how widespread the problem is.

In the first comprehensive Family Health and Safety Study 2000 (**SFHSS 2000**) carried out by the Secretariat of the Pacific Community (**SPC**) and partners, it was found that 46% of women had experienced domestic violence in their lifetime.[7] When the study was carried out again by the Ministry of Women, Community and Social Development (**MWCSD**) in 2017 (Samoa Family Safety Study (**SFSS 2017**)) this figure was found to be 60%.[8] In the survey carried out by the NHRI as part of this Inquiry, 87% of respondents within the family setting had experienced threats of violence and 86% had been subject to kicking, punching or other assaults. A shocking 9.5% of female respondents reported to have been raped by a family member in their lifetime,[9] almost one in ten.

Data collection on family violence is still in its infancy and so it is difficult to accurately conclude how prevalent family violence is in Samoa. However, the majority of the populations are in one way or another affected by family violence. Furthermore, it appears to be escalating in terms of prevalence and seriousness. Throughout the Inquiry and the drafting of this Report barely a day passed without another story of family violence of worsening proportions being reported by the media. On the day this section was drafted a husband attacked his wife with a machete in broad daylight in Apia.[10] The prevalence of family violence is such that it is spilling out onto the streets and no-one should be in any doubt that this is a critical issue of public concern, a widespread violation of human rights and a threat to the *Fa'asamoa* and Faith.

> "Bullying is not just a relation between bully and victim. It's really a three-way relation, between bully, victim and everyone who refuses to do anything about aggression."[11]

A firm characteristic of family violence in this country is the veil of silence it hides behind, that is only slowly being lifted. This veil of silence is woven from a variety of threads, not least the fear of bringing shame upon one's family if a victim decides to speak out. It is widely acknowledged that reported cases of family violence are only ever the tip of the iceberg. This is especially true of Samoa where the *Fa'asamoa* creates an added layer of pressure against reporting. Recent figures show that only 11%

[6] Statement made to Inquiry during public hearings.
[7] SPC and UNFPA. (2006). *Samoa Family Health and Safety Study 2000*. Document 83 Inquiry anthology, accessible at www.ombudsman.gov.ws.
[8] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 Inquiry anthology, accessible at www.ombudsman.gov.ws.
[9] For more information refer to "Stakeholder Consultations Report." Document 58 Inquiry anthology, accessible at www.ombudsman.gov.ws.
[10] See "Stabbing horror in Apia." *Samoa Observer*. (18 January 2018). Document 113 Inquiry anthology, accessible at www.ombudsman.gov.ws.
[11] Refer to "You should have been more careful: when doctors shame rape survivors." *Guardian*. (15 October 2017). Document 55 Inquiry anthology, accessible at www.ombudsman.gov.ws.

of victims of family violence reported the abuse they had experienced,[12] and if it is not reported it is allowed to flourish. One of the biggest barriers Samoa therefore has to overcome is the barrier to reporting family violence and this will be a major focus of the Report.

Family violence is not a unique problem to Samoa. It is a major concern for almost every country worldwide and few countries would claim to have it under control. However, prevalence rates in the Pacific do appear to be higher and an understanding of why that it must be arrived at before proposed solutions can be implemented effectively.

Awareness of family violence has now grown to such a point that 85% of Inquiry survey respondents across Samoa believe it to be an issue that should be addressed as a priority. **It is this consensus which provides the mandate for change, to which Samoa's political, traditional and religious leaders should take heed.** We must also take note that while an overwhelming majority (85%) wishes for family violence to be addressed as a priority, there was an obvious lack of understanding among those people of the underlying causes of violence, with many women blaming themselves for acts of violence towards themselves and their children. This would suggest that Samoa is now in a situation where awareness raising efforts to date have succeeded in generating support for change. **However, it has yet to succeed in making people understand the real reason why such violence occurs.** The Report aims to comprehensively assess the causes of family violence in Samoa and contributes to strengthen Samoa's understanding that is required to effectively address the problem.

6.2 Samoan law and family violence

6.2.1 Traditional protection mechanisms

"A malu i fale, e malu i fafo." (If you are safe in your home, you should also feel safe in the community).

"O aiga o le anofale o afio'aga ma le fatu o le aganu'u." (Families are pillars of the community and the heart of the culture).

Samoan expressions

In the Samoan context, families make up communities and congregations which hold society together. The Samoan system of *aiga* lead by a *matai* provides a strong support network, helps individuals understand their responsibilities and duties within that network, and provides protection for family members.[13]

In addition to the *aiga*, churches play a vital role in binding Samoan communities and today the church continues to be a major factor in the social cohesion of society.[14] The Village Fono comprised of *matais* of *aiga* plays a crucial role in maintaining and preserving peace, harmony, security and stability

[12] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 Inquiry anthology, accessible at www.ombudsman.gov.ws.
[13] IES. *The Cultural Atlas: Samoan Culture*. Retrieved from http://www.theculturalatlas.org. Accessed 15 May 2018.
[14] National University of Samoa. (2015). "Political representation and women's empowerment in Samoa." *Final Report* 1. Retrieved from http://samoanstudies.ws/wp-content/uploads/2015/07/Centre-for-Samoan-Studies_Final-Report-Volume-1-English.pdf. Document 63 Inquiry anthology.

through customary law and tradition. Samoa relies heavily on this effective system for the maintenance of law and order.[15]

6.2.2 Legal protection mechanisms

Protection against family violence is at the heart of the Constitution of Samoa which sets out fundamental rights to be enjoyed by every person:

- The right to life (Article 5);
- The right to personal liberty (Article 6);
- Freedom from inhuman treatment (Article 7); and
- All persons are equal before the law and entitled to equal protection (Article 15).

In addition, a range of legislative provisions establish crimes, penalties and protection mechanisms relating to family violence such as the *Family Safety Act 2013, Crimes Act 2013*, *Infants Ordinance 1961*, *Young Offenders Act 2007, and Education Act 2009*.

The *Family Safety Act 2013* is the key piece of legislation and provides for the "greater protection of families and the handling of domestic violence and related matters."[16] It includes a definition of domestic violence as:[17]

> "…physical abuse, sexual abuse, emotional, verbal and psychological abuse, intimidation, harassment, stalking or any other controlling behaviour towards a complainant where such conduct harms, or may cause imminent harm to, the safety, health of wellbeing of the complainant."[18]

The *Family Safety Act 2013* also establishes protection orders (**PO**), which can be applied for in relation to any domestic relationship.[19]

Inquiry Info Point 4: What is a Protection Order?[20]

A PO is an order issued by the Family Court to prevent an alleged perpetrator of domestic violence from accessing the victim for a set period of time in order to provide protection. It provides:

- A safety net for victims;
- A safety net for the children;
- A safety boundary for the victim and the perpetrator to continue to care for their children; and
- A safety space where the victim can continue their life without further suffering at the hands of the alleged perpetrator.

[15] Refer to footnote 23 of Samoa Office of the Ombudsman. (2015). *State of Human Rights Report 2015: For Samoa by Samoa*. Apia: Government Printers. See also *Village Fono Act 1990.*
[16] *Family Safety Act 2013,* Long title.
[17] *Family Safety Act 2013*, section 2.
[18] *Family Safety Act 2013*, section 2.
[19] Refer to Part II of the *Family Safety Act 2013*.
[20] Explanation provided to the Inquiry by Savalenoa Mareva Betham-Annandale. Family Law Barrister and Solicitor. *Written submission*. Document 8 Inquiry anthology, accessible at www.ombudsman.gov.ws.

There are two types of protection – an 'Interim PO' or a 'Permanent PO'

Interim PO must always be applied for first, and once the Court has received it they will promptly consider it and issue an Interim PO which is valid for 2 weeks (this can be extended when the matter is called to Court).

Once the order has been issued it is referred to the Police for execution and as soon as the police serve the order to the alleged perpetrator it becomes effective. After the Interim PO period the Court sets a date to hear the evidence put forward by the complainant and to give the alleged perpetrator the right to respond. If the Court is satisfied with the evidence of domestic violence, or if the respondent fails to turn up, a *Permanent PO* may be issued, valid for two years.

How does it work?

***Filing a protection order application is free** (unless applied for through a lawyer who may charge for their services)**

There are four ways a person can apply for a PO:

- Directly in person through the Ministry of Justice and Courts Administration (**MJCA**), Court Division at Mulinu'u. The Registrar helps a victim (or a person acting behalf of a victim) complete an application form and prepare a sworn statement that sets out the incidents of domestic violence in support of the application; or
- Through a representative such as Samoa Victim Support Group (**SVSG**) or any other representative who may file the application on the victims behalf; or
- Through an officer of the Domestic Violence Unit (**DVU**); or
- Through a private lawyer.

There has been a range of legislative reform in relation to family violence in recent years and this will be examined in more detail in the sections below.

6.3 Current systems and services

The Inquiry acknowledges the efforts of the Government to deal with family violence throughout the years. This is evident in the series of programmes established by relevant Government ministries such as MWCSD, MJCA and Ministry of Police (**MoP**).[21] A number of livelihood skill programmes for women are run by MWCSD in collaboration with its partners. These include public education programmes such as *Positive Parenting, Mothers and Daughters, Young Couples and Teen Mums*. These programmes are targeted to include both men and women promoting effective communication skills and non-violent manners in dealing with family related situations.

[21] Refer to written submissions for more information of programmes carried out by MWCSD, MJCA and MoP. Documents 1, 32, 33, 34 and 35 Inquiry anthology, accessible at www.ombudsman.gov.ws.

In addition to these programmes is the establishment of the Family Court under the *Family Court Act 2014* as a division of the District Court to provide protection and recourse for victims of family violence. The Family Court also deals with divorces, custody and maintenance. These courts are supported by the Youth Court, a branch of the District Court, which deals with criminal offences carried out by people aged 10-17 years old.

Further programmes by MJCA include the Family Group Conferences (**FGC**) as an alternative dispute resolution to respond to family violence cases particularly if the victim does not want the husband to be imprisoned. FGC makes recommendations to the court which often results with the perpetrator being referred to a rehabilitation programme run by SVSG or other church- based organizations.

The establishment of the DVU within the MoP is highly a significant achievement by the Government over the years. The DVU was set up in 2007 and is responsible for receiving domestic violence complaints, filing protection orders, prosecuting interim protection orders, referring victims to shelters and relocating families.[22]

However, the core services which cater directly to victims of family violence are run solely by NGOs such as SVSG. SVSG was established in 2005 with a focus on supporting child victims of family violence but quickly expanding to deliver a wide range of services including provision of the only shelter for survivors of family violence in Samoa, couples counseling, anger management courses, drug and alcohol programmes and the development of a network of SVSG representatives to help identify vulnerable people and victims in villages.[23]

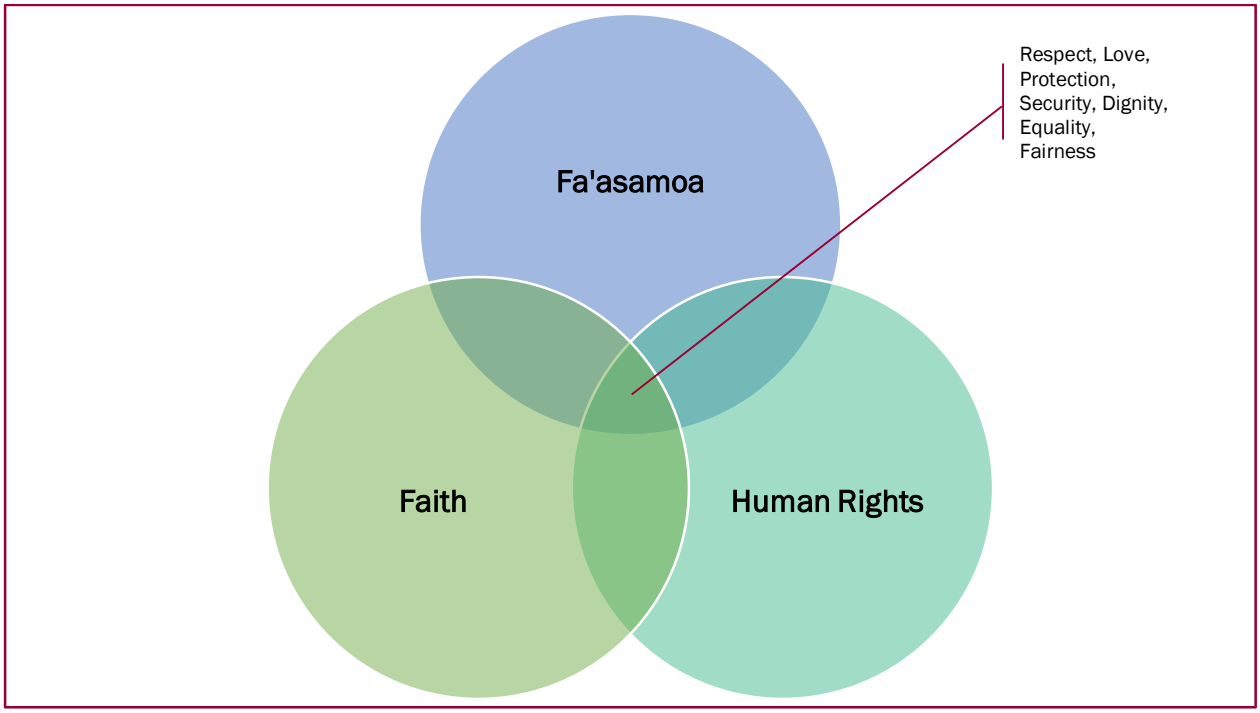
In addition, other NGOs provide critical support to family violence survivors, seeking to meet their immediate needs and address the causes of family violence to prevent future harm and suffering including Fa'ataua le Ola (**FLO**), Samoa Returnees Charitable Trust (**SRCT**), Samoa Red Cross etc.[24] The challenge they face is indeed a monumental one and these organizations deserve to be recognized for their contribution to Samoan society. In due course, the Report will consider in greater detail the work they are undertaking and how they may be better supported to meet the huge demand for their services that the prevalence of family violence dictates.

6.4 *Fa'asamoa*, Human Rights and Faith

The principles contained within the *Fa'asamoa*, Faith and human rights are central to the debate of the Inquiry. They contain standards, norms and approaches which, when well applied, can prevent and protect against all forms of family violence. Understanding the relationship between the three is also important to identify how and where they can strengthen each other. Throughout the Inquiry process, it was universally held that any proposed solution to family violence could only be successful if it places the *Fa'asamoa* and Faith at its heart. The Commissioners agree and further believe that human rights principles are inextricably linked to the *Fa'asamoa* and Faith, meaning any solution can

[22] Samoa Law Reform Commission. (2016). *Convention on the Elimination of All Forms of Discrimination Against Women Legislative Compliance Review Final Report.* p. 27. Document 89 Inquiry anthology. Ministry of Police submission to the Inquiry. Documents 33, 34 and 35 Inquiry anthology.
[23] Samoa Victim Support Group oral submission to the Inquiry.
[24] See **Info Point 16** for more information.

be further strengthened by an approach encompassing all three. An understanding of the key principles from each, as they relate to family violence is important from the outset.



Inter-relationship between Fa'asamoa, human rights and Faith – all three share similar fundamental values and principles.

6.4.1 Human Rights

Human rights are "rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible."[25]

Freedom from all forms of violence is a fundamental human right. The right to protection from violence, security, and liberty of the person is recognized in the major human rights treaties, including those to which Samoa is a signatory:

- International Covenant on Civil and Political Rights (**ICCPR**);
- Convention on the Rights of the Child (**CRC**);
- Convention on the Elimination of All Forms of Discrimination Against Women (**CEDAW**); and
- Convention on the Rights of Persons with Disabilities (**CRPD**).

Family violence violates a range of human rights including:

- The right to life;
- The right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment;
- The right to liberty and security of the person;
- The right to equal protection under the law;
- The right to equality in the family;

[25]Refer to United Nations Human Rights Office of the High Commissioner. "What are Human Rights?" Retrieved from http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx. Accessed 30 May 2018.

- The right to the highest standard attainable of physical and mental health;
- The right to just and favourable working conditions; and
- A child's right to play.

Additionally, Article 1 of CEDAW defines discrimination against women as including GBV that is directed against a woman because of her gender or that affects woman disproportionately. It is now *opinion juris* ('an opinion of the law') and State practice that prohibition of GBV has evolved into customary international law.[26]

The CRC also requires State parties to take all appropriate measures to protect the child from all forms of physical or mental violence, injury, or abuse, including sexual abuse[27] and that there are absolutely no exceptions to this.[28]

The Government, as the primary actor of the State, is the main duty bearer of human rights meaning, it is the body responsible for ensuring the equal enjoyment of these rights in both law and in practice. The Government may also be held responsible for acts by private individuals if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence.[29]It is against these standards that the Government will be assessed in the course of the Report.

The broader relationship between human rights and the *Fa'asamoa* must also be considered before findings are made because failure to address misconceptions of the incompatibility of the two could prevent effective lasting change.

The view that human rights are a foreign concept derives from the translation of 'human rights' to — *'Aia Tatau' o Tagata Soifua'*. It seems that when some people hear the term *'Aia Tatau'* they tend to pay strong attention only to the word *'Aia'* which implies 'non-interference from others' or 'I can do or say anything because it is my right.' As a result, the word 'Tatau' meaning 'appropriate' is given less significance.[30]

A more comprehensive interpretation of *Aia tatau* is 'privileges that are appropriate for a human being's (whether a child, woman, man, person with a disability or prisoner) well-being. For instance, appropriate privileges for a child are to receive a proper education and not to be physically abused or subjected to child labor. It is not an appropriate privilege for the child to disrespect her/his parents. It is an appropriate privilege for a woman to be respected and loved by her husband. It is not appropriate for a woman to be subjected to physical abuse or discrimination.[31]

In this way, Samoa needs to consider the full meaning of the phrase and its practical application. This will enable an appreciation of the nature of human rights as a concept that confers both rights and

[26] Refer to UN CEDAW Committee (2017). General Recommendation No.35 on gender-based violence, updating General Recommendation 19. CEDAW/C/GC/35. Document 103 Inquiry anthology, accessible at www.ombudsman.gov.ws.
[27] *Convention on the Rights of the Child*, Article 19(1).
[28] Refer to UN Committee on the Rights of the Child. (2011). General Comment No. 13 on the right of the child to freedom from all forms of violence. CRC/C/GC/13. Retrieved from http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.13_en.pdf.
[29] Refer to UN CEDAW Committee. (1992). General Recommendation 19 on Violence against women. A/47/38. Document 105 Inquiry anthology.
[30] Samoa Office of the Ombudsman/ NHRI. (2015). *State of Human Rights Report 2015: For Samoa by Samoa*. Apia: Government Printers.
[31] Samoa Office of the Ombudsman/ NHRI. (2015). *State of Human Rights Report 2015: For Samoa by Samoa*. Apia: Government Printers.

responsibilities and is a framework which protects the minimum standards that we as human beings should enjoy and mirrors the standards envisaged in the *Fa'asamoa*.

It is also argued by some that the *Fa'asamoa* is concerned with communal rights whereas human rights seek only to protect individual rights. Human rights are indivisible, interdependent and interrelated. This simply means that a violation of one right (such as the right to health) may affect the enjoyment of other rights (such as the right to life) and that human rights cannot be placed in a hierarchy of importance – they are all equally important. Whilst human rights approaches and sees protection and promotion from an individual perspective (the very nature of them being indivisible, interrelated and interdependent), it means that if you protect the rights of an individual you are also helping to protect the rights of a community, and vice versa.

This is further strengthened when considering the universal nature of human rights. Human rights apply universally and equally to each and every one of us. If the rights of one person are violated then the principle of universality has been violated and the rights of others are likely to suffer too.

Within the context of the Inquiry if we protect the individual rights of survivors from future violence, it is in turn strengthening the protection system for the whole community. Violence can spread and what starts out as violence in the home can easily spill out into the villages and towns, as we have seen with the very public attacks that are becoming more commonplace. By better protecting the rights of those individuals we will also be protecting the collective rights of others.

> "Our fate as individuals is bound up with the fate of others in whose social context we find ourselves."[32]

Therefore, human rights not only are not working against the *Fa'asamoa* but can actually work to strengthen and support cultural norms, practices and collective rights. Throughout the Inquiry report this will be explored in further detail.

6.4.2 *Fa'asamoa*

The *Fa'asamoa* is the culture or way of life of the Samoans which traditionally embraces inclusivity, respect, communication and peace. It adheres to the view that its principles are interlinked and interdependent, similar to that of human rights. For example, the principle of '*vā tapuia*'. The term '*vā*' refers to the physical distance between objects, places or people. In the context of human relationships, '*vā*' refers to a relational space, one that includes the physical, mental, spiritual, genealogical and historical.[33] '*Vā tapuia*' are sacred relationships and considered the core of all relationships and founded and grounded on the principle of '*fa'aaloalo*' (respect) for one another.[34] These relationships exist between parents and children, husband and wife, the living and dead, human

[32] See Philip Alston. (1985). "The Shortcomings of a 'Garfield the Cat' Approach to the Right to Development." *California Western International Law Journal*, 15(3). pp. 510, 516.
[33] See Ministry for Women New Zealand. (December 2015). "Samoan people's understanding of primary prevention of violence against women." Document 91 Inquiry anthology.
[34] Meaola Amituanai-Toloa. (2006). "The 'Va-Tapuia' (Space made scared) in bridging research and relationships: Brown culture and commonsensical ethics." *Alternative*, 3(1). pp. 201-219. Retrieved from https://www.researchgate.net/publication/221675460_The_'Va_Tapuia'_Space_made_sacred_in_bridging_research_and_relationships_Brown_culture_and_commonsensical_ethics. Accessed 30 May 2018.

beings and their environment, between the creator and the created, brothers and sisters, older and younger siblings, *matai* and family members, the elderly and the young.[35]

In essence community thrives when individual members have mutual respect and honor for the scared relationship we have with another, which enables each individual to live their own rights in reciprocal interaction with other members of the community.

The *Fa'asamoa* goes further than human rights in some respects, describing an inter-relationship between everything and everyone. The field of human rights is gradually expanding its scope and the relationships it covers (including the recent establishment of legal rights for worldly features such as rivers or mountains)[36] and seemingly has much to learn from the *Fa'asamoa*. However, the reverse is also true and there are circumstances where human rights norms and standards are able to provide practical protection frameworks that can be adapted to the Samoan context, which may not already exist in Samoan society.

It is no surprise that the relationship between human rights and the *Fa'asamoa* can be mutually reinforcing given they are both rooted in dignity of the person, love, equality and respect. This relationship was recognized at the highest level when our forefathers incorporated fundamental human rights into our Constitution. This is a testament to the longstanding understanding of how human rights can strengthen the *Fa'asamoa*.

Specific elements of the *Fa'asamoa* are very relevant to addressing and understanding family violence and the following principles will be referred back throughout the Report.

Feagaiga (Covenant) are spiritual covenants that exist between different sets of people and which determines the responsibilities towards one another within that relationship.

Fa'aaloalo (Respect refers to the respect that must be paid within social hierarchies and the respectful way in which one must go about their role in society.

Feāvaa'i (Mutual Respect) is a core value for which Samoan culture is well known. It is demanded of all Samoans, particularly children towards their parents, brothers towards their sisters, serving members towards their chiefs, young towards the old, congregations towards their pastor and so on. Respect is shown not merely in the manner of talking, but also in the body language of the person. Within all of these relationships the respect goes both ways.

Vā Feāloa'i (Respect within relationships) is another form of respect focusing more within a particular relationship, providing guidance and rules on the manner in which one person speaks to another and vice versa, the language they use and their behaviour.

Malupuipuia (Being protected) is a state of protection for a person that can consist of a physical sanctuary such as a pastor's or *matai's* house or it can refer to spiritual protection of

[35]See Tamasese, K, Peteru, C and Waldegrave, C. (1997). *Ole Taeao Afua – The New Morning: A Qualitative Investigation into Samoan Perspectives on Mental Health and Culturally Appropriate Services*. The Family Centre. Wellington.
[36]Mihnea Tanasescu. (2017). "When a river is a person: from Ecuador to New Zealand, nature gets its day in court." Retrieved from http://theconversation.com/when-a-river-is-a-person-from-ecuador-to-new-zealand-nature-gets-its-day-in-court-79278. Accessed 30 May 2018.

a person. It can also be achieved through the protection afforded by being part of a safe community or household.

Fa'asinomaga (Identity/origin/roots) dictates that every Samoan person belongs, that they have roots in a family and a village and have a role to play in Samoan society. Through this belonging a sense of responsibility within each person is created which should play a preventive role in relation to perpetrating all forms of violence.

Tautua (Service) is to serve in a selfless manner in the way a *matai* serves their community. It can also extend to the service a church provides its parishioners or the way family members carry out their respective duties. Reciprocity and mutuality are built into the concept of *tautua.* The server serves the served and vice versa.

Amiotonu (honesty/justice) is a sense of justice that needs to be upheld in all circumstances in order to maintain the integrity of the *Fa'asamoa*. It can be achieved through a number of traditional justice mechanisms carried out by the Village Fono in a manner that upholds honesty and good governance.

Soalaupule (Discuss/deliberate/share) is a form of consensual dialogue which is based on an acceptance of differences within relationships and ensuring inclusivity to foster effective sharing of ideas. It represents a fine balance between *Vā feāloa'i* and enabling all voices to be heard and all experiences and ideas considered to ensure the best possible outcome for the community.

Alofa (Love) is expressed not only within the family and community but also towards guests. It includes parents caring and providing for their children, ensuring that they receive the best of everything; children caring and looking after their elderly parents; brothers and sisters looking out for each other; neighbours providing help and assistance wherever they can; the commitment and sacrifice families make towards the church; and welcoming visitors to Samoa with open arms.

Fepuipuia'i (Mutual Protection) is demonstrated when parents care for and protect their children from harm and danger, and vice versa when roles are reversed later in life, or when the *matai* of the village ensures that members of the village live peacefully, and villagers uphold and protect the dignity of the *matai*.

It is clear from some of the common *Fa'asamoa* principles above, that nowhere in the *Fa'asamoa* where violence of any nature is condoned, whether it is physical, emotional or financial violence. The Report will examine to what degree the *Fa'asamoa* is adhered to today and the role it currently plays in family violence and how that may be strengthened.

6.4.3 Faith

Freedom of religion is enshrined in Samoa's Constitution.[37] Furthermore, the Constitution declares Samoa to be a Christian nation[38], meaning Christian faith and values play a fundamental role in

[37]See Article 11 of the *Constitution of the Independent State of Samoa*.
[38] See *Constitution Amendment Act 2017*.

everyday life. Christian values are founded on unconditional love, kindness, respect, integrity, peace and forgiveness, which are invariably inter-linked with the *Fa'asamoa* in the same mutually reinforcing manner as described between the *Fa'asamoa* and human rights above.

Moreover, such values denounces all forms of violence. However, this is not universally accepted with many believing that physical discipline of children is necessary. Interpretations of the relationship between man and woman vary significantly having an impact on gender hierarchies, and in turn family violence. These discussions will be considered in detail throughout the Report and Faith considered as one of the key platforms for any solution, both in terms of its teachings and the significant role the Church can play in Samoan society.

Samoa therefore has three comprehensive doctrines to draw upon in the fight against family violence, which when deployed effectively can not only achieve that goal but can also reinforce and strengthen each other.

INQUIRY FINDING 1: Family violence is a complex social problem where causes, triggers and consequences are inter-connected. It requires a nationally coordinated approach to prevention and protection. Within the Samoa context, such a national approach should be driven by the *Fa'asamoa*, Faith and human rights framework.

VAEGA III: SĀUĀGA I TOTONU O ʻĀIGA I SĀMOA

O le vaega lenei ʻolo'o iloilo au'ili'ili ai sāuāga i totonu o ʻāiga, e pei ona fa'amatalaina e i latou na āfāina, a'afia fa'apea i latou na fa'atinoina sāuāga. ʻOlo'o aofia ai ni su'esu'ega fa'apitoa o mea na tutupu, ua fa'avasegaina i itū'āiga sāuāga ma o ia vaega ʻole'ā fa'avae ai se vā'ili'iliga mulimuli ane o matā'upu.

7. Ua ʻāmata se ta'amilosaga o sāuāga…

7.1 Tamaiti

ʻOle'ā fa'amati'e i fa'amatalaga na tu'uina mai i le gāsologa o le Sā'ili'iliga itū'āiga sāuāga e a'afia ai tamaiti i Sāmoa. E taga'i le Sā'ili'iliga i ia su'esu'ega fa'apitoa fa'amaumauga ʻolo'o iai, ma ʻole'ā fesoasoani lea i le fa'ateleina o se mālamalamaga i uiga ma māfua'aga o sāuāga fa'asaga i tamaiti i totonu o Sāmoa. ʻOle'ā talanoaina a'afiaga mai nei sāuāga i le **vaega 10.1**

7.1.1 Fa'atonu i le sasa/sāuāga

E pei ona iai i le tele o isi atunu'u i le lalolagi, e fa'apēnā fo'i Sāmoa, ua āutupulagā ona fa'aaogā le sasa/sāuāga o se ʻauala māsani e fa'atonu ai tamaiti. E matuā to'atele tagata i Sāmoa e talitonu o sāuāga/fa'atonuina i le sasa, e mana'omia le fa'atonu i sāuāga/sasa e a'oa'o ai le **lelei mai le leaga** ma e lē to'atele ni tagata ua fa'apea mai e tatau ona fa'asāina.[1] O le tele o ʻauala e fa'aaogāina e mātua e fa'atonu ai tamaiti ua fai mai e fa'avae i le Fa'asāmoa ma tusi fa'alelotu. O le tonu o ia mau ʻole'ā taga'i i ai le Līpoti i le **Vaega IV**.

> "O le a'oa'oina o fanau i totonu o ʻāiga ua lē va'aia o se fa'atalatalanoaga i le vā o matua ma le tamaititi ae na o se fa'asologa e a matua e fa'atonu ma ave fautuaga ma le agaga na o le fa'alogo ma usita'i le fa'atonuga"
>
> *Sui ʻauai i Fa'atalanoaga i Nu'u ma Afio'aga*

Su'esu'ega Fa'apitoa 1: Tavita,* le atali'i fai na sasaina ma i'u ai le ola

O Tavita o se tamaitiiti e 8 ona tausaga, sa nonofo ma lona tinā ma Petelu le to'alua fou o lona tinā. E iai le aso na ta'u atu ai e le tama a le tuafafine/afafine o lona uso

[1] O manatu na fa'aalia i le Fa'atalatalanoaga Fa'alaua'itele ma Nu'u ma Afioaga.

‘iā Petelu, ua susunu e Tavita ona se’evae ma sesele le vae o le atali’i moni o Petelu i le matātafi.

O le taimi lea ‘olo’o i le ā’oga Tavita. Na alu le fea’u i le taimi lava lenā ‘iā Tavita e alu atu vave i le fale. Na taunu’u atu loa Tavita i le fale, ‘ave e Petelu i le isi potu, ma sasa ai i le fa’agā’au seia o’o ina oso atu le tinā e vavao ma augani atu ‘iā Petelu e tāofi. E le’i leva ane, ‘ae ‘āmata ona fa’alētonu le mānava a Tavita, ma ua ‘ese le pupula a ona mata.

Na i’u lona ola e le’i o’o i le falema’i.

Na fa’asala muamua Petelu e tolu ma le ‘afa tausaga e falepuipui ai ona o se manatu fa’atū a lana lōia, **o Petelu, o se tagata na sāuāina e lona tamā, ma o lana solitulafono, ua fa’aalia ai a’afiaga o ia sāuāga.**

Na talosaga tete’e le Ofisa o le Lōia Sili i lea fa’asalaga, ma o le fa’ai’uga a le Fa’amasinoga o Talosaga, e tatau ona fa’aaogā **aiā tatau a le tamaitiiti ‘olo’o i le Feagaiga i Aiā Tatau a le Tamaitiiti ina ia ‘aua ne’i o’o i ai ni sāuāga po o fa’asalaga fa’atāutala.** Na si’itia le fa’asalaga i le lima tausaga i le falepuipui.

*Ua suia igoa mo le puipuiga o i latou e a’afia

Sa iā Petelu le manatu sesē, e mana’omia le itū’āiga sasa fa’apea, e pei ona sā sasa ai fo’i ia e lona tamā, ia iloa ai e le tamaitiiti ona ola a’e ma māfaufau lelei.

O le sasa na manatu o le a’oa’iga, na i’u ai ina māumāu le ola o Tavita. E manino lava, ua fāoa lana aiā tatau i le ola, ‘olo’o folafolaina le mautinoa, i lalo o le Fa’avae o le Mālō o Sāmoa ma le Feagaiga i Aiā Tatau a le Tamaitiiti. Ua solia ai fo’i le tele o talitonuga fa’avae o le Fa’asāmoa, ‘aemaise lava le vā tapuia o mātua ma fānau, ua lē fa’atino ai le matāfaioi a mātua o Tavita e fa’amautioa lona saogalēmū, le malupuipuia, ma le alofaina. E fa’apēnā fo’i ona manino le Tusi Pa’ia i lea matā’upu, ‘olo’o fa’apea mai, “‘aua e te fasioti tagata”.[2] O le matā’upu lenei ‘iā Tavita, o se fa’amanatu fa’anoanoa lea i lenei Līpoti, o le tulaga ua matuā solipala ai talitonuga fa’avae tau aiā tatau a tagata, fa’apea le Fa’asāmoa ma le Talitonuga Fa’alefa’atuatua.

Na fa’aaogā le Feagaiga i Aiā Tatau a le Tamaitiiti i le matā’upu lenei e fa’atumau ma lagolago ai le talitonuga fa’avae o le Fa’asāmoa o le āmiotonu, ma ua fa’ailoa ai se ‘auala fa’atino e mafai ai ona tapu’e tū ma aga mo’omia o le Fa’asāmoa, e ala mai i aiā tatau a tagata soifua. Ua maua mai fo’i i le matā’upu ‘iā Tavita le fa’ata’ita’iga o le ta’amilosaga o sāuāga i le vā o augātupulaga, lea na manatu ai lona tamā e talafeagai le fa’asalaga, talu ai, o le ‘auala fo’i lea na ola a’e ai ia a o tamaitiiti.

Su’esu’ega Fa’apitoa 2: O le tala iā Solomona,* o se tala o sāuāga lē uma[3]

O Solomona o le ulumatua o se fānau e to’asefulu e nonofo i se nu’u ā uta i Upolu, i se nofoaga e mamao ‘ese mai le tele o isi ‘āiga o le nu’u. O le sefulutasi o tausaga

[2] Taga’i i le Tusi Paia, Esoto 20:13.
[3] Samoa Victim Support Group oral submission to the Inquiry.

o Solomona na maliu ai lona tinā. Ua mavae le lua tausaga, ‘ae ‘āmata loa ona ita lona tamā ma fasi pe ‘āfai e gese lana gāoioi i le faiga o fe’au.

Sa tele lava ina sasa Solomona i se lā’au po o se fasi fafie, a o le mea sa sili ai ona fefe Solomona, o taimi ua fa’aaogā ai e lona tamā se filifili u’amea, o le itū’āiga filifili lea e loka ai ta’ifau. E māsani ona fāufāu ‘e’ē le tama mo se fesoasoani, ‘ae leai lava se tasi e alu ane.

Na o’o ina sola Solomona ma lona ‘āiga ma na i’u ina avane i se tasi o Fa’alāpotopotoga Tūma’oti i Apia. E o’o mai i le aso nei, e lē mafai ona galo iā Solomona le tīgā ma lona māfatia.

* Ua suia igoa mo le puipuiga o i latou e a’afia

O Solomona ua na’o se tamaitiiti e 11 tausaga le matua. Sa tatau ona ia maua fa’amanuiaga o le ola fiafia i lona tamaitiiti, e si’omia i le alofa ma maua le aiā tatau e ta’alo ma su’esu’e le lalolagi ma lona si’osi’omaga i lalo o le va’aiga a lona tamā. ‘Olo’o talanoaina uma e aiā tatau a tagata soifua, le Fa’asāmoa ma le Tusi Pa’ia, o le matāfaioi a mātua po o tagata e va’aia tamaiti le faia o mea e aupito sili mo le manuia o le tamaitiiti ma lona ola fa’aleagaga.

“O āu o mātua fānau.”

Fuaitau a Sāmoa

O se tasi o itū iloga o le tala iā Solomona, o le leai lea o se tasi na lagonaina ona tīgā. E o’o loa ina lē toe vāvālalata so’otaga i nu’u e pei ona sā iai, ua ‘ave’esea se tasi o ‘auala o puipuiga a Sāmoa – o le puipuiga a o tatou tuā’oi. ‘Ātonu e lē līpotiina e tamaiti sāuāga, ‘ae mafai ona fesoasoani tuā’oi pe ‘āfai latou te iloa. ‘Āfai e lē iloa e tuā’oi, e mafai ona tumau le tamaitiiti e leai se fesoasoani, e pei ona pagātia ai Solomona i tausaga e lua.

Na aliali mai i le Sā’ili’iliga, o le fa’atonu i le sasa po o upu/ sāuāga, o le ‘auala lea e fa’amautinoa ai le mālosi ma le pule. Mai se to’afā o tagata e tausia tamaiti i Sāmoa, e to’atolu na fa’ailoa mai na latou sāuāina tamaiti i le tausaga na tuana’i, ina ia “fa’atonu”.[4] E iloa mai i lea tulaga, o le to’atele o tagata ‘olo’o māsani ona va’aia tamaiti, ua sopo atu mai le laina o le fa’atonu, i le sāuāga.

7.1.2 Fa’atonu i upu mamafa/sāuāina

“Fai mai o upu o le alofa ia *mālolosi* ai tamaiti. O lo’u manatu, ua ova le so’ona lafo o upu. Ua ou fa’alogo fo’i i tinā o lau a latou tama teine o pa’umuku ma o lo latou manatu o upu e lu’i ai a latou fānau ia sui āmio. Peita’i, e leai.”

Sui ‘auai i avanoa faitele e fa’aleo ai manatu

Na manino i le gāsologa o le Sā’ili’iliga, e iai tagata e leai se manatu o le lafo o upu mamafa ma upu māsoā, o se itū’āiga o sāuāga. E mafai ona fa’apea, e māfua lea manatu ona o le lē mālamalama i le

[4] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

uiga o upu mamafa/sāuāga, po o le manatu o se mea māsani talu ai, o le ‘auala fo’i lea na ola a’e ai latou.

Fa’amatalaga Fa’amālamalama 5 o le Sā’ili’iliga: O le ā le sāuāina o se tamaitiiti i upu?[5]

E mafai ona a’afia le tuputupu a’e o le tamaitiiti ona o le fa’atonu/sāuāina i upu mamafa po o upu māsoā ma e aofia ai fa’ata’ita’iga nei:

- Fa’amata’u i upu (leotele, so’ona ‘e’ē, fa’afefe po o le ‘ava’avau i le tamaitiiti);
- Gutuvale (fa’aaogā upu māsoā pe palauvale i le tamaitiiti);
- Fa’amāasiasi (lau o le tamaitiiti e valea, paiē po o le leai sona aogā po o isi upu fa’apēnā).

E faigatā ona fua le tulaga ‘olo’o iai le fa’atonu i upu mātuiā/sāuāga (ma le sāuāina o le māfaufau) o tamaiti, ‘auā e seāseā ona līpotiina. Peita’i, e mafai ona ogaoga ona taunu’uga. E māsani lava ona ō fa’atasi ma sāuāga o le tino, e pei ona iai i le to’alua o Falaniko ma la lā fānau. Na matua fa’apopoleina Komesina i le fa’alogo atu i tala o upu/sāuāga ‘olo’o fa’atonu ai tamaiti ma a’afiaga e mafai ona o’o i ōlaga o ia tamaiti.

“Ua ou va’ai i tinā ma tamaiti […] ‘olo’o fai i ai tala i se uiga “sāuā”, ma “lē talafeagai”, lafo i ai upu māsoā, lau i ai le leai o se aogā – ma i’u ai ina tino mai ia fa’a’upuga i ma’i e pei o le fa’anoanoa/ātu, popole, āfāina o le māfaufau ona o ni mea mātuiā na tutupu.”

Sui ‘auai i avanoa fa’alaua’itele e fa’aleo ai manatu

Su’esu’ega Fa’apitoa 3: O le ma’itaga o Teuila*

Na ma’itaga Teulia o teine talavou e le’i ātoa le 20 tausaga. O se mea e le’i fuafuaina, a ua tupu. Na sulu Teuila i lona ‘āiga mo se fesoasoani ma le tausiga.

Na liliu ane lona ‘āiga ma fa’amatalaga mamafa i le māasiasi o le ‘āiga ona o le mea ua ia faia ma lona itū’āiga teineitiiti ua tō o teineitiiti.

Ua lē mafai e Teuila ona fa’alogo pea i tala e fai atu e lona ‘āiga. Ua lagona le māfatia ma le māasiasi. Leai se isi e fesoasoani, ua fa’a’esea.

Na i’u ina o’o i le tasi aso, ua pule Teuila i lona ola.

*Ua suia igoa mo le puipuiga o i latou na a’afia

E lē na’o Teuila na o’o i lenei tulaga. Ua fa’aalia popōlega tele o le Fono Aoao a Ekalesia So’ofa’atasi, ‘aemaise le Fono Aoao a Tupulaga Talavou, i le to’atele o tupulaga talavou ua pule i le ola, ma e talitonu ia fa’alāpotopotoga, o māfua’aga tele o nei mea tutupu o le fa’atonu/sāuāina i upu mamafa ma mātuiā. E lagolagoina lenei manatu e le fa’amasino o le Fa’amasinoga o Sāuāga i Totonu o ‘Āiga, o

[5] Ming-Te Wang and Sarah Kenney. (2014). “Longitudinal links between fathers’ and mothers’ harsh verbal discipline and adolescents’ conduct problems and depressive symptoms.” *Child Development Journal*, 85(3). pp. 908 – 923. Document 107 of Inquiry anthology.

Judge Sa'aga na ia molimau ai i le Sā'ili'iliga, "e to'atele a tatou fānau ua i'u o latou ola ona o upu e alu atu i o tatou gutu". E fa'amautūina fo'i lenei manatu e le Matāgaluega o Leoleo, o i latou ia e tele ina muamua i le tali atu i itū'āiga matā'upu fa'apēnei:

> "E le'i leva tele atu ona matou feagai ma ni matā'upu tau pule i le ola ma e feso'ota''i uma nei matā'upu ma sāuāga i totonu o 'āiga. O le tasi o ia matā'upu, na 'otegia e se tamā lona atali'i ma lafo upu matuā mamafa ma mātuiā. E malama a'e le taeao, ua sisi e le tama lona ua. E feso'ota'i uma nei mea i le sāuāina i upu."
>
> *Leoleo i ofisa o Leoleo i nu'u i tua, Avanoa fa'alaua'itele e fa'aleo ai manatu*

7.1.3 Sāuāga e mapuna a'e i le ita (frustration)

O se tasi o matā'upu na aliali a'e pea i le gāsologa o le Sā'ili'iliga, o le mātauina lea, e tele taimi e fa'atino ai faatonuga/sāuāga i upu mamafa, e lē ona ua iai se mea sesē ua fai e le tamaitiiti, a ua 'avea o se 'alofaga e fa'asasao ai le ita o le matua.

> "E māsani lava ona pō/sasa a tatou fānau ona tatou te fai mai e ulavale/fa'alogogatā, 'ae a tatou māfaufau i ai, e o'o lava i taimi 'olo'o ta'alo ai le tamaitiiti i ana meata'alo, tatou te fai mai e ulavale. E ulavale pe 'ā 'a'e i luga o nofoa. 'Ātonu o tatou le māfua'aga. E lē o mālamalama mātua i le māfaufau tuputupu a'e o le tamaitiiti. 'Olo'o sasa a tatou fānau, 'ae leai se māfua'aga tatau."
>
> *Sui 'auai i avanoa fa'alaua'itele e fa'aleo ai manatu*

O se fa'asoa mai a sui na 'auai i le Sā'ili'iliga, 'āfai e fa'atonu se tamaitiiti ona o ni fa'atinoga po o ni mea tutupu e feso'ota'i tu'usa'o ma a latou āmio, e matuā telē le lamatiaga, e mātuiā sāuāga e o'o i ai. E lē ma'alofia lea taunu'uga, 'auā e lē o taga'i i le pogai o lea ita, a ua lafo i le tamaitiiti le tu'ua'iga, ma fa'apea ai lava ona lē fa'atino se galuega i māfua'aga tonu.

7.1.4 Sāuāga i tamaiti vaetama

Su'esu'ega Fa'apitoa 4: O le to'alua o Falaniko* ma le lā fānau vaetama

O le 2001 na vaetama ai e Falaniko ma lona to'alua o Susana se tama ma se afafine i le 2003. O ia tamaiti, o le fānau a le tuafafine la'iitiiti o Falaniko. Na tausi e Falanko ma Susana nei tamaiti i le tele o tausaga, e pei lava o sa lā fānau moni.

O le 2013, na ma'itaga ai Susana ma fānau ai le la pepe ma fa'apea ona toe ma'itaga i le 2016 ma maua ai le isi pepe.

O le vaitaimi lava lea na 'āmata ai ona matuā telē se suiga o uiga o Susana āga'i i le fānau vaetama. Ua 'āmata ona 'ese le faiga o tamaiti vaetama mai le faiga o lana fānau moni.

Ua 'āmata ona ia sāuāina tamaiti. E usu Falaniko e faigaluega i aso ta'itasi, a ua ia iloa ua lamatia le saogalēmū o tamaiti 'auā e fasi e Susana ma lafo i ai upu mamafa.

"O le mātuiā ia o ana upu e lafo ma lalau ai tamaiti. Ou te māfatia 'auā o nei tamaiti o o'u tino, o o'u toto" (Falaniko)

O le tasi aso, ua mānava atu Falaniko ma iloa le mūmū toto o le mata o lona afafine vaetama. Fesili loa po o le ā le mea na tupu, 'ae tali ane le teineitiiti na togi e lona tinā i le peni. O'o i le isi aso e mānava atu, ua lavea le tapuvae o lona atali'i vaetama ma na iloa mulimuli ane na peti i le naifi. E lata mai nei e fa'apea ua fa'afeto'ai e Susana le ulu o le teineitiiti i le pā simā. E tusa ma le molimau a Falaniko, fai mai Susana e māfua ia fa'atinoga ona o le lē usita'i o tamaiti.

*Ua suia igoa mo le puipuiga o i latou e a'afia

O se tulaga fa'anoanoa i le Sā'ili'iliga le tele o molimau na folasia i tulaga e pei ona iai Falaniko ma lona to'alua. Le tulaga lea o le 'ese ma le leaga o le faiga o tamaiti vaetama, mai le faiga o fānau moni.

O tamaiti i le 'āiga lenei, o tino ma toto o Falaniko. Peita'i, ua āfāina i totonu o le si'osi'omaga e tatau ona maua ai lagona o le saogalēmū ma le alofaina. E le'i maua i le 'āiga o Falaniko le aiā tatau a ia tamaiti i faiga tutusa ma tonu, pe na vaetama pe leai. E le'i amana'ia fo'i le aiā tatau a ia tamaiti i faiga tutusa ma tonu i 'auala na tausi ma fa'atonu ai. E manino mai i le 'āiga lea, e iai tama e si'i ma 'afisi, 'ae iai tama e toso fa'atātā ona e lē tutusa.

E maua mai fo'i i le tala i le 'āiga o Falaniko se va'aiga i se isi itū'āiga o sāuāga fa'asaga i tamaiti e le'i tele i ai se mālamalamaga, peita'i, e mafai ona ta'atele atu ma ogaoga ona a'afiaga – le sāuāina lea i upu mamafa ma mātuiā.

7.1.5 "Fa'asalaga talafeagai (sāuāga/fa'atonu)" ma sāuāga fa'asaga i tamaiti o se matā'upu tau lotoifale

A o fa'agāsolo le Sā'ili'iliga, e tele ni tala na fa'ao'o mai i le fa'atonu/sāuāga fa'asaga i tamaiti ma o se fesili e tūla'i mai pea: O ā fa'asalaga talafeagai (sāuāga/fa'atonu) o tamaiti? O ā fua fa'ata'atitia fa'aletulafono i Sāmoa?

Fa'amatalaga Fa'amālamalama 6 o le Sā'ili'iliga: O ā "fa'asalaga talafeagai" o tamaiti e fa'atino e mātua i lalo o tulafono a Sāmoa?

O le Fuai'upu 12 o le *Tulafono o Tamaiti 1961,* o le solitulafono a so'o se tagata e tausia po o i lalo o lana va'aiga se tamaitiiti e i lalo ifo pe fōliga e i lalo ifo o le 18 tausaga le matua, faia o ni fa'atinoga lē tusa, e āfāina pe manu'a ai le tamaitiiti (ma e fa'auigaina, e ala atu i le fa'atonu).

Peita'i, o le fuai'upu 14 o le Tulafono lava lea 'olo'o fa'atagaina ai se mātua, faiā'oga, po o se isi lava tagata 'olo'o va'aia pe tausia le tamaitiiti e fa'atino fa'asalaga talafeagai i le tamaitiiti. E leai se fa'amatalaga a le Tulafono po o le ā le uiga o "fa'asalaga talafeagai".

O matā'upu e tu'uina atu i le Fa'amasinoga, 'olo'o avanoa le fa'auigaina e le Fa'amasino e fofogaina matā'upu ta'itasi.[6] O lea lā, e leai se fa'amatalaga fa'aletulafono o le uiga o se "fa'asalaga talafeagai", ma e fa'afaigatā ai fo'i ona fa'atino se galuega i tagata e sāuāina tamaiti.

O le leai o se fa'amatalaga ma'oti i le tulafono, lea ua tula'i mai ai se tulaga o le lē mālamalama o mātua ma tagata o le atunu'u i le 'ese'esega o le fa'atonu ma le sāuāga. E iai tagata e manatu e talafeagai le pō, 'ae lē talafeagai le tu'i; o isi, o le fa'aaogāina o se 'āu'upega po o se meafaitino, o sāuāga ia; a o isi, e leai se tuā'oi. E to'aitiiti lava tagata na tula'i mai i le Sā'ili'iliga na manatu ua sopo atu ma "fa'asalaga talafeagai" se itū'āiga o fa'atonu/sāuāga i upu'.[7]

"O le fa'afītāuli o lenei ("fa'asalaga talafeagai" e tali atu ai i le fa'amasinoga), e matuā 'ese'ese lau fa'asalaga talafeagai, ma la'u fa'asalaga talafeagai."

Justice Vui Clarence Nelson, Fa'amasino o le Fa'amasinoga Sili, Avanoa fa'alaua'itele e fa'aleo ai manatu

O le i'uga o lenei lē mautinoa, e 'ese'ese uma manatu o tagata i le fa'auigaina o se fa'asalaga talafeagai, ma e lē o iai se 'auala e mafai ona fai atu ai i se tasi, ua sopo ma le fa'atonu a latou fa'atinoga fa'asaga i tamaiti.

"E ui ina iloa ma lagona e le to'atele le 'ese'esega o tulaga o fa'asalaga talafeagai ma sāuāga, o le taunu'uga o le lē fa'ama'otiina o ia tulaga, e fa'apea ai lava ona fa'aauau fa'atinoga a i latou 'olo'o faia sāuāga, leai se tali atu a pūlega ma matāgaluega a le Mālō, ma fa'apea ai ona manatu tagata āfāina o se "tulaga e talia", po o le lē līpotiina fo'i. O le 'ese'esega o manatu o tagata i nu'u ma afio'aga o vaega e talia ma vaega e lē talia, o ni itū 'autū ia 'olo'o lagolagoina le fa'aauauina o sāuāga fa'alotoifale."

Family Health and Safety Study 2000, Pepa o le Sā'ili'iliga 83

Su'esu'ega Fa'apitoa 5: Tina*, o le molimau na fa'afīlēmū e 'aua le tautala

O Tina o se tama'ita'i āoga fa'afoma'i sa galue i se falema'i i se nu'u i tua i Sāmoa. E iai se aso na alu ane ai i le falema'i se tamaitiiti e 14 tausaga le matua e va'ai se foma'i ma na tu'uina atu 'iā Tina e va'ai. Na iai le foa i le tua o le ulu o le tama ma na tu'uina atu e Tina i se tausisoifua mo le togafitiga. A o su'i le manu'a, na fesili atu Tina i le tama pe na fa'afefea ona foa. Na fai ane le tama na tā e lona tamā i le laupapa 2 i le 4. Na fesili atu i ai Tina pe na fa'amatala i le tausisoifua le mea na tupu 'ae fai ane le tama ua uma ona ta'u i ai.

[6] *Police v Lagaaia [2017] WSDC 23* (13 October 2017). Retrieved from http://www.paclii.org/cgi bin/sinodisp/ws/cases/WSDC/2017/23.html?stem=&synonyms=&query=reasonable%20punishment. Accessed 30 May 2018.

[7] See section 14 of the *Infants Ordinance 1961*.

Na fesili Tina i le tausifoifua pe tatau ona līpoti. Na manino le tali e ‘aua le aiā fua, e lē o sana pisinisi ma e lē tatau ona aiā i mea fa’ale’āiga.

*Na fa’ao’o ane i le Sā’ili’iliga lenei matā’upu e Dr Malama Tafunai i Avanoa Fa’alaua’itele e Fa’aleo ai Manatu. ‘Olo’o au’ili’ili i le pepa 5 o le tu’ufa’atasiga o molimau. Ua suia igoa mo le puipuiga o tagata a’afia.

E lua ni itū fa’aatuatuvale loto o lenei tala. Muamua, o le manatu lea o le tamā fa’apea le tausisoifua, o se “fa’asalaga talafeagai” le tā e le tamā o lona atali’i i le laupapa. O lonalua, o le lē līpotiina o le matā’upu, o le fa’aopoopo lava lea e le tausisoifua i le talia o sāuāga i totonu o ‘āiga, o se vaega māsani o le ōlaga, ma o le ‘auai fo’i lea o le tausisoifua i le lagolagoina o lea āmioga.

E mafai fo’i ona ‘avea ‘au’aunaga tau soifua mālōlōina o ulua’i ‘au’aunaga e tali atu i matā’upu tau sāuāga fa’asaga i tamaiti. Peita’i, e iai tagata e manatu, o sāuāga, ‘aemaise lava sāuāga fa’asaga i tamaiti, o se matā’upu lea fa’alotoifale ma e tatau ona gata ai fa’apea. O se pā pupuni iloga lea i se tali atu e talafeagai, e pei ona iloa atu nei i le tala o i luga i le mea na tupu iā Tina. Ua tō ifo ai le pupuni o le lē gaganaina, ma fa’asao ai le fa’atino sāuāga e leai se fa’asalaga ona o ana fa’atinoga, ma ‘avatu ai se fe’au, e fa’ataga i lo tatou atunu’u āmioga fa’apea. E mafai ona solia ai le aiā tatau a lenei tamaitiiti i puipuiga tutusa i lalo o le tulafono ma e mautino le a’afiaga o le talitonuga fa’avae Fa’asāmoa o le āmiotonu. E lē mafai ona fa’afeālofani le salalau o le manatu ma le faiga fa’apea o sāuāga i totonu o ‘āiga o se matā’upu tau lotoifale, ma le faiga o le āmiotonu. O lea ua manino mai i mea tutupu, o le manatu ma le faiga lea ua seāseā ai ona fa’atino fa’amasinoga tonu, ma fa’aauau ai lava sāuāga.

E le’i fa’ama’otiina i Sāmoa le laina e vā ai “fa’asalaga talafeagai” ma sāuāga fa’asaga i tamaiti. Peita’i, o se fa’amoemoega o le Līpoti i ni vaega ‘olo’o mulimuli mai, o le fa’ama’otiina lea o ‘ese’esega. A o lenei vaega o le Līpoti, ‘ole’ā fa’aauau ona ta’ua o fa’atonuga mamafa/sāuāga o le tino ma upu e lafo, se’ia taunu’u i se fa’amatalaga manino ma māe’a ona faia fa’ai’uga i su’esu’ega fa’apitoa ta’itasi po o ā fa’atinoga o fa’atonu ai, a o ā fo’i fa’atinoga ua o’o i le tulaga o sāuāga.

7.1.6 Ta’atele o sāuāga i le tino ma upu mamafa/fa’atonu

O mea na tutupu iā Tavita, Tina, Falaniko, Solomona ma Teuila na maua ai e le Sā’ili’iliga se va’aiga i itū’āiga sāuāga ‘olo’o feagai ma tamaiti i Sāmoa. O ia mea na tutupu, o le ata lava lea o mea ‘olo’o tutupu i le tele o tamaiti, ma o le 9 mai se to’a 10 o tamaiti ma teineiti ‘olo’o tutupu ai sāuāga. O le 69% o teine ma le 63% o tama na o’o i ai sāuāga i totonu o le 12 masina ua mavae atu.[8] E fa’ailoa mai i nei fuainumera, e lautele ma ta’atele sāuāga.

O le itū’āiga sāuāga aupito ta’atele ua o’o i teineiti ma tamaiti o sāuāga i le māfaufau. E 43% o tamaiti na līpotia mai le sāuāina i le māfaufau, ma e 35% na līpoti mai le sāuāina i le māfaufau ma sāuāina o le tino. E 12% na līpoti mai na’o sāuāga o le tino na o’o iā i latou.[9]

Na lagolagoina e le Fono Aoao a Tupulaga Talavou ia fuainumera fa’amauina i la latou molimau i le Sā’ili’iliga. O la latou līpoti mai na tā’ua ai, o a latou feiloa’iga faifaipea ma galuega fa’atino a le Fono

[8] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.
[9] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

Aoao a Tupulaga Talavou, na aliali mai ai o le tele o o latou sui ‘auai e āfāina i lagona o le lē tāua ma le fa’atauva’a ona o fa’a’upuga mālolosi/sāuāina i upu mai tagata o o latou ‘āiga fa’apea nu’u.

O fuainumera ‘olo’o i luga ua na’o ni fuainumera o tamaiti sāuāina i totonu o Sāmoa. O se tasi o itū’āiga o sāuāga fa’asaga i tamaiti e seāseā amana’ia, o le vā’ai lea ma molimauina o sāuāga i totonu o ‘āiga. O sāuāga ia fa’asaga i se tasi o o latou mātua. Na fa’aalia i le Sā’ili’iliga tala i tinā na tatu’i, tatui ma sāuāina i upu, a o nonofo tamaiti ma mātau pe ‘ai’oi atu fo’i e tāofi ia. Na fa’alogo fo’i le Sā’ili’iliga i le vā’ai atu o tamaiti o tā e lo latou tamā so latou tei i le sapelu ma sōlofa ifo ai lava i o latou luma, ua oti. Ua fa’amati’e e molimau tomai fa’apitoa ua su’esu’eina sāuāga i totonu o ‘āiga le tele o mea tutupu fa’apea i fa’amasinoga o fasioti tagata i le vā o ni pā’aga vāvālalata a o pulapula atu se tamaitiiti e o’o lava i le i’uga.[10]

O le tele o mātua e lē manatu o ni sāuāga ‘auala ‘olo’o o latou fa’aaogāina e fa’atonu ai fānau. Peita’i, tusa lava po o le ā le manatu o mātua e lē ni sāuāga (upu po o le tino), e manino mai i molimau ‘olo’o i luga, o ia ‘auala, o sāuāga lava. O lea lā, e tatau ai ona o tatou mānatunatu, pe ‘aiseā e fa’aauau ai pea ona o tatou talia nei itū’āiga fa’atonu i lo tatou atunu’u. Ina ia fa’amanino ātili lenei matā’upu, ‘ole’ā taumafai le Līpoti i se vaega mulimuli mai, e tu’uina atu se fa’amatalaga fa’aleatunu’u o le ‘ese’esega o sāuāga, fa’atusatusa i fa’asalaga talafeagai.

Ua fa’amati’e i fuainumera fa’amauina ma su’esu’ega fa’apitoa le sao o sāuāga o le tino ma le māfaufau, i le ōlaga o le to’atele o tamaiti e tutupu a’e i Sāmoa. E mana’omia le mālamalama ‘āto’atoa i taunu’uga o nei ‘auala ma le ola a’e o se tamaitiiti i se si’osi’omaga o sāuāga, ina ia mafai ona fua lona aogā ma fa’amautinoa po o se ‘auala mo le manuia o le tamaitiiti. O lea matā’upu ua taga’i i ai le **vaega 9.1.**

7.1.7 Sāuāga tau faigā ‘āiga ma le mata’ifale

O se mau a sui mātutua o le Fa’amasinoga, ua ‘avea o se fa’ama’i pepesi sāuāga fa’asaga i tamaiti, fa’apea le mata’ifale.[11] E lē se mea lea e fa’ate’ia ai se tasi, talu ai le tele o tala salalau i Sāmoa i tausaga lata mai nei e uiga i sāuāga tau faigā ‘āiga fa’apea le mata’ifale. Na fa’amāonia lenei tulaga e tala a tagata o ‘āiga na fa’atinoina sāuāga tau faigā ‘āiga i isi tagata o o latou ‘āiga, fa’apea tala o teineiti talavou ua feagai ma sāuāga mata’utia o faigā ‘āiga fa’atāutala ma o le tele o taimi, o nei faiga e fa’atinoina e tagata sa tatau ona aupito malu ai.

Ua fa’amati’e e su’esu’ega fa’apitoa ‘olo’o soso’o mai mea na tutupu i ni tagata na fa’atino i ai sāuāga tau faigā ‘āiga ma le mata’ifale i le taimi o lāiti. Ua talatala ai fo’i ma talepe ai ni isi o manatu lē fa’avaea e uiga i sāuāga tau faigā ‘āiga. E lē tele ni fa’amatalaga fa’amālamalama o nei mea na tutupu. E fa’amatala mai lava e talamoni mea na tutupu ma o ni fa’amanatu fa’amomoi loto o le fa’ama’i o sāuāga tau faigā ‘aiga fa’asaga i tamaiti i totonu o Sāmoa.

[10]John Devaney. (2015). “Research Review: The Impact of Domestic Violence on Children.” *Irish Probation Journal,* 12. p. 82. Retrieved from https://pdfs.semanticscholar.org/506f/db2353976001352213a72baf3c48aaa743c0.pdf . Accessed 30 May 2018. *See also* Terra Katherine Pingley. (2017). “The Impact of Witnessing Domestic Violence on Children: A Systematic Review.” *Master of Social Work Clinical Research Papers.* Retrieved from https://sophia.stkate.edu/cgi/viewcontent.cgi?article=1779&context=msw_papers. Accessed 30 May 2018.

[11] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

Su'esu'ega Fa'apitoa 6: Lani Wendt Young*

Pe tusa e 7 tausaga o Lani 'ae 'āmata loa faiga fa'atāutala. O le fa'atino sāuāga o se ali'i o lo latou 'āiga na talia fiafia e le 'āiga o Lani i so'o se taimi e asiasi atu ai.

"Ua ou fai atu "pe tusa" o le 7 o'u tausaga, 'auā e faigatā ona fa'amautinoa tonu le taimi na 'āmata ai. O le tele o taimi, e lē tasi se mea mātuiā e tupu, a o se mea e fa'asolosolo mālie, o āmioga e fa'apele ma fa'auō ai iā te oe.

E fa'atā'aloga ma e fiafia a latou mea e fai mai, o se mea fa'alilolilo i lo lua vā, na'o oulua. E iai taimi e manaia i lau fa'alogo mea na te faia mai i lou tino teineitiiti ma le mamā e lē iloa ni uigalua. Se'ia o'o ina lē mānaia.

Ona liliu loa lea i le taufa'amata'u ma lou fefe, ina ia e usita'i."

Na gāsolo tausaga, e le'i ta'uina atu e Lani i se tasi nei faiga fa'atāutala, se'ia o'o ina feiloa'i ma māsani ma lona to'alua – o se tagata ua mafai ona ia fa'atuatuaina. E 20 isi tausaga na soso'o ai na alu i fautuaga ma isi māfatiaga o le loto, fa'ato'ā mafai ona tatala mai lona fatu e uiga i mea na tutupu.

*Na tu'uina mai le molimau a Lani i le Sā'ili'iliga i taimi o avanoa fa'alaua'itele e fa'aleo ai manatu, ma na malie mai e fa'aaogā lona igoa mo le līpoti. E fa'ailoa le agaga fa'afetai o Komesina o le Sā'ili'iliga i lona lototele, fa'apea i latou uma na molimau fa'alaua'itele, i le fa'amoemoe o ia molimau, 'ole'ā toso'ese ai le pupuni o le lē gaganaina 'olo'o si'osi'omia ai sāuāga i totonu o 'āiga

Su'esu'ega Fa'apitoa 7: Sisilia ma lona tauusoga fa'atuatuaina

O le ōlaga o Sisilia i lona la'iitiiti o se ōlaga fiafia, e tumu i tagata o lona 'āiga, o le lotu, le māfanafana o le alofa.

"Peita'i, i lea ōlaga fiafia, e iai se mea leaga mātuiā na tupu. Na fai e so'u tauusoga matua atu ni faiga fa'atāutala iā te a'u. O se tauusoga, e pei o se tuagane. O le tiute o tuagane o le puipui o tuafāfine. O le fa'avae lea na fausia ai le ōlaga na ou tupu a'e ai."

E ui ina na'o le 4 tausaga o Sisilia, na ia iloa e sesē le mea na tupu, peita'i, na ia manatu o ia e sesē.

O le taimi nei, ua 'avea Sisilia o se lōia fa'amanuiaina ma e to'alua lana fānau. Peita'i, 'olo'o ia tau'aveina pea le 'avega o faigā 'āiga fa'atāutala na tupu iā te ia a o teineitiiti. Sa galue mālosi Sisilia e fa'aitiitia a'afiaga mai ia faiga. Peita'i, e talitonu e alu le ōlaga 'ātoa o taumafai e lāfoa'i āfāina mai ia mea na tutupu.

*Na tu'uina mai le molimau tusitusia a Sisilia i le Sā'ili'iliga, ma malie mai i le fa'aaogāina o lona igoa mo le līpoti. E fa'ailoa le agaga fa'afetai o Komesina o le Sā'ili'iliga i lona lototele, fa'apea i latou uma na molimau fa'alaua'itele, i le fa'amoemoe o ia molimau, 'ole'ā toso'ese ai le pupuni o le lē gaganaina 'olo'o si'osi'omia ai sāuāga i totonu o 'āiga.

Su'esu'ega Fa'apitoa 8: O le tala fa'anoanoa a Tasi* [12]

E 14 tausaga o Tasi 'ae maliu lona tinā, ma tu'ua ai le tausiga o Tasi i lona tamā.

O se pō i le tausaga e 2009, na fo'i ane ai le tamā o Tasi i lo latou 'āiga e 'ōnā. Na alu le tamā i lona potu ona vala'au ane lea iā Tasi e alu atu. Na alu atu le teine 'ae fai ane i ai le tamā e nofo atu i luga o lona moega. E pei ona faia e se teine e usita'i, na alu atu Tasi nofo i luga o le moega. Fa'asaga ane loa le tamā toso lona ia lava afafine. Ua fiu Tasi e tagi ma fai atu i ai e tīgā, e le'i tāofia.

Ua uma, ona fa'atonu lea o Tasi e 'aua ne'i ta'uina i se tasi le mea na tupu. Na fa'apea ona fa'aauau ai nei āmioga o le toso o le teineitiiti pe 'ā fo'i atu i le fale e 'ōnā, ma na i'u lava ina tō le teine. Na fa'amasino Tasi e ona tuagane ina ua iloa ua ma'itaga, ma ta'u atu loa o le tō a lona tamā. Mulimuli ane na iai ni fevesia'iga i le nu'u ma o le taunu'uga na fa'atūla'i 'ese le 'āiga 'ātoa mai le nu'u.

Na fānau le pepe, ma ina ua si'i atu le 'āiga i se isi nu'u, na fa'aauau pea le tosoina o Tasi ma e to'alua isi tamaiti na maua ai. O le lonafā o ma'itaga, ua lē mafai e Tasi tau'ave le tigā ma fa'apapā ai le ma'itaga.

O le tausaga e 2016, a o fa'aauau lava le tosoina o Tasi, na fa'aipoipo ai Tasi i lona fa'amoemoe 'ole'ā tu'u ai nei faiga a lona tamā. E le'i tu'ua. Na toe toso fo'i Tasi e lona tamā a o alu lona to'alua e faigaluega. Peita'i o le taimi lea, na i'u i se talanoaga a le 'āiga na ālia'e ai nei āmioga, ma na i'u ai ina līpoti atu i leoleo.

*Ua suia igoa mo le puipuiga o i latou e a'afia.

O se tasi o uiga iloga o le tala a Lani, ma isi e pei o ia, o le māasiasi lea na lagonaina. Ma o lea māasiasi, na ātili fa'aauau ai le tīgā ma le māfatia, ma fa'atuai ai le taimi na mafai ai ona ea a'e mai le la'asaga o le tagata āfāina, i le 'avea o le tagata ua sao mai i ia puapuagā. E fa'apēnā fo'i le tala o mea na tutupu iā Sisilia. E tele molimau ma tala na taga'i i ai le Sā'ili'iliga, o faigā 'āiga fa'atautala e fa'atino e tagata i tagata o o latou lava 'āiga. O le meamoni, e leai ni uiga ma'oti o tagata fa'atino sāuāga mai fa'amatalaga na tu'uina mai i le Sā'ili'iliga e 'ese ai mai isi tagata. O le tala fo'i iā Tasi, o Tasi e pei lava o le tele o teine ma tama'ita'i i Sāmoa 'olo'o feagai ma faigā 'āiga fa'atāutala, ma, o le tele o taimi, 'olo'o sāuāina e tagata e tatau ona *aupito sili ona fa'atuatuaina*.

'Olo'o folafola i le Fa'avae o Sāmoa le sa'olotoga o le tagata mai faiga e lē tusa ai ma faiga fa'atagata soifua, o se aiā tatau a tagata soifua ua mautū le aloa'ia. E lē gata i lea, o le Feagaiga i Aiā Tatau a le Tamaitiiti 'olo'o iai le aiaiga ia sa'oloto tamaiti mai so'o se itū'āiga sāuāga e aofia ai sāuāga tau faigā 'āiga, tu'ulāfoa'iina, ma faiga lē talafeagai.[13] E fa'apēnā fo'i le puipuiga i le Fa'asāmoa, e pei ona iai i le vā tapuia ma le feagaiga. O tala 'olo'o i luga ua fa'amati'e ai le le'i maua e ia tama'ita'i (i le taimi o teineiti) a latou aiā tatau ma puipuiga 'olo'o i lalo o le Fa'avae, aiā tatau a tagata soifua ma le Fa'asāmoa.

[12] Samoa Observer. "Horrendous tale of sexual abuse." (24 October 2017). Retrieved from http://www.samoaobserver.ws/en/25_10_2017/local/25840/%E2%80%9CHorrendous-tale-of-sexual-abuse%E2%80%9D.htm. Accessed 30 May 2018.

[13] See Articles 19, 37 and 39 of the *Convention on the Rights of the Child.*

Ua matuā lape ‘āiga o nei tama’ita’i, e pei fo’i ona matuā lape ‘āiga o i latou ‘olo’o o’o i tulaga fa’apēnei. E lē gata ina lape ‘āiga o tagata e pei o Tasi, Lani ma Sislia, a ua lape fo’i le Fa’asāmoa, o latou nu’u, lo latou Mālō, Fono a Nu’u ma a latou lotu. ‘Auā fo’i o lea ua lāuiloa nei māfatiaga o nei tama’ita’i ma māfatiaga o isi e pei o i latou, peita’i, e leai lava se fa’atinoga aogā o faia i lenei matā’upu. Ua lē toe iai se ‘alofaga mo le lē mana’o ia mālamalama ‘āto’atoa i le uiga tonu ma pogai o sāuāga i totonu o ‘āiga ina ia mafai ona tāofia le toe pagātia o tamaiti mai nei itū’āiga sāuāga.

Ua fa’amati’e e nei mea na tutupu ua fa’amatalaina, se tasi o manatu sesē, lē fa’avaea ‘olo’o iai nei e uiga i sāuāga tau faigā ‘āiga.

Manatu Lē fa’avaea 3: O le tele o tagata fa’atino sāuāga o tagata ‘ese, po o tagata āmio manu, ma na’o tagata mātutua e sāuāina tamaiti

O le tulaga moni: Ua fa’afofoga le Sā’ili’iliga i tala e tele o sāuāga tau faigā ‘āiga fa’asaga i se tamaitiiti, ma o ia sāuāga ua fa’atino e se tasi o le ‘āiga e vāvālalata so’otaga. O isi fa’atino sāuāga ta’atele e aofia ai faiā’oga, faife’au, tuā’oi, po o uō. E leai fo’i se tapula’a maualalo pe maualuga o le matua o tagata fa’atino sāuāga, e pei fo’i ona iai i sā’ili’iliga ma su’esu’ega ua fa’atino i isi atunu’u o le lalolagi.

Su’esu’ega Fa’apitoa 9: Sala*, le to’alua fa’atino sāuāga o lona tinā, ma lona tinā lē talitonu[14]

E 12 tausaga o Sala. E to’afā ona tei lāiti ma sa nonofo nei tamaiti ma o latou mātua i le nu’u.

Sa lelei mea uma i le ‘āiga. Peita’i, na o’o ina ‘āmata ona fa’atino iā Sala e le to’alua o le tinā ni āmioga tau faigā ‘āiga. Na i’u ina sola ‘ese Sala mai lona ‘āiga.

Na alu le tinā o Sala ave ma toe fa’afo’i i lo latou ‘āiga. Na o’o loa i le fale fa’asaga atu le tinā sasa Sala i le uaea o le sioki uila ona o le tala na fa’amatala e Sala e uiga i āmioga a le tamā na fai iā te ia. E le’i talitonu le tinā ma ‘olo’o fa’aauau lona lē talitonu, e ui ina o lea ua tu’uina atu le matā’upu i leoleo.

*Ua suia igoa mo le puipuiga o i latou e a’afia

Su’esu’ega Fa’apitoa 10: Masina*, le to’alua fa’atino sāuāga o lona tinā, ma lavalava fa’atōsina[15]

E 11 tausaga o Masina ‘ae ‘āmata ona fa’atino i ai faigā ‘āiga e le to’alua (lea ua maliu) o lona tinā. O Masina o lonatolu o afafine o le tamāloa lea, na maua ina ua fa’aipoipo i le tinā o Masina. O le mavae ai o le tolu tausaga o fai pea āmioga a lea tamā, na manatu Masina e ta’u i lona tinā. O le tala a Masina, o le ‘āmataga lenā o le motusia o la lā so’otaga ma lona tinā i tausaga na mulimuli mai.

[14] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.
[15] Anonymous written submission.

E le'i talitonu le tinā o Masina ma ua lē fiafia 'iā Masina ona o le luma e o'o i le 'āiga i lana tala. "Na lau lo'u pepelo 'auā e le'i iai se faigā 'āiga tau feusua'iga ma… ua iloilo o'u lavalava i aso uma [e lo'u tinā] ina ia fa'amautinoa ou te lē fa'atōsinaina ia faiga".

Ua fa'aipoipo nei Masina ma ua iai lana fānau. 'Olo'o tauivi pea ma a'afiaga o le māfaufau ona o ia faiga fa'atāutala, ma ua a'afia nei lona to'alua ma lana fānau i ona a'afiaga mai mea na tutupu iā te ia.

*Ua suia igoa mo le puipuiga o tagata na a'afia.

E iai tagata e tausia tamaiti e tele ina lē mānana'o e talitonu e tupu i a latou fānau ni faiga fa'atāutala tau faigā 'āiga ma e faigōfie atu ona talitonu e pepelo le tamaitiiti, ma fa'apea ai ona lē faia se galuega e uiga i le tulaga moni 'olo'o iai. O se isi matā'upu fa'apopole loto mai tala a nei tama'ita'i talavou, o le lē mafai lea e o latou tinā ona fai se galuega fa'atino mo le ola manuia ma le puipuiga o a latou fānau. E lē na'o tinā fo'i e pa'ū i ai le tiute o le fai o mea aupito sili mo le manuia o fānau. E iai fo'i le tiute o tamā ma o latou 'āiga.

O se vaega tāua o le Feagaiga i Aiā Tatau a le Tamaitiiti, o le aiā tatau e fa'aleo ai manatu ma amana'ia. O le Fa'asāmoa, "O fānau o fa'amanuiaga mai le Atua" ma o āu o mātua. O le fa'auigaina o lea fuaitau, e pele fānau ma o le tuite o mātua o le leoleo ma puipui e ala i le fa'atuatuaina, alofa ma le lagolago. E le'i maua e Masina ma Sala fa'amanuiaga o ia aiā tatau ma puipuiga.

Manatu Lē Fa'avaea 4: E māsani ona fa'atupu e tamaiti tala ma e lē mafai ona fa'atuatuaina

O le tulaga sa'o: E seāseā ta'u e tamaiti sāuāga e tutupu iā i latou, ma 'āfai fo'i e ta'u, o le tele o taimi e lē talitonu i ai se isi. E mafai ona tutupu popōlega ogaoga, fe'ese'esea'iga ma fefīnaua'iga i totonu o le 'āiga pe 'ā ta'u se mea fa'apea. O le fa'apopoleina o le tamaitiiti ma le so'ona fesiligia, e mafai ai ona i'u ina fa'apea atu, e le'i tupu ia mea na fai atu ai. E lē fa'apea lā na pepelo le tamaitiiti.

O le tala 'iā Masina, o le manatu o lona tinā o ona lavalava le fa'atōsina o sāuāga. O se manatu ta'atele fo'i lea mai sui na 'auai i le Sā'ili'iliga. O lavalava e fa'atōsina ai fa'atinoga tau faigā 'āiga. Peita'i, e lē sa'o lea manatu, e pei ona fa'ailoa i le manatu lē fa'avaea 'olo'o soso'o mai.

Manatu Lē Fa'avaea 5: E tōsina e tamaiti sāuāga tau faigā 'āiga, i o latou lavalava ma a latou gāoioiga

O le tulaga sa'o: E leai se tamaitiiti (po o se tagata matua fo'i) e mana'o e sāuāina tau faigā 'āiga, ma e mafai ona mata'utia a'afiaga, ma e tumau i lea tagata i lona ōlaga 'ātoa. E lē mafai ona tu'uina atu le maliega a se tamaitiiti i se fa'atinoga tau faigā 'āiga ma o lea le māfua'aga e tasi e lē mafai ai ona tu'ua'ia le tamaitiiti i ni fa'atinoga tau faigā 'āiga. O le tu'ua'ia o le tagata āfāina, o se 'auala lea a tagata ua fa'asao ai le tagata fa'atino sāuāga mai ni taunu'uga o ana fa'atinoga.

Su'esu'ega Fa'apitoa 11: Iulia, Marisa ma Tane* ma lo latou *Uncle* fa'atino sāuāga[16]

O Iulia, e 14 tausaga ma Marisa e 12 tausaga, ma lo lā tuagane o Tane e 9 tausaga le matua.

Na fa'atino e le *uncle* sāuāga tau faigā 'āiga i tamaiti uma nei e to'atolu. Na toso fo'i e le *uncle* Iulia. O le taimi na toso ai Iulia, na matuā fefe le teineitiiti ne'i te'i ua uma ane fasioti ia e le *uncle*.

Na iai manu'aga o le alafānau o Marisa, le teine na 11 tausaga i le taimi na tupu ai ia sāuāga, fa'apea le ālāfe'au o Tane. Na fefe fo'i Tane, ne'i uma ane ia faiga na fa'atino 'iā te ia, 'ae fasi ia e le *uncle*.

O le lauina o le fa'asalaga o le *uncle*, na fa'amāonia e le Fa'amasino o le Fa'amasinoga Sili, Tafaoimalo Leilani Tuala-Warren ua ogaoga le solia o le fa'atuatuaina o lea tagata, ma fa'apea ane, **"ua ia lē puipuia ē ua āfāina, peita'i, ua ia fa'aaogā le avanoa o le momoe i le fale e tasi ma ē ua āfāina"**. Na fa'apea fo'i ona fa'amati'e e Justice Tuala-Warren āfāina o māfaufau o tamaiti ona o a'afiaga mai ia sāuāga fa'atāutala.

*Ua suia igoa mo le puipuiga o i latou na a'afia

Manatu Lē Fa'avaea 6: E iai lava molimau o so'o se faigā 'āiga fa'atāutala

O le tulaga sa'o: E māsani ona fa'atū mai le leai o ni molimau faitino, e lagolago ai le mau e le'i fa'atinoina e se tagata ua mōlia ni faigā 'āiga fa'atāutala. Peita'i, ua aliali mai i sā'ili'iliga, e seāseā iai ni molimau faitino, e o'o lava i fa'amasinoga ua fa'amāonia ai faiga fa'atāutala.[17] E iai fa'atinoga, e pei o faigā 'āiga fa'atino i gutu, ma le lotelote, e leai ni molimau faitino. E o'o lava i manu'aga mai le ulufia o tōtōga sā po o le ālāfe'au, e vave ona toe pē.

Manatu Lē Fa'avaea 7: Na'o teine e fai i ai faigā 'āiga fa'atāutala

O le tulaga sa'o: O se manatu lē fa'avaea mata'utia le fa'apea na'o teine e fai i ai faigā 'āiga fa'atāutala. E mata'utia, 'auā ua lē manatu tele ai i tama, ma ua a'afiagōfie ai tama talu ai, 'ole'ā lē sāunia ni a tatou 'au'aunaga lagolago e tali atu ai i matā'upu fa'apēnei.

[16] See Samoa Observer. "Uncle jailed 13 years for raping sister." (12 December 2017). Retrieved from http://www.samoaobserver.ws/en/12_12_2017/local/27731/Uncle-jailed-13-years-for-raping-sister%E2%80%99s-kids.htm. Accessed 12 May 2018.

[17] See for example, Luci Pfeiffer, Edila Pizzato Salvagni. (2005). "Current view of sexual abuse in childhood and adolescence." *Jornal de Pediatria* 81(5). pp.197-2014. Retrieved at http://www.scielo.br/pdf/%0D/jped/v81n5s0/en_v81n5Sa10.pdf.

7.1.8 Ta'atele o sāuāga tau faigā 'āiga ma le mata'ifale

E faigatā ona maua fa'amaumauga fa'atuatuaina e uiga i le aofa'i o tamaiti 'olo'o a'afia i sāuāga tau faigā 'āiga ma le mata'ifale. O le līpoti talu ai a le Mālō i le Komiti mo le Feagaiga o le Fa'amutaina o So'o se Fa'ailoga Tagata Fa'asaga i Tinā ma Tama'ita'i[18], na tā'ua ai e 198 soligātulafono tau faigā 'āiga i le vaitaimi o le 2012-2015 ma o le 53% (105) na fa'atino i tamaiti e i le vā o le 13-16 tausaga. Peita'i, na līpotia fo'i e le Vaega o Fuafuaga ma Faiga Fa'avae o le Matāgaluega o Leoleo, e 112 matā'upu tau sāuāga tau faigā 'āiga po o le tosoina o se teineitiiti e i lalo ifo o le 16 tausaga le matua, i le tausaga e tasi, o le 2013-2014.[19]

E pei ona fa'amauina muamua, ua tāi lē 'asa se aso ma se līpoti o ni matā'upu fa'apēnei i ala o fa'asalalauga a le atunu'u. Ma 'āfai e lē lava lea e fa'atalitonu ai se tasi i le lautele o le fa'afītāuli, na fa'alogo le Sā'ili'iliga i molimau ma iā i latou 'olo'o tu'uina atu 'au'aunaga, ma le Fa'amasinoga, o i latou ia 'olo'o taga'i i aso uma i le telē ma le salalau o le fa'afītāuli. Mo se fa'ata'ita'iga, o le molimau a Dr. Malama Tafunai[20] i le Sā'ili'iliga, o se ta'utinoga mai le ta'ele o le fatu, o se ta'utinoga fa'avāivai loto, ma lagona o le fa'anoanoa loloto. Na tāofiofi ma tete'e atu ona loimata, a o fa'amatala mai e Dr. Malama i le Sā'ili'iliga le to'atele o tama'ita'i talavou ma tamaiti ua ia va'aia, ma māsalosalo na tosoina, e aofia ai se tasi o ana matā'upu fa'amata'u tagata:

> "O le ata aupito manino mo a'u e lē mafai ona 'ave'esea i le tele o tausaga, o se teineitiiti e 13 tausaga le matua (e ma'itaga) na 'aumai e ona mātua. Ou te manatua pei e ese le lalolagi lā e iai le teine, ma o le tele o tala na fai e lona tinā. Ina ua ou fai atu i ai e tatau ona līpoti i leoleo (le tosoina o le afafine), o 'inā na sau ai le fa'amatalaga. Ua fa'amālosi e le tinā lana tama teine e fai 'āiga ma lona tamā (lona to'alua), talu ai e mana'o le tamā i ni isi tamaiti ma ua fa'afefe le tinā 'ole'ā tia'i ia (le tinā). Na mōu 'ese atu le 'āiga 'ātoa i se taimi e le'i umi talu ona fānau le pepe, 'ae le'i taunu'u atu leoleo."
>
> *Dr. Malama Tafunai, Avanoa fa'alaua'itele e fa'aleo ai manatu*

Na fa'amamafa e Justice Vui ma goto ifo i loto o le Sā'ili'iliga le lautele ma uiga o sāuāga tau faigā 'āiga ma le mata'ifale:[21]

> "E anoanoa'i tala fa'amomoi loto matou te fa'alogo i ai. Tala e lē fa'alogo i ai tagata o lo tatou atunu'u. O lenei potu (lona potu fa'amasino) e sau se teineitiiti e 10 tausaga le matua, e fa'amatala mai 'iā te a'u le tosoina e lona tamā. E sau se tamaitiiti e 6 tausaga le matua, e fa'amatala mai 'iā te a'u, na fa'atino e lona *uncle* 'iā te ia faigā 'āiga fa'atāutala. Ono tausaga le matua! E te fa'alogo i tala o le mata'ifale e fa'atino ai fa'afia e se tamā faigā 'āiga tau feusua'iga ma lona lava afafine moni. E tolu fa'amasinoga 'olo'o faia i le asō. O toso teine/tama uma. O lo'u potu fa'amasino, o se teineitiiti e 14 tausaga na toso e lona *uncle* e 60 tausaga le matua. O le potu fa'amasino soso'o atu, o le tamāloa e 30 tausaga le matua na tosoina lona tuā'oi e 14 tausaga le matua. O le potu fa'amasino soso'o atu, o le

[18] Government of Samoa. (2017). *Sixth Periodic State Report to the Committee on the Elimination of Discrimination against Women.* CEDAW/C/WSM/6. Document 90 Inquiry anthology.
[19] Written submission to the Inquiry by Tuiloma Sina Retzlaff. Document 61 Inquiry anthology.
[20] Dr. Malama Tafunai is currently a senior clinical lecturer with the School of Medicine at National University of Samoa and has years of experience as a primary health care physician and general practitioner in Samoa and New Zealand.
[21] Justice Vui Clarence Nelson is a Supreme Court Judge of Samoa and is also Committee member and Vice President of the UN Committee on the Rights of a Child.

tama e 17 tausaga na toso e le tagata e 55 tausaga le matua. O le tulaga moni lea ‘olo’o iai nei.”

Justice Vui Clarence Nelson, Fa’amasino o le Fa’amasinoga Sili, Avanoa fa’alaua’itele e fa’aleo ai manatu

7.1.9 Isi itū’āiga sāuāga tau faigā ‘āiga fa’asaga i tamaiti ua ‘āmata ona aliali mai

Na fa’ailoa mai fo’i i le Sā’ili’iliga isi itū’āiga sāuāga tau faigā ‘āiga fa’asaga i tamaiti, o le fa’atalitane o tamaiti (e aofia ai tama ma teine), ma ata mātagā e fa’aaogā ai tamaiti.[22]

“Ua outou fa’alogo i tūrisi e ō mai i inei e fai fa’atinoga tau faigā ‘āiga ma tamaiti? Ioe, ua tupu ma ‘olo’o tupu. E iai matā’upu fa’apea ua līpoti mai, ma ua o matou vā’ai fo’i i ai.”

Leoleo, ofisa o leoleo i nu’u i tua, Avanoa fa’alaua’itele e fa’aleo ai manatu

E lē o līpotiina le anoano o mea tutupu i lenei gāsologa fou fa’apopole loto. Peita’i, na fa’amāonia e isi molimau i le Sā’ili’iliga, e aofia ai tagata e faigaluega i ‘auala o fa’asalalauga. E lē gata i lea, ua ‘āmata ona o’o atu matā’upu o le fa’atalitane o tamaiti i le Fa’amasinoga, e pei ona fa’amāonia mai e Justice Vui.[23] E ui ina e lē aofia i tu’utu’uga o le Sā’ili’iliga, e mafai ona feso’ota’i pogai o le fa’atalitane o tamaiti ma ata mātagā e fa’aaogā ai tamaiti, ma isi itū’āiga o faiga fa’atāutala ma sāuāga fa’atino i tamaiti.

7.1.10 Na’o se vaega itiiti o sāuāga fa’asaga i tamaiti e līpotiina

Na fa’amati’e fo’i i le Sā’ili’iliga, e seāseā līpotiina sāuāga fa’asaga i tamaiti. O le to’atele o tamaiti e lē līpotiina faiga fa’atāutala e fa’atino ‘iā i latou, o isi e lē talitonuina po o le sasaina fo’i e fa’afīlēmū, ma lē gaganaina ai.

O se itū lē matō’esea o le ōlaga o tamaiti, o le a’afiagōfie lea i sāuāga, ma e lē tu’uina i ai se avanoa e fa’aleo ai o latou popōlega pe ‘ā o’o i ai sāuāga. O tagata aupito to’atele e fa’atinoina sāuāga i tamaiti o o latou tamā (48%) ma tinā (31%)[24] ma e lē se mea lā e fa’ate’ia ai se tasi, le lē mafai ona fa’aali popōlega o tamaiti e uiga i faiga o latou e o latou lava mātua. E lē taulia ai fo’i le itū o lo latou lē iloa ona ta’u atu po o so latou mafai ona ta’u atu ia popōlega.

O se mea lea e popole ai, talu ai le aliali mai ai e tele fa’afītāuli i le aoina o fa’amaumauga, ma e aliali mai ai fo’i, o fa’amaumauga, ua na’o se pasene itiiti o ia soligātulafono ‘olo’o fa’atinoina.

I’UGA 2 O LE SĀ’ILI’ILIGA: Ua o’o atu i le la’asaga o se fa’ama’i pepesi le fa’atonu/sāuaga i upu ma sāuāga tau faigā ‘āiga fa’asaga i tamaiti.

- O le 9 mai ni tamaiti e 10 i Sāmoa e o’o i ai sāuāga.
- E māsani ona ogaoga tulaga e o’o i ai le fa’atonu/sāuāga o le tino, ma sopo atu mai “fa’asalaga talafeagai” i lalo o tulafono a Sāmoa.

[22] See Lurlene Christiansen. (2015). “Child Sex Tourism in Samoa.” *Global Study on Sexual Exploitation of Children in Travel and Tourism Expert Paper*. Retrieved from http://www.ecpat.org/wp-content/uploads/2016/10/4.7-Expert-Paper-Christiansen-Lurelene.pdf. Accessed 26 April 2018.
[23] MJCA and UNICEF. “Empowering the Youth & Empowering the Family Unit to stop Violence – Youth and Family Courts.” *Workshop*. Apia, November 2017.
[24] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

- O faigā ‘āiga fa’autalа ma le mata’ifale ‘olo’o fa’atino i tamaiti, ua o’o i tulaga o se fa’ama’i mata’utia ua pepesi i Sāmoa.

7.2 Sāuāga i tagata mātutua

7.2.1 Sāuāga i se Pā’aga Vāvālalata

O sāuāga i se pā’aga vāvālalata e fa’atatau i so’o se itū’āiga sāuāga i le vā o ni pā’āga i se so’otaga, po ua fa’aipoipo, pe le’i fa’aipoipo. O itū’āiga sāuāga e tutupu i lenei vaega, e aofia ai itū’āiga o sāuāga uma ‘olo’o fa’ailoa i le **vaega 5.1.**

7.2.2 O ai e aupito lamatia?

O le su’esu’ega Samoa Family Health and Safety Study 2000 (**SFHSS 2000**) ‘olo’o manino ai, ‘olo’o tutupu sāuāga i pā’aga vāvālalata i vaega **uma** ma so’o se nu’u ma afio’aga i Sāmoa**.** E leai se vaega e pa’ū ai i lalo ifo o le 33% o tinā ma tama’ita’i uma na su’esu’eiina, ua fa’atino i ai sāuāga, ma o le tu’ufa’atasiga o ia vaega uma, e 46.4% o tinā ma tama’ita’i uma na aofia i le su’esu’ega. E lē tele se ‘ese’esega i le vā o vaega na tu’uvaega ai le su’esu’ega. Mo se fa’ata’ita’iga, na iloa i le SFHSS 2000 e lē tele se ‘ese’esega i le ta’atele o sāuāga pe ‘āfai e fa’aipoipo, tēte’a ma le to’alua, maliu le to’alua po o i se so’otaga ma se pā’aga ‘ae le’i fa’aipoipo. E fa’apēnā fo’i i le tulaga ‘olo’o iai le tinā/tama’ita’i pe nofo i le ‘āiga, pe ‘auai i se fa’alāpotopotoga (komiti a tinā, lotu, m.f.).

Peita’i, na iai ‘ese’esega ina ua taga’i i la’asaga na o’o i ai a’oa’oga a nei tinā/tama’ita’i. O le vaega na gata a’oa’oga pe le’i o’o fo’i i Ā’oga tulagalua, e 60% na feagai ma sāuāga mai se pā’aga vāvālalata. O le vaega na o’o i ā’oga maualuga, na tusa ma le aotelega mo le atunu’u ‘ātoa. O le vaega na māe’a a’oa’oga i luga atu, e 39.7%. E aliali mai i nei fa’amaumauga, o le maualuga atu o a’oa’oga, o le fa’aitiitia fo’i lenā (peita’i, e lē ‘ave’esea ai lava) o le lamatiaga mai sāuāga mai se pā’aga vāvālalata. E lē se tulaga fo’i e fa’ate’ia ai, ua fa’apea ona aliali mai i le itū tau tamāo’āiga. E telē atu le avanoa e lamatia ai tinā/tama’ita’i i ‘āiga e maualalo le tulaga o le tamāo’āiga (57.6%), nai lō i latou e maualuga atu le tulaga o le tamāo’āiga (38.1%).

E fōliga mai fo’i e iai se sao o le maualuga o le a’oa’oga, i le fa’atinoina e ali’i o sāuāga i se pā’aga vāvālalata. O le 54% o ali’i na fa’atinoina sāuāga na gata a’oa’oga i ā’oga tulagalua, fa’atusatusa i le 38.9% o i latou na māe’a a’oa’oga i iunivesitē.

Peita’i, e tatau ona taga’i i le si’osi’omaga ‘āto’atoa o nei fuainumera fa’amauina. Pe to’afā mai le to’asefulu o tama’ita’i i ‘āiga e maualuga le tamāo’āiga po o le to’afā o ali’i na māe’a a’oa’oga i iunivesitē ‘olo’o fa’atino sāuāga i se pā’aga vāvālalata, e matuā maualuga nei fuainumera ma e lē tatau ona o tatou talia. E leai fo’i se vaega e tatau ona fa’atuatuana’i i ai ona ‘olo’o maualalo fuainumera fa’amauina o sāuāga nai lō isi vaega.

O le fa’asologa o faiga fa’atāutala i le tele o so’otaga a pā’aga na fa’ao’o mai i le Sā’ili’iliga, o se fa’asologa e āga’i atu ina fa’ateteleina sāuāga. E mata’utia sāuāga i ni mau na maua, ma o se mea e ofo ai o le le’i oti ai o le tagata āfāina. ‘Olo’o mulimuli mai ni tala mai molimau e uiga i sāuāga i pā’aga vāvālalata na tu’uina mai i le Sā’ili’iliga.

Su'esu'ega Fa'apitoa 12: O le to'alua fa'atino sāuāga o Hope,* o se Minisitā o le Kapeneta

E le'i tāitai tau ane i le māfaufau o Hope e tupu nei mea iā te ia. O lona talitonuga, o ia o se tagata mālosi, e maumaututū ona manatu, ma o ia fo'i o se tagata e fīnau ia maua ana aiā tatau. Na ola a'e Hope ma le māfanafana i lona lava tagata, ma na 'aumai e le Atua lona leo e fa'aleo ai ona manatu.

Na suia 'ātoa le ōlaga o Hope ina ua fa'aipoipo 'iā Ioane, o se Minisitā o le Kapeneta i le taimi lea. O le va'aiga a le 'āiga o Ioane, o fafine, e maualalo ifo lo latou tulaga. Ua o'o ina fa'ato'ā lagona le leo o Hope pe 'ā tāpuni faitoto'a. Na talia e Hope lea tulaga. Peita'i, o le tele o taimi, ua fai nei fīnauga pe 'ā taumafai Hope e ta'u atu 'iā Ioane ona lagona. Na 'āmata sāuāga ma faiga fa'atāutala i upu ma le māfaufau.

"E fa'apea mai se tala a lo'u to'alua, "Kuu lou amio fa'amaile [[…]] ma lou fiakagaka".

Se, e pei ua tau se a'a i lo'u manava. O upu fa'apea e lafo 'ava'avau i luma o tagata, o se tulaga o le māasiasi ma fa'avāivai loto. Ua ou mālamalama nei, o lana 'auala lea e maua ai ona lagona o ia e mālosi."

Ona o sāuāga i upu ua lafo atu iā te ia, ua 'āmata fo'i ona ātu Hope ma nofo sāuniuni i ni sāuāga o le tino. Ua fa'alogo fo'i, na fa'apea le āmio a Ioane i lona to'alua muamua, ma na fa'apēnā fo'i āmio a lona tamā. Peita'i, e ui ina manatu Hope ua ia sāuni mo ni tulaga fa'apea, na i'u ina ia mautinoa e matuā leai se mea i lalo o le lā e sāunia ai ia mo sāuāga na o'o atu fa'afuase'i 'iā te ia.

O se tasi aso, a o ta'oto Hope i le fola o le fale, alu atu lava Ioane tū i le ulu o Hope, e leai se māfua'aga. O le taimi lava lenā na 'āmata ai le faifaipea o ia fa'atinoga. Na i'u ina iloa e Hope, e tutupu ia fa'atinoga i taimi e ita ai Ioane i isi mea, e pei o se faia'ina a le Manu Sāmoa, pe na iai fo'i ni fa'afītāuli o le galuega i sea aso.

Na fa'aauau le 'onosa'i ma talia e Hope o le sāuāina i upu e lafo atu. O se tasi aso, ua saofa'i Hope ua māe'a ona tāpena le mea'ai a le 'āiga o le afiafi mo Ioane ma tagata o lona 'āiga na ō atu, 'ae taunu'u atu loa Ioane ma tagata ia o lona 'āiga. O le pasi ane o Ioane, 'ae fa'alogo atu Hope ua tau le mea i lona ulu.

"Ua ou matuā te'i. Nā 'ona ou nofo lava, 'ae o'u fa'alogo atu, ua tafe ifo le toto i lo'u muāulu. O'u va'ai atū, na'o le 'afa fagu lā e i lona lima, ua ta'e le fagu lea na ia tāina ai lo'u ulu!

Ua ou va'ai atu i si a'u tama o pulapula mai 'iā te a'u ma le fefe. E leai ma se tasi na fai se tala."

Mo Hope, o le toe tā lava lea na gau ai le tua o le kāmela. Ua tago atu loa si'i mai lana tama ma sōsola 'ese mai le fale o le 'āiga. Na manatu Hope e fa'afīlēmū ma 'aua le fa'alaua'iteleina, mo le puipuiga o le igoa lelei o lona to'alua, e ui lava ina

fa'alogo mulimuli ane o gugutu solo sā na fasia Hope ma ua fetaui lava lana mea na fai, o le fasi.

Na talosaga Hope e tatala le fa'aipoipoga, 'ae fa'aauau lava le taufa'amata'u o Ioane. Ui i lea, na fai lava le talosaga ma ua nonofo 'ese'ese.

*Ua suia igoa mo le puipuiga o i latou e a'afia

O le tala a Hope ua fa'amati'e ai ni uiga tāua o sāuāga fa'atino i se pā'aga vāvālalata na aliali mai fo'i i le tele o isi folasaga na fa'afofoga i ai le Sā'ili'iliga. O le itū muamua, e pei lava ona iai i isi itū'āiga o sāuāga, o le *mālosi ma le pule*. E lē māfua ona o le lē usita'i, e pei fo'i ona fa'ailoa e le Sā'ili'iliga i le vaega o sāuāga fa'asaga i tamaiti. E leai se isi mea na faia e Hope i le pō na tā ai e Ioane i le fagu, vaganā ai le sāunia o le mea'ai o le afiafi mo le 'āiga. E lē gata i lea, ua tatau ona tatou maua le agaga, e leai se māfua'aga tatou te talia ai āmioga o sāuāga.

O lonalua, ua fa'aali mai i mea na tutupu 'iā Hope e tutusa uiga o sāuāga fa'asaga i se pā'aga vāvālalata ma sāuāga fa'asaga i tamaiti, 'auā e māsani ona feso'ota'i sāuāga i upu ma sāuāga o le tino ma e mafai ona tutusa pe sili atu fo'i a'afiaga mai upu i lō le āfāina i le tino.

O lonatolu, e lei tutusa le tulaga o Hope ma isi tagata i totonu o le 'āiga, ma na sāuāina e tagata o le 'āiga o lona to'alua fa'apea lona to'alua. O le matā'upu o sāuāga i le vā o tagata o se 'āiga ma le tulaga o nofotane, 'ole'ā talanoaina i le **vaega 7.2.4.**

O le itū mulimuli, na molimauina e le tama a Hope nei sāuāga, ma e lē fa'apito fo'i i le tala 'iā Hope lenei itū. O le itū e lē ta'atele, o se mālamalamaga lea i a'afiaga mai le va'ai atu o fa'atino nei sāuāga, e pei ona pa'i i ai i vaega muamua o le Līpoti, ma 'ole'ā toe taga'i i ai i le iloiloina o a'afiaga mai sāuāga fa'asaga i se pā'aga vāvālalata, i le **vaega 9.2**.

O uiga o nei sāuāga fa'asaga i se pā'aga vāvālalata, ua solia ai aiā tatau a tagata soifua, le aiā tatau lea o le fa'asa'olotoina mai faiga e lē tusa ai ma faiga fa'atagata soifua, le aiā tatau i le sa'olotoga tau le tagata ma le malupuipuia o le tagata. 'Olo'o folafolaina fo'i i le Fa'avae o Sāmoa nei aiā tatau, ma talu ai, 'olo'o mafuli ina a'afia ai tinā ma tama'ita'i, ua iai fo'i i nei fa'atinoga le fa'ailoga tagata. E fa'apēnā fo'i se i'uga a le Fa'asāmoa. O so'otaga, e tatau ona iai le fa'aaloalo, le vāfeāloa'i, e fa'avae i le fefa'asoaa'i ma le soālaupule. Po o fea lava le itū e taga'i mai ai i le tala 'iā Hope, ma i latou uma ua sāuāina e a latou pā'aga, e manino ma lautele le soliga o le Fa'asāmoa, fa'apea talitonuga fa'avae o aiā tatau a tagata soifua.

Su'esu'ega Fa'apitoa 13: O le sao mai o Destiny*

O le 19 o tausaga o Destiny na fa'aipoipo ai i lona to'alua o Fetu. Fa'ato'ā 6 māsina talu ona fa'aipoipo, 'ae 'āmata loa sāuāga i le tino. O le pō o le fa'aipoipoga a le uso o Destiny, ua lagona lona lē lavā ma ua fia alu i le fale. O lea mana'o na i'u ai i se fīnauga ma o'o ai ina 'u'u e Fetu lona ua.

"Na fa'aauau ai lenei tulaga ma fa'asolo lava ina leaga tele sāuāga. O le tele o lo'u taumafai e tūlei 'ese, o le fa'aopoopo fo'i lenā o le leaga o sāuāga. O le 'auala lenā e fa'ailoa ai lona sa'o. Ua na faia fa'ai'uga mo a'u, a 'ua ou lē faia. Leai, e lē mafai ona ou vave alu i le fale. Leai, e lē mafai ona matou feiloa'i ma a'u uō e lunch. Leai,

e lē mafai ona ou alu i le fale o lo'u cousin. E leai se sa'olotoga i lona alofa mo a'u, pe 'āfai o se alofa lenā mea.

Na oti le uō a lo'u tuagane ma na ou fia alu i le toe sāuniga. Fai mai e leai, 'aua ou te alu. Na ou alu lava, e ui ina ou iloa le mea 'ole'ā tupu. Ou te manatua le tele o mea na nofo ma ta'ei […] o mea na ou fa'apelepele i ai. Ua na pūlea fo'i a'u meatōtino.

O le aso lenā na ia toso ai a'u. Ua tago mai futi atu lo'u ulu ma toso a'u i le moega. E 'u'u i le lima le seleulu ma fa'asino i lo'u fā'a'ī.

Ua fa'asala a'u, tu'u i lo'u tulaga."

Na gāsolo tausaga o toso lava e Fetu Destiny. Na o'o ina maua le pepe ma na māsani ona fa'afefe e Fetu le teineitiiti i se fana. Na fa'asolo lava ina fa'atetele sāuāga. Na i'u ina mafai ona sōsola 'ese Destiny ma lana tama i se tasi aso. Ua maua nei se pā'aga a Destiny na te fa'atuatuaina ma e lē sāuāina ia. Peita'i, 'olo'o mana'omia pea e Destiny ma lana tama le fa'aauauina pea o fesoasoani faufautua.

*Ua suia igoa mo le puipuiga o tagata a'afia

O sāuāga o se malifa māse'ese'e. O le tele o taimi, e 'āmata i se tama'i pō, 'ae vave lava ona o'o i se tu'i, o'o atu ai i sāuāga e fa'aaogā ai se 'āu'upega, ma o'o atu ai i le tosoteine/tama po o osofa'iga tau faigā 'āiga. So'o se tagata e talia sāuāga i lo tatou atunu'u, e talia lava lea, a ua iloa lelei e lē mafai ona 'alofia, e i'u lava i tulaga e pei ona o'o iai Destiny.

Ua toe fa'aalia manino i le tala 'iā Destiny, o le *mālosi ma le pule* 'olo'o i le tafu'e o sāuāga, e aofia ai sāuāga tau faigā 'āiga. E mafai ona fa'atino le mālosi e 'auala atu i faigā 'āiga, sāuāga o le tino, sāuāga i upu po o le fa'atapula'a fo'i o le sa'olotoga o se tagata e ala i le fa'asā ona alu i se mea po o le maua fo'i o le tamāo'āiga tautupe.

Manatu Lē Fa'avaea 8: E fa'aipoipo loa, e tatau lava i fafine ona fa'atino faigā 'āiga ma o latou ta'ito'alua

O le tulaga sa'o: Ua 'ave'eseina i le *Tulafono o Solitulafono 2013*[25] le tu'usaunoaga o le toso āvā sā iai i le *Tulafono o Solitulafono 1961*. O lona uiga, o le toso e se tamāloa o lana āvā, o se solitulafono, o le fa'asalaga e mafai ona o'o atu i le falepuipui i le ōlaga 'ātoa.

O le tosoāvā o se solitulafono i Sāmoa ma o se faiga ua lē tusa ma faiga fa'atagata soifua e pei ona iai i lalo o le Fa'avae, po o aiā tatau a tagata soifua, ma e matuā fete'ena'i ma le Fa'asāmoa. E māsani ona 'avea o se vaega o le gāsologa o sāuāga ma āmioga fa'atāutala, e pei ona tutupu 'iā Destiny. Ua fa'amati'e pea i le Līpoti le fa'avae o le Fa'asāmoa i talitonuga fa'avae o le fefa'asoaa'i ma femulumulua'i. E iai le māfua'aga tāua ma tonu o lenei manatu. 'Auā fo'i ua fa'alēaogāina uma nei talitonuga fa'avae pe 'āfai ua na'o le mana'o, mana'o o se tasi i se mea, 'ae aunoa ma le toe fa'asoa atu. E fa'apēfea ona maua pea e se tagata le puipuiga fa'aletino po o le māfaufau pe 'āfai o le taliga o

[25] See section 49(4) of the *Crimes Act 2013*.

lona mana'o mo ia puipuiga, ua 'ave'esea ai lea puipuiga mai isi tagata? O le tosoāvā, o se tasi lea o fa'atinoga aupito mātuiā ua soli ai le Fa'asāmoa ma ona talitonuga fa'avae o le fefa'asoaa'i, amana'ia, puipuiga ma le alofa. O lea lā, e mana'omia le lautele ma le salalau atu o le mālamalamaga i le tosoāvā, ina ia fa'amautinoa e mātauina e tagata lenei itū'āiga o āmioga, ma fa'atino se galuega e fa'afetaia'i ai.

Su'esu'ega Fa'apitoa 14: Eteuati Ete, o le Sāmoa 'Ata (the Laughing Sāmoan)[26]

O Eteuati o le tasi lea 'afa o le "the Laughing Samoans", o ni ali'i se to'alua ua tele tausaga o maua ai e tagata le fiafia ma le 'ata'ata. Sā māsani fo'i ona fasi e Eteuati lona to'alua o Mele.

O le tala a Mele, "Sā iai le itū mata'utia o Ete,". "Peita'i o ona uiga na fa'aalia i le lalolagi, o se ali'i tausa'afia ma le tauagafau."

O le taimi o nonofo Eteuati ma Mele, e tele na tutupu ai ni fe'ese'esea'iga ma sāuāga, e aofia ai se taimi na tu'i ai e Eteuati mata o Mele a o 'ave e Mele le ta'avale, ma i'u ai ina fula ma solouli lona mata. E le'i tatalaina le fa'aipoipoga a le ulugāli'i, 'ae na nonofo 'ese'ese i ni tausaga se tele fa'ato'ā toe fa'atasi ai ma fai se leleiga, ina ua fa'ato'ilalo e Eteuati ona uiga sāuā. Fa'ato'ā mafai lea tulaga ona ua ta'utino e Eteuati, o sāuāga, o se taunu'uga lea o lona mana'o na te pūlea Mele.

"O le va'aiga a tagata lautele, o a'u o se tagata faimeamālie, o se ali'i tauagafau. Peita'i, o a'u o se tagata sa iai fa'afītāuli i le pūlea o le ita. Ona ou māfaufau lea ma fa'apea ane 'iā te a'u lava, E i'u ina 'avea a'u o se toea'ina matuā fa'anoanoa, pe 'āfai e fa'aauau pea lo'u ola i se 'auala o le fa'atino o le pule ma 'auala o sāuāga"

Ua 'avea nei Eteuati o se tamā mitamita i fānau a lana fānau ma o lana tala, o lana taumafaiga ia iloatino lona tagata ma ona uiga, "o le mea aupito fa'afefe tagata lea ua ou faia".

O tala 'iā Eteuati Ete ma Hope ua matuā manino ai, e mafai ona tutupu sāuāga i se pā'aga vāvālalata i so'o se ulugāli'i, pe mau'oloa pe mātitiva, pe maualuluga a'oa'oga pe fōliga mai o ni tagata fiafia.

Su'esu'ega Fa'apitoa 15: O sēoli o le fana na o'o i ai Talia*[27]

O Talia o se tinā e 50 tausaga le matua ma e to'aono lana fānau. O se tasi taeao pō lava, na fa'apea lava Talia o fai sana miti ma ua pei lava e iai se mea o fa'asaga atu i lona muāulu. E pupula ane ona mata, ua pipi'i atu le gutu o le fana i lona muāulu, o le fana 'olo'o 'u'u e lona to'alua e 'ōnā.

[26] Jared Nicoll. "Laughing Samoan confesses to his secret past as a wife-beater." (21 November 2017). *Stuff NZ*. Retrieved from https://www.stuff.co.nz/national/98722131/laughing-samoan-confesses-to-his-secret-past-as-a-wifebeater. Accessed 13 March 2018.

[27] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

‘Aiseā? Ua lē usita’i i fa’atonuga a lona to’alua e ‘aua le ō ma tamaiti i le lotu i le pō ua mavae atu.

Na sōsola Talia ma lana fānau, ma ina ua lē maua e le to’alua, liliu ane loa le tamāloa fa’asolo susunu a latou meatōtino. O le mana’omia o se fesoasoani na savali ai Talia i le ofisa o leoleo e i le nu’u latou te soso’o. Peita’i, e leai se fesoasoani na maua ai, e fefefe leoleo e aiā i le matā’upu. O le tala na fai ‘iā Talia, e fa’atali se’i te’a le ‘ōnā o lona to’alua ma ua to’afīlēmū.

*Ua suia igoa mo le puipuiga o tagata a’afia

O le *lē usita’i,* o se ‘alofaga lea mai le māfua’aga moni o sāuāga i so’o se so’otaga – o le mālosi ma le pule. Se’i mānatunatu i lenei mea na tupu – Na **FĀ’ATA E LONA TO’ALUA LE FANA ‘IĀ TALIA I LE ALU MA ‘AVE TAMAITI I LE LOTU.** O fa’atinoga a le to’alua o Talia, na u’una’i e lona mana’o e pūlea Talia. O ai se tasi e mafai ona fīnau mai, o le ‘ave o tamaiti i le lotu o se māfua’aga tatau o se fīnauga? Ma e lē talia i so’o se taimi le fa’alālā o se fana i se isi tagata, e o’o lava i lou to’alua, ‘aemaise lava i se mea fa’atauva’a e pei o le alu ma ‘ave tamaiti i le lotu.

Su’esu’ega Fa’apitoa 16: O le ‘auala o Losa* na o’o ai ina tautala atu

O Losa o se nofotane e to’a 11 lana fānau. Mai le fānau mai o le pepe muamua se’ia fānau lana tama mulimuli, sā feagai pea Losa ma sāuāga i le tino ma le māfaufau. ‘Ā ita lona to’alua ua fasi, ma fa’apea ai lava ona fasi, e o’o lava i se mea fa’atauva’a – o tuatuagia e tatau ona fa’atino, o tamaiti, o ia mea uma, ua na’o se ‘alofaga e fasi ai.

“O se tamāloa fuā fo’i. ‘Ā umi ona ou alu i se fale’oloa ua ita fo’i.”

E le’i mana’o Losa e mālepelepe lona ‘āiga, o lea na tau’ave ai pea e Losa ona māfatiaga e lē gagana, e pei o le tele o tinā ma tama’ita’i i vaega uma o Sāmoa, ‘olo’o a’afia i tulaga fa’apea.

*Ua suia igoa mo le puipuiga o tagata a’afia

Manatu Lē Fa’avaea 9: O le fuā e māfua ai ona fasi e tamāloloa a latou āvā

O le tulaga sa’o: O le fuā e māfua mai i se tu’ufa’atasiga o le mana’oga e fa’atumau le mālosi ma le pule, ma nafa māsani o itūpā o ali’i ma tama’ita’i. O se sōsaiete e pūlea e ali’i, e iai le manatu o ali’i, e “ona” a latou tama’ita’i. O le va’aia o se to’alua po o se pā’aga a se tamāloa o talanoa i ni isi tamāloloa, e mafai ona ‘avea lea ma mea e fa’aitiitia ai lona tulaga po ua leai fo’i sona mālosi ma sana pule. O le fuā, o le taunu’uga lea o le mana’oga o se tamāloa e fa’atumau lona mālosi ma lana pule pe ‘āfai e talanoa lona to’alua i se isi tamāloa (po ua māsalomia fo’i i lea itū). O le fuā o se lagona mata’utia ma e mafai ona ia u’una’ia fa’atinoga o sāuāga, ‘ae lē o se māfua’aga. E tatau fo’i ona manatua, o le fuā e lē fa’apito na’o ali’i. E ala ona ta’atele i ali’i, ona o le nātura lea o se sōsaiete e pūlea e ali’i.

O le iai o le fuā i se so'otaga, o se fa'ailoga lea ua mama i oa le Fa'asāmoa. 'Āfai o fa'atāua ma amana'ia le Fa'asāmoa, e iai le feāva'ai, fa'atuatuaina, āmiotonu ma le alofa i le so'otaga a le ulugāli'i. 'Āfai e solia pe lē amana'ia ia talitonuga fa'avae, e mafai ona i'u i le fuā, ma u'una'i ai loa le fa'atinoga o sāuāga. 'Olo'o maua i le ta'iala o aiā tatau a tagata soifua ni ta'iala o 'auala e puipuia ai mai sāuāga ma tāofia le tutupu o sāuāga. O le fa'aaogāina o nei talitonuga fa'avae, e mafai ona fesoasoani e toe tapu'e talitonuga fa'avae o le Fa'asāmoa na lē amana'ia i le 'āmataga o nei fa'atinoga.

Su'esu'ega Fa'apitoa 17: O le ita o Malo* ma le sā'iliga o le Atua

O se māsani a Malo le fasi so'o o lona to'alua ma lana fānau.

"E māsani ona fasi pe 'āfai ua iai se sesē, e fasi fo'i tusa lava pe le'i iai se mea sesē ua fai e se isi. Sa māsani ona ou fasia lo'u to'alua, matuā fasi lava. So'o se taimi lava e tali mai ai sa'u upu pe lē faia le mea ou te fai atu ai, tasi lenā fasi. 'Āfai e nofo ma 'ave se tupe i lona 'āiga 'ae lē fai mai iā te a'u, o le isi fo'i lenā fasiga."

E 20 tausaga o fai e Malo le āmio o le fasi o lona to'alua, se'ia o'o i le tasi aso, ua alu le to'alua ma 'ave tamaiti. E tele tausaga na alu fa'ato'ā fa'afeagai Malo ma lona fa'afītāuli ma sa'ili ai loa se fesoasoani. Na ia maua lea fesoasoani mai le faife'au o lana lotu. O le taimi nei, ua sui 'ātoa le ōlaga o Malo.

*Ua suia igoa mo le puipuiga o tagata a'afia

Ua fa'amāonia e Malo mea ua tatou vā'ai i ai i uiga o sāuāga fa'asaga i tamaiti fa'apea tagata mātutua – o le tele o taimi, e leai se feso'ota'iga ma ni fa'atinoga a le tagata āfāina, 'ae mapuna uma mai i le ita o le tagata fa'atino sāuāga.

Su'esu'ega Fa'apitoa 18: O Malia*ma le malifa māse'ese'e o sāuāga

Na fetaui Malia ma lana pā'aga i se vaitaimi o tausaga 1990 fa'asolo mai ai ma na vave lava ona fa'atino e le pā'aga sāuāga 'iā Malia. Na 'āmata i nai pō lāiti i lea taimi ma lea taimi ma o'o ai i taimi ua tatu'i. Ua fuā pe 'ā alu Malia e 'ave lana tama mai sana pā'aga muamua i le āoga fa'ata'ita'i ma o le tele o taimi e mulimuli mai ai sāuāga.

Na malaga Malia i atunu'u i fafo se'i te'a 'ese ai mai le fa'afītāuli. Peita'i, na toe fo'i mai ma toe nonofo ma le pā'aga lava lea, ma maua ai le la ulua'i tamaitiiti. O le tausaga muamua talu ona toe fa'atasi, e le'i iai lava se suiga i lo la 'āiga ma na fai loa Malia i lana pā'aga o ia 'ole'ā alu 'ese.

Na toe fo'i ane le pā'aga i le potu ma se ata o le tama teine a Malia ma se pate tā polo. Na tā e le pā'aga Malia i le pate tā polo ma gau ese ai le ulu o le pate. Ua alu 'ese Malia, 'ae toe taumafai le pā'aga e fa'aoleole e toe fo'i ane. Na tuli atu fo'i lona tuafafine e tauānau Malia e toe fo'i ane a ua fefe Malia mo lona saogalēmū ma le saogalēmū o lana tama, ma e le'i toe fo'i i ai.

*Ua sui igoa mo le puipuiga o tagata a'afia

E fōliga mai e lē gata ina fa'ateteleina sāuāga i totonu o se so'otaga i le gāsologa o aso, a ua fa'apea fo'i i le atunu'u talu ai, o le talia e tagata o se mea māsani, ua ātili ai ona tupu ma ua aliali i fafo atu o le so'otaga, ma fa'apea ona fa'ateleina le a'afiaga o i latou e molimauina ia sāuāga.

O uiga ta'atele ua va'aia i ni isi o nei matā'upu, na fa'amāonia mai i le Sā'ili'iliga e tagata 'olo'o galulue i matā'upu tau sāuāga fa'atino i se pā'aga vāvālalata. Na līpotia mai e Ms. Savalenoa Betham-Annandale, o se lōia 'olo'o galue i matā'upu tau tulafono fa'atatau i 'āiga, o le 100% o tagata ua ia va'aia ua:

- Tele tausaga o māfatia (mo se fa'ata'ita'iga, i le gāsologa o se 20 tausaga o se ulugāli'i);
- Tāofia i le falema'i mai ni manu'aga tūgā (mo se fa'ata'ita'iga, e tasi na gau le ivi 'aso'aso, solouli mata ma iai manu'aga i totonu o le tino);
- Fasi i luma o le fānau ma lagona atu le fetāgisi o tamaiti (mo se fa'ata'ita'iga, na vala'au atu le isi tamaitiiti, "ua lava tamā, fa'amolemole 'aua);
- Ta'u atu mea na tutupu i le tinā o le to'alua, po o isi uō a le 'āiga ma o le taunu'uga, na fasi e le tinā o le to'alua pe e le'i fia fa'alogo mai pe amana'ia ia e tagata o le 'āiga;
- Fa'amāgalo le to'alua po o le pā'aga i le ulua'i sāuāga na fa'atino ma e le'i līpotiina ona o le fefe.

O le taimi 'ātoa o tusi le Līpoti, e iai matā'upu fa'apea i nusipepa, toeitiiti lē 'asa se aso. E aofia ai ni matā'upu se lua e matuā popole ai le loto, 'auā e fōliga mai ua fa'ateteleina sāuāga fa'asaga i se pā'aga vāvālalata, ua o'o ina salalau atu i ala tetele:

> O le matā'upu muamua, o se tinā na tatui le fatafata e lē tasi pe fa'alua, 'ae tele tui, i se 'auala tele i se nu'u lata mai i Apia i le pō. O nei fa'atinoga na faia i luma o le fānau a lea tinā, na o latou molimauina mea uma.[28]
>
> O lonalua o mea na tutupu, lea na tā'ua i le fa'atomuaga, na tupu i se 'auala i Apia i le taeao. Ua 'ioeina nei e se tamāloa na alu atu fa'afetaui lona to'alua ma fai se fīnauga, ma ia tatui fa'asoso'o ai le fafine ma sola 'ese ai ina ua taufetuli atu tagata.[29]

O nei mea tutupu ua fa'ailoa mai ai le ta'atele o sāuāga fa'asaga i se pā'aga vāvālalata, ua lē toe popole tagata pe iloa mai e isi tagata. E lagolagoina lea e fuainumera fa'amauina 'ese'ese, o sāuāga fa'asaga i se pā'aga vāvālalata, 'olo'o atagia mai ai o sāuāga i le vā o pā'aga o se mea ua uluola, ua lē matāofia ma o se māsani fou ua talia i Sāmoa.

7.2.3 Ta'atele o sāuāga i pā'aga vāvālalata

E tusa ma fa'amaumauga o le su'esu'ega Samoa Family Safety Study (**SFSS 2017**), o le 60% tinā i le 20-49 tausaga ua fai pā'āga vāvālalata, na o'o i ai sāuāga mai sea pā'aga. O se fuainumera ua si'itia mai le 46% na iai i le SFHSS 2000. Na tā'ua mai e le Vaega o Faiga Fa'avae ma Fuafuaga a le Matāgaluega o Leoleo, e 2,892 matā'upu tau sāuāga fa'atino i se pā'aga vāvālalata na līpoti atu i le tausaga 2013-2014, e ui ina 'olo'o fa'amauina e le Vaega o Sāuāga Fa'alotoifale e 893 matā'upu na līpoti atu i le

[28] Refer to Samoa Observer. "Man stabs wife in public." (20 July 2017). Retrieved from http://www.samoaobserver.ws/en/20_07_2017/local/22387/Man-stabs-wife-in-public.htm. Document 112 Inquiry anthology.
[29] See Samoa Observer. "Stabbing horror in Apia." (18 January 2018). Document 113 Inquiry anthology, accessible at www.ombudsman.gov.ws.

tu'ufa'atasiga o tausaga 2013 ma le 2014.[30] 'Ole'ā talanoaina i se vaega mulimuli mai o le Līpoti nei 'ese'esega i fa'amaumauga a leoleo, peita'i, ua lava ma totoe nei fa'amaumauga e fa'ailoa mai ai le tele o matā'upu ua fa'ao'o atu i leoleo, e uiga i sāuāga fa'alotoifale.

O le su'esu'ega o tagata e 1,500 na fa'atinoina e le Sā'ili'iliga o se vaega o fa'atalanoaga, ua fa'apupula ātili ai le ta'atele o sāuāga i totonu o o tatou 'āiga (o fuainumera fa'amauina nei 'olo'o aofia ai so'o se itū'āiga so'otaga i totonu o le 'āiga a ua lē fa'apito i pā'aga vāvālalata):

- o le 87% o i latou na aofia i le su'esu'ega na lafo i ai upu mātuiā ma upu lafo 'ava'avau/'e'ē;
- o le 87% o i latou na o'o i ai upu fa'afefe o le sāuāina po o le āfāina o le tino;
- o le 86% na fea'a, tatu'i, pō, āfāina i le fa'aaogāina o se meafaitino malō (ma'a/ 'alā, fāsi lā'au, 'ogālā'au, fa'agā'au, m.m.f.);
- e 24% na titina.

E fa'apea fo'i ona fa'apopoleina le loto i fuainumera fa'amauina o le ta'atele o sāuāga fa'asaga i se pā'aga vāvālalata. Na līpotia i le SFHSS 2000, e tasi mai ni tinā se to'alima na līpooti mai na fa'amālosi pe na fa'afefe e fa'atino faigā 'āiga mātagā i le gāsologa o o latou ōlaga. O le tasi mai se to'alima o tinā na fa'apea mai na toso e lana pā'aga.[31] 'Ā taga'i i fuainumera fa'amauina na tu'uina atu muamua, o le tasi mai se to'asefulu o tinā/tama'ita'i na toso e se tagata o lo latou 'āiga. E matuā maoa'e le ta'atele o le tosoteine o Sāmoa.

O le 5% o tinā/tama'ita'i na līpoti mai e le'i sāuāina lava, na fa'apea mai o le ulua'i taimi na o latou fa'atino ai faigā 'āiga, o se faiga na fa'amālosia[32], ma ua fa'aali mai ai le lē tele o se mālamalamaga o isi i le uiga o le tosoteine, ma o se isi lea molimau, e lē o maua 'āto'atoa i fa'amaumauga le ata moni.

Na manino mai i le Sā'ili'iliga, o le lē līpotiina o sāuāga e māfua ona ua māsani tagata i sāuāga ma, o le manatu o isi, e lē āfāina se kiki, se pō po o se so'a, vaganā ua mamafa atu, ona fa'aigoa loa lea o sāuāga. O le manatu e lē se mea mamafa, o le māfua'aga 'autū lea o le lē lipotiina o sāuāga, e tusa ma le mau a le 66% o i latou na 'auai i le SFSS 2017. E le'i aofia i la latou fa'amatalaina o le uiga o sāuāga "pō o le 'ālāfau/gutu, tu'i/so'a, fa'amāasiasi po o le palauvale i ai o se isi"– o itū'āiga fa'atinoga uma o āmio e fa'amālosia ai se tasi ia usita'i. O le fesiligia po ua fa'ateteleina sāuāga fa'asaga i se pā'aga vāvālalata, o le 44% o tina ma tama'itai na tali mai ua fa'ateteleina, e 26% na manatu e leai se suiga, 'ae 23% na tali mai ua fa'aitiitia. O le iloiloina o nei fuainumera fa'amauina, e tatau ona taga'i i le tulaga na talanoaina muamua o le ta'amilosaga o sāuāga, e tele ai ina teufatu e lē fa'alaua'iteleina e le tagata ua sāuāina ia faiga, mo lona lava puipuiga (ma atagia ai le to'atele o tama'ita'i sāuāina 'olo'o talia ia sāuāga). 'Āfai ua toeitiiti 'afa o i latou na fesiligia ua fa'apea mai ua fa'ateteleina ia sāuāga, e ui ina lē o fa'alaua'itele e isi tama'ita'i sāuāga fa'apea 'olo'o fa'atino 'iā i latou, e fōliga mai lā, 'olo'o fa'ateteleina lenei fa'afītāuli i se tulaga fa'apopole loto.[33]

[30] "Exploring violence against women and girls in Samoa." *Fallen Lizard Films* (an analysis of data provided by MOP Policy & Planning Division and the Domestic Violence Unit). Document 117 Inquiry anthology.
[31] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.
[32] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.
[33] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

O le tūgā o itū'āiga sāuāga fa'atinoina na 'āmata ona aliali a'e i le 2000, ina ua fa'amauina toeitiiti tasi mai se sefulu tama'ita'i na su'esu'eina (8%) na fa'apea mai na matapogia mai ni sāuāga na fa'atino 'iā i latou.[34] O Siliniu Lina Chang[35], masalo o le tagata lea i Sāmoa i le taimi nei e aupito sili lona mālamalama i sāuāga fa'asaga i se pā'aga vāvālalata, talu ai le tele o tausaga o galulue ma tagata ua āfāina ma tagata ua sao mai i sāuāga. O le manatu o Siliniu 'olo'o atagia ai le i'uga, e lē gata ina ua fa'ateteleina le ta'atele o sāuāga fa'asaga i se pā'aga vāvālalata, a ua fa'apea fo'i ona aliali mai ai uiga aupito sili ona 'inosia.

"O aso nei, ua matuā mata'utia uiga o sāuāga ma ua tele atu faiga fou ua fa'aaogā e tagata fa'atino sāuāga. O aso lā, sa na'o na fa'afefe le to'alua, a o aso nei, o le fasioti. Ua matou vā'ai ma feagai ma sāuāga mata'utia, 'aemaise lava i tama'ita'i ma tamaiti. O ni manu'aga e te lē talitonu i ai pe 'ā māfaufau atu i la tatou aganu'u ma lo tatou talitonuga fa'alelotu. O nei manu'aga e aofia ai le susunu o tamaiti i se 'āuli ma sikaleti, manu'aga mai se naifi ma isi mau manu'aga."

Siliniu Lina Chang, Peresetene o le To'omaga mo Ē Puapuagātia, Avanoa fa'alaua'itele e fa'aleo ai manatu

7.2.4 Isi itū'āiga sāuāga fa'atino i tagata mātutua

E ui ina o le tele o sāuāga e fa'atino i se pā'aga vāvālalata, e iai fo'i isi itū'āiga sāuāga 'olo'o fa'atino i totonu o 'āiga. E aofia ai sāuāga fa'asaga i nofotane ma faiāvā, ma sāuāga i le vā o fānau, vā o augā tupulaga i tagata mātutua o se 'āiga. O su'esu'ega fa'apitoa 'olo'o mulimuli mai 'olo'o fa'aata ai uiga o sāuāga 'olo'o fa'atino i vaega lautele nei e lua.

7.2.4.1 Sāuāga i Nofotane

Su'esu'ega Fa'apitoa 18: O le tinā o le to'alua o Lote

Na fa'aipoipo Lote ma nonofo ai ma lona to'alua i le 'āiga o lona to'alua. Na fiafia le ola a'e o Lote i lona 'āiga, e sa'oloto, e leai se mea popole ai. O lona manatu fo'i lea ina ua fa'aipoipo ma si'i atu i le 'āiga o lona to'alua. Peita'i, na suia mea uma.

Mai lava i le 'āmataga, ua fa'ao'o e le tinā o lona to'alua Lote i se ōlaga pologa. E fafagu i le 5.00 i le vaveao e fai le kuka o le taeao mo tagata uma 'ae le'i ala ane. E tapena mea uma na fai ai le mea'ai ma fufulu ipu, ona alu ai lea i le ma'umaga e 'aumai ni fafie ma ni talo, fo'i ane i le fale, fai fe'au māsani. E o'o ane i le taimi e mānava atu ai lona to'alua, ua matuā gapelu Lote ma ua tau leai se mālosi e fa'amatala ai i lona to'alua ana mea na fai i le aso. E ui i le mamafa o galuega fa'atino, na sili atu ona mamafa 'iā Lote faiga a le tinā o lona to'alua.

"O le matuā fa'ati'āpolo le faiga o a'u e le tinā o lo'u to'alua. Na sili 'iā a'u le fasi i lō upu na lafo mai. O upu mamafa lē alofa, fa'amāasiasi ma o'o mai ai lagona e leai so'u aogā. Fai mai lana tala, o le māfua'aga na e sau ai i le 'āiga lenei o le fai

[34] SPC and UNFPA. (2006). *Samoa Family Health and Safety Study 2000*. Document 83 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

[35] President of Samoa Victim Support Group oral submission to the Inquiry.

o mea'ai mo le 'āiga, fai uma fe'au a le 'āiga, ma fa'amū ou mata. O lou tiute lenā, o oe o le nofotane.

E iai le aso na fai ai a'u fe'au māsani ma ou te fo'i atu, ua i fafo uma a'u ulo ua nofo ma tāu'ai i fafo. Ou te o'o atu 'ae vala'au mai 'ole'ā sau e tui a'u i le kolopā. O le isi aso, na ita lo'u to'alua ma teva ona ua lē lelei le kuka na ou faia e 'ave mo le faife'au. O lā e tau sa'eu la'u ulo o le mea'ai a lo matou 'āiga, 'ae o'u fa'alogo atu ua patū le mea i lo'u tuāua, ua tā a'u e le tinā o lo'u to'alua i le lā'au."

*Ua suia igoa mo le puipuiga o tagata a'afia

Ua iai 'āiga e manatu o le nofotane o se 'au'auna/pologa i totonu o le 'āiga, ma ua fa'atulaga ai le mālosi e fa'atumauina i isi taimi e ala i sāuāga i le tino ma upu e pei o le tulaga na iai Lote.

O le faiga o nei tama'ita'i ua maualalo ifo ai lo latou tulaga mai isi tagata o le 'āiga, o se faiga ua solia ai aiā tatau a tagata soifua ona o sāuāga 'olo'o latou feagai. O se fa'ailoga tagata fo'i lea ona o lo latou tulaga o nofotane ma ua solia ai a latou aiā tatau o le fa'asa'olotoina mai faiga e fa'alumaina ai.[36]

E lē gata i lea, ua fa'aitiitia ai le tāua o talitonuga fa'avae o le Fa'asāmoa o le feāvaa'i ma le fepuipuia'i. O le fa'asinomaga i le Fa'asāmoa, e iai a'a o le tagata i totonu o se 'āiga, se nu'u, ma e iai lona sao tāua i le soifuaga. O lea lagona o le 'avea o se tagata o se 'āiga po o se nu'u, e fausia ai lagona e iai tiute tau'ave, ma e tatau ona 'avea ia lagona e tāofia ai so'o se itū'āiga o sāuāga. O le faiga o ni nofotane ua ta'atele mai nei, ua solia ai le Fa'asāmoa, ona ua lē maua e le tagata ua ulufale atu i le 'āiga le avanoa e fa'atino ai lona nafa tonu ma ua lē amana'ia lona tāua o le tagata soifua. E fa'amautūina lenei i'uga pe 'ā taga'i i suiga ma le fa'auiga sesēina o le nafa o nofotane i le gāsologa o tausaga. O le va'aiga a tagata, o le fa'a'upuga maupaolo o se fa'a'upuga talafeagai lea ma fa'aaloalo e fa'aigoa ai sea tagata i lō le nofotane. O le fa'a'upuga maupaolo e atagia mai ai le si'itia o le tulaga i le soifuaga i Sāmoa, o se tulaga tāua o le tagata 'ole'ā maua mai ai suli o le 'āiga ma fa'apea ai ona malu i le puipuiga a lea 'āiga.

E ui ina e le'i maua e le Sā'ili'iliga ni molimau tu'u sa'o, na iloa fo'i e lē fa'apito ia sāuāga i nofotane, a 'olo'o tupu fo'i i ni faiāvā.

Su'esu'ega Fa'apitoa 19: O le mealilo a Pandora* (sāuāina)[37]

Na fa'aipoipo Pandora ma lona to'alua o Tapelu ma sa nonofo i le fale o le 'āiga o Tapelu, ma maua ai la lā fānau teine e to'alua. Na nonofo fa'atasi i le fale ma mātua o Tapelu ma ona tuafāfine e to'afā, ua fa'aipoipo fo'i ma ua iai a latou fānau.

E tulaga 'ese fo'i lenei 'au'āiga. Ua toe fa'aipoipo le tamā o Tapelu ma o lona to'alua ua iai nei o le tama a sona to'alua muamua i se isi tamāloa (step-daughter). Na iloa e Pandora lea tulaga, a ua lē fiafia ai le 'āiga ona ua ia iloa lea mea. Na 'āmata loa ona nonofo ma fasi Pandora ma lafo i ai upu leaga a o alu Tapelu e faigaluega.

[36] *Convention on the Elimination of Discrimination Against Women*, Articles 1- 5.
[37] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

Na fa'aauau ia sāuāga ma o'o ina mānava mai Tapelu ma ua 'au ma lona 'āiga i le lafo o upu mālolosi ma ua liliu ane fo'i ia fasi lona to'alua.

*Ua suia igoa mo le puipuiga o tagata a'afia

Su'esu'ega Fa'apitoa 20: O Lusia ma le 'aumātamata o le 'āiga

Na pasi Lusia i le su'ega ulufale i se Kolisi ma sa iai ona naunauta'iga ma fa'amoemoega o se lumana'i manuia ina ua fa'aipoipo atu 'iā Siaki, o se leoleo. Peita'i, na suia le lalolagi o Lusia ina ua o'o atu e nofo i le 'āiga o Siaki. O le va'aiga a le 'āiga, o ia o le nofotane ma o lona nafa o le fai o fe'au uma i totonu o le 'āiga mai le taeao e o'o i le afiafi. O se vaitaimi lava lea na 'āmata ai ona sui uiga o Siaki pe 'ā mānava atu. Ua inu 'ava mālosi ma tāfafao ma ana tama. Na sa'oloto lava ia e fai le mea e mana'o i ai, 'auā o lona 'āiga.

Na tō Lusia a o le taimi lenā ua leai se lā feso'ota'iga ma Siaki. Pei lava e leai se mea e tasi i le lalolagi e popole i ai. E inu ma tafao i taimi e lē faigaluega ai. Na fai atu i ai Lusia e uiga i ia āmioga ma o 'inā na 'āmata ai loa sāuāga o le tino.

Na fasi e Siaki a o tō. Na'o le mātamata o le 'āiga i sāuāga, e leai se tala e tāofi ai pe alu atu se tasi e lavea'i, e ui lava 'olo'o tau'ave le pepe i lona manava.

*Ua suia igoa mo le puipuiga o tagata a'afia

Na 'au le 'āiga o Siaki i ana fa'atinoga. Sa nofonofo ma tutū ma mātamata. Na faigōfie lava ona tāofi e se tasi o i latou lo latou atali'i, tuagane, mai le fa'atinoga o ia sāuāga. E tu'ua'ia tutusa i latou i māfatiaga na o'o i ai Lusia ma ua lē faia lo latou tiute e lagolago le fa'asinomaga ma le malupuipuia. Fai mai le fuaitau a Sāmoa, "a malu i fale, e malu fo'i i fafo", ma ua lē toe mautinoa le lagona e se tagata o le saogalēmū i totonu o 'āiga, ma fa'apēnā ai ona lamatia le saogalēmū i fafo atu o le 'āiga. E tāua le 'āmata ona iloa, e lē gata ai i totonu o le 'āiga a'afiaga o sāuāga i totonu o 'āiga. E iai taimi e masa'a atu ai i fafo ma lōfia ai le atunu'u lautele.

7.2.4.2 Sāuāga i vā o tagata o 'āiga

Su'esu'ega Fa'apitoa 21: O le Tauusoga Fiamālosi o Kori*

Ua 21 nei tausaga o Kori ma 'olo'o 'auai i le polokalame toefuata'i o le Teen Challenge ma 'olo'o nofo nei i lona uso matua. Peita'i, sa nonofo ma ona mātua ma lo latou 'āiga lautele, o ona tuafāfine, o tauusoga e to'atolu, ma le pā'aga a le tasi o ia tauusoga. O se māsani a le tauusoga lea e fai le pā'aga, o le fiafia lea e fasi lona to'alua i luma o le 'āiga, e tamoto ma tūlei pei e fa'ailoa mai ai mea na te mafaia.

E tele taimi e fai atu ai i ai Kori e sōia, 'ae fai lava. 'Ā alu le fafine i se fale'oloa, e ita pe 'ā tuai ane ma e o'o ane loa le fafine i le fale, e fasi lava i luma o le 'āiga uma, ma fai mai o le lē usita'i ma e tele le tautala pe 'ā alu e fa'atau.

E iai le pō ua saofafa'i se vaega o le 'āiga mo le mea'ai o le afiafi, a o fa'atalitali le tauusoga i lona to'alua sa talanoa ma se tagata i le 'auala. E le'i o'o le fafine i lona

nofoa ‘ae tau ai le moto i fōliga, pa’ū ifo ai ma tau le ulu i le fola o le fale. Tago atu le tauusoga i le naifi e tā ai le fafine, ‘ae tū atu loa Kori i le vā. Ua ‘ava’avau mai le tauusoga e alu ‘ese, e leai sana fe’au, ma tu’i loa Kori. Liliu atu loa Kori ‘u’u mai le lā’au ma tā fa’atolu, toe tago atu loa tamoto ma i’u ai ina matapogia le tauusoga.

Ua ō ‘ese le tauusoga ma lona to’alua, e fa’apēnā fo’i Kori, na līpoti i leoleo ma o lona i’uga o le taimi nei ‘olo’o ‘auai i le polokalame lea o le Teen Challenge.

*Ua suia igoa mo le puipuiga o tagata a’afia

E lē na’o le fa’aalialiga o lana pule ma lona mālosi na fa’atino ai e le tauusoga o Kori sāuāga. Na fa’atino i luma o isi uma tagata, e fa’aali ai lona mālosi ma lana pule ia i lātou uma. Na ia fa’aaogāina le tīgā ma le māfatia o lona to’alua e sāuāina ai māfaufau o lona ‘āiga, ma fa’aali atu i lona ‘āiga mea na te mafaia. O ia sāuāga na i’u ai ina tali atu Kori ma fa’atino fo’i e ia sāuāga. O nei mea na tutupu, ua tā’ape’ape ai le ‘āiga.

Su’esu’ega Fa’apitoa 22: O le i’uga fa’anoanoa o le osofa’iga a Afereti[38]

E tele le ‘ava mālosi na inu e Afereti i se fa’atasiga fa’ale’āiga. Na fa’atonu e Afereti lona to’alua e alu e ‘aitālafu mai ni fagu pia lāpopo’a se 4, ma na fa’apea ona fai e le to’alua. O le tā o le 7 i le afiafi ua saofafa’i le ‘āiga e fai le mea’ai, na fai le fa’ai’uga a Afereti e alu ma lana fagu e tasi ma le ‘afa fagu ‘olo’o totoe i le fale o lo latou tuā’oi, ‘olo’o inu ai lona uso o Onosai. Na alu Afereti ma ‘ave lana sapelu ma’ai.

Mai le taimi na taunu’u ai Afereti, na ia fa’aalia uiga o le fia misa, ma fa’alālā solo lana sapelu i se ‘auala taufa’afefe. Na fai i ai Onosai e sōia, ‘ae tago atu Afereti tu’u le lau o le sapelu i le ua o lona uso. Ona tago atu loa lea tā le lima o Onosa’i i le sapelu ma lavea ai. Na taumafai Onosai e solomuli ‘ese, ‘ae toe oso atu Afereti ma le tā, ‘ae lāvelavea ai le sapelu i se uaea eletise ‘olo’o tautau ma motusia ai le eletise i le fale. O le pogisa na soso’o ai na ta’ape ai le fa’atasiga ma ta’ita’i ‘ese atu ai Afereti e lana fānau tama.

A o sāvavali ‘ese atu, na tago atu Afereti toso mai lona atali’i matua o Taumafai ma fa’auōuō, ma ‘ave’ese mai le naifi la’iitiiti sa iā Taumafai. Na sola lava le to’alua o Afereti ina ua ‘āmata le vevesi ma ua fia iloa e Afereti po o fea o lafi ai. Na māsalosalo Afereti o iloa e Taumafai le mea ‘olo’o iai le to’alua, o lea na ia fa’amasino ai Taumafai. Peita’i, o le tali a Taumafai na te lē iloa. O fesili ta’itasi a Afereti, na fa’atetele ātili ai lona ita.

Na si’i i luga le lima taumatau o Afereti ‘olo’o iai le naifi. E taumafai atu lona atali’i e sola ‘ese ‘ae le’i mafai ‘olo’o mau ai lava lona tamā. Na tago atu Afereti toe toso mai ma e fa’atolu ona tā le tama i le naifi. Na momo’e Taumafai i le fale o se tuā’oi mo se fesoasoani, a ua o’o i le ponaivi o lona fā’a’ī le tipi, ua motusi ai uaua o lona ua. Na palasi ifo i lalo ma oti ai lava.

[38] *Police v Maposua, [2017] WSSC 150*. Reported at http://www.paclii.org/cgi-bin/sinodisp/ws/cases/WSSC/2017/150.html?stem=&synonyms=&query=stab. Accessed 30 May 2018.

Na fa'amāonia le solitulafono a Afereti o le fasioti tagata pa'ivalea ma le fa'ao'olima i lona uso. 'Olo'o tuli nei i Tafa'igata lona fa'asalaga e falepuipui i le 15 tausaga.

O le mana'o o Afereti na te pūlea ma fa'atino lona mālosi i tagata uma o lona 'āiga na i'u ai i le oti fua ma le māumāu o le ola o Taumafai. O se lapata'iga manino lea o taunu'uga o sāuāga i totonu o se 'āiga. Na 'āmata i le alu o Afereti e fa'amata'u lona uso, peita'i e tele taunu'uga na i'u i ai – na sola lona to'alua, ua toso atu Taumafai i le vevesi ma i'u ai lona ola.

O Afereti o se tagata e mana'o na te pūlea isi tagata o lona 'āiga, e fa'aaliali āmio fia mālosi e fa'atino ai lana pule i se 'auala e māsani ona fa'aogā e isi tagata fa'atino sāuāga. O le taimi na lau ai le i'uga, na aliali a'e ai, na fa'amāonia muamua sana solitulafono o sāuāga i lona to'alua ma lona atali'i, na fa'aogā ai fo'i se sapelu. O ia uiga o Afereti na fa'ateteleina i le pō na tupu ai le fa'alavelave, i le so'ona inu fa'atāutala o le 'ava mālosi. E mafai ona inu 'ava mālosi tagata 'ae lē i'u i lo latou fa'atinoina o sāuāga. E lē na'o ni nai ipu na inu e Afereti i le pō lea. E lē i lalo ifo o le 37 iunite o le 'ava mālosi na ia inuina. O le tapula'a fautuaina o le inu 'ava mālosi i le vaiaso i Niu Sila, e 19 iunite.[39]

Na iai lava le avanoa e fa'atino e Afereti ni faiga fa'apea, e pei ona iai i isi ana soligātulafono. O le pō na tupu ai le fa'alavelave, na u'una'i e le 'ava mālosi māfua'aga ua leva ona iai – le mana'oga o Afereti e fa'atino lona mālosi ma lana pule. Mo Taumafai, o se tu'ufa'atasiga o ni mea na i'u ai lona ola.

Su'esu'ega Fa'apitoa 23: O atali'i taua'imisa o Aleki[40]

E to'alua atali'i o Aleki ua mātutua – o Paul ma Enele. E fo'i atu Enele i se tasi aso i lo latou 'āiga, e maua atu Paul o 'ave'ese laupapa mai lo latou fale. Na oso le ita o Enele ma i'u ai ina fufusu. Na iloa atu e Aleki fusu'aga ma alu atu fai i ai e tu'u. Peita'i, na liliu atu Enele ma fa'asasao lona ita i lona tamā, ma 'āmata ona tamoto Aleki.

Na oso atu Paul e pupulu ma ina ua mamulu 'ese Aleki, na oso atu loa i se sapelu ma tui ai Enele mai le tua ma o'o i ona tōtoga ma masa'a mai ai le toto. O se mea e fa'afetai ai, na toe manuia Enele ma ua māe'a le fa'aleleiga a le 'āiga.

E iai itū e tutusa ai le tala 'iā Aleki ma le tala 'iā Afereti ma o le itū lea o le vave ona o'o atu i se tulaga mata'utia, ma semanū e tutusa i'uga o ia tala. O ia tala uma e lua ua fa'aalia mai ai fa'afeagai matuitui o sāuāga i totonu o 'āiga – o se mea na 'āmata e fa'amautū ai le mālosi ma le pule, e mafai ona i'u i le leai o se pule 'ae i'u i taunu'uga tīgā ma matuitui. E vave tele ona o'o atu sāuāga i se tulaga ua lē mafai ona tāofiofi e pei ona iai i le tala lenei – o le mea na 'āmata i le fusu'aga a le au uso, na'o nai minute, 'ae o'o atu i le fa'aaogāina o le sapelu e fa'ao'olima ai ma semanū e i'u i le oti o le uso ma le falepuipui o le tamā mo se taimi umi.

[39] The Inquiry has used the New Zealand alcohol limit because it is the most comparable one as Samoa does not have a recommended limit.
[40] *Police v Bourne, [2017] WSSC 139*. Reported at http://www.paclii.org/cgi-bin/sinodisp/ws/cases/WSSC/2017/139.html?stem=&synonyms=&query=stab. Accessed 30 May 2018.

E fōliga mai e fa'apea fo'i le ta'atele o isi itū'āiga sāuāga ma o se tulaga fa'atupu popole e pei fo'i o sāuāga fa'atino i se pā'aga vāvālalata. Mo se fa'ata'ita'iga, o matā'upu 'iā Afereti ma Aleki ua tā'ua i luga. Na'o le tasi le masina na vā ai le fofogaina o nei matā'upu e le Fa'amasinoga. O le fa'amasinoga o Afereti o Novema, a o Aleki o Tesema o le tausaga 2017. O le gāsologa 'ātoa o lenei Līpoti, e anoanoa'i fa'ata'ita'iga ma su'esu'ega fa'apitoa na mafai ona fa'aaogāina ma na fa'aopoopoina pea le fuainumera i aso ta'itasi. O nei tala ua fa'ailoa mai ai fo'i le ta'atele o sāuāga fa'atino e ali'i i ali'i, e tele ina lē talanoaina, peita'i, e tele taimi na fa'amati'e ai e tagata a o fa'agāsolo le Sā'ili'iliga.

O tala 'olo'o i luga ua toe fa'amautū ai le talamoni, e feso'ota'i itū'āiga sāuāga. O le tele o nei su'esu'ega, e lē fa'asaga sāuāga i se tagata patino e to'atasi, a o se fa'asologa o āmioga e pūlea ai tagata lata ane i le fa'atino sāuāga. E lē se tulaga lā e fa'ate'ia ai le iloa ane o tagata fa'atino sāuāga i se pā'aga vāvālalata e fa'alua ma le 'afa le avanoa e sa'o ai,[41] o ia tagata na fufusu fo'i ma se isi tamāloa, e pei o Afereti i le tala 'olo'o i luga.

> "Ua ou va'ai i tamāloloa ua o'o i ai sāuāga i totonu o 'āiga. O le ā lea mea ua māfua ai ona tatou ola i se ōlaga matuā mamafa ua tatou o'o ai i nei āmioga mata'utia?"
>
> *Dr. Malama Tafunai, Avanoa fa'alaua'itele e fa'aleo ai manatu i le Sā'ili'iliga*

O ni fa'amatalaga molimau, na iloa ai e le Fono Aoao a Tupulaga Talavou o le tele o tama'ita'i talavou e fa'aipoipo ma nonofo i le nu'u o o latou ta'ito'alua, e feagai ma itū'āiga sāuāga 'ese'ese o le māfaufau, lagona ma upu mai 'āiga o o latou ta'ito'alua. O se su'esu'ega lautele na fa'atino fa'atasi e ni ofisa o Mālō 'Aufa'atasi i le Pasefika i Saute na iloa ai o le 62% o tama'ita'i na līpoti atu na o'o i ai sāuāga o le tino, na fa'atino e se tagata e lē o se pā'aga (o le tele, o tamā, tinā, ali'i ma tama'ita'i o le 'āiga ma faiā'oga).[42] O le Sā'ili'iliga lava lea, e 11% na līpoti atu na o'o i ai sāuāga tau faigā 'āiga na fa'atino e se tagata e lē se pā'aga. O nei fuainumera e lagolagoina ai le i'uga na maua, toeitiiti lava tasi mai se to'asefulu o tama'ita'i i Sāmoa ua toso e se tagata o le 'āiga e lē se pā'aga vāvālalata.[43]

I'UGA 3 O LE SĀ'ILI'ILIGA: O Sāuāga i Totonu o 'Āiga ua toeitiiti lava a'afia ai 'āiga uma i Sāmoa, fa'atasi ai ma le to'atele o tagata ua o'o i ai sāuāga mātuiā i o latou ōlaga:

- Toeitiiti lava 9 mai se to'a 10 tagata ua o'o i ai sāuāga o le tino po o le māfaufau i totonu o o latou lava 'āiga;
- O le to'atele o tama'ita'i (6 mai se to'a 10) ua o'o i ai sāuāga e fa'atino e se pā'aga vāvālalata;
- Toeitiiti lava tutusa le ta'atele o sāuāga mai se tagata e lē se pā'aga vāvālalata ma le ta'atele o sāuāga mai pā'aga vāvālalata;
- Ua o'o atu i le 1 mai se to'a 5 tama'ita'i ua tosoina;
- Ua o'o atu ina māsani tagata i sāuāga, ua fa'apea ai ona māsani i le pō, a'a, tatu'i, palauvale po o le taufa'amata'u ma e leai se manatu e mamafa ia faiga pe aofia fo'i i le uiga o sāuāga;

[41] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.
[42] UNFPA, UNICEF. (2015). *Harmful Connections: Examining the Relationship between violence against women and violence against children in the South Pacific*. Document 54 Inquiry anthology.
[43] Explanation provided to the Inquiry by Savalenoa Mareva Betham-Annandale. Family Law Barrister and Solicitor. *Written submission*. Document 8 Inquiry anthology, accessible at www.ombudsman.gov.ws.

- O sāuāga i totonu o ‘āiga ua mālilíu ai tagata ma ua mālepelepe ai ‘āiga.

8. Sāuāga Fa’asaga i Isi Vaega Patino (Tagata e iai mana’oga fa’apitoa, tagata ua Matua le Soifua, Fa’afāfine ma Tagata e ‘ese o latou lagona mai le fa’atulagaga māsani o itūpā)

E mafai ona tupu ma e tupu i so’o se tagata sāuāga i totonu o ‘āiga. E iai fo’i vaega o tagata e mafai ona lamatia, ma o lea e tatau ai ona taga’i i ai, ina ia maua se mālamalamaga o māfua’aga ua fa’ateleina ai lo latou lamatia. O mea ua tutupu i tagata i nei vaega, e mafai ona fau ai se ‘auala talafeagai o le tāofiga ma le puipuiga.

Na feiloa’i le Sā’ili’iliga ma fefa’asoaa’i ma ni vaega ‘autū ‘olo’o fai ma leo o nei tagata, e pei o le Fa’alāpotopotoga a Fa’afāfine (**SFA**)) ma le Nuanua O Le Alofa (**NOLA**) ina ia fa’amālosi’au i ia vaega e tu’uina mai ni folasaga i le Sā’ili’iliga. E ui ina sa iai feso’ota’iga i vaega tau ‘āmata o le Sā’ili’iliga, e le’i toe iai se avanoa e talanoa ai ma le NOLA, ma e le’i toe maua mai fo’i ni isi folasaga mai ia fa’alāpotopotoga. E lē gata i lea, e leai ni tagata na āfāina po o tagata fa’atino sāuāga i nei vaega o tagata na tu’uina mai ni molimau i avanoa fa’alaua’itele ma avanoa e le’i fa’alaua’iteleina e fa’aleo ai manatu. Ui i lea, ua taumafai le matā’upu lenei o le Līpoti e fa’apupula ni mea na tutupu ma itū’āiga sāuāga ‘olo’o fa’atino fa’asaga i nei vaega o tagata, ma e manatu e mana’omia ni isi su’esu’ega ma fefa’asoaa’iga i le fa’atinoga o fautuaga mai le Sā’ili’iliga.

8.1 Tagata e iai mana’oga fa’apitoa

Na tulimata’i fa’apitoa aiā tatau a tagata e iai mana’oga fa’apitoa i le Līpoti o Tulaga o Aiā Tatau a Tagata Soifua 2016. Na maua i le līpoti le manino o le leai o ni fa’amaumauga e uiga i sāuāga fa’atino i tama’ita’i e iai mana’oga fa’apitoa, na tu’uina atu i leoleo. O se māfua’aga o lea mea, o le leai o ni ‘auala e mafai ai e tama’ita’i e iai mana’oga fa’apitoa ona līpoti atu pe ‘āfai ua o’o i ai ni sāuāga po o faiga fa’atāutala.[44] E le gata i lea, e le’i manino mai pe o a’oa’oina fa’aapitoa pe leai leoleo ma fa’aupegaina e gafataulimaina tagi o sauaga ma faiaga ‘āiga matagā o tinā e iai manaoga fa’apitoa.[45]

O se tasi o matā’upu na tulimata’i i le SFSS 2017, o tagata e iai mana’oga fa’apitoa. Peita’i, o le to’aitiiti o tagata na aofia i le su’esu’ega na lē mafai ai ona fai ni i’uga maumaututū pe a’afiagōfie atu ia vaega i lō isi vaega pe leai fo’i. Ui i lea, e talitonu Komesina o le Sā’ili’iliga e a’afiagōfie i sāuāga i totonu o ‘āiga, tagata e iai mana’oga fa’apitoa (‘aemaise lava tama’ita’i e iai mana’oga fa’apitoa). O lea lā, o se vaega lenei e mana’omia ni isi su’esu’ega e fa’amautū ai pe sili atu le a’afiagōfie o nei tagata i sāuāga i totonu o ‘āiga talu ai ni fa’alētonu o o latou tino, e faigatā ai ona tete’e atu ni sāuāga fa’asaga ‘iā i latou.

[44] Samoa Office of the Ombudsman/ NHRI. (2016). *State of Human Rights Report: Persons with Disabilities*.
[45] Samoa Office of the Ombudsman/ NHRI. (2016). *State of Human Rights Report: Persons with Disabilities*. p. 29-30.

8.2 Tagata ua matua le soifua

Na fautuaina mālosi e le Komisi o le Toefuata'iga o Tulafono a Sāmoa le Sā'ili'iliga, ina ia taga'i i sāuāga fa'asaga i Tagata ua Matua le Soifua.[46] Na lāgā fo'i se popōlega o le SFSS 2017, o se fa'afītāuli ua 'āmata ona tula'i mai, o sāuāga fa'atino i Tagata ua Matua le Soifua. E pei ona iai i tagata e iai mana'oga fa'apitoa, e leai ni fa'amaumauga fa'atuatuaina o a'afiaga o tagata i lenei vaega, mai sāuāga i totonu o 'āiga. E mana'omia ni su'esu'ega lautele ma au'ili'ili i le vaega lenei, ona fa'ato'ā mafai lea ona fai ni i'uga mautū.

8.3 Fa'afāfine[47] ma Tagata e 'ese o latou lagona mai le fa'atulagaga māsani o itūpā

Na fa'amatala mai i le Sā'ili'iliga o le sāuāina o fa'afāfine i upu, o se mea ta'atele ma o se māsani, ma o lea e manatu ai le to'atele e lē se fa'afītāuli, ma lē līpotiina ai lava. O mātua, o i latou ia e aupito to'atele o le 'au fa'atino sāuāga o lea itū'āiga. Ua toe aliali mai fo'i i lenei tulaga le uiga feso'ota'i o sāuāga.

Na fa'amati'e e le SFA, o tamaiti e fa'aalia uiga teine, e māsani ona o'o i ai sāuāga mamafa e fa'atino e tagata o o latou lava 'āiga. O ni māfua'aga nei o le lē līpotiina o nei mea tutupu: o le fa'afefeina o tamaiti āfāina, fefe i le toe fasi po o le fa'atō e mātua, le leai o ni fesoasoani aogā lelei, ma le talitonuga e leai se solitulafono ua fa'atinoina.

> "O aso o o'u la'iitiiti, fa'apea lava a'u o le mea māsani le sasa o a'u pe 'ā matou tafafao ma teine pe ofu i ofu o lo'u tuafafine. Lea lā ua ou matua, ua ou iloa nei le sesē o le mea na fai e lo'u 'āiga. Ia, o faiga na i Sāmoa […] o le alofa e sasa ai ina ia 'avea matou o ni ali'i mālolosi. O lo'u manatu lenā sa iai."
>
> *Sui 'auai i fa'atalanoaga fa'alaua'itele o le Sā'ili'iliga*

> "O se mea fa'anoanoa ai lo'u loto lo'u va'ai atu i se tamaitiiti o fasi e tagata o o latou lava 'āiga. Tamaiti 'olo'o nunumi māfaufau ma lē mautinoa po o le ā le itūpā e iai, a ua sāuāina e o latou lava 'āiga ina ia iloa ai āmio fa'atama a ia 'aua ne'i fa'afāfine."
>
> *Sui 'auai i fa'atalanoaga fa'alaua'itele o le Sā'ili'iliga*

E pei lava ona ua o'o ina talia sāuāga i le tino ma le fa'atonu/sāuāga/fa'atāutala i upu o se mea māsani i so'otaga ma fa'asaga i tamaiti, e fōliga mai o le mea fo'i lea 'olo'o tupu i fa'afāfine.

O isi vaega toeitiiti lava lē aliali a'e i luga, o tagata ia e 'ese'ese ma tele lagona tau itūpā ma o latou lava tagata, e aofia ai fa'afātama ma pei ona fa'amatalaina i le gagana Peretānia o (SOGI persons –gay, and lesbian, bisexual, queer, transgender, intersex etc.). E leai se silafia po o se mālamalamaga o tagata i uiga o upu 'olo'o fa'amatala ai nei vaega o tagata. O le lē aliali a'e fo'i o itū'āiga tagata ia i le ōlaga i Sāmoa, ua fa'apea ai fo'i ona lamatia i sāuāga i totonu o 'āiga, 'auā e leai ni 'au'aunaga mo i latou ma

[46] Samoa Law Reform Commission written submission to the Inquiry. Document 83 Inquiry anthology.
[47] The term *fa'afafine* is a cultural identity pertaining to Samoa and is not considered part of the western ideology of persons with diverse sexual orientation, gender identity and expression.

e la'iitiiti atu lo latou mafai ona līpoti atu sāuāga, nai lō i latou e lē aofia i so'o se tasi o nei vaega. E matuā la'iitiiti le mālamalamaga i totonu o Sāmoa i le 'ese'esega o nei vaega. Ina ia fesoasoani e iloa ma mālamalama i nei vaega, ua 'oto'oto atu i lalo ni fa'amatalaga e uiga i vaega ta'itasi.

Fa'amatalaga Fa'amālamalama 7 o le Sā'ili'iliga: O le ā le lagona tau itūpā, iloa ma le fa'atinoga tau itūpā, ma uiga o le itūpā?[48]

Lagona tau itūpā – O lagona loloto o le loto, alofa ma le tōsina i faigā 'āiga ma so'otaga ma se isi tagata.

Iloa ma Fa'atinoga tau Itūpā – O lagona i totonu o le tagata o ia o se ali'i po o se tama'ita'i po o se itūpā lonatolu, po o se tu'ufa'atasiga o itūpā.

Uiga o itūpā – O uiga o le tino o le tagata e feso'ota'i ma faigā 'āiga, e aofia ai tōtoga sā, sele (cells) e fausia ai le tagata (chromosomes) mea e i le toto e a'afia pe pūlea ai gāoioiga a ni vaega o le tino (hormones) fa'apea ni isi uiga fa'aopoopo tau itūpā e aliali a'e i le la'asaga o le ola o le tagata ua mafai ai ona fananafau (puberty).

O lagona tau itūpā, iloa o le itūpā ma fa'atinoga tau itūpā, e fa'asolo i se fa'asologa. E lē fa'atapula'a i se tu'ufa'atasiga o ni filfiliga se lua e pei o le tele o itūpā pe tasi le itūpa, tāne pe fafine pe fa'a fafine. E fa'apēnā fo'i le fa'a'upuga fa'amalu o le "intersex", e aofia ai ni tu'ufa'atasiga 'ese'ese se tele o uiga o itūpā.

E lē iloa le ta'atele o nei vaega i totonu o Sāmoa. Peita'i, 'āfai e taga'i i fuainumera fa'atatauina a le lalolagi e 1.7%[49] tagata e iai uiga 'ese'ese tau itūpā, o lona uiga, e mafai ona o'o atu i se maualuga e 3,330 tagata i Sāmoa e i lenei vaega. E tāua lenei itū, 'auā o le leai o se mālamalamaga, po o le iai pea o ni manatu ua tatau ona lāfoa'i e uiga i nei vaega o tagata, e mafai ona maualuga atu ai le tele o sāuāga 'olo'o fa'atino i ai, i lō sāuāga 'olo'o fa'atino i isi tagata o le atunu'u.

O le pupuni o le lē gaganaina 'olo'o iai i nei vaega, ua ātili ufitia ona o le lē gaganaina 'olo'o ufiufi ai le lē gaganaina o isi uma itū'āiga sāuāga. O lea lā e tatau ai ona mātaala i lea itū. E lē gata i lea, o le molimau e tasi na tu'uina mai i le Sā'ili'iliga e se tagata e aofia i nei vaega, ua fa'ailoa mai ai, 'olo'o tupu ia sāuāga **ona o le aofia** o se tagata i se tasi o ia vaega.

"E tele fa'afītāuli e feagai ma fa'afātama i Sāmoa, e lavea ai fo'i a'u. Ua ou va'ai i le tele o a'u uō ua ta'u atu i o latou 'āiga o latou e fa'afātama. O le i'uga, o le fasi ma fa'amālosi e fa'aipoipo ma fai fānau. O le itū'āiga sāuāga lea e fa'afeagai ma fa'afātama."

Anonymous Fa'atama, Sui 'auai i fa'atalanoaga

[48] Definitions and explanation taken verbatim from the APF-UNDP Manual, 'Promoting and Protecting Human Rights in relation to Sexual Orientation, Gender Identity and Sex Characteristics, available at http://www.asiapacificforum.net/media/resource_file/SOGI_and_Sex_Characteristics_Manual_86Y1pVM.pdf.

[49] Asia Pacific Forum of NHRIs. (2016). *Promoting and Protecting Human Rights in relation to Sexual Orientation, Gender Identity and Sex Characteristics.* Retrieved from http://www.asiapacificforum.net/media/resource_file/SOGI_and_Sex_Characteristics_Manual_86Y1pVM.pdf.

Ua na'o se va'aiga pu'upu'u lea i se itū'āiga o sāuāga 'olo'o fa'atino i se vaega itiiti o nei vaega lautetele. E lē mafai mai lea va'aiga ona fa'ama'oti le tele o ni itū'āiga sāuāga fa'atino i tagata e tele lagona tau itūpā, iloa ma fa'atinoga tau itūpā, ma uiga tau itūpā. E lē o mafai fo'i ona maua mai ai se fa'amatalaga o le ta'atele o nei itū'āiga sāuāga. A o le mea ua iloa mai ai, 'olo'o tutupu nei sāuāga i totonu o 'āiga, ona o lagona, iloa ma fa'atinoga tau itūpā o le tagata ua sāuāina. E tatau ona fa'asusulu se mōlī i se taimi lata mai, e suluia ai lenei matā'upu, ma 'ole'ā iloiloina i le mafai e o'o i ai i le gāsologa o lenei Līpoti.

I'UGA 4 O LE SĀ'ILI'ILIGA: E matuā la'iitiiti lava se mālamalamaga i sāuāga fa'asaga i ni vaega patino e pei o tagata e iai mana'oga fa'apitoa, tagata ua matua le soifua, fa'afāfine ma tagata e 'ese lagona tau itūpā mai fa'atulagaga māsani. O fa'amatalaga māua e fōliga mai ai e mafai ona ta'atele sāuāga ma e mana'omia le iai o ni fesoasoani talafeagai mo nei vaega.

9. O A'afiaga mai Sāuāga i Totonu o 'Āiga

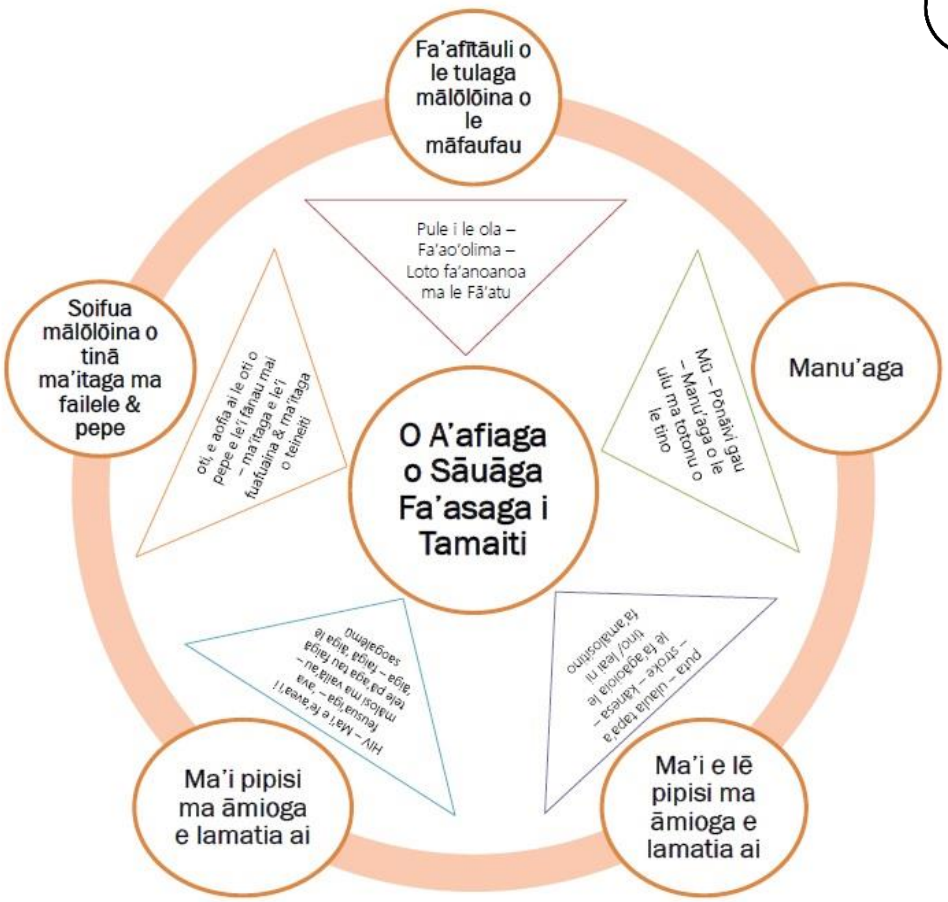
9.1 Tamaiti

E pei ona tāua se mālamalamaga i uiga ma le ta'atele o sāuāga, e fa'apēnā fo'i ona tāua le mālamalamaga i a'afiaga mai sāuāga. Ua fa'amāonia e le Sā'ili'iliga e ta'atele sāuāga o le tino ma fa'atonuga/sāuāga i upu 'olo'o fa'atino fa'asaga i tamaiti ma o molimau fo'i ua maua, e fōliga mai e fa'apea fo'i le maoa'e o a'afiaga o tamaiti o Sāmoa. O le fa'atausi'usi'uga o le fua, e o'o sa'o atu i le fasioti tagata ma le pule i le ola, e pei ona va'aia i tala fa'amomoiloto iā Tavita,[50] ma Teuila.[51] E lē gata ina soli fa'aaliali ai le aiā tatau i le ola, e o'o atu sāuāga i totonu o 'āiga i isi taunu'uga 'ese'ese, ma e leai ma se tasi lava o nei taunu'uga e lelei.

O se tasi o su'esu'ega lata mai nei e uiga i sāuāga fa'asaga i tamaiti na galulue fa'atasi ai ni fa'alāpotopotoga e tele, na fa'ama'oti mai ai ni taunu'uga se 24 e mafai ona o'o i ai sāuāga fa'asaga i tamaiti:

[50] Case study 1
[51] Case study 3

Fa'amatalaga Fa'amālamalama 8 o le Sā'ili'iliga: O A'afiaga o Sāuāga Fa'asaga i Tamaiti



***Fetu'una'i mai le*:** Equal Rights for Women Worldwide

O se i'uga a le līpoti, "o le maua o se tamaitiiti i sāuāga a o la'itiiti, e mafai ona fa'alētonu ai le ātīna'ega o le fāi'ai ma fa'aleagaina ai isi vaega o nēula ma isi vaega o le tino, ma a'afia ai le tagata i lona ōlaga 'ātoa".[52] E talafeagai lā le mapu ane tēisi, ma tōmānatu i le tāua o le fa'amautinoa e fai mea uma ina ia 'alofia nei a'afiaga. O Lani,[53] Sisilia,[54] Masina[55] ma isi tamaiti e to'atele i Sāmoa ua ola a'e ma 'olo'o ola pea ma nei a'afiaga, e lē o mafai ona 'ave'esea le 'avega mamafa o ia tīgā ma māfatiaga.

O fa'amaumauga mai se su'esu'ega la'iitiiti o ni tagata e 976, na fa'aali mai ai i ni 'āiga se lua, o le fa'atonuina/sāuāina i upu i le matua e 13 tausaga, o se fa'ailo lea o le fa'atetele o fa'afītāuli i āmio ma aliali a'e ai uiga o le fa'anoanoa.[56] E lē gata i lea, o tamaiti na maua so'o i upu mālolosi a o latou mātua,

[52] World Health Organisation. (2016). *INSPIRE: Seven Strategies for Ending Violence Against Children*. Document 48 Inquiry anthology.
[53] Case Study 6
[54] Case Study 7
[55] Case Study 10
[56] For more information refer to "Stakeholder Consultations Report." Document 58 Inquiry anthology, accessible at www.ombudsman.gov.ws.

e pei o le palauvale ma le lalau i upu fāifai, o i latou fo'i ia na aliali mai ai uiga o le fia mālosi, fa'alogogatā ma fa'afītāuli i feso'ota'iga ma isi tagata.[57]

E mafai ona teufatu e tamaiti upu fāifai ma upu mālolosi, ma ua iloa e mafai ona i'u i le lagona e le tamaitiiti e maualalo lona tulaga ma e leai sona aogā, i le fai atu so'o o ia e fa'avalevalea.[58] E fōliga mai e tutusa mea na maua i lenei su'esu'ega na fa'atino i vaega 'ese'ese o le lagolagi, ma le mea 'olo'o tupu i Sāmoa, 'olo'o maua ai le tolu vaefā o tamaiti o le atunu'u i le ita, fa'anoanoa, lē mautonu, lē lelei lagona, po o le fefe, ona o upu e lafo atu 'iā i latou.[59]

O su'esu'ega na fa'atino e le Fa'alāpotopotoga o le Soifua Mālōlōina o le Lalolagi (**WHO**) 'olo'o fa'aali mai ai, e mafai ona telē atu le āfāina o tamaiti i le sāuāina i upu, nai lō le sāuāina i le tino.[60] Peita'i, e lē fa'apea 'ole'ā tatou taliaina le tala a le WHO i lea matā'upu – ua loa ma āutupulagā ona silafia e Sāmoa a'afiaga mai le sāuāina i upu ma o lea iloa, o se vaega lea o le Fa'asāmoa.

> *"E pala le ma'a, ae lē pala le tala."*
>
> *Fuaitau a Sāmoa*

O se itū lea e popole ai le loto i Sāmoa, talu ai le ta'atele o sāuāga i upu, 'ae lē tele se mālamalamaga i ai. Na fa'afofoga le Sā'ili'iliga i le tele o ni tagata e lagolagoina lenei i'uga:

> "E feoloolo le tīgā o le fasi i lō upu, 'auā o upu e lafo mai e o'o mai ai 'iā te a'u le mana'o e pule i le ola."
>
> *Sui 'auai i fa'atalanoaga fa'alaua'itele*

Na fa'afofoga le Sā'ili'iliga i le ta'atele ua o'o i ai sāuāga i upu. O le to'atele o tamaiti e masani pea ona lafo i ai upu o le leai se aogā, paiē, leai se tāua. E ma'ale'ale tamaiti i le tuputupu a'e ma e fa'alagolago i tagata e tausia i latou e maua mai ai le fesoasoani, alofa, māfanafana, alofaina ma le fa'apalepale. O le feagai ma fa'atonuga/sāuāga i upu mamafa, e 'avatu ai i le tamaitiiti se fe'au o le o le ita po o le tē'ena/tu'ulāfoa'iina e le tagata 'olo'o tausia ia. E pei ona tā'ua muamua, o nei fa'atinoga e "fa'ateleina ai le lamatiaga e o'o atu le tamaitiiti i fa'afītāuli o le fa'alogogatā, 'auā ua fa'aitiitia lagona tāofiofi a ua tapu'e lagona o le ita, itagōfie ma le fa'amisa."[61]

O lea lā, tusa lava pe fa'atino nei fa'atonuga/sāuāga ona o le alofa o le matua ma le talitonuga e tatau mo le "tupu a'e o le tamaitiiti", e mafai ona i'u sa'o i taunu'uga ia e taumafai tagata e tausia le tamaitiiti

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[57] Vissing, Y. M., Straus, M. A., Gelles, R. J., & Harrop, J. W. (1991). *Verbal aggression by parents and psychosocial problems of children. Child Abuse and Neglect*. See also "Stakeholder Consultations Report." Document 58 Inquiry anthology, accessible at www.ombudsman.gov.ws.

[58] John Devaney. (2015). "Research Review: The Impact of Domestic Violence on Children." *Irish Probation Journal,* 12. p. 85. Retrieved from https://pdfs.semanticscholar.org/506f/db2353976001352213a72baf3c48aaa743c0.pdf . Accessed 30 May 2018.

[59] Philip Alston. (1985). "The Shortcomings of a 'Garfield the Cat' Approach to the Right to Development." *California Western International Law Journal*, 15(3).

[60] World Health Organisation. *World report on violence and health.* Retrieved from http://apps.who.int/iris/bitstream/handle/10665/42495/9241545615_eng.pdf;jsessionid=9EF0BF921A599DC45FAAC76A8A4E8014?sequence=1. Accessed 6 May 2018.

[61] John Devaney. (2015). "Research Review: The Impact of Domestic Violence on Children." *Irish Probation Journal,* 12. Retrieved from https://pdfs.semanticscholar.org/506f/db2353976001352213a72baf3c48aaa743c0.pdf . Accessed 30 May 2018.

, ia ‘alo ‘ese mai ai. O se taunu’uga sili ona ogaoga, o le māumau ai lea o le ola, e pei ona tupu ‘iā Teuila ma lana pepe e le’i fānau mai.[62]

E iloga le āfāina o tamaiti e molimauina sāuāga, e pei fo’i o i latou e fa’atino i ai sāuāga. ‘Olo’o tā’ua i le līpoti o le SFHSS 2000, e 35 % o fānau a tama’ita’i na sāuāina e mafai ona fa’aalia āmioga fa’amisa, i lō fānau a tama’ita’i e le’i sāuāina. E 54% fo’i le avanoa e fa’ama’amulu ai mai le āoga ma e 24% e iai le avanoa e a’afia ai i miti leaga (nightmares).[63]

O nei taunu’uga e fōliga mai, e o’o fo’i i tamaiti e āfāina i sāuāga tau faigā ‘āiga. E fa’amomoiloto le fa’amatalaina e molimau i le Sā’ili’iliga o le āfāina o o latou ōlaga, fa’apea o latou ‘āiga, ma o le to’atele, ‘olo’o tauivi pea e fa’afetaia’i o latou a’afiaga ona o mea na tutupu iā i latou. O ni lagona ta’atele iā i latou o le māasiasi ma ua fa’amaualalaloina lona tagata. O le tala o le sao mai o Lani[64] mai sāuāga, ‘olo’o iloa ai, e 20 tausaga fa’ato’ā mafai ona tautala atu i ia mea na tutupu iā te ia. O fuainumera fa’amauina e atagia mai ai, e to’atele atu ‘olo’o teu lava i o latou lotu mea na tutupu e o’o mai i le asō, ma āfāina ai pea lo latou ola manuia i le tino ma le māfaufau.

E lē gata i lea, na mātauina e le Sā’ili’iliga ni gāsologa i sāuāga i le vā o augā tupulaga. O tamaiti na ola a’e i sāuāga i upu ma le tino, na i’u ina ‘avea o ni tagata fa’atino sāuāga. O Petelu[65] le fa’ata’ita’iga muamua, peita’i, e tele atu molimau na tu’uina mai i le Sā’ili’iliga e uiga i le ta’amilosaga o sāuāga, ma ‘ole’ā taga’i ātili i ai i le **vaega 14.**

Ua maua e le Sā’ili’iliga e mata’utia ma lautele o’oo’oga o sāuāga fa’asaga i tamaiti. E lē gata i lea, e mafai ona tutusa ia taunu’uga po o le ā lava le itū’āiga o sāuāga e fa’atinoina. Ua toe fa’ailoa mai ai le uiga feso’ota’i o sāuāga i totonu o ‘āiga. E lē mafai ona fa’ata’atia ‘ese pe manatu māmā i a’afiaga o sāuāga fa’asaga i tamaiti, ma e lē mafai fo’i ona fa’apea na’o sāuāga mātuiā e māfua mai ai nei a’afiaga. E fa’amalumalu mai pea i luga o le Sā’ili’iliga le fesili po o ā fa’asalaga “talafeagai” mo tamaiti ma e le’i fa’amautūina se tali. O le **Vaega 12.1** ‘ole’ā taumafai ai e su’esu’e tulafono a Sāmoa ‘olo’o iai nei, ma po o talafeagai aiaiga ‘olo’o iai mo le puipuiga mai itū’āiga a’afiaga e pei ona tā’ua i luga, o ni taunu’uga e āfāina ai e lē gata i le tamaitiiti, a o le atunu’u lautele.

E lē na’o le uiga fo’i o sāuāga ‘olo’o nenefu ma lē o lava i ai se mālamalamaga. E fa’apēnā fo’i le lē manino o a’afiaga o sāuāga fa’asaga i tamaiti, e pei ona fa’aalia i tali a tagata e 1,500 na ‘auai i le Sā’ili’iliga, ma i latou na ‘auai i avanoa fa’alaua’itele e fa’aleo ai manatu. E tatau ona lautele atu se mālamalamaga i nei taunu’uga o sāuāga, ina ia mafai ona fa’amālosia le fa’avae mo suiga, ma fa’alelei ai ta’iala o taumafaiga mo le puipuiga ma le tāofiga i le lumana’i.

E lē na’o le soifua mālōlōina fo’i ma le ola manuia o se tamaitiiti e mafai ona āfāina mai sāuāga. E āfāina le ātīna’e o le tamāo’āiga o le atunu’u ‘ātoa, ma e lua ‘auala e tula’i mai ai nei a’afiaga. Muamua, o le fa’aopoopoga lea o le ‘avega tau’ave a i latou e tu’uina atu ‘au’aunaga ma tupe fa’aalu e feso’ota’i, pei o ‘au’aunaga tau soifua mālōlōina ma galuega a leoleo. E lē gata i lea, o lape i le fa’atinoga o ‘au’aunaga a ia matāgaluega, e iai fo’i le sao i le fa’afītāuli. O lonalua, o a’afiaga ia o tagata ta’ito’atasi i le maua ma fa’atumau o se galuega talu ai a’afiaga lē lelei mai sāuāga, e pei o lagona o le maualalo

[62] Case Study 3.
[63] SPC and UNFPA. (2006). *Samoa Family Health and Safety Study 2000*. Document 83 in Inquiry anthology, accessible at www.ombudsman.gov.ws.
[64] Case Study 6.
[65] Case Study 1.

ma leai se aogā o lona tagata, fa'afītāuli tau soifua mālōlōina, fa'afītāuli o le ita ma sāuāga, m.m.f.. O ia mea uma e a'afia ai le mafai ona faigaluega, maua mea e tausi ai le 'āiga (ua fa'aopoopo atu ai i lagona o le leai o se aogā), a ua a'afia tu'usa'o ai fo'i le tamāo'āiga o le atunu'u ona ua lē maua fua o galuega, ma ua fa'aitiitia ai le aogā o tupe fa'aalu i a'oa'oga. Ua talanoaina le tau 'ātoa o sāuāga i totonu o 'āiga, i le **vaega 9.5**.

9.2 Tagata mātutua

Na iloa i le SFHSS 2000, o i latou na o'o i ai sāuāga, na tele ina fa'alogoina ni tīgā i totonu o le fā vaiaso mai le fa'atinoga o le su'esu'ega. O nei tīgā na aofia ai ma le fa'alētonu i gāoioiga, niniva, sua e sao mai tōtoga sā o tama'ita'i, po ua a'afia fo'i a latou galuega ona o a'afiaga tau soifua mālōlōina. E 56 % le avanoa e lagona ai e tama'ita'i sāuāina le lē lavā/vāivai, 46% le avanoa e popole ai ma e 38% e ono fa'anoanoa/lē fiafia ai. O nei fuainumera e lē gata ina fa'ailoa mai ai ua a'afia aiā tatau i le soifua mālōlōina a nei tama'ita'i, a ua fa'amautū ātili ai le i'uga o le a'afia o le tamāo'āiga ona o sāuāga i totonu o 'āiga, e pei ona aliali mai i le su'esu'ega o sāuāga fa'asaga i tamaiti. O le lautele o taunu'uga o sāuāga fa'asaga i tagata mātutua, e fa'aitiitia ai le mafai e le tagata ona galue ma ola i se ōlaga fiafia ma fa'amanuiaina. O ia tulaga e mafai ona vave ona o'o atu i tulaga mata'utia o le maliu, po o le fa'aopoopoina o fa'afītāuli tau soifua mālōlōina ma lagona o le leai o se aogā, ma saisaitia ai lava i le ta'amilosaga o sāuāga.

O a'afiaga uma ua va'aia i sāuāga fa'asaga i tamaiti, 'olo'o aliali mai fo'i i sāuāga fa'asaga i tagata mātutua, e pei o lagona o le fa'amaualaloina, a'afiaga o le soifua mālōlōina ma le fa'aitiitia o āmioga tausa'afia. E aupito fa'atupu popole 'o'oo'oga o a'afiaga o le māfaufau ma le tino e mafai ona i'u i ai le tele o tagata.

> "O itū'āiga sāuāga 'olo'o feagai ma tagata i vaega uma o Sāmoa, e mafai ona i'u i le leai o se fa'amoemoe, ma o'o ai ina lē toe tāua iā i latou le meaalofa o le ola."
>
> *Fa'atāua Le Ola, Avanoa fa'alaua'itele e fa'aleo ai manatu*

O le 33% o tama'ita'i e tosoina ua o'o i ai le manatu e pule i le ola ma o le 13% ua taumafai e pule i le ola.[66] 'Āfai e iloilo fa'atasi nei fuainumera ma fuainumera fa'amauina e 1 mai se to'a 5 o tama'ita'i ua toso e se tagata e lē se tagata o le 'āiga, ma o le toeitiiti 1 mai se to'a 10 na toso e se pā'aga vāvālalata, e taunu'u lea iloiloga i se i'uga maoa'e, o le vā o le 7% ma le 10% o tama'ita'i i Sāmoa ua ono manatu e pule i le ola ona ua toso e se tagata o le 'āiga. E lē o aofia ai le toso e se tagata e lē se tagata o le 'āiga, po o le manatu e pule i le ola ona o ni isi itū'āiga sāuāga. Ua iloa e le Sā'ili'iliga, e lautele a'afiaga o le māfaufau mai ia tulaga. E lagolagoina lenei i'uga e le SFHSS 2000, na iloa ai o le 6.9% o tama'ita'i na sāuāina, na o'o i ai le māfaufau e pule i le ola, ma e 2.5% na taumafai e pule i le ola ma e lē fa'a tasi fo'i ia taumafaiga. O tama'ita'i ua sāuāina e fa'aluaina avanoa na māfaufau e pule i le ola ma e fa'atoluina avanoa e taumafai ai e pule i le ola, nai lō tama'ita'i e le'i sāuāina. E lē fesiligia lā le mata'utia o a'afiaga o sāuāga i totonu o 'āiga i le āfāina ai o le māfaufau o tagata sāuāina ma e mafai ona fa'apea o se tasi lea o māfua'aga 'autū o le maualuga o fuainumera o tagata e pule i le ola.

[66] Refer to "You should have been more careful: when doctors shame rape survivors." *Guardian*. (15 October 2017). Document 55 Inquiry anthology, accessible at www.ombudsman.gov.ws.

Tusa e 92,000 le aofa'i o tama'ita'i ma teine i Sāmoa i le taimi nei.[67] 'Āfai o tumau lenei aofa'i, o lona uiga, i le gāsologa o o latou ōlaga, e:

- 18,400 'ole'ā toso e se tagata o lo latou 'āiga;
- 8,832 'ole'ā toso e lona to'alua po o lana pā'aga;
- 6,348 'ole'ā mānatunatu e pule i le ola;
- 2,300 'ole'ā taumafai e pule i le ola.

E mafai ona maualalo ifo nei fa'atatauga pe 'ā manatua le itū ua tatou iloa nei, o le lē līpotiina o nei matā'upu talu ai le fefe po o le māasiasi, po o le lē mālamalama i le uiga o le toso. O le SFHSS 2000, 'olo'o fa'amauina ai e 4.6% o tama'ita'i na fa'apea mai e le'i sāuāina lava, na fa'apea mai fo'i, na fa'amālosi latou i a latou ulua'i faigā 'āiga. O se isi fa'a'upuga, na toso. Peita'i, e le'i iai se manatu o se faiga fa'atāutala po o se solitulafono. Po o le ā lava o latou manatu i le fa'atinoga, e tutusa lava taunu'uga.

O nei fuainumera fa'amauina e lē na'o ni fuainumera. O uso, tinā, tama teine, ta'ito'alua, tuā'oi, ma uō. O tagata e pei o Destiny ma lana tama teine[68] 'olo'o mana'omia pea fesoasoani faufautua, o se fofō mo a'afiaga tumau o ia ma lana tama, mai sāuāga na fa'atino e lona to'alua.

9.3 Isi Vaega Patino

Talu ai le leai o ni molimau ma ni su'esu'ega fa'apitoa na maua e le Sā'ili'iliga mai nei vaega patino po o ni sui (tagata e iai mana'oga fa'apitoa, tagata ua matua le soifua, fa'afāfine, tagata e 'ese lagona mai fa'atulagaga māsani o itūpā), e lē mafai ona fai ni i'uga mautū i a'afiaga, tau ina fa'apea atu, e lē puipuia nei tagata mai taunu'uga lautele ua au'ili'ili atu e uiga i sāuāga fa'asaga i tamaiti ma tagata mātutua. E lē gata i lea, e lē faigatā ona fa'aata i le māfaufau pā 'olo'o tāofia ai le līpotiina ma le maua o 'au'aunaga po o a'afiaga o le māfaufau ma le tino i tulaga 'olo'o mulimuli mai ma e mafai ona sili atu ona ogaoga taunu'uga i ni isi tulaga:

- O se tagata e iai se fa'alētonu o le tino e lau pea e lona 'āiga e leai se aogā ma tu'ua'ia o ia lava ua māfua ai ia fa'alētonu o lona tino.
- O se tagata e fa'alētonu le māfaufau ma e faigatā atu ai ona ia tete'e atu i ni faiga tau faigā 'āiga e lē mana'o i ai.
- O se tagata ua matua le soifua ma ua gālogalo mea, ma ua feagai ma sāuāga tautupe ma le sāuāina i upu e lona 'āiga.
- O se fa'afāfine talavou 'olo'o taumafai e mālamalama ma talia ona lagona tau itūpā a ua sāuāina i le tino ma upu ina ua fa'ailoa atu lona iloa o lona itūpā.

E mafai lā ona sili atu sāuāga fa'atino āga'i i se tagata e i nei vaega patino i totonu o le atunu'u. O lea lā e mana'omia ai se mālamalamaga o le atunu'u i uiga o nei vaega patino ma a'afiaga mai le va'aiga a ia tagata. O le iai o lea mālamalama, ona fa'ato'ā mafai lea ona 'ātīna'e se ta'iala e aogā lelei mo lo latou puipuiga ma le tāofia o sāuāga fa'asaga i ia vaega o tagata.

[67] Samoa Bureau of Statistics. (2016). *Samoa Census 2016*. Retrieved from www.sbs.gov.ws/index.php/new-document-library?view=download&fileId=2114.
[68] Case Study 13.

I'UGA 5 O LE SĀ'ILI'ILIGA: E tele ma lautele a'afiaga tumau i le soifua manuia i le tino ma le māfaufau o tagata āfāina i sāuāga i totonu o 'āiga ma i latou e molimauina ia sāuāga. O nei a'afiaga e aofia ai:

- Fa'afītāuli i le soifua manuia o le māfaufau, e pei o le loto fa'anoanoa (depression), fā'atu, pule i le ola ma amio fa'amisa;
- Fa'ateleina le fa'aaogāina o le 'ava mālosi ma vailā'au, fa'ateteleina le so'ona fai solo o faigā 'āiga ma tele pā'aga tau faigā 'āiga;
- Manu'aga, ma e mafai ona i'u i le oti;
- Fa'afītāuli i le soifua mālōlōina o tinā ma'itaga ma failele, e aofia ai ma'itaga e le'i mana'omia, ma'itaga e lē taunu'u manuia (miscarriages) ma fa'afītāuli e tutupu i taimi o ma'itaga;
- Manatu e maualalo ma lē taulia lona tagata, e i'u ai i fa'afīfāuli tau soifua mālōlōina ma le āmio;
- Sāuāga fa'asolo i le vā o augā tupulaga;
- Fa'aitiitia le aogā i ni galuega ma āfāina ai ātīna'e o le tamāo'āiga o le atunu'u.

I'UGA 6 O LE SĀ'ILI'ILIGA: O a'afiaga mai sāuāga i totonu o 'āiga e fa'ateleina ai le lamatiaga o le 'avea o se tasi e āfāina i sāuāga, po o se fa'atino sāuāga i le lumana'i.

9.4 O le Talia o Sāuāga i Totonu o 'Āiga o se Vaega Māsani o le Ōlaga

"E fōliga mai e talia e tagata sāuāga fa'asaga i tama'ita'i ma e ō fa'atasi ma le māsani o le lē gaganaina ma le ola sa'oloto o tagata fa'atino sāuāga."

Komiti o le Feagaiga mo le Fa'amutaina o So'o se Fa'ailoga Tagata Fa'asaga i Tinā ma Tama'ita'i i le iloiloga o Sāmoa, 2012

"Ou te lē manatu o se manatu e lē talia le fa'atū atu, ua talia e tagata o le atunu'u [sāuāga i totonu o 'āiga]."

Lemalu Hermann Retzlaff, Lōia Sili, Sāmoa, Avanoa fa'alaua'itele e fa'aleo ai manatu

O le gāsologa 'ātoa o le Sā'ili'iliga, na fa'asolo lava ina matuā manino, e iai itū'āiga sāuāga ua talia o se vaega māsani o le ōlaga mo le to'atele o tagata i le atunu'u. O se mea e lē ma'alofia, ua talia, po ua lē ano i ai tagata. O se itū lea ua fai ma pā pupuni iloga i le līpotiina o sāuāga i totonu o 'āiga, ma fa'apea ai ona fa'aopoopo i le fa'aauauina ma le fa'ateteleina o le ta'amilosaga o sāuāga i totonu o 'āiga ma sosolo atu ai i le atunu'u lautele.

"O le lē līpotiina o sāuāga e fa'auigaina o le maua'a lea o le talitonuga o tagata āfāina ma tagata fa'atino sāuāga, o sāuāga fa'alotoifale o mea patino i le lotoifale ma e lē o se solitulafono."

Su'esu'ega o le Saogalēmū o 'Āiga i Sāmoa, 2017, Pepa o le Sā'ili'iliga 46

E tele ‘auala ‘ese’ese ua talia ai sāuāga o se vaega māsani o le ōlaga, ma o nei ‘auala uma e aofia ai le tu’usaunoa e leai se fa’asalaga ma olaola ai pea, e pei o:[69]

- Manatu māsani i sāuāga ma le līpoti atu, e aofia ai le fa’alumaina, fefe po o le māasiasi;
- Mea e tutupu pe ‘ā līpoti (o isi sāuāga, fa’asalaga po o le ta’usalaina e tagata)
- Lē talitonuina o tagata āfāina;
- Tu’ua’ia o tagata āfāina i sāuāga ua o’o ‘iā i latou;
- Leai o se fa’atinoga a i latou e tu’uina atu ‘au’aunaga po o ta’ita’i o nu’u ma afio’aga;
- Lē maua o ‘au’aunaga e mafai ai ona o’o atu ai i le fa’amasinoga;
- Agatausili na ola a’e ai le fānau.

‘Ole’ā iloiloina au’ili’ili nei mea uma i le Vaega ‘olo’o soso’o mai o le Līpoti e fua ai pe moni nei mea i le va’aiga i le si’osi’omaga o Sāmoa, ma ‘āfai o lea, po o le ā fo’i le ta’atele. Mo le taimi nei, ua lava ma totoe le fa’alagolago i le talamoni, e tusa o le 90% o sāuāga fa’atino i se pā’aga vāvālalata i totonu o Sāmoa, e lē līpotiina, ma tu’usaunoa ai lava e leai se fa’asalaga ma o le talia lava lea e tagata.[70] E mafai ona maualuga atu fuainumera mo sāuāga fa’asaga i tamaiti, sāuaga i vā o tagata o ‘āiga ma sāuāga fa’asaga i tagata o vaega patino. O tama’ita’i e lē lipotiina sāuāga fa’atino i se pā’aga vāvālalata, o se tasi su’esu’ega na maua ai le fuainumera e 86% ma talitonu o se mea māsani o latou sāuāga pe lē se mea mamafa. O se isi su’esu’ega na maua ai le fa’amaumauga e 70% na talitonu e talafeagai le sāuāga na fa’atino.[71] Na maua i le SFSS 2017 o le māfua’aga ‘autū o le lē līpotiina o sāuāga o le manatu e lē mamafa. Peita’i, o le “lē mamafa” na tele ina fa’amatalaina o le pō o fōliga, tamoto, fa’amāasiasi, palauvale po o le ‘otegia.

‘Āfai ua o’o tagata i se tulaga ua lē iloa e le tagata sāuāina le mea ‘olo’o tupu iā te ia, ua mafai lā ona fa’auigaina o ia fa’atinoga ua talia ‘ātoa o se vaega māsani o le ōlaga, ma e lē taulia le to’aitiiti e filifili e fa’aleo o latou lagona i ia sāuāga.

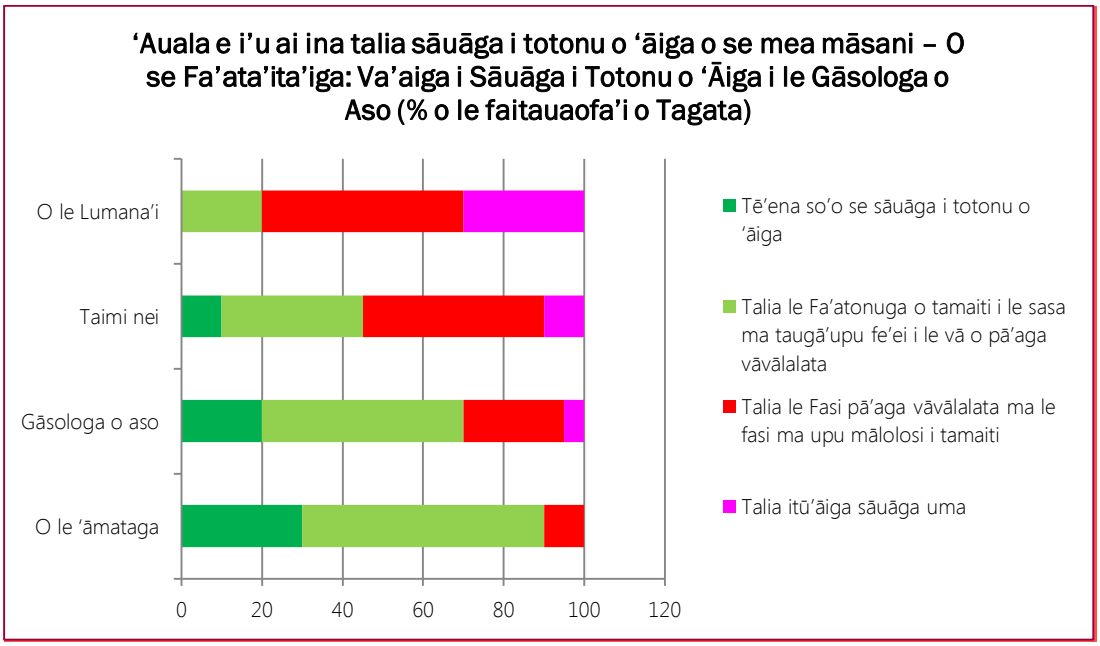
E faigōfie lava ona fa’aata le ‘auala e i’u ai ina ta’atele sāuāga ma ‘avea o se vaega māsani o le ōlaga e pei ona aliali mai i le Sā’ili’iliga. O le uiga o sāuāga, e fa’asolo ina mamafa i le gāsologa o aso, e lē gata i le la’asaga o tagata ta’ito’atasi, ‘ae fa’apea le la’asaga fa’aleatunu’u. O le la’asaga o tagata ta’ito’atasi, e i’u ina lē aogā lelei sāuāga i le fa’atumauina o lona mālosi ma lana pule. Ona fa’apea ai lea, e tatau ona mamafa atu sāuāga, ina ia ‘ausia a latou sini pe ‘āfai e lē maua le mea ‘olo’o naunau i ai, po ua lē malie fo’i i le ōlaga ‘olo’o ola ai. O le fa’ateteleina o le mamafa o sāuāga ma le leai lava o se fa’asalaga e fa’atino i ai, o le si’itia fo’i lea o le mamafa o sāuāga e talia e le atunu’u o se mea māsani – o mea sa lē talia, ua o’o nei ina talia. E tutupu tulaga nei i le la’asaga fa’aleatunu’u ‘auā ua ola a’e tamaiti i se si’osi’omaga e ta’atele ai sāuāga. E a’oa’oina i latou i le mātauina o o latou tamā o sāuāina o latou tinā i upu, po o le vā’ai i fusu’aga a o latou *uncle* e i’u ai ina ‘ave ma tāofia i le falema’i. E ola a’e ua iloa o sāuāga o se ‘auala e tali atu ai.

E lē gata i lea, o le fa’ateteleina o le mamafa o sāuāga ma lona ta’atele, ua lē se mea e te’i pe ofo ai tagata. Ua lē līpotiina ai fo’i e ‘auala o fa’asalalauga vaganā o se mea e matuā fa’ate’ia ai tagata. O le

[69] World Health Organisation. (2016). *INSPIRE: Seven Strategies for Ending Violence Against Children*. Document 48 Inquiry anthology.
[70] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.
[71] SPC and UNFPA. (2006). *Samoa Family Health and Safety Study 2000*. Document 83 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

taimi o le Fonotaga i Sāuāga i Totonu o ‘Āiga,[72] na fa’amālamalama e Mata’afa Keni Lesa lo latou mana’oga ia fou tala ma e iai le lamatiaga e sau se taimi ua lē lagonaina pe fia faitau ai e tagata tala o sāuāga i totonu o ‘āiga. Ona fa’apea ai lea ona mōu atu sāuāga mai ala o fa’asalalauga, vaganā ua iai se isi mea mata’utia e tupu, ma fa’apea ai lava ona leai ni fa’asalaga. A o gāsolo aso, o mea sa manatu o sāuāga mata’utia, ua ‘avea nei o mea māsani, ma fa’aauau ai lava fa’apēnā.

Ua tu’uina atu i lalo se fa’ata’ita’iga o suiga o manatu i le gāsologa o aso pe ‘āfai e lē iai ni fa’asalaga o sāuāga ma e mafai e fa’atino sāuāga ona fai pea ia fa’atinoga e leai se fa’asalaga. O fuainumera o se ata, a o pā e fā ‘olo’o fa’aata ai suiga e mafai ona o’o i ai manatu o le atunu’u e uiga i sāuāga i le gāsologa o aso. ‘Olo’o fa’aali mai ai e mafai ona tē’ena muamua e tagata so’o se itū’āiga sāuāga, ‘ae talia le fa’atonu o tamaiti i le sasa. Peita’i, e i’u ina talia ‘auala sāuā atu, se’ia o’o ina talia o se mea māsani sāuāga. ‘Ātonu e le’i o’o Sāmoa i le pā mulimuli, le pā ua fa’aigoaina “o le lumana’i” (the future). Peita’i, ‘āfai e fa’aauau ai pea sāuāga e lē fa’asalaina, o se tulaga lea ‘ole’ā lē ma’alofia.



9.5 O le tau o sāuāga

O su’esu’ega fa’apitoa ma mea ua tutupu i tagata ua ‘āmata ona fa’aali mai ai, o le talia o sāuāga i so’o se la’asaga, e i’u ina talia o se vaega māsani o le ōlaga, ma o’o atu ai i sāuāga mata’utia i le atunu’u ‘ātoa, e lē gata i totonu o ‘āiga a o fafo atu. Ua ‘āmata fo’i ona fa’amati’e e le Sā’ili’iliga le a’afia o aiā tatau a tagata uma ina ua solia aiā tatau a se tagata e to’atasi. E iai fo’i le isi manatu mai le va’aiga fa’aleāmiotonu ma fa’aleaganu’u. O sāuāga i totonu o ‘āiga o se matā’upu fa’aleatunu’u. E fa’aopoopo atu i luga o nei mea uma, e tatau ona taga’i toto’a i le tau o sāuāga i totonu o ‘āiga.

> “Mo so’o se maliu (e māfua mai i sāuāga) e fa’ateleina i le 10-40 isi manu’aga tūgā e mana’omia ai fesoasoani fa’afoma’i. O nei taunu’uga o sāuāga e tula’i mai ai se tupe fa’aalu telē o tau tu’usa’o ma isi tupe fa’aalu e mafai ai ona tāofiofia ātīna’e

[72] The purpose of the workshop was to inform and empower collaboration among all stakeholders, strengthen public awareness of the impact of violence on families and identify preventative measures that could be implemented by the Courts, Government, Development Partners and NGOs. The workshop was organised by the Ministry of Justice, Courts and Administration in partnership with UNICEF and was held 27-29 November 2017.

o le tamāo'āiga, fa'ateleina le tulaga lē tutusa o tagata, ma fa'aitiitia puna'oa tau tagata ma agafeso'ota'i." [73]

World Health Organisation

O se atunu'u e tu'usaunoa sāuāga e tupu ma olaola, o se atunu'u lea e ōia pea lona tamāo'āiga. E iai le tau o sāuāga i totonu o 'āiga e totogi e tagata ta'ito'atasi uma i Sāmoa i le tele o 'auala. Mai le fa'aitiitia o avanoa tau tamāo'āiga mo i latou e tutupu ai sāuāga, e o'o atu i le āfāina o le ātīna'e o le tamāo'āiga o le atunu'u 'ātoa. O le tupe lā o le tamāo'āiga e fa'aalu ona o sāuāga i totonu o 'āiga, o se matā'upu tele lea e tatau ona popole i ai le atunu'u.

Mai le va'aiga a tagata ta'ito'atasi, e tele a'afiaga i le itū o le maua o fua o galuega (ma 'ole'ā taga'i mulimuli ane i ai, mai le va'aiga a le atunu'u 'ātoa). Na maua e le Sā'ili'iliga ni a'afiaga 'ese'ese o le māfaufau ma le tino ona o sāuāga i totonu o 'āiga, ua fa'aitiitia ai le mafai e le tagata o na galue ma maua mea mo le tausiga o le 'āiga fa'apea isi mea e mana'omia i totonu o nu'u ma afio'aga. E lē na'o le tagata fo'i ua sāuāina e āfāina i taunu'uga o sāuāga (mai le totogiina o tupe e alu ai i le falema'i, e o'o i le lē maua o se tupe e māsani ona fa'asoa mai), e mafai ona fa'atupu ma'i, 'ave'esea ai le mālosi, ma āfāina ai le ola manuia tau tamāo'āiga o se 'āiga.

Fa'amatalaga Fa'amālamalama 9 o le Sā'ili'iliga: O ā itū'āiga tupe fa'aalu a le atunu'u 'olo'o māfua mai i sāuāga i totonu o 'āiga?

E mafai ona fa'avasegaina tupe fa'aalu ona o sāuāga i totonu o 'āiga i vasega o tau "tu'usa'o" ma "tau feso'ota'i".[74]

Tau tu'usa'o:

- 'Au'aunaga a Leoleo
- 'Au'aunaga tau Soifua Mālōlōina
- Falepuipui
- Matāgaluega o Fa'amasinoga ma le Fa'afoeina o Matā'upu tau Fa'amasinoga
- Fa'amasino
- Fela'ua'iga i le falema'i (ma isi 'au'aunaga feso'ota'i) mo tagata āfāina i sāuāga i totonu o 'āiga
- Tīgā ma le māfatia mai sāuāga i totonu o 'āiga

Tau feso'ota'i:

- Tia'i galuega
- Maliu o tagata talavou mai fa'afītāuli tau soifua mālōlōina po o le pule i le ola
- Fa'aitiitia fua o galuega, ona o a'afiaga o le soifua mālōlōina mai sāuāga i totonu o 'āiga ma le to'atele o tamaiti e fa'ama'amulu mai ā'oga
- Maualalo tupe maua i galuega, teugātupe fa'afaigaluega ma tupe fa'asao
- Maualalo fua o galuega i le vā o augā tupulaga

[73] A Butchart, D Brown, A Khanh-Huynh, P Corso, N Florquin, R Muggah. (2008). *Manual for estimating the economic costs of injuries due to interpersonal and self-directed violence.* Retrieved from http://www.who.int/violence_injury_prevention/violence/activities/economics/en/. Accessed 13 May 2018.

[74] For a discussion on the definitions of indirect and direct costs see Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

- Lē maua tupe mai ātīna'e o tūrisi

E matuā faigatā faigatā lava ona galuea'ina le tau 'ātoa o sāuāga i totonu o 'āiga ma e leai se 'auala ua fa'amāonia e galuea'ina ai. E lē se tulaga 'ese lea pe 'āfai e taga'i i le lisi o tau. E ui ina faigōfie ona galuea'ina le aofa'i mana'omia mo 'au'aunaga a leoleo, e faigatā tele ona galuea'ina se aofa'i tonu o tau e māfua mai i le tia'i galuega. Ma e toeitiiti lava lē mafai ona tu'u se fuainumera i le tau o le tīgā ma le māfatia e o'o mai ona o sāuāga i totonu o 'āiga.

Ui i lea, e tele atunu'u o le lalolagi ua taumafai e fa'atino le tau o sāuāga ma e mafai ona 'avea ia ma fesoasoani i ni i'uga, fa'atasi ma galuega ua fa'atinoina i Sāmoa nei, e tau 'āmata ai ona fa'atatau le tau o sāuāga i totonu o 'āiga, i le tamāo'āiga o le atunu'u i tausaga ta'itasi.

9.5.1 O le Tau o Sāuāga i Totonu o 'Āiga i isi Atunu'u o le Lalolagi

Ua telē le āfāina o tamāo'āiga o atunu'u 'ese'ese i le lalolagi/ itūlagi ona o sāuāga i totonu o 'āiga ma tūla'i mai ai ni lamatiaga o le sōloga lelei o o latou tamāo'āiga i le lumana'i. O ni fa'ata'ita'iga, o

- *Fiti* – E lua ni su'esu'ega na fa'atino i Fiti i le 2002 ma le 2011 ma o ia su'esu'ega uma na maua ai se i'uga, o le tau o sāuāga fa'asaga i tama'ita'i ma teine e USD$135.8m, e tutusa lenā ma le 7% o lo latou tamāo'āiga (GDP) i le tausaga.[75]
- *Ausetalia* – O le tau mo Ausetalia o sāuāga fa'asaga i tama'ita'i ma a latou fānau i le tausaga 2009 e AUD$13.6bn ma na iai fa'atatauga e o'o atu i le 2021-2022 ua si'itia lea aofa'i i le AUD$15.6bn.[76]
- *Niu Sila* – O se su'esu'ega a Niu Sila na iloa mai ai le tau o sāuāga i totonu o 'āiga e fa'apea e lē i lalo ifo o le NZD$1.2bn i le 1993-1994, o se aofa'iga e maualuga atu i lō le tupe na maua e le atunu'u i le 'auina atu i fafo o ana 'oloa o fulufulu mamoe.[77]
- *Peretānia* – O le tau o sāuāga fa'alotoifale i le 2004 e £23bn in 2004, e tusa lea o le 1.5% o le tamāo'āiga.[78]

O nei su'esu'ega ua 'āmata ona iloa ai se fa'atatauga lautele o le tupe a Sāmoa 'olo'o fa'aalu i tausaga ta'itasi ona o sāuāga i totonu o 'āiga. Peita'i, o nei fuainumera e maua mai i sāuāga e *līpotiina* ma e tusa lea o se 10% pe itiiti ifo, o sāuāga uma e fa'atino i totonu o 'āiga. Ui i lea, e maua mai se a'oa'oga i nei su'esu'ega, ma ua fa'alauteleina e isi su'esu'ega ua iloa ai o le Pasefika (ma Asia Sasa'e), o le tau

[75] Asian Development Bank written submission to the Inquiry. Document 68 Inquiry anthology. *See also* Ministry of National Planning. (2010). *Millennium Development Goals 2nd Report, 1990-2009, Report for the Fiji Island*. Retrieved from http://www.undp.org/content/dam/undp/library/MDG/english/MDG%20Country%20Reports/Fiji/Fiji-MDG%20Report%202010.pdf.

[76] The National Council to Reduce Violence against Women and their Children. (2009). "The Cost of Violence against Women and their Children." Document 81 Inquiry anthology.

[77] The National Council to Reduce Violence against Women and their Children. (2009). "The Cost of Violence against Women and their Children." Document 81 Inquiry anthology.

[78] The National Council to Reduce Violence against Women and their Children. (2009). "The Cost of Violence against Women and their Children." Document 81 Inquiry anthology.

o na'o ni a'afiaga tau soifua mālōlōina o tamaiti ona o le leaga o le tausiga, e mafai ona o'o atu i le vā o le 1.4% ma le 2.5% GDP.[79]

Ua iai taumafaiga e galuea'ina le tau o sāuāga i totonu o 'āiga i Sāmoa. O le SFSS 2017 na iloa ai, o le tau o sāuāga fa'alotoifale i le 2013-2014 e ST$14.7m ma o lea tupe, **na'o** le tau o 'au'aunaga tau soifua mālōlōina ma leoleo.[80] E lē gata i lea, na talitonu le līpoti, o lea tau, pe tusa ua na'o le 15% o le tau 'ātoa, e fa'atatauina e ST$98m po o le 5.8% o le tamāo'āiga o Sāmoa (GDP).[81]

O le itū lelei o le iloatino o le tau o sāuāga i totonu o 'āiga 'olo'o tau'ave e Sāmoa, o le fesoasoani lea i le si'itia o le silafia e tagata o le atunu'u ma sui tau upufai o mālō, ma ātīna'e ai le felagolagoma'i e fa'afetaia'i lenei fa'afītāuli. E lē mafai e le mālosi o le Sā'ili'iliga ona 'ausia se fuainumera tonu talu ai, e leai ni fa'amaumauga i le taimi nei e mafai ai ona galuea'ina sea aofa'i, e pei ona fa'amati'e e le SFSS 2017. Peita'i, ua mautinoa, e sili atu le maualuga nai le ST$14.7m i le tausaga, ma e masalo e o'o atu i se fuainumera o le 6–7% o le tamāo'āiga o Sāmoa. O le fuainumera maualuga atu o lea fa'atatauga, e ōgatasi lea ma le su'esu'ega a Fiti, o se su'esu'ega na aofia ai na'o tama'ita'i ma teine, 'ae le'i tagai i le matā'upu lautele atu o sāuāga i totonu o 'āiga. O lona uiga, e lē ma iloa pe le'i **ST$132.02m,** pe maualuga atu le tupe na fa'aalu a Sāmoa i le 2016-2017,[82] o se fuainumera e tutusa ma le ST$1,090 mo so'o se tagata ua 15 tausaga pe matua atu, ma o se fuainumera e tusa o le totogi mo le tolu masina o se tagata 'olo'o faigaluega ma maua le totogi aupito maualalo.

I'UGA 7 O LE SĀ'ILI'ILIGA: O le tau mo le tamāo'āiga o Sāmoa o sāuāga i totonu o 'āiga e mafai ona lē itiiti ifo i le ST$98m - $132m i le tausaga (6 – 7% o le tamāo'āiga o Sāmoa).

O le iloa o le tau o sāuāga i totonu o 'āiga 'olo'o tau'ave e le atunu'u, ma le fa'aitiitia o le aogā o tupe fa'aalu i a'oa'oga, soifua mālōlōina, ma isi 'au'aunaga mo le atunu'u, o fofō ua fa'atūina atu i lenei līpoti, e fa'atupe i totonu lava o le atunu'u. E leai se 'a'ano po o se uiga o se fīnauga e fa'apea mai, e lē mafai ona fa'atupe e le Mālō le 'ātoaga o taumafaiga e fa'afetaia'i ai sāuāga i totonu o 'āiga. 'Āfai e mātauina toto'a le fa'ateteleina o le ta'atele ma le mātuiā o sāuāga i totonu o 'āiga, ma le āga'i i luga o le fa'atāma'ia o le ātīna'e o le atunu'u ma lona tamāo'āiga, e leai se 'auala e fa'apea ai, e lē mafai ona fa'atupe e le atunu'u.

9.6 Soliga o aiā tatau a tagata soifua, le Fa'asāmoa ma le Talitonuga Fa'alefa'atuatua

O le agaga maualuga o le Sā'ili'iliga, o le fa'atino lea o su'esu'ega mai le va'aiga a ta'iala e tolu: o le Fa'asāmoa, le Talitonuga Fa'alefa'atuatua ma aiā tatau a tagata soifua. O agatausili, talitonuga ma fa'atinoga a nei vaega e tolu, 'ole'ā fa'avae ai fofō e tu'uina atu i le Līpoti. O le **Vaega I,** na fa'atino ai se iloiloga o se tulaga ua soli ai nei vaega e sāuāga i totonu o 'āiga na fa'aaogā ai uiga o sāuāga i totonu

[79] The National Council to Reduce Violence against Women and their Children. (2009). "The Cost of Violence against Women and their Children." Document 81 Inquiry anthology.
[80] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.
[81] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.
[82] Calculated based on Real GDP reported by the Central bank of Samoa.

o ‘āiga, e pei ona fa’amatalaina e i latou ua mālamalama ai ona ua o’o i ai, e pei ona iai i su’esu’ega fa’apitoa.

Ua aliali mai se ata manino o itū ua soli ai aiā tatau a tagata soifua, fa’apea le Fa’asāmoa ma agatausili fa’alelotu. O su’esu’ega fa’apitoa uma, e leai se tasi o ia su’esu’ega e le’i solia uma ai nei vaega e tolu ma ua fa’amati’e mai ai, ‘ana fa’apea e tausisia agatausili a se tasi o ia vaega, e fa’apēna fo’i ona tausisia aiā tatau ma agatausili o isi vaega e lua.

O ia vaega uma e tolu e fa’avae i talitonuga fa’avae o le amana’ia o le tagata soifua, fa’aaloalo, tulaga tutusa, alofa ma le lē fa’ailoga tagata. Peita’i, e tāua atu le ‘auala e fa’atino ai nei agatausili, e tino mai ai le feso’ota’iga ma le feuluuluta’i o vaega e tolu.

O aiā tatau a tagata soifua e fa’avae i le manatu o aiā tatau ma matāfaioi fa’atino – e lē mafai ona iai aiā tatau e aunoa ma le matāfaioi fa’atino o le lagolagoina ma le āmana’ia o aiā tatau a isi tagata. E tele taimi e fīnau ai tagata i Sāmoa, ua folafolaina e le Feagaiga i Aiā Tatau a le Tamaitiiti aiā e leai ni tapula’a ma sa’oloto ai le tamaitiiti e fai le mea e mana’o i ai. Peita’i, e lē o le sa’o lea. ‘Olo’o ta’utino e le Feagaiga i Aiā Tatau a le Tamaitiiti le matāfaioi a mātua ma tagata e tausia tamaiti e tausi ma fa’atonu tamaiti. Ua tu’uina mai se ta’iala ma fua o tulaga mana’omia, e fa’amautinoa ai e faia fa’atinoga mo le manuia o le tamaitiiti.[83] O le sini o nei tulaga mana’omia o le tāofia lea o sāuāga po o le tu’ulāfoa’iina o tamaiti, ma maua ai le fepuipuia’i e pei ona mana’omia e le Fa’asāmoa. O le matāfaioi a tamaiti, o le ola lea i tapula’a ua fa’ata’atia e le tulafono ma fa’apea fo’i ona o latou amana’ia aiā tatau a tagata mātutua uma, e pei ona iai i tulafono ma feagaiga tau aiā tatau a tagata soifua. ‘Āfai lā e lē fa’atinoina le pitolā’au a se tagata, ua fa’apea fo’i ona lamatia aiā tatau a isi tagata.

E fa’apea fo’i i le tele o manatu o le Fa’asāmoa, e fa’avae i le fesa’asoaa’i ma le femulumulua’i. E lē mafai ona fa’atino le fepuipuia’i e se tagata se to’atasi; e mana’omia le fa’atino e isi tagata o a latou matāfaioi mo isi tagata, ona fa’apea lea ona maua fa’amanuiaga o le puipuiga e maua i le Fa’asāmoa. ‘Āfai e tau’ave pito tasi, ua mafai lā ona tula’i mai faiga fa’atāutala ma sāuāga, e pei ona fa’amatalaina i luga. E fa’apēnā fo’i lo tatou Talitonuga Fa’alefa’atuatua ‘olo’o fa’apea mai, “ia tatou fealofani; ‘auā mai le Atua le alofa.”[84]

E tele itū ‘olo’o manino ai le so’otaga o le Talitonuga Fa’alefa’atuatua ma isi vaega e lua. O se fa’ata’ita’iga lelei o le talitonuga fa’avae o le soālaupule. E fa’avae lea i le manatu, o le to’atele o tagata e aofia i se faigā fa’ai’uga, o le taunu’u fo’i lea i se fa’ai’uga atamai. Na fa’amati’e lea manatu i le Sā’ili’iliga fa’apea, “na fa’aaogā e Iesu i ana a’oa’oga i le motu o tagata lenei agatausili e tapu’e ātili ai le ola fa’aleagaga o ona so’o ma tagata tāotaomia i lalo o pūlega sāuā. Na fefa’asoaa’i Iesu ma tagata e pei o Sakaio, le fafine Samaria i le vai’eli, ma le lōia talavou, e fa’asa’oloto mai i le pūmo’omo’o o la latou va’ai”[85].

O vaega uma nei e tolu, e iai tagata ‘autū i le fa’atinoga o a latou matāfaioi. O le vaega o aiā tatau a tagata soifua, o le Mālō, o le Fa’asāmoa, o Fono a Nu’u ma Tapa’au o nu’u, a o le Talitonuga Fa’alefa’atuatua, o i latou e ‘aumaia le finagalo o le Atua. O nei lā vaega e tolu, e fausia mai talitonuga

[83] See Article 18 of the *Convention on the Rights of the Child*. See also UN Committee on the Rights of the Child. (2011). General Comment No. 13 on the right of the child to freedom from all forms of violence. CRC/C/GC/13. Retrieved from http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.13_en.pdf.

[84] 1 Ioane 4: 7-8.

[85] Mercy Ah Siu-Maliko. (2016). “A Public Theology Response to Domestic Violence in Samoa.” *International Journal of Public Theology.* Otago University, Dunedin, New Zealand. pp. 54-67. Document 39 Inquiry anthology.

fa'avae e tutusa, fa'atino i 'auala tutusa ma e tutusa faiga e fa'amamaluina ai. O le fa'amālosia lā o se vāega se tasi o ia vaega e tolu (e ala i le fa'aopoopoina o le fa'aaogāga o agatausili, po o le fa'aleleia o 'auala e fa'amamaluina ai), o le fa'aopoopoina fo'i lea o le mālosi o isi.

9.6.1 O le uiga fa'alaua'itele o aiā tatau a tagata soifua ma le tula'i mai o le "mātaala o tagata lautele"

O se tasi o matā'upu 'autū na aliali mai i su'esu'ega fa'apitoa, e ola tālaulau sāuāga i totonu o 'āiga ona e gata lava i totonu o faitoto'a o fale o 'āiga, ma sa'oloto ai lava tagata fa'atino sāuāga e fa'aauau, e leai se popole e tali atu e fa'atino a latou matāfaioi. O le **Vaega IV** ua taga'i ai le Līpoti po o le ā se sao o le si'osi'omaga i Sāmoa i lenei tulaga, e ui ina ta'atele i le lalolagi 'ātoa ma o se tulaga na lagolagoina e le ta'iala o aiā tatau a tagata soifua, se'ia o'o mai i se taimi ua tuana'i e le'i mamao tele atu.

O suiga mālie o lea manatu i le ta'iala o aiā tatau a tagata soifua, e aogā lea e fa'aali mai ai māfua'aga tatau mo suiga o māfaufauga, ma le 'auala na uia ua o'o mai ai nei i le tau'aveina e le Mālō o le matāfaioi o le fa'afetaia'iga o sāuāga i totonu o 'āiga. 'Āfai e fa'ataunu'uina e le Mālō lenei matāfaioi, e lē gata ina 'ole'ā fa'amamaluina ai aiā tatau a tagata soifua, tāofia tagata ta'ito'atasi mai le solia o aiā tatau a tagata soifua, a 'ole'ā fa'aopoopo ai le mālosi o le Fa'asāmoa ma talitonuga fa'alelotu.

O le ātīna'ega o matāfaioi a Mālō mo fa'atinoga o sāuāga e tagata ta'ito'atasi, na 'āmata mai po o le 1980 āga'i mai ai, ina ua 'āmata ona ātīna'e le mālamalamaga i le so'otaga o sāuāga fa'asaga i ni vaega patino ma le fa'ailoga tagata. Ua o'o ina iai le manatu, o sāuāga fa'asaga i tama'ita'i, o se taunu'uga o le lē tutusa o tūlaga o ali'i ma tama'ita'i, ma o lenei fa'ailoga tagata lē matō'esea, na i'u ai i le tula'i mai o le manatu o le "mātaala o tagata lautele". O lenei manatu ua fa'amautinoa ai, e iai matāfaioi a se Mālō mo fa'atinoga a tagata ta'ito'atasi e ui ina le'i fa'atinoina e le Mālō, ma pe 'āfai e mafai ona iloa, o sea itū'āiga sāuāga o se fa'ailoga tagata ma o se āmioga ua ta'atele ma talia i se atunu'u, 'olo'o solia ai āiā tatau a tagata soifua ma o latou sa'olotoga fa'avae.

O lea fo'i manatu e fa'apea, 'āfai ua ta'atele ia sāuāga 'ae leai se fa'atinoga a le Mālō e faia i ai, o lona uiga, ua fa'aali mai ai, e talia e le Mālō ia itū'āiga āmioga.

> "O se Mālō e lē faia se fa'atinoga fa'asaga i solitulafono o sāuāga fa'asaga i tama'ita'i, o lea Mālō ua solitulafono , e pei lava o tagata fa'atino sāuāga." [86]
>
> *Radhika Coomaraswamy, 'A'ao Tusitusi Fa'apitoa o Sāuāga Fa'asaga i Tama'ita'i*

O le talitonuga fa'avae o le mātaala o tagata lautele, ua o'o nei ina fa'auigaina, 'āfai e lē fa'ataunu'uina e se Mālō ni fa'atinoga patino e fa'afetaia'i ai sāuāga fa'ailoga tagata, o lona uiga ua solitulafono lea Mālō i le salalau o le soliga o aiā tatau a tagata soifua. O su'esu'ega fa'apitoa ua fa'aalia manino ai o tama'ita'i, tamaiti ma vaega patino, o ni tagata 'olo'o aupito pagātia i sāuāga, ma o le mātaala o tagata lautele 'olo'o mana'omia ai Mālō e "tāofia, su'esu'eina, mōlia ma fai taui". O nei fa'atinoga e aofia ai le maua e tagata o avanoa i fa'amasinoga tonu, ta'iala fa'aletulafono e aogā lelei, mauaina o nofoaga e malu ai, tausiga a 'au'aunaga lagolago tau soifua mālōlōina, polokalame mo le toefuata'iina mo tagata āfāina ma tagata fa'atino sāuāga. E maualuga le fua o tulaga mana'omia, ma 'ole'ā iloiloina i le

[86] United Nations Commission on Human Rights. (1996). *Economic and Social Council Fifty-second session*. E/CN.4/1996/53/Add.2. Retrieved from https://documents-dds-ny.un.org/doc/UNDOC/GEN/G96/104/75/PDF/G9610475.pdf?OpenElement.

Vaega IV po o ‘ausia e le Mālō o le taimi nei, o le ta’imua o fa’atinoga mo le Mālō o Sāmoa, ana matāfaioi.

‘Āfai o ‘ausia, o se meafaigaluega aogā tele le ta’iala o aiā tatau a tagata soifua i le fa’afetaia’iga o sāuāga i totonu o ‘āiga. ‘Auā fo’i, o lea e tu’uina mai ai i le Mālō aiaiga fa’aletulafono e tatau ona fa’atino. O le fa’ataunu’uina o ia matāfaioi a le Mālō, ua toe tapu’e ātili ma fa’aopoopo ai le mālosi i le Fa’asāmoa ma talitonuga fa’alelotu, ia fo’i ua soli e ala i nei sāuāga.

I’uga 8 o le Sā’ili’iliga: O sāuāga i totonu o ‘āiga ua lautele ai soliga o le Fa’asāmoa, Talitonuga Fa’alefa’atuatua ma aiā tatau a tagata soifua.

I’uga 9 o le Sā’ili’iliga: E tutusa a’a, agatausili ma talitonuga fa’avae o le Fa’asāmoa, Talitonuga Fa’alefa’atuatua ma aiā tatau a tagata soifua. E tofu i latou ma ‘auala e puipuia ai le taunu’uga fa’amoemoeina e tasi ‘olo’o o latou naunau uma i ai, ma o le fa’aopoopoina o le mālosi o le tasi, e fa’apea ona fa’aopoopoina ai le mālosi o isi.

VAEGA IV: ‘AUALA ‘OLO‘O IAI NEI, MĀFUA‘AGA MA U‘UNA‘I O FA‘ATINOGA O SĀUĀGA

Ina ia mafai ona fa’afetaia’i sāuāga i totonu o ‘āiga, e tatau ona ‘āto’atoa le mālamalamaga i ona māfua’aga ma fua le aogā lelei o ta’iala ‘olo’o iai nei mo le puipuiga ma le tāofiga. O le **Vaega IV** ‘olo’o iloiloina ai le tele o māfua’aga o sāuāga ma u’una’i o ona fa’atinoga ua fa’ailoaina i le gāsologa o le Sā’ili’iliga, ma fa’atulaga i le si’osi’omaga o talitonuga, ‘au’aunaga ma faiga ‘olo’o iai nei.

O le itū ua matuā manino mai su’esu’ega fa’apitoa ma isi uma molimau na tu’uina mai i le Sā’ili’iliga, e iai se itū fa’avae o itū’āiga sāuāga uma e tutupu i totonu o ‘āiga i Sāmoa, e pei fo’i ona iai i isi atunu’u uma o le lalolagi – o le mālosi ma le pule. Sa taumafai le fa’atino sāuāga i su’esu’ega fa’apitoa ta’itasi, e pūlea le tagata āfāina pe fa’atino lana pule i nei tagata, e fa’amālosi ai i se itū’āiga āmio patino pe tula’i mai fo’i ona o le lē fa’amalieina o se mana’o o le fa’atino sāuāga.

O le uiga o sāuāga i totonu o ‘āiga, e lalago mea uma i le mālosi ma le pule ma o le ta’ele lea o itū’āiga sāuāga uma, ‘ae iai lava i taimi uma isi māfua’aga po o u’unai e iai lo latou sao. E seāseā fa’atino sāuāga i totonu o ‘āiga mai le na’o le mana’o e fa’atino le mālosi ma le pule. E mafai ona fa’atino ina ia fa’amālosia le tagata āfāina e tausisia nafa ua ta’ua o nafa māsani o itūpā, po o se manatu sesē fa’apea o le alofa i se tamaitiiti, pe feso’ota’i fo’i ma ni fa’afītāuli tautupe po o le ‘ava mālosi, po o se tasi o isi matā’upu ua au’ili’iliina atu i lalo.

E lavelave ma e feso’ota’i māfua’aga ma u’unai ma o lea lā e lē mafai ai ona iai se fofō faigōfie se tasi e fa’afetaia’i ai sāuāga i totonu o ‘āiga. E tasi le ala e mafai ai ona fa’atino se ‘auala aogā lelei, ma o le mālamalama lea i māfua’aga ma u’una’i **uma** ma fa’afetaia’i mea ta’itasi uma nei. E mana’omia fo’i le fa’aeteete i le ‘atofaina po o le ā le māfua’aga, a o le ā le u’unai, ma ia fa’amautinoa e tali le tagata i taunu’uga o ana ia lava fa’atinoga.

10. Manatu ma uiga fa’aalia, Talitonuga ma Fa’atinoga

10.1 Tamaiti

Na maua e le Sā’ili’iliga molimau na tōsina ai le lagona, e telē le sao o manatu e uiga i tamaiti ma le ‘auala e tausi ai, i sāuāga i totonu o ‘āiga. E tino mai lea i ni ‘auala ‘autū se lima:

10.1.1 Sāuāga i le vā o augā tupulaga

O le manatu o le to'atele o tagata i Sāmoa i le taimi nei, e mana'omia le fa'atonu/sāuaga i le tino ma upu mālolosi i le tausiga ma le a'oa'iga o tamaiti i lo latou tuputupu a'e. Peita'i, ua fa'aalia i molimau, 'āfai e o'o atu le fa'asalaga i sāuāga, e lē gata ina soli ai aiā tatau a le tamaitiiti, a ua lamatia ai fo'i i latou mai isi sāuāga, 'ā lē o le tagata e fa'atino i ai sāuāga, ua 'avea ma fa'atino sāuāga i se taimi mulimuli ane o lona ōlaga.

Fa'amatalaga Fa'amālamalama 10 o le Sā'ili'iliga: O ā aiā tatau a le tamaitiiti e feso'ota'i ma sāuāga, i lalo o le Feagaiga i Aiā Tatau a le Tamaitiiti?

Fuai'upu 19: "'Ole'ā fa'atino e Mālō 'Auai 'auala talafeagai fa'aletulafono, pūlega, agafeso'ota'i ma a'oa'oga e puipui ai le tamaitiiti mai so'o se itū'āga sāuāga o le tino po o le māfaufau, manu'aga po o faiga fa'atāutala, tu'ulāfoa'iina po o tausiga fa'atamala, faiga fa'atāutala po o le fa'aaogā e maua ai tupe, e aofia ai faigā 'āiga fa'atāutala, a o i lalo o le tausiga a mātua, tagata e va'aia fa'aletulafono po o se isi mātua o tausia le tamaitiiti."

Ta'atia ia le fesili e uiga i le tuā'oi o le fa'atonu ma le sāuāina o tamaiti. O tamaiti e molimauina sāuāga, e fa'ateleina le lamatiaga o le 'avea ma tagata āfāina i sāuāga po o se tagata fo'i e fa'atinoina sāuāga i le lumana'i, ma fa'asolo atu ai lava sāuāga mai lea augā tupulaga i le augā tupulaga o soso'o mai. E mafai ona fa'amāonia e Tavita[1] lenei talamoni pe ana fa'apea o ola mai i lenei taimi. O le tala a le tamā o Tavita, o le māfua'aga na ia sasaina ai Tavita, leaga na fa'apea fo'i ona sasa ia e lona tamā a o la'iitiiti. Na fa'afofoga fo'i le Sā'ili'iliga i le molimau a Fifita, o se tasi sa māsani ona sasa e lona tamā a o la'iitiiti.

"Na sasa a'u e lo'u tamā e mata'utia le sāuā. Ou te nofo fo'i ma tapō la'u fānau 'auā o le mea lenā na fai e lo'u tamā 'ia a'u. Na o'o i se aso ua 'ova la'u fasi ma tā ai lo'u atali'i i le sapelu ma lavea ai."

Sui 'auai i le Sā'ili'iliga, Avanoa fa'alaua'itele e fa'aleo ai manatu

Ua māe'a ona au'ili'ili atu e le Sā'ili'iliga taunu'uga o sāuāga fa'asaga i tamaiti, o se tasi o ia taunu'uga o "tamaiti na feagai so'o ma faiga sāuā a o latou mātua […] na maualuga atu le fa'aalia o uiga fa'amisa, fa'alogogatā ma fa'afītāuli tau feso'ota'iga ma isi tagata".[2] O mātua sāuā, ua a'oa'o ai fo'i a latou fānau o le fa'amisa ma sāuāga o le tali lea. E lē gata i le sāuāina o le tamaitiiti, po o le va'ai pea o le tamaitiiti o sāuāina e le tasi o ona mātua le isi po o ni ulugāli'i fo'i i lona 'āiga.

"O le 'auala na ou iloa i fīnauga, e mālō le tagata aupito mālosi ma o le 'auala e mālō ai o le fasi."

Eteuati Ete, 'the Laughing Samoan', Pepa o le Sā'ili'iliga 101

[1] Case Study 1.
[2] John Devaney. (2015). "Research Review: The Impact of Domestic Violence on Children." *Irish Probation Journal,* 12. p. 82. Retrieved from https://pdfs.semanticscholar.org/506f/db2353976001352213a72baf3c48aaa743c0.pdf . Accessed 30 May 2018.

E ola a'e tamaiti, 'aemaise lava tama, ua o latou mātauina o le sāuā, o le tali lea i fa'afītāuli pe 'ā le maua le mea 'olo'o mana'o ai, ma suitūlaga ai loa sāuāga i feso'ota'iga ma le fetu'utu'una'i.[3] 'Āfai o le lesona lea 'olo'o a'oa'oina ai tamaiti, e lē se mea lā e fa'ate'ia ai le i'u ina mātutua a'e, e fa'atino fo'i e latou sāuāga 'ae lē o le talatalanoa ma feso'ota'i. O nei faiga ua lē na'o le solia ai o aiā tatau a le tagata āfāina, a ua solia talitonuga fa'avae o le Fa'asāmoa o le talanoa, feāvaa'i ma le fepuipuia'i.

E lē gata ina fa'ateleina le lamatiaga e o'o ina 'avea le tamaitiiti o se tagata fa'atino sāuāga, o le fa'aaogā o le fa'atonu/sāuāga i le tino ma upu mālolosi, e fa'ateleina ai le lamatia o le ola o se tamaitiiti e 'avea ma tagata āfāina i le lumana'i. E lua 'auala e tupu ai lenei mea. Muamua, o sāuāga fa'asaga i tamaiti e fa'aopoopoina lamatiaga o ni isi sāuāga i le lumana'i. O lonalua, o le vā'ai pea o tamaiti i le 'auala 'olo'o ola ai o latou mātua i sāuāga, ma fa'apea ai o le faiga māsani lava lea, e fa'apēnā fo'i ona o latou talia ma 'avea ma tagata e fa'atino i ai sāuāga i le lumana'i. Ma fa'apea ai lava ona fa'aauau le ta'amilosaga o sāuāga.

Ua mae'a ona au'ili'ili i le **vaega 9.1** lamatiaga o le toe a'afia i isi sāuāga ma e aofia ai āfāina i le tino ma le māfaufau, e mafai ona i'u i le fa'ama'amulu mai a'oa'oga ma fa'apea ona fa'aopoopoina ai 'avega tau tamāo'āiga ma u'una'i ai fa'atinoga o sāuāga i totonu o 'āiga. O lona uiga, e ono la'iitiiti fo'i so latou mālamalama i 'au'aunaga o puipuiga e mafai ona maua mo i latou. Ua na'o se tasi lea o se fa'ata'ita'iga o le 'auala i le ta'amilosaga o sāuāga e mafai ona o'o i ai se tamaitiiti, ona o le a'afia po o le molimauina o sāuāga i lo latou tuputupu a'e. Ona o uiga feso'ota'i o sāuāga i totonu o 'āiga, e feso'ota'i fo'i lamatiaga ma o sāuāga, e fanafānau mai ai isi sāuāga.

O le tulaga moni ma le telē o le fanafānau o sāuāga mai isi sāuāga i totonu o Sāmoa, 'olo'o fa'aata lelei mai lava i le SFSS 2017 na iloa ai:[4]

- e toeitiiti **fa'atoluina avanoa** e 'avea ai se tamaitiiti na sāuāina, o se tagata e fa'atino i ai sāuāga e se pā'aga vāvālalata pe 'ā tagata matua;
- toeitiiti **fa'atoluina avanoa** e 'avea ai se tama na molimauina sāuāga fa'atino i se pā'aga vāvālalata, o se tagata fa'atino sāuāga i sana pā'aga vāvālalata i le lumana'i.[5]

I'UGA 10 O LE SĀ'ILI'ILIGA: O tamaiti e sāuāina pe molimauina sāuāga a o tuputupu a'e, e matuā telē le lamatiaga e 'avea ai o ni tagata e fa'atino i ai sāuāga, po o ni tagata fa'atino sāuāga i totonu o āiga i le lumana'i.

[3] See Nicole Spector. "Why boys are more likely to be violent — and what can we do to stop it." (1 March 2018). *NBC News*. Retrieved from https://www.nbcnews.com/better/health/boys-country-are-hurting-we-can-help-ncna851901.
[4] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.
[5] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

10.1.2 Lē mālamalama i māfua'aga ma taunu'uga, ma le lē faia o tiute o mātua

E iai le lagona ua tupu a'e pea, ua tatau i mātua ona tau'ave o latou tiute ma fai se fa'atatau i le 'auala ua ola a'e ai fānau ma fai āmioga fa'amisa, ma isi āmioga lē tāupulea. E lē fa'apea ua fa'amasino e le Sā'ili'iliga mātua – o le to'atele, o le tulaga lava lea na ola a'e ai, ma o i latou o se vaega lautele o uiga o sāuāga i vā o augā tupulaga i totonu o Sāmoa. Peita'i, e mafai ona motusi lea ta'amilosaga ma o le taimi lenei ua tatau ona tōmānatu ma fesili ane mātua, po o fa'atino ma le fa'amāoni o latou tiute, ma 'āfai e leai, po o ā ni 'auala e fa'aleleia ai. 'Ole'ā au'ili'iliina lenei fesili ma tu'uina atu ni fautuaga ta'iala i le **Vaega V**.

O lea lā, 'ae le'i se'e atu i isi itū o manatu fa'asaga i tamaiti e iai ni sao i le tūla'i mai pea ma le ta'atele o sāuāga i totonu o 'āiga, e fesoasoani le taga'i i māfua'aga e manatu ai le to'atele e mana'omia le fa'atonu/sāuāina o tamaiti i le sasa ma upu mālolosi. E lua māfua'aga o lea manatu. O le māfua'aga muamua, o le sāuāina, o se 'auala 'alo pe pu'upu'u o le fa'atonuina o tamaiti ma o i latou 'olo'o mānana'o e fa'aauau ai pea, e tele a latou māfua'aga e fa'atū mai ma 'olo'o fa'apogisā ai pea la latou va'ai i taunu'uga lē manuia e mafai ona i'u i ai. O le māfua'aga lonalua, o le to'atele o tagata na ola a'e i le sasa po o le 'āva'avau, e talitonu o le māfua'aga lea ua manuia ai o latou ōlaga, e ui ina leai ni molimau maumaututū e fa'amāonia ai lea manatu.

'Olo'o iai le mālamalamaga ta'atele sesē i māfua'aga ma taunu'uga, ma e aotele i fa'a'upuga talatele o le: "ia, na sasa a'u a o o'u laititi ma ou te le'i āfāina ai lava", po o le, "o le sasa o a'u i lo'u la'ititi ua 'avea ai a'u o le tagata manuia lea ua ou iai nei".

E leai se fa'amatalaga o nei fa'amatalaga e moni, ma e leai fo'i ni fa'amāoniga. O manatu nei 'olo'o fa'amati'e ai manatu lē fa'avaea ta'atele e uiga i sāuāga i totonu o 'āiga, e mana'omia le fa'ata'ape.

Manatu Lē Fa'avaea 10: "O le sasaina o a'u i lo'u la'itiiti lea ua ou manuia ai i aso nei"' po o le "Ou te le'i āfāina ai"

Manatu Lē Fa'avaea 11: O le molimauina o sāuāga a o la'iitiiti, o le i'uga e mautinoa lava e fa'atino i ai sāuāga pe 'avea o se tagata fa'atino sāuāga pe 'ā matua.

O le tulaga sa'o: E lē moni, ma e leai fo'i ni fa'amāoniga o le fa'apea mai o se tagata, o le sāuāina a o la'iitiiti "ou te le'i āfāina ai", po o le "ua 'avea ai a'u o le tagata manuia i aso nei". Peita'i, e lē fa'apea fo'i o se tamaitiiti na ola a'e i sāuāga, ua mautinoa e i'u ina 'avea o se tagata e fa'atino i ai sāuāga po o se tagata fa'atino sāuāga pe 'ā o'o ina matua.

O le ola a'e i sāuāga e *fa'ateleina* ai le avanoa e i'u ina 'avea o se tagata e fa'atino i ai sāuāga po o se tagata fa'atino sāuāga pe 'ā o'o ina matua, 'ae lē fa'apea, e mautinoa. O lona uiga, e mafai ona ola a'e se tamaitiiti i se ōlaga o sāuāga ma i'u ina 'avea o se tagata matua e sa'oloto mai sāuāga, ma e to'atele tagata e fa'apea. 'Āfai e taga'i i ni tamaiti se to'a 100 e ola a'e e leai ni sāuāga, e mafai ona 10 mai ia tamaiti e i'u ina fa'atino i ai sāuāga pe 'avea fo'i o ni tagata fa'atino sāuāga.

Peita'i, mai se to'a 100 o ni tamaiti e ola a'e i sāuāga, e mafai ona o'o atu le fuainumera i le 30. O lea lā, o tagata ua fa'apea mai "ou te le'i āfāina ai", po o le "ua 'avea ai a'u o le tagata manuia i aso nei", 'ātonu o tagata fa'amanuiaina ia, e le'i to'ilalo i le fa'ateleina o lamatiaga.

E fa'apēnā fo'i i le to'a 100 o tamaiti na ola a'e i sāuāga. E lē mautinoa fo'i e o'o i ni isi sāuāga pe 'ā tagata mātutua. E tāua le talia o le itū lenei, ina ia lē fa'asi'ugutua nei tagata ma i'u ai ina āfāina i sāuāga pe 'avea ma fa'atino sāuāga, ma taunu'u ai perofetaga na i o latou luga.

O le manatu fa'apea o le āmio lelei o le taunu'uga o sāuāga, o se manatu ua fenumia'i ai māfua'aga ma taunu'uga. E mafai ona ola a'e se tagata i sāuāga ma upu mālolosi, ma i'u ina 'avea ma tagata āmio lelei *e ui ina* sa sāuāina, 'ae *lē ona* o le sāuāina. E fa'apēnā fo'i i se tagata na ola a'e e lē sāuāina ona i'u ina sāuāina pe fa'atino sāuāga, e *ui i le* 'auala na ola a'e ai, 'ae *lē ona* o le 'auala na ola a'e ai. O fuainumera fa'amauina, ua na'o na fa'aali mai ai e telē atu le lamatiaga o sāuāga i le lumana'i mo se tamaitiiti na ola a'e i sāuāga, nai lō se tamaitiiti na ola a'e i se 'āiga e lē iai ni sāuāga. O lenei fenumia'i, ua fa'aauau ai pea lenei māsani ma o le māfua'aga lea e tāua ai le mālamalama i ai o le to'atele.

O le 'atofa sesē o māfua'aga ma taunu'uga, ua maua ai pea e mātua le avanoa e fa'aauau le fa'asala o a latou fānau i upu mamafa ma le sasa i le talitonuga, o ia fa'atinoga o le mea aupito sili mo tamaiti. O le taunu'uga fo'i, ua fa'asao ai mātua mai le tali atu i taunu'uga lē lelei e tula'i mai i le sasaina ma le 'āva'avau i tamaiti.

E tele mātua na talatalanoa i ai le Sā'ili'iliga i le gāsologa o taualumaga, ma o le to'atele na fa'aali mai popōlega i tulaga ua o latou mātauina, ua maualalo le tulaga ua pa'ū i ai āmioga a tupulaga talavou o Sāmoa. Na manino mai o le mea ua tupu, o le sosolo ma le lautele o le lape o mātua e talia taunu'uga o fa'atinoga a a latou fānau. E tele fa'amatalaga na tu'uina mai i le Sā'ili'iliga:

- "E tu'ua'ia aiā tatau nei a le tamaitiiti i le lē usiusita'i o tamaiti. O le māfua'aga tonu lea ua lē fa'alogo ai tamaiti"[6]
- Televise ma ata tīfaga
- Mōu atu le fa'aaloalo i tagata mātutua
- Suiga mai fafo

Peita'i, o itū'āiga āmio na fa'aali ai popōlega o mātua, e aofia ai āmio e telē le avanoa e tūla'i mai ai ona o le ola a'e i sāuāga i totonu o 'āiga. O se taunu'uga tu'usa'o lea o le fa'ata'ita'i o tamaiti i āmio a tagata mātutua o le 'āiga, po o se taunu'uga o a'afiaga e māfua mai i sāuāga fa'asaga i tamaiti. Mo le to'atele o tagata, e faigōfie atu le manatu e mafai ona fa'atonu tamaiti i le sasa ina ia 'avea ma tagata lelei, nai lō le fa'atino o āmio lelei e fa'aa'oa'o ai i tamaiti.

[6] Matai participant, giving evidence during Inquiry public hearings.

"Fai mai le isi a'u uō na fai atu lona tamā, 'fai le mea ou te fai atu ai, 'ae lē o mea tou te vā'ai mai o o'u faia."

Sui Talavou, Avanoa fa'alaua'itele e fa'aleo ai manatu

O māfua'aga na tu'uina mai i le Sā'ili'iliga, ua na'o se 'auala e 'alo 'ese ai mātua mai a latou matāfaioi fa'amātua, ma fa'aauau ai pea le sasaina/sāuāina o a latou fānau.

O se fa'ata'ita'iga ogaoga, o le to'atele o tupulaga talavou i Sāmoa e pule i le ola. Ua fa'aalia e ni ta'ita'i o lotu ma isi tagata o le atunu'u, o le fa'aofi mai o aiā tatau ua talitonu ai tamaiti e leai se tapula'a o o latou sa'olotoga, e aofia ai le aiā tatau e pule i le ola. E leai ni molimau na tu'uina mai e lagolago ai lenei manatu fa'aalia. E fa'afeagai lea ma fa'amaumauga, o i latou ua o'o i ai sāuāga, e fa'aluaina le avanoa e pule ai i le ola, 'ae fa'atoluina le avanoa e taumafai ai e pule i le ola, nai lō se tasi e le'i sāuāina.[7]

Manatu Lē Fa'avaea 12: O le Feagaiga i Aiā Tatau a le Tamaitiiti 'olo'o maua ai aiā tatau a tamaiti e i'u ina fa'ateleina ai le fa'aaogā o vailā'au ma le so'ona inu 'ava mālosi, faigā 'āiga lē fa'atuā'oia, āmioga lē tāupulea, sāuāga ma le pule i le ola.

O le tulaga sa'o: E leai ni aiā tatau i le Feagaiga i Aiā Tatau a le Tamaitiiti e fa'ataga ai tamaiti e fai se mea e tasi o ia fa'atinoga, pe 'ave'esea fo'i le aiā tatau a mātua e tausi ai tamaiti i le 'auala e mānana'o ai. Peita'i, o sāuāga fa'asaga i tamaiti lea e iai le sao i itū'āiga āmioga fa'apēnei. E fa'asā i le Feagaiga i Aiā Tatau a le Tamaitiiti so'o se itū'āiga sāuāga fa'asaga i tamaiti ina ia tāofia ai sāuāga, ma fa'aleleia ai le puipuiga o le tāua ma le āmana'ia o le tamaitiiti ma le puipuiga o aiā tatau a mātua. O se ta'iala fo'i e mafai ona lagolagoina le Fa'asāmoa, e pei ona iloa e le Sā'ili'iliga mai le tala 'iā Tavita.[8] Na 'auai Sāmoa i le ātīna'ega o le Feagaiga i Aiā Tatau a le Tamaitiiti ma na ta'ita'i i le 'avea o le ulua'i atunu'u i le Pasefika na sainia le Feagaiga, talu ai, na manino lava i lea taimi, 'olo'o tino mai ai talitonuga fa'avae o le Fa'asāmoa ma le Fa'avae. 'Āfai e aogā lelei le fa'aaogāga, e mafai ona tapu'e ai le Fa'asāmoa ma le fa'tinoga o agatausili fa'alelotu.

O sāuāga, o le māfua'aga lea o āmioga 'olo'o i ai nei. O isi tulaga e o'o i ai le gāsologa o sāuāga i le tausiga ma le a'oa'iga o tamaiti, e fa'ateleina ai lamatiaga o le:[9]

- Fa'aaogā fa'atāutala o le 'ava mālosi ma vailā'au;
- Faigā 'āiga lē saogalēmū, tele o pā'aga tau faigā 'āiga ma ma'itaga lē mana'omia;
- Ma'i e fe'avea'i i faigā 'āiga, HIV ma le Aids;

[7] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.
[8] Case Study 1.
[9] John Devaney. (2015). "Research Review: The Impact of Domestic Violence on Children." *Irish Probation Journal,* 12. p. 82. Retrieved from https://pdfs.semanticscholar.org/506f/db2353976001352213a72baf3c48aaa743c0.pdf . Accessed 30 May 2018.

- Leai ni fa'atinoga e mālosi ai le tino ma le ma'i suka;
- Loto fa'anoanoa, popole ma miti taufa'amata'u;
- Fa'ateteleina le fa'amisa ma fa'afītāuli o le pūlea o le ita;
- Fa'ama'amulu mai le ā'oga, lē mafai ona maua ma tumau i se galuega.

"O tamaiti o le ata o o latou mātua. 'Āfai e lē māfaufau ma tali'upu tamaiti, e manino lava e fa'apēnā fo'i o latou mātua."

Seumanutafa So, Matai 'auai, Avanoa fa'alaua'itele e fa'aleo ai manatu

"O sāuāga i totonu o 'āiga e feso'ota'i i tua i le tausiga ma le a'oa'iga e mātua o a latou fānau a o lāiti. O mātua o ulua'i faiā'oga o tamaiti. 'Āfai e lē lelei pe lē fa'aaloalo tamaiti, e lē o faia lā e mātua la latou galuega."

Masoe Selota, Matai 'auai, Avanoa fa'alaua'itele e fa'aleo ai manatu

I'UGA 11 O LE SĀ'ILI'ILIGA: E fa'atetele sāuāga fa'asaga i tamaiti ona e talitonu sesē mātua, o ia faiga na fesoasoani 'ia i latou i lo latou tutupu a'e, po o le fa'aaogā fo'i o isi māfua'aga o le lē pūlea o āmio a tupulaga talavou, o se 'alofaga mai le lē fa'atinoina o o latou lava tiute.

10.1.3 Fenumia'i i le fa'auigaina o le "fa'asalaga talafeagai"

E manino le talamoni o sāuāga e fanafānau mai ai isi sāuāga. Peita'i, o le vaega e lē manino, o ā fa'atinoga fa'asaga i tamaiti ua o'o atu ai i sāuāga? 'Olo'o nunumi i vaega uma o Sāmoa le laina e tosi ai le vā o le fa'atonu ma le sāuāina ma po o ā fo'i upu ma fa'a'upuga e ta'ua o sāuāga i upu. Mo se fa'ata'ita'iga, na lafo pea e lona 'āiga 'iā Teuila[10] upu mālolosi ina ua tō, se'ia o'o ai ina pule i lona ola. E to'atele tagata e talia le manatu, ua sopo atu nei fa'atinoga ma le laina o se "fa'asalaga talafeagai". 'Ae fa'apēfea isi mea tutupu uma i le vā?

O ta'iala fa'aletulafono a Sāmoa 'olo'o iai nei, e solitulafono so'o se tagata e fa'aaogāina se fa'asalaga sasa i so'o se si'osi'omaga,[11] peita'i, o le fuai'upu 14 o le *Tulafono o Tamaiti 1961* 'olo'o fa'ataga ai mātua e fa'atino "fa'asalaga talafeagai". O le uiga lā o lenei lē manino, e manino lava e iai mātua e manatu 'olo'o fa'atonu a latou fānau i fa'asalaga talafeagai, peita'i, ua tatau lava ona fa'avasega o sāuāga. E matuā tāua lā ma mana'omia se fa'amatalaga manino o le laina e vā ai le fa'atonu ma sāuāga.

Ua pa'ū nei lā i le Sā'ili'iliga le fa'amaninoina o le laina i le vā o le fa'atonu ma fa'atinoga ua o'o atu i sāuāga, ina ia mafai ona fua tonu le tulaga o tu'ufa'atasi ai le fa'atonu ma sāuāga, ina ia fa'amutaina lenei vaitaimi o le lē mautinoa. O le faitauina o le vaega lenei, e tatau ona tatala loto o so'o se mātua po o i latou e faia fa'ai'uga, 'ae lē o le fa'apea ane, o fa'atinoga 'olo'o o latou faia i a latou fānau, o le fa'atonu. O le talitonuga lea o tagata uma 'ole'ā tumau ai pea sāuāga, vaganā ua tāpena tagata e toe tōmānatu.

[10] Case Study 3.
[11] *Education Act 2009*, section 23.

O le tosi o le laina i le vā o sāuāga ma le fa'atonu, e tatau lava ona fa'atino i le va'aiga mai le si'osi'omaga o Sāmoa, 'ae le fa'alagolago tasi i se fa'amatalaga a Mālō 'Aufa'atasi po o se isi fa'amatalaga mai fafo. Peita'i, e iai le manatu tutusa o aiā tatau a tagata soifua ma le Fa'asāmoa e uiga i tamaiti i lo latou tuputupu a'e ma le nafa o mātua. E maualuga le va'ai a vaega uma nei e lua i tamaiti ma e talia e mafai ona ma'ale'ale lo latou ola ona o le lāiti, ma tulaga ua o'o i ai lo latou tuputupu a'e i le māfaufau ma le tino. O lea lā e matuā tāua ai i vaega uma nei e lua le nafa o mātua e puipui le ola manuia o le tamaitiiti ma fa'amautinoa lo latou ātīna'e. 'Olo'o ta'utino i le Feagaiga i Aiā Tatau a le Tamaitiiti le tiute o mātua "mo le tausiga ma le a'oa'iga ma le ātīna'ega o le tamaitiiti, e fa'avae i le mea e aupito sili mo le tamaitiiti"[12]. E to'aitiiti i latou e mafai ona fa'apea mai e 'ese le manatu o le Fa'asāmoa. O le talamoni, o le tiute o le mātua le fa'amautinoa o le ātīna'e o le tamaitiiti, ma o le mea aupito lelei mo le tamaitiiti, o se vaega lē matō'esea lea o le Fa'asāmoa, ma o le tele o le popōlega fa'asaga i le Feagaiga i Aiā Tatau a le Tamaitiiti ua aiā i ia tiute, o le fa'afeagai lea o le tulaga moni.

Manatu Lē Fa'avaea 13: Ua aiā le Feagaiga i Aiā Tatau a le Tamaitiiti i tiute o mātua i le tausiga ma le a'oa'iga o tamaiti.

O le tulaga sa'o: 'Olo'o ta'utino i le Feagaiga i Aiā Tatau a le Tamaitiiti le aiā tatau ma le tiute o mātua e tausi ma a'oa'i le fānau i mea e aupito lelei mo le tamaitiiti. Ua iai i le Feagaiga se fa'asologa o aiā tatau a le tamaitiiti, ina ia fa'amautinoa lo latou ātīna'e ma le sa'olotoga mai fa'atinoga e lē lelei. E aofia ai le fa'amautinoa e ola a'e i se si'osi'omaga e sa'oloto mai sāuāga po o isi faiga e lē tusa ma faiga fa'atagata soifua, po o fa'asalaga e fa'alumaina ai. E leai ni isi tapula'a o iai i aiā tatau a mātua ma lo latou tiute o le tausi ma a'oa'i le fānau.

Talu ai e mafai ona fa'amāonia 'olo'o taumafai uma le Fa'asāmoa ma aiā tatau a tagata soifua e puipui i mea aupito lelei mo le tamaitiiti, o le la'asaga muamua i le gāsologa atu i se fa'ai'uga po o ā tulaga ua o'o atu ai i sāuāga a ua lē o le fa'atonu, o le mālamalama lea i mea e aupito lelei mo le tamaitiiti.

O le **vaega 9.1** na au'ili'ili ai a'afiaga lē lelei o **sāuāga**, ma aotele ai i le i'uga, "o le maua o se tamaitiiti i sāuāga a o la'itiiti, e mafai ona fa'alētonu ai le ātīna'ega o le fāi'ai ma fa'aleagaina ai isi vaega o nēula ma isi vaega o le tino, ma a'afia ai le tagata i lona ōlaga 'ātoa". E matuā manino, e lē o ni tulaga ia o ni mea aupito lelei mo le tamaitiiti.

O le **fa'atonu**, o le fa'amoemoega mo le ola manuia ma le ātīna'ega o le tamaitiiti ma o a'afiaga mai sāuāga, e lē aofia i mea aupito lelei mo le tamaitiiti ma e leai se fa'avae e talia ai. O lea lā, o se taunu'uga e sa'o le fa'avasegaga o māfaufauga e fa'apea: **So'o se gāoioiga, po o upu po o fa'atinoga, fa'asaga i se tamaitiiti e aliali mai e ono māfua ai ni taunu'uga lē lelei ua talia e māfua mai i sāuāga, o ia gāoioiga o ni sāuāga 'ae lē o le fa'atonu.**

O le iai o lenei i'uga, ua 'ave'esea ai le 'ese'ese o manatu sa 'avea ma māfua'aga o le fenumia'i ma le fa'auiga 'ese'ese, ma mafai ai ona 'ese le fa'auigaina o le fa'asalaga talafeagai a se tasi tagata, mai le

[12] See Article 3 (1) of the *Convention on the Rights of the Child.*

fa'auigaga a isi tagata. 'Ole'ā maua ai le fa'amatalaina na mānana'o i ai tagata i le gāsologa o le Sā'ili'iliga, o se fesili e lē o manino i le tulafono i le taimi nei, ma mafai ai ona iloa e mātua fa'atonuga i upu ma le sasa ua sē 'ese mai le fa'atonu, a ua o'o atu i sāuāga.

'Āfai tatou te 'autasi o gāoioiga uma e mafai ona māfua ai so'o se tasi o a'afiaga lē lelei e feso'ota'i ma sāuāga, o ia gāoioiga, o ni fa'atinoga tau sāuāga lava, o le la'asaga fa'ai'u, o le iloilo lea po o ā fa'atinoga fa'asaga i tamaiti e i'u i ia taunu'uga.

Peita'i, e to'atele i latou 'ole'ā faigatā ona talia lenei tali. E fa'asaga uma molimau i itū'āiga fa'atonuga mamafa e ala i le sasa ma le so'ona 'otegia (mo se fa'amatalaina o "sāuāga i upu", taga'i i le **Fa'amatalaga Fa'amālamalama o le Sā'ili'iliga 5** i luga atu) o ni 'auala e ono māfua ai a'afiaga lē lelei e māsani ona feso'ota'i ma sāuāga fa'asaga i tamaiti. O le i'uga lā, **so'o se fa'atonuga i upu po o se fa'asalaga o le tino e ono māfua ai a'afiaga lē lelei e feso'ota'i ma sāuāga, o sāuāga lava ia.**

Mo tamaiti lāiti, o le taunu'uga lava ia o fa'asalaga i le tino po o upu, e lē gata ina āfāina ai, 'ae noa ma se taunu'uga lelei, e mafai ona tu'uina mai e lagolago ai le āfāina e o'o i ai (e ui ina o sea fo'i fīnauga e fa'alēaogāina pe 'ā manatu i le āfāina e mafai ona o'o i le tamaitiiti, e lē o se mea aupito lelei lea mo le ātīna'e o le tamaitiiti). Ua aliali mai i Sā'ili'iliga, o tamaiti lāiti e i lalo ifo o le lima po o le ono tausaga le matua, e le'i ātīna'eina le mafai e mālamalama ai i le māfua'aga o le pō po o le sasa.[13] O lona uiga, e lē gata ina leai se aogā mo le tamaitiiti 'auā e lē mafai ona ia fa'afeso'ota'iina le pō ma lana āmioga ma a'oa'oina ai mo le lumana'i, 'ae fa'ateleina ai fo'i le lamatiaga o taunu'uga lē lelei e tula'i mai i le manatu o le tamaitiiti ua tu'ulāfoa'iina ma tē'ena ia e ona mātua.

O se 'oto'otoga:

1. 'Olo'o ta'ui i le Fa'asāmoa ma aiā tatau a tagata soifua le tiute o mātua e ta'iala le ātīna'ega o le tamaitiiti, ma o le fua fa'ata'atia mo mātua i le tausiga ma le a'oa'iga o le fānau o le fa'amautinoa e fai le mea aupito lelei mo le manuia o le tamaitiiti.

2. O a'afiaga lē lelei uma o sāuāga fa'asaga i tamaiti, e lē mafai lava ona fa'apea ane, o se mea aupito lelei mo le manuia o le tamaitiiti. O lea lā, so'o se fa'atinoga e si'itia ai le lamatiaga mai nei taunu'uga, o sāuāga lava ia.

3. So'o se itū'āiga o fa'asalaga i le tino ma upu mālolosi fa'asaga i tamaiti e mafai ona o'o atu i taunu'uga nei, o lea lā, **o fa'asalaga uma i le tino ma upu mālolosi, o sāuāga lava ia fa'asaga i tamaiti.**

O lea lā, o le talitonuga lautele ma ta'atele e talia le fa'asalaina o tamaiti i le tino ma upu i so'o sona itū'āiga, o le māfua'aga tu'usa'o lea ma se māfua'aga feso'ota'i o sāuāga i totonu o 'āiga. E tu'usa'o 'auā o fa'asalaga **uma** i le tino po o upu mālolosi, o sāuāga ia fa'asaga i tamaiti, ma o le māfua'aga feso'ota'i, o

[13] Lisa Belkin. "Does outlawing spanking lower the crime rate years later?" (17 July 2013). *Huffington Post*. Retrieved from https://www.huffingtonpost.com/2013/07/17/outlawing-spanking_n_3606886.html.

le fa'ateleina lea o le lamatiaga e sau aso, e 'avea le tamaitiiti o se tagata fa'atino sāuāga, po o se tagata e āfāina i sāuāga.

I'UGA 12 O LE SĀ'ILI'ILIGA: O itū'āiga fa'asalaga uma i le tino ma upu mālolosi,[14] o itū'āiga sāuāga ia, ma o se māfua'aga tu'usa'o o le ta'atele o sāuāga i totonu o 'āiga, ma o se māfua'aga feso'ota'i o le fa'ateleina o le lamatiaga e sau aso, e 'avea lea tamaitiiti o se tagata fa'atino sāuāga, po o se tagata e āfāina i sāuāga.

10.1.4 Lē lava feso'ota'iga a mātua ma fānau

O se uiga ta'atele o le tausiga a mātua, e la'itiiti lava feso'ota'iga a mātua ma fānau. E iai le manatu, e sili atu le iloa o mātua ma o lea, e tasi le itū e āga'i i ai feso'ota'iga, ma o lea feso'ota'iga o fa'atonuga a mātua i le tamaitiiti i gāoioiga ma āmioga, ina ia 'ausia le manuia o lo latou ātīna'e. Peita'i, na iloa e le Sā'ili'iliga o lenei itū'āiga o feso'ota'iga e iai taunu'uga lē lelei, e aofia ai i nei taunu'uga le fa'aauauina o sāuāga i totonu o 'āiga (ma isi itū'āiga sāuāga).

"O le mea aupito tāua i le tausiga a mātua o fānau o feso'ota'iga. O le taimi nei, ua tau leai ni feso'ota'iga. O tamaiti e tatau ona na'o na va'aia, 'ae lē lagonaina se leo. E fa'atonu i mea e tatau ona fai, e leai so latou leo, ma 'āfai e lē faia le mea e fa'atonu atu, ua sāuāina loa i le tino. E fa'amanu'alia ai tamaiti e lē gata i le tino a o lagona ma le māfaufau. Ona tupu a'e lea o le tamaitiiti po o le teineitiiti ma le talitonuga, o le tulaga māsani lea. E tu'ufa'asolo mai lea tupulaga i le isi tupulaga. E tatau i mātua ona feso'ota'i, talatalanoa ma fa'alogo i le mea 'olo'o taumafai le tamaitiiti e fai mai. E mana'omia le tu'u o le avanoa i tamaiti e tāutatala mai ai."

Fa'ataua Le Ola, Avanoa fa'alaua'itele e fa'aleo ai manatu

E mautū molimau na tu'uina mai i le Sā'ili'iliga e atagia mai ai o le lē lava o feso'ota'iga i le vā o mātua ma fānau, fa'aopoopo atu i ai ma sāuāga i upu, e mafai ona i'u sa'o i le pule i le ola, ma o le mea na tupu 'iā Teuila[15], ma le to'atele o isi, o le mea tonu lea na tupu. Peita'i, e fōliga mai fo'i o le lē lava o feso'ota'iga e i'u ai i le fiu, ita ma le musuā o tamaiti, ma e mafai ona teufatu i o latou loto se'ia o'o ina tagata mātutua, ma i'u i le masa'a mai i ni āmioga sāuā (e ui ina e lē aofia i tu'utu'uga o le Sā'ili'iliga, e iai fo'i le sao i le ta'atele o misa'aga i le vā o āoga.)

O le isi meamoni, e lei māsani ona fa'apea, ma e iai molimau i le Sā'ili'iliga na fa'apea mai o aso ua tuana'i, e māsani ona fa'atasitasi se 'āiga i afiafi o aso ta'itasi i le māe'a o lotu afiafi ma talatalanoa i matā'upu po o ni fa'afītāuli, ma tagofia fa'atasi ai ia matā'upu e le 'āiga, e ta'iala ai le talitonuga fa'avae o le fa'aaloalo, ma lē 'ave'esea ai le fa'aleoina o manatu o tamaiti.

"O tamaiti e tatau ona na'o na va'aia 'ae lē lagona, ma e 'a'ai mulimuli. Ou te lē iloa po o fea na oso mai ai lenei manatu sesē. O lo'u ola a'e i Savai'i fa'apea Upolu, na ou iloaina le fiafia i le ōlaga o le tamaitiiti. O mātua o o'u mātua o ni tagata fai

[14] Definition at **Info Point 6**.
[15] Refer to Case Study 3.

fāgogo ma tala mālie ma o a'u uō, o lo'u leo. Matou te 'a'ai fa'atasi, tutusa mea na 'ai. Ou te talitonu o le Fa'asāmoa moni, o le fafaga lelei ma le faiga tutusa o tamaiti. E tatau ona toe fa'afo'i tamaiti i lo latou tulaga sa iai i le ōlaga i Sāmoa".

Fialauia Toailoa Amituanai, Avanoa fa'alaua'itele e fa'aleo ai manatu

E lē gata ina sa tu'u le avanoa i tamaiti e fa'aali ai manatu i aso ua tuana'i, na tutusa le faiga ma isi tagata o le 'āiga ma o latou maua le fefa'asoaa'i i le fa'aaloalo, ma le puipuiga e mana'omia e le Fa'asāmoa, o se mea ua leiloa atu i le gāsologa o aso. O le fa'ateleina o le lē lava o le feso'ota'iga i le vā o mātua ma fānau, ua fa'aopoopoina ai le faigatā i tupulaga talavou ona līpoti sāuāga tau faigā 'āiga, ma fa'apea ai lava ona fa'aauau ia faiga. E ātili fa'afaigatā fo'i ona o le tapu o le talanoaina o matā'upu tau faigā 'āiga.

O le tala 'iā Lani[16] 'olo'o manino lelei ai le mafai ona fa'aauauina lēmū o uiga o sāuāga tau faigā 'āiga. 'Āfai e lē talanoa mātua i a latou fānau e uiga i o so'otaga lelei, e ono lē mafai fo'i e tamaiti ona iloa, o mea 'olo'o tutupu iā i latou, o sāuāga/faiga fa'atāutala. Tusa fo'i pe ua mafai ona o latou iloa, o le lē lava o feso'ota'iga ma o lātou mātua, 'ole'ā lē mafai ai ona fa'ailoa atu i ai le mea ua tupu, ma fa'aauau ai lava le māfatia ma lē gaganaina.

I'UGA 13 O LE SĀ'ILI'ILIGA: Ua lē toe talanoa mātua i fānau a ua suitūlaga sāuāga i le talanoa. O le lē lava o ia feso'ota'iga, ua fa'ateleina ai le lamatia o tamaiti mai le fa'atinoga o isi sāuāga.

10.1.5 Manatu ta'atele i itūpā o tamaiti ma le lē tutusa o le faiga o tama ma teine

O manatu ta'atele i itūpā ma le talitonuga e maualalo ifo ma e tatau ona 'au'auna ma usita'i tama'ita'i i ali'i, ua talia i le lalolagi 'ātoa, o le fa'avae lea o sāuāga uma fa'avae i itūpā, ma 'olo'o matala ai pea le fesili, po o maua lenei tulaga i Sāmoa. Na maua e le Sā'ili'iliga molimau mautū e fa'ailoa mai ai, e lē gata ina 'olo'o maua, 'ae 'olo'o 'āmata mai lava manatu ta'atele e uiga i itūpā, mai le fānau mai o se tamaitiiti, ma i'u ai ina fesoasoani ma iai le sao i sāuāga i totonu o 'āiga.

E 'ese'ese le faiga o tama ma teine i Sāmoa ma ua mautū tulaga mana'omia o o latou nafa, tiute ma uiga – o nei mea uma 'olo'o tapu'e ai manatu ta'atele i itūpā. E i'u fo'i lea i se ōlaga e pūlea e ali'i, e mafai ai ona sa'oloto fa'atinoga a ali'i e aunoa ma se fa'asalaga, ma leai ai se sao o mea e manuia ai tinā.

"'Olo'o iai se fa'atītāuli i totonu o 'āiga, ua taua'imisa tuagane ma tuafāfine, talu ai ua lē faia le tiute o mātua. Ua si'i le tasi 'ae toso le isi – e lē o pāleni le tausiga ma le a'oa'iga o fānau."

Rev. Fred Sefo, EFKS, Avanoa fa'alaua'itele e fa'aleo ai manatu

Mai lo latou fānau mai, e tu'u teine i tafatafa o o latou tinā, i o latou 'āiga, e fai fe'au i le fale, kuka mea'ai mo o latou tuagane ma nonofo lelei ai, ia mamao 'ese ma ni mea e āfāina ai. O le fa'afeagai, e sa'oloto

[16] Refer to Case Study 6.

tama e feoa'i i mea e mānana'o ai, ma la'iitiiti ai fo'i sa latou i le tali atu e uiga i o latou tiute po o a latou fa'atinoga.

Ioe, o le māfua'aga 'autū e lē maua ai e teine le sa'olotoga e feoa'i ai, o le manatu lea o tama, o ni tagata e lē mafai ona tāofiofia o latou mana'oga tau faigā 'āiga ma e lē mafai ona o latou pūlea i latou lava pe 'ā maua le avanoa e fa'atino ai ia faiga.

> "O tama, e fa'ataga e tāfafao i o latou taimi avanoa. E lē fa'apea teine. E iai le manatu, o teine e feoa'i solo e leai se tasi e va'aia, o teine na 'olo'o fa'atōsina i faiga tau faigā 'āiga."
>
> *Sui 'auai i Fa'atalanoaga i Nu'u ma Afio'aga*

O lea manatu e a'oa'oina ai tama e lē tu'ua'ia i latou i a latou fa'atinoga. E fa'atupu ai se manatu e iai pea se'ia o'o ina avea ma tagata matua, o teine, o se fa'amanuiga tatau lea mo i latou, ma e mafai ona i'u i le fa'ao'olima tau faigā 'āiga po o sāuāga fa'asaga i se pā'aga vāvālalata. E lua taunu'uga pe 'āfai e ta'u atu i tama a o lāiti e lē tu'ua'ia i latou i a latou āmioga tau faigā 'āiga, ma o le tiute o le teine o le tāofia le tutupu o faigā 'āiga. Muamua, e fa'aosofia ai lenei itū'āiga āmioga i tama (ma o'o atu ua tamāloloa), ma lonalua, ua tu'ua'ia le teine (ma tama'ita'i). O lona uiga, 'āfai e āfāina se teine po o se tama'ita'i i faiga fa'apēnei, e mafai ona lē līpotiina talu ai le manatu o le tagata ua āfāina, o ia e māfua ai, ma e leai se māfua'aga tatau e fa'aseā ai.

E iai molimau mai su'esu'ega i le itūlagi i māfua'aga e fa'atino ai e ali'i sāuāga, na iloa ai o le māfua'aga 'autū o le toso teine, o le manatu, o se aiā lea tau faigā 'āiga mo ali'i. O le 'afa o i latou na fa'atinoina le toso teine, e i lalo ifo o le 20 tausaga le mātutua,[17] ma ua fa'aali mai ai, e mafai ona ātīna'e manatu o se aiā, mai le taimi o tamaitiiti.

Na fa'amālosia Tasi[18] e nofo ma va'ai atu o tulemoe lona *uncle* i le taimi o lona fa'amasinoga o le tosoina o Tasi. O se fa'ailoga lenā o le lē tāua i le ali'i i ona mōliaga, 'ātonu e māfua mai ona na ola a'e ma le talitonuga o faigā 'āiga o se aiā lea mo ia. E iai fo'i le isi manatu ta'atele atu, e 'āmata mai lava i le fānau mai o se tama, e fa'amaualugaina ai tama i lō teine.

> "E pogai mai lava i le 'auala e tausi ma a'oa'i ai a tatou tamaiti. E lē iloagōfie, 'ae iai lava 'auala e 'ese ai le faiga o tama. E māsani lava ona fa'avi'ivi'i tinā i a latou tama tama. E 'aulelei, e āvi. O le fa'avi'ivi'i fa'apea, e i'u ai ina manatu tama e mafai ona fai mea e mānana'o i ai, fa'apea a latou āmioga e fai i teine. O le faiga lea o tama i Sāmoa, a o teine e nonofo i le fale ma fai fe'au."
>
> *Sui 'auai i Fefa'asoaa'iga i Nu'u ma Afio'aga*

E lē gata i le lagolagoina o le ātīna'ega o tomai tau faigā 'āiga, e maua fo'i e tama ta'iala ia 'ausia ai manatu māsani e uiga i lo latou itūpā, ma ua o'o atu loa i le tulaga o le lelei o le tino.

[17] UNDP, UNFPA, UN Women and UN Volunteers. (2013). "Why Do Some Men Use Violence Against Women and How Can We Prevent It? Quantitative Findings from the United Nations Multi-Country Study on Men and Violence in Asia and the Pacific." Retrieved from http://partners4prevention.org/sites/default/files/p4p-unmcr-ppt-lores.pdf. Accessed 6 May 2018.
[18] Case Study 8.

"E ola a'e tama ma le manatu o tagata, e tatau ona mālolosi, masoa, ma o a latou meatōtino a latou fafine ma latou te pūlea a latou āmio. Ua 'avea o se tauvāga i le vā o tamāloloa, ma ua laualuga i o latou māfaufau le popōlega ne'i fao e se isi tamāloa lana teine/āvā. O ia lagona e fafaga ai le loto fuā ma le lē mautonu."

Sui 'auai i Fefa'asoaa'iga i Nu'u ma Afio'aga

O le fa'amālosia o nei manatu māsani e uiga i itūpā, o le fola fo'i lea e mātua o le fa'avae mo sāuāga fa'asaga i se pā'aga vāvālalata, e pei ona fa'atino e le pā'aga a Losa[19] ma le isi to'atele. E lē gata i lea, ua fa'aali mai ai fo'i, e sosolo atu i fafo atu o le si'osi'omaga o le 'āiga, ma le vā o ali'i, pe 'āfai ua o'o i se tulaga ua lamatia ai le fao e se isi o le meatōtino a se tamāloa.

I'UGA 14 O LE SĀ'ILI'ILIGA: E a'oa'oina tamaiti mai lo latou fānau mai, i manatu māsani e uiga i nafa o itūpā, ma tapu'e ātili ai se ōlaga e pūlea e ali'i, e a'oa'oina ai teine e 'au'auna ma usita'i i ali'i, lagolagoina aiā tau faigā 'aiga a tama, ma fausia ai se si'osi'omaga o le lē fa'asalaina o tagata fa'atino sāuāga.

10.2 Nafa o itūpā

Fa'amatalaga Fa'amālamalama 11 o le Sā'ili'iliga: O le ā le *peteriaka (patriarchy)*?

O le *peteriaka* o se faiga o se sosaiete po o se mālō e 'ūmia e ali'i le mālosi ma e tele ina lē taulia tinā ma tama'ita'i.[20]

10.2.1 O se Sosaiete e Pūlea e Ali'i, e tapou e Sāuāga

E māsani lava ona fai mai e tutusa le tulaga o ali'i ma tama'ita'i i Sāmoa, peita'i, e tele molimau na tu'uina mai, na iloa ai e le Sā'ili'iliga e lē sa'o, ma 'olo'o pūlea e ali'i. O le tulaga lea 'olo'o ta'oto i le fatu o le tele o sāuāga i totonu o 'āiga, e pei ona iai sāuāga fa'asaga i se pā'aga vāvālalata, i isi atunu'u o le lalolagi.

O le maua'a o le sosaiete e pūlea e ali'i o se tulaga ua iai nei mo le tele o tausaga. 'Olo'o fa'aali manino mai lea tulaga i le līpoti o le SFSS 2017 'olo'o fa'apea mai:

- o le 90% o tama'ita'i na talitonu o se āvā lelei e usita'i i lona to'alua;
- o le 79% o tama'ita'i e le'i sāuāina 'ae 87% o tama'ita'i na sāuāina na talitonu e tatau ona fa'ailoa e lana pā'aga le tagata e pule;
- o le 97% o ali'i na talitonu e tatau ona usita'i tama'ita'i.

[19] Case Study 16.

[20] Refer to K. Bhasin. *What is Patriarchy?* (2006). Women Unlimited: New Delhi cited in Abeda Sultana. (2010-2011). "Patriarchy and Womens subordination: A Theoretical Analysis." *The Arts Faculty Journal.* Retrieved from https://pdfs.semanticscholar.org/a1a1/956fe39a514e5128ec48b29fab7f45b1848e.pdf. Accessed 30 May 2018.

Ua māe'a fa'aalia e le Sā'ili'iliga le 'atofa o nafa o itūpā mai le fānau mai o le tamaitiiti ma ua fa'ailoa manino i su'esu'ega fa'apitoa ma isi su'esu'ega le so'otaga tu'usa'o o lea tulaga ma le ta'atele o sāuāga i totonu o 'āiga.

> "E manino, o fa'atinoga a ali'i fa'asaga i tama'ita'i 'olo'o atagia ai le mālosi ma le pule e fa'avae i itūpā. O le uiga o lea tulaga, e maualalo fafine i o latou ta'ito'alua ma o le manatu, e la'iitiiti pe leai fo'i sa latou pule i matā'upu fa'ale'āiga po o o latou tino. O le fa'atinoga o sāuāga i totonu o 'āiga o se "'auala e leoleo" ai, e nonofo ai fafine i le fale ma tausi ai lo latou tulaga i le sosaiete."
>
> *Samoa Family Health and Safety Study 2000, Pepa o le Sā'ili'iliga 83*

O taunu'uga o le fa'atulagaga o itūpā ua māsani ai talu ona fānau mai, 'olo'o manino mai i molimau o su'esu'ega fa'apitoa. Mai ia Talia na fā'ata i ai le fana ona o le alu i le lotu ma 'ave lana fānau, 'iā Losa na fasi e lana pā'aga i so'o se taimi e tau aliali a'e ai lona tūto'atasi. E lamatia se sosaiete e pūlea e ali'i i le tūto'atasi o tama'ita'i. E lē se mea fou lā le fai e ali'i o fa'atinoga e pei ona iai i le tala 'iā Talia po o Losa, 'auā ua lamatia lo latou mālosi ma le pule.

10.2.2 Manatu i le Mālosi o le Tāne

E saga fa'amālosia le tulaga maualuga o ali'i e manatu ta'atele e uiga i se "ali'i Sāmoa" ma manatu i uiga o tama tāne.

> "O manatu ta'atele i aso nei i uiga e mō'omia i tama tāne, 'olo'o fa'alia i ata i luga o mitiafu o se ali'i māsomasoa e tā tatau ma mamanu i tino, ma fōliga fa'amisa. E feso'ota'i uiga fa'atama tāne ma le tomai i faigā 'āiga, le āvi ma le tele o teine e totō ai."
>
> *Ramona Boodoosingh, PHD on Violence Against Women in Samoa, Pepa o le Sā'ili'iliga 82*

E lagolagoina i vaega uma o le atunu'u lenei manatu i uiga o tama tāne, mai le 'āiga e o'o atu i fa'alauiloa i le televise, o fa'atōsina a isi o le tupulaga talavou. E iai tagata na fa'apea mai i le Sā'ili'iliga, o ata tīfaga ma mūsika mai fafo, o le māfua'aga lea o sāuāga tau faigā 'āiga i Sāmoa. Pe iai se sao itiiti pe leai fo'i i le fa'ateteleina o ia sāuāga, e latalata mai i o tatou 'āiga le māfua'aga 'autū, e ala i le lagolagoina e mātua o nei manatu i uiga mō'omia o tama tāne, ma le tapu'eina pea o lenei ata i le gāsologa o le ōlaga o se tagata.

O le fa'afītāuli o le manatu i uiga mō'omia i tama tane, e maua ai se sosaiete e tu'ua'ia le tagata ua āfāina, ma fa'asaga sesē ai le va'ai mai māfua'aga fa'apogai, ma o'o atu ai i le fa'aauauina ma le mālosi ātili o le si'osi'omaga o sāuāga.

> "O manatu i uiga fa'atama tāne, ua taumafai ai e 'ave'esea le tu'ua'iga o āmio a ali'i, 'ae ūna'i le sesē i tama'ita'i."
>
> *Ramona Boodoosingh, PHD on Violence Against Women in Samoa, Pepa o le Sā'ili'iliga 82*

O le mālosi o le pule i se sosaiete e pūlea e ali'i ma le "uiga o le 'avea o se tama tāne", e mafai ona o'o atu i le tulaga e fa'aaogā ai e ali'i sāuāga i le tino, māfaufau ma upu, e pūlea ai o latou ta'ito'alua, pā'aga, fānau ma 'āiga. E mafai fo'i ona maua ai se si'osi'omaga o le tōsina e le augā tupulaga o se ali'i e fa'aali lana pule i nei tagata. 'Āfai e lē faia, o se fa'ailoga lea o le vāivai ma e to'atele i tatou ua fa'alogo i se tasi o fesili, "o oe o se tama tāne mo'i?", i se tulaga ua manatu ai se tasi e lē o pūlea 'āto'atoa e se ali'i lana pā'aga, pe lē oso fo'i i lugā pe 'āfai e fōliga mai ua lē amana'ia.

10.2.3 Fuā

E tele taimi na fa'apea mai ai o le fuā o se u'una'i lea o fa'atinoga o sāuāga i totonu o 'āiga ma na manino i le Sā'ili'iliga le lautele ma le mata'utia o le fuā i Sāmoa. Ua atagia mai ai le mālosi o manatu o tagata 'olo'o tau'ave e ali'i (e māsani lava o manatu o isi ali'i), e tatau ona o latou pūlea a latou pā'aga. O le va'aia o talanoa se fafine i se isi tamāloa, o le manatu māsani, ua lē mafai e lea tamāloa ona pūlea lona to'alua. O le fuā lā le tali e puipuia ai le o'o atu i sea tulaga. Peita'i, o le fuā o se u'una'i o fa'atinoga o sāuāga ma o se mea e tupu mai i se sosaiete e pulea e ali'i.

> "O se taunu'uga o nei manatu o tagata, e mafai ona lagona e ali'i e tatau ona fa'ailoa lana pule i so'o se taimi e tula'i mai ai se fe'ese'esea'iga. 'Āfai e lē maua le maliega a lana pā'aga i se talanoaga, e mafai ona lagona e se ali'i, ua tatau ona fa'atino sāuāga, ona o le manatu e faitioina ia e tagata pe 'āfai e fōliga mai ua pule ai le fafine."
>
> *Samoa Family Health & Safety Study 2000, Pepa o le Sā'ili'iliga 83*

10.2.4 Sāuāga o se suitulaga o feso'ota'iga

O lea lā, e lē gata ina 'avea sāuāga o se la'asaga fa'ai'u o taumafaiga e fō'ia se matā'upu e ala i feso'ota'iga, e i'u lava ina suitulaga sāuāga i feso'ota'iga, ma ua leai 'ātoa ni feso'ota'iga. Talu ai e to'atele tamaiti e ola a'e i se si'osi'omaga o le va'aia 'ae lē lagona se leo, e lē tele lā ni tomai tau feso'ota'iga ma e vave fo'i la ona o'o atu i la'asaga o sāuāga. Mo isi, e mafai ona leai lava ni feso'ota'iga, 'ae o'o sa'o i le la'asaga o sāuāga.

> "E lē gata o le māfua'aga 'autu o sāuāga o le mālosi, o le tele o taimi ua 'avea o se suitulaga o feso'ota'iga aogā lelei. E mafai ona 'avea sāuāga o se māsani, ma i'u ina suitulaga i so'o se taumafaiga e fō'ia fa'afītāuli i 'auala to'afīlēmū".
>
> *Samoa Family Health & Safety Study 2000, Pepa o le Sā'ili'iliga 83*

10.2.5 Aiā tau faigā 'āiga

E lē na'o le lē lelei o tomai i feso'ota'iga e fa'aauau mai le tamaitiiti e o'o ina tagata matua ma i'u i sāuāga i totonu o 'āiga. O le manatu o le nātura o ali'i o tagata e iai mana'oga tau faigā 'āiga e lē fa'amalieina, e ātīna'e mai lava i le lāiti, i le ta'u atu i teineiti e 'aua le fa'aosoosoina tamāloloa ma tama. E o'o atu ai lava ina talitonu ali'i ma tama'ita'i o se tulaga moni lea. E leai.

"E tutupu lava sāuāga ona o lavalava. Lavalava o tamaiti ua fai i nei aso. Ua lē iloa e tamaiti lavalava talafeagai. E lē tatau ona ofuvae vae pupu'u ni teine i luma o o latou tuagane. O le māfua'āga lenā e tutupu ai sāuāga tau faigā 'āiga".

Matai, Avanoa Fa'alaua'itele e fa'aleo ai manatu

E leai se sa'o o lenei fa'amatalaga i so'o se tulaga. Muamua, se'i o tatou manatu ane, e le'i māsani ona ufiufi uma tino o tama'ita'i Sāmoa pe 'ā feoa'i i aso ua mavae, peita'i, e le'i maua ai ni itū'āiga sāuāga tau faigā 'āiga e pei o le fa'afītāuli ua iai i aso nei. O lonalua, e lē o'o tama'ita'i i se tulaga ua lē mafai ai ona pūlea o latou mana'oga tau faigā 'āiga pe 'ā va'ai i se ali'i o feālua'i ane i le 'auala e leai se ofutino ma ō atu ai fa'amālosi ni fa'atinoga tau faigā 'āiga i lea lava taimi. 'Āfai o le fīnauga o le 'ese o mana'oga tau faigā 'āiga o ali'i mai mana'oga o tama'ita'i, 'aiseā lā e lē fa'apea uma ai ali'i? E to'atele ali'i 'olo'o mafai ona pūlea o latou mana'oga, peita'i, e iai ali'i ua lē mafai. E leai se molimau e tasi e fa'apea mai, o ali'i o tagata e lē mafai ona pūlea o latou mana'oga tau faigā 'āiga, 'ae tele molimau, e mafai ona pūlea.

10.2.6 Tu'ua'ia o le tagata āfāina

O le fa'amatalaga 'olo'o i luga, na tele ina fa'alogoina i le Sā'ili'iliga, o se fa'ata'ita'iga maoa'e lea o le "tu'ua'ia o le tagata āfāina", ma o i latou 'olo'o 'auai i lea manatu, o i latou ia 'olo'o tele lo latou sao i le fa'aauauina ma le fa'atupula'ia o sāuāga tau faigā 'āiga, e ala i le tu'usaunoa o le tagata fa'atino sāuāga e leai se fa'asalaga, ma tu'uavanoa ai i ia tagata e fa'aauau ia fa'atinoga. Ma e lē na'o sāuāga tau faigā 'āiga fo'i 'olo'o tupu ai.

Fa'amatalaga Fa'amālamalama 12 o le Sā'ili'iliga: O le ā le tu'ua'ia o le tagata āfāina?

Pe 'āfai ua tu'ua'ia le tagata āfāina i se solitulafono po o se fa'atinoga solitulafono, o ia e sesē, pe iai sona sao i le āfāina ua o'o i ai. O fa'ata'ita'iga, e mafai ona aofia ai mea nei:[21]

- "Ia, 'āfai e fa'apēnā ona ofu e ofu, o le mea lava lenā e o'o i ai."
- "Sa 'ōnā; e lē mafai ona sa'o mea nā na te manatuaina."
- "Na fa'atōsina i ai, o le ā la le mea na manatu e tupu?"
- "Ou te iloa o ia o se ali'i lelei ma e LĒ TĀITAI ona ia faia se mea fa'apēnā."

O le tu'ua'i o le tagata āfāina o se uiga lea o itū'āiga sāuāga uma, ma o le ta'atele, ua talia ai lava e tagata. O le to'atele o tagata e talitonu e iai māfua'aga e lagolagoina ai sāuāga fa'asaga i se pā'āga vāvālalata po o le fa'atonu i le sasa po o upu, po o sāuāga fa'atino i tamaiti .[22] Peita'i o nei mea uma, ua na'o ni isi

[21] The SAVA Center. "It's On Us." Retrieved from http://itsonusfortcollins.org/wp-content/uploads/2017/02/What-is-Victim-Blaming.pdf. Accessed 30 May 2018.

[22] See Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws; SPC and UNFPA. (2006). *Samoa Family Health and Safety Study 2000*. Document 83 in Inquiry anthology, accessible at www.ombudsman.gov.ws; and Samoa Office of the Ombudsman/ NHRI. (2015). *State of Human Rights Report 2015: For Samoa by Samoa*. Apia: Government Printers.

fa'ata'ita'iga o le tu'ua'ia o le tagata āfāina. Ua māe'a ona fa'aalia i su'esu'ega fa'apitoa le manatu o Sisilia[23] e 4 tausaga le matua, o ia e tu'ua'ia i faiga fa'atāutala na fa'atino 'iā te ia e lona tauusoga, po o Malo,[24] e māsani ona fasi lona to'alua tusa lava pe leai se mea sesē 'ae fai lava i ai, o ia lava le māfua'aga o le fasi.

'Aiseā e fa'apea ai tagata fa'aaloalogia e pei o le matai ua tā'ua i luga, ma isi tagata o le atunu'u, le iai o nei manatu matuā fa'amanu'a tagata, ma tu'ua'ia pea tagata āfāina i sāuāga latou te feagai? O se lē mālamalama 'ea i māfua'aga moni? O le tali, e leai. E lua ni māfua'aga e leai ai:

1. Ia fa'amautū le mālosi ma fa'amālosia ātili le sosaiete e pūlea e ali'i; po o
2. O se auala e talia ai ma teufatu le fīnauga o se 'auala e puipuia ai mai le toe o'o atu i ai o ni isi sāuāga.

O nei mea uma e lua e tutupu i le la'asaga o tagata ta'ito'atasi ma le atunu'u 'ātoa. 'Ātonu e lē o puipuia e se tamāloa lona mālosi i le fa'amāasiasiina o lona to'alua, peita'i, ua tu'uina atu i ai e tagata lautele le mālosi ma le tulaga e maualuga atu nai lona to'alua. E fa'apēnā fo'i i se tama'ita'i. 'Ātonu e lē o taumafai e puipui ia e ala i le teufatu i lona loto i lō le tali atu i uiga fa'amāasiasi, a o se mea ua tu'ufa'asolo mai i augā tupulaga ma ua 'avea o se vaega o lona talitonuga. O le fa'amatalaga ua tu'uina atu i lalo, o se fa'ata'ita'iga o itū'āiga māfaufauga e fanafānau ai pea le tu'ua'ia o tagata āfāina.

> "Talu ai le talitonuga o le nātura o ali'i e iai o latou mana'oga tau faigā 'āiga e lē mafai ona pūlea, e tu'ua'ia fafine pe 'āfai e fai se isi teine a lona to'alua. E tatau ona ia fa'amalieina lona to'alua, ma 'āfai lā e alu lona to'alua e fa'atino ni faigā 'āiga ma se isi, o lona uiga ua lē mafai ona fa'atino e le to'alua lona tiute e fa'amalie le tamāloa."
>
> *Ramona Boodoosingh, PHD on Violence Against Women in Samoa, Pepa o le Sā'ili'iliga 82*

E silia i le 70% o tama'ita'i na 'auai i le SFSS 2017 na talitonu e lē tatau i se fafine ona tē'ena faigā 'āiga ma lona to'alua ma o le 30-36% o ali'i na talitonu e tatau ona fa'atino faigā 'āiga e le to'alua tusa pe lē mana'o i ai. Ua matuā maua'a i Sāmoa le aiā tau faigā 'āiga a ali'i, ua teufatu i loto o tama'ita'i fa'apea fo'i ali'i. O lea tulaga e i'u atu i le matā'upu mata'utia na fa'amatala ma le fa'anoanoa loloto i le Sā'ili'iliga e Dr. Malama Tafunai, na ia va'aia se teineitiiti ma'itaga e 13 tausaga na toso e lona tamā i le fa'atonuga a lona tinā, ina ua manatu le tinā ua lē mafai ona ia fa'atinoina ona tiute i lona to'alua. O tulaga fa'apenei e iloa ai taunu'uga o le manatu mata'utia e uiga i aiā tau faigā 'āiga o ali'i, i se sosaiete e pūlea e ali'i, e lagolagoina ai sāuāga tau faigā 'āiga.

10.2.7 Teufatuina o māfua'aga

O fefa'asoaa'iga o le Sā'ili'iliga na iloa ai o le matuā to'atele o tagata e manatu o sāuāga i totonu o 'āiga o se matā'upu e tatau ona 'ave i ai le fa'amuamua. Peita'i, o isi fuainumera fa'amauina 'olo'o fa'aali mai ai 'olo'o talia sāuāga ma e tele ina iai le manatu, e talafeagai. E to'atele atu tama'ita'i i lō ali'i e manatu e

[23] Case Study 7.
[24] Case Study 17.

talafeagai sāuāga, e ui ina e to'atele atu tama'ita'i e fa'atino i ai sāuāga i lō tama'ita'i e fa'atinoina sāuāga. 'Āiseā ua fa'apea ai?

Fa'amatalaga Fa'amālamalama 13 o le Sā'ili'iliga: E fa'apēfea ma 'aiseā e teufatu ai e tagata a'afia ma vaega o tagata manatu e lagolago ai sāuāga?.

E mafai ona tupu i le la'asaga o tagata ta'ito'atasi ma le la'asaga o le atunu'u lautele le teufatuina o manatu e lagolago ai sāuāga. O le la'asaga o tagata ta'ito'atasi, 'āfai ua iai se tama'ita'i i se so'otaga e sāuāina ai, mo lona ia lava manuia, e tatau ona mālamalama i māfua'aga o āmioga fa'atāutala a lana pā'aga, se'ia o'o ina ona mātauina taimi 'ole'ā tutupu ai sāuāga, ona mafai lea ona 'alo'ese ai (e lē mafai ona 'alofia i taimi uma, 'auā e tele taimi e tutupu ai sāuāga, e lē feso'ota'i ma ni fa'atinoga a le tagata a'afia). E o'o loa i le la'asaga ua mālamalama, ua teufatu loa i lona māfaufau, ina ia maua lona avanoa aupito sili e sao ai. O le gāsologa o aso, ua 'avea lea o se vaega māsani o lona tagata ma i'u ai ina fa'apea ane, e 'auai i māfua'aga a lona to'alua, ma galo nimo ai na iai le taimi na 'ese ai ona manatu. Ua 'āto'atoa nei le fa'agāsologa o le teufatuina.

Se'i manatu lā i se tulaga e mafai ona o'o i ai se tama'ita'i e ono āfāina i sāuāga ma ua teufatu i lona māfaufau māfua'aga e lagolago ai sāuāga. Ua fānau sana tama teine ma a'oa'o e lea tama'ita'i ina ia mafai ona tali so'o se mea e fetaia'i ma ia i lona ōlaga. Na te a'oa'o i ai ona talitonuga fou o māfua'aga e lagolago ai sāuāga. O le maua o tulaga fa'apea i ni 'āiga e tele i Sāmoa, o le 'āto'atoa fo'i lenā o le teufatuina o māfua'aga e lagolago ai sāuāga i le atunu'u.

"O le talitonu o tama'ita'i o sāuāga o se vaega māsani o so'otaga, ua lē 'avea ai o se māsani le ta'usalaina o ali'i fa'atino sāuāga i a lātou fa'atinoga."

Family Health & Safety Study 2000, Pepa o le Sā'ili'iliga 83

O le tulaga lea ua o'o nei i ai Sāmoa. O le to'atele o tagata ua iloa o sāuāga i totonu o 'āiga, o se fa'afītāuli tele. E faigatā ona lē iloa pe 'āfai o lea ua tatui tagata i naifi i le 'auala tele i le ao teatea.[25] Peita'i, e tele ni vaega o le atunu'u 'olo'o manuia i le itū'āiga o sosaiete e pūlea e ali'i (ma lagolagoina sāuāga e puipui ai le fa'atulagaga o itūpā), po ua teufatu i māfaufau nei māfua'aga, o se 'auala e puipuia ai i latou mai ni isi āfāina. Ua o'o i se tulaga e fa'ato'ā mafai ona fa'atino ni suiga aogā lelei, ina ua mālamalama vaega ia e lua, o māfua'aga 'olo'o o latou lagolagoina ai sāuāga o ni manatu sesē na 'āmata tula'i mai e fa'amālosi le fa'atulagaga o itūpā, po ua i'u ai lava i le fa'amālosia o le fa'atulagaga o itūpā.

[25] See "Stabbing horror in Apia." *Samoa Observer.* (18 January 2018). Document 113 Inquiry anthology, accessible at www.ombudsman.gov.ws.

10.2.8 Gagana

O le fa'atūlagaga o ali'i ma tama'ita'i, 'olo'o fa'afaigōfie ai le si'osi'omaga o pūlega e mapuna a'e ai sāuāga, ua saga fa'aopoopoina ātili le mālosi e ala i le gagana 'olo'o fa'aaogāina.

> "O le itū'āiga gagana 'olo'o fa'aaogāina i tama'ita'i ma o latou tulaga i le 'āiga, e fafaga ai manatu ma uiga e āfāina ai tama'ita'i. Mo se fa'ata'ita'iga, o le fa'aaogāina i le fa'a'upuga "itūpā vāivai" e fa'amatala ai tama'ita'i, ma le "itūpā mālosi" i ali'i."
>
> *Samoa Law Reform Commission, CEDAW Legislative Compliance Review, Pepa o le Sā'ili'iliga 89*

E tāua le gagana, e pei ona ua māua e le Sāili'iliga i a'afiaga o tamaiti fa'apea tagata mātutua o 'āiga ona o le sāuāina i upu. O le ta'u pea o le itūpā vāivai, o se 'auala lea e fa'amālosia ai le faatūlagaga o itūpā ma o le fatu lea o sāuāga i totonu o 'āiga.

O se aotelega, talu ai le 'auala e a'oa'o ai tamaiti i lo latou tutupu a'e, le fa'atūlagaga o itūpā o se sosaiete e pūlea e ali'i, ma manatu e uiga i tama tāne, e lē ma'alofia lā le tula'i mai o uiga mātagā o sāuāga i totonu o 'āiga ma fafo atu. E to'atele tagata fa'atino sāuāga na tula'i mai i le Sāili'iliga na fa'aali mai, i le ta'ele o o latou manatu, na o latou iloa e sesē la latou mea na fai, peita'i, e le'i mafai ona fai se gāoioiga e fa'asa'o ai pe tali atu i taunu'uga o a latou faa'tinoga. E iai fo'i isi na manatu e na'o le pau lea o le 'auala e tali ai fa'afītāuli.

> "Na ou taumafai e 'avea a'u o se tamāloa lelei. Peita'i, e leai se isi na ta'u maia 'iā te a'u po o ā fōliga o se tamāloa āmio lelei, mea a se tamāloa lelei e fai. E māfua mai lea ona o tamāloloa uma ua ou iloa i lo'u ōlaga, o ni tagata fa'atino sāuāga, pau lenā o le mea na ou iloa."
>
> *Sui 'auai i fa'atalanoaga fa'alaua'itele*

E ui ina faigatā ona momotu lenei ta'amilosaga o sāuāga mai lea tupulaga, soso'o mai ma lea tupulaga, e lē fa'apea e lē mafai, ma e lē tu'usaunoa ai fo'i le fa'atino sāuāga mai se fa'asalaga ona o ana fa'atinoga. O lea fo'i lā ua taumafai ai lenei līpoti e 'avea o le 'āmataga o suiga e le'i tutupu muamua, mo i latou 'olo'o iloa e sesē la latou mea 'olo'o fai, 'ae leai se fa'atinoga e tāofia ai, ma i latou na'o le tutū ma mātamata. E leai se fesiligia o le mata'utia ma le lautele o a'afiaga o sāuāga i totonu o 'āiga i Sāmoa, ma o le taimi lenei ua tatau ai ona talia e tagata ta'ito'atasi uma, o le ōlaga e tutupu a'e ai tamaiti, 'aemaise lava nafa o itūpā, o mea ia 'olo'o fa'avae ai sāuāga i totonu o 'āiga (ma itū'āiga sāuāga uma). Ona fa'ato'ā mafai lea ona fai ni suiga.

O le fausia ma le fa'atūmauina o se sosaiete e pūlea e ali'i 'olo'o lalago ai le ta'atele o sāuāga i totonu o 'āiga, e tele itū e tutupu ai, ma 'ole'ā fa'apea ona iloilo 'ātili i le gāsologa o matā'upu o le Līpoti 'olo'o mulimuli mai.

I'UGA 15 O LE SĀ'ILI'ILIGA: O Sāmoa o se sosaiete e pūlea e ali'i, e maualalo ifo ai le tulaga o tama'ita'i i le tulaga o ali'ii. O le lē tutusa o tutusa o tulaga o itūpā, o le māfua'aga 'autū lea o sāuāga i totonu o 'āiga i Sāmoa, ma le meafaigaluega 'autū o le fa'atūmauina o le maualuga atu o ali'i

I'UGA 16 O LE SĀ'ILI'ILIGA: O le sosaiete e pūlea e ali'i 'olo'o fa'amālosia ma fa'atūmauina e ala i:

- Le manatu ta'atele i Sāmoa i uiga o tama tāne;
- Aiā tau faigā 'āiga a ali'i;
- Le lē lava o feso'ota'iga i totonu o so'otaga;
- Le tu'ua'ia o le tagata āfāina ma le ta'atele o le teufatuina o māfua'aga fa'atū mai e lagolago ai le fa'atinoga o sāuāga i totonu o 'āiga.

10.3 O le Fa'asāmoa ma Manatu Māsani o Tagata

"O la'u fesili, o gāfea o le Fa'asāmoa o fai mai ai, 'āfai e lē faia e le fafine le mea e mana'o ai le tamāloa, e mafai e le tamāloa ona fasi pe lafo i ai upu mamafa? O fea o la tatou aganu'u o fai mai ai e fa'apea?"

Luagalau Foisagaasina Eteuati-Shon, Matai, Faufautua, Na CEO MWCSD, Avanoa fa'alaua'itele e fa'aleo ai manatu

Mo le to'atele o tagata, na mana'omia se tali o le fesili po o sāuāga o se vaega o le Fa'asāmoa, ma pe mafai fo'i ona aogā ni taumafaiga e fa'afetaia'i ai. E iai tagata na manatu o sāuāga o se vaega lē matō'esea o le ōlaga o Sāmoa, o se uiga e lē mafai ona tafi'esea, ma o se uiga 'olo'o lagolago e le Fa'asāmoa. O lenei manatu o se manatu sesē ma 'olo'o fesoasoani e tapu'e ātili le si'osi'omaga o le lē fa'asalaina o tagata fa'atino sāuāga, 'auā e pei ona iai i manatu i uiga o tama tāne, e tu'usaunoa ai le tagata fa'atino sāuāga e lē ta'usalaina. E lē gata i lea, po o sāuāga o se vaega o le Fa'asāmoa, so'o se aganu'u lava, e mafai ona fetu'utu'una'i ma maua ai suiga e talafeagai ma suiga i si'osi'omaga.

E pei o Luagalau, o le to'atele o molimau i le Sā'ili'iliga na tete'e mālosi i le manatu fai mai e talia e le Fa'asāmoa so'o se itū'āiga sāuāga i totonu o 'āiga. I mānatunatuga, e sa'o lelei – e leai se vaega o le Fa'asāmoa o patino ai le fai mai e tatau ona fa'aaogā sāuāga, po o totonu po o fafo atu o le li'o o le 'āiga. Peita'i, na fa'amautinoa e le Sā'ili'iliga, 'olo'o iai le sao o le Fa'asāmoa ma isi manatu ma faiga māsani, i le fa'aauauina pea o sāuāga i totonu o 'āiga.

10.3.1 O ā ‘auala ‘olo’o fa’aaogā (sesē) ai le Fa’asāmoa e fa’amālosi ai le pule a tamā ma fa’aauau ai sāuāga i totonu o āiga?

‘Olo’o iai le sao o le Fa’asāmoa i le fa’avae o pūlega a tamā, ‘olo’o lalago ai sāuāga i totonu o ‘āiga i Sāmoa, ‘olo’o tele ina fa’amaualalo ai le tulaga o tama’ita’i, ma fausia ai le si’osi’omaga e lauolaola ai sāuāga i totonu o ‘āiga.

> “O le aganu’u a Sāmoa e mafuli i le manatu i ali’i, ma ‘olo’o maualalo ifo pea le tulaga o tama’ita’i. O se fa’atasiga tāua fa’aleaganu’u, [...] e lē se mea fou pe fa’ate’ia ai se tasi le tautua mai i tua o se tama’ita’i e maualuga le tulaga. E pei ona iai i tamaiti,[…] e fa’apēnā fo’i tama’ita’i i le aganu’u Sāmoa – e va’aia, ‘ae lē lagona se leo.”
>
> *Mercy Maliko, ‘Theology Response to domestic violence in Samoa’, Pepa o le Sā’ili’iliga 39*

O manatu e uiga i nafa o itūpā ma le gagana, e fa’amālosia ai pea lenei fa’atūlagaga ma fa’amautū ai pea manatu i uiga o tama tāne.

> “O upu e pei o le “pule” e tapu’e ātili ai nei āmioga ma uiga. O le fa’aaogāina o le upu pule, e tu’u ai tama’ita’i i le vasega o ni tagatānu’u e lonalua le maualuga. E o’o fo’i lava i tama’ita’i e tele ina o latou fa’aaogāina lea upu ma ifo atu ai i le manatu o le pule. O lona lalolagi, o le fa’aaloalo lea i le tamāloa, peita’i, e mafai e lea fa’aaloalo ona fafagaina sāuāga.”
>
> *Rev. Fa’auuga Pula, Avanoa fa’alaua’itele e fa’aleo ai manatu*

O le nafa o le Fa’asāmoa i le fa’amālosia o le sosaiete e pūlea e ali’i, ua iai lona sao i le tulaga e pei ona ua fa’amatalaina i le Līpoti, ua va’aia ai sāuāga o se mea mana’omia e fa’atūmau ai le pule i ia so’otaga. E ui ina e lē o matuā fa’apea mai le Fa’asāmoa e lagolagoina sāuāga i se tulaga patino, o lea ua fa’aaogā nei le Fa’asāmoa e tu’ua’i i ai le fasiga e tamāloloa o a latou āvā[26] ma fānau. E faigōfie lā ona mālamalama i le se’e mai o manatu o le atunu’u i lenei tulaga – muamua, ua fa’auigaina e lagolago e le Fa’asāmoa le fa’atūlagaga o itūpā ma e mana’omia le fa’aaogā o sāuāga e puipui ai lea fa’atūlagaga. E ‘āmata loa ona fa’atino sāuāga, ua fa’apea ai ona fa’asolo āga’i i luma le mamafa, ma ‘avea ai lava o se tulaga fou ua talia.

> “Se’i vaganā ua o’o le faiga o se fafine i se ‘āiga i sāuāga mamafa e pei o le […] sasaina i le lau o se sapelu, o lo’u manatu o sāuāga nā.”
>
> *Matai, Sui ‘auai i le Sā’ili’iliga, Pepa o le Sā’ili’iliga 82*

‘Afai ua o’o le atunu’u i se tulaga ua fa’apea mai ai ni matai, se’iloga e sasa i le lau o se sapelu fa’ato’ā fa’apea lea ua sāuāina, ua tatau lā ona taga’i toto’a po o fa’aaogā le Fa’asāmoa i lona agaga moni, po ua fa’aaogā sesē e fa’atūmau ai le pule.

[26] See Philip Alston. (1985). “The Shortcomings of a ‘Garfield the Cat’ Approach to the Right to Development.” *California Western International Law Journal*, 15(3).

O le fa'atūlagaga o itūpā (e o'o ai ina lē tutusa tulaga i so'otaga, ma i'u atu ai i sāuāga i totonu o 'āiga) e fa'ateteleina i le taimi e nofo ai se fafine i le 'āiga o lona to'alua, e pei ona o'o i ai Lote,[27] Pandora,[28] Lusia[29] ma le afe ma afe o i latou fa'apea i le lautele o Sāmoa.

> "E ma'ale'ale le tulaga o nofotane ona o le tulaga ua tu'u i ai e tagata, ma le pule i ai o lona to'alua ma o latou 'āiga."
>
> *Mercy Maliko, 'Theology Response to domestic violence in Samoa', Pepa o le Sā'ili'iliga 39*

O le tulaga ua manino mai i le gāsologa o le Līpoti, 'āfai e tu'u le mālosi po o le pule i lima o se tagata se to'atasi po o se vaega o tagata, e aunoa ma se va'ava'aiga po o ni 'auala e tali atu ai, o se tulaga lea e fanafānau ai sāuāga i totonu o 'āiga. E **lē** fa'apea o se tulaga lē ma'alofia, 'auā e tele so'otaga e lē tutupu ai ni sāuāga. Peita'i, o le lē tutusa o tulaga i se so'otaga, e maua ai le avanoa e olaola ai sāuāga.

E fōliga mai e moni lea tulaga i totonu o le 'āiga i si'osi'omaga e pei ona fa'amatalaina i le **Vaega III** ma e aofia ai sāuāga fa'atino i se pā'aga vāvālalata. E fa'ateleina le mālosi po o le pule a se pā'aga fa'atāutala i le nofotane 'auā 'olo'o iai le lagolago a lona 'āiga 'ātoa, e pei ona manino mai i le tulaga na o'o i ai Lusia. Na'o le tutū ma mātamata le 'āiga o lona to'alua 'ae fasi e lona to'alua, e o'o lava i le taimi o ma'itaga. Mo le to'atele i Sāmoa, o le 'āiga o le to'alua o isi ia fa'atino sāuāga, e pei o Pandora na fasi ma lafo i ai upu mālolosi e tagata uma o le 'āiga.

O lea lā e manino ai, 'olo'o fa'aaogā le Fa'asāmoa e fa'amālosia ai le fa'atulagaga o itūpā ma lē tutusa ai le āmana'ia, ma i'u atu ai i le fa'aauauina ma le fa'atupula'ia o sāuāga i totonu o 'āiga.

> "O le tūla'i mai o lenei lē pāleni i tūlaga, ua soli ai le talitonuga fa'avae o le vā tapuia. O le lē pāleni o tulaga e lamatia ai tama'ita'i mai sāuāga o le tino ma isi itū'āiga sāuāga."
>
> *Samoan people's understanding of primary prevention of violence against women', Pepa o le Sā'ili'iliga 91*

Ua maua e le Sā'ili'iliga e lē na'o tama'ita'i e lamatia i sāuāga o le tino ma isi sāuāga i se so'otaga e lē tutusa, a o so'o se tagata e i totonu o se so'otaga fa'apea, ma ua lamatia ai se vaega o le fa'avae o le Fa'asāmoa, le talitonuga lea o le vā tapuia.

I'UGA 17 O LE SĀ'ILI'ILIGA: E lautele le fa'aaogāina ma le fa'aaogāina sesē o le Fa'asāmoa e fa'amālosia ai le sosaiete e pūlea e ali'i, o le mea e i le fatu o sāuāga uma i totonu o 'āiga.

[27] Case Study 18.
[28] Case Study 19.
[29] Case Study 20.

10.3.2 Ua masofa le vā tapuia

> "O fa'atinoga 'autū o le tāofiga o sāuāga fa'asaga i tama'ita'i ma teine, e tele lava ina taga'i i ai mai le si'osi'omaga o le Fa'asāmoa. O nai manatu (e pei o le vā tapuia) na mamanu ina ia saogalēmū tama'ita'i ma teine mai sāuāga. A o mālamalama i ai ma tausisia e tagata, na fa'apea lava ona iai. Peita'i, ina ua fa'auiga sesē, lē amana'iaina ma soli, na fa'apea loa ona fa'aitiitia po ua lamatia le saogalēmū o tama'ita'i ma teine."
>
> *Samoan people's understanding of primary prevention of violence against women', Pepa o le Sā'ili'iliga 91*

Ua iloa e le Sā'ili'iliga ua soli le vā tapuia ina ua lē tutusa le tulaga o le tamāloa ma lana āvā i se so'otaga, ma tele ina i'u atu ai i sāuāga. O se tasi o vaega tāua o le vā tapuia, o le vā lea o le tuagane ma le tuafafine, ua maua mai ai se isi va'aiga i itū ua fa'aaogā sesē, po ua lē tausisia ai le Fa'asāmoa, ma o'o atu ai i le fa'ateleina o le lamatiaga mai sāuāga i totonu o 'āiga.

O le feagaiga i le vā o le tuagane ma le tuafafine ma o le tuafafine, o le 'ī'oimata o le tuagane, o se talitonuga fa'avae e 'ogātotonu i le Fa'asāmoa, e ui ina e lautele atu fo'i i isi ali'i ma tama'ita'i e lē 'āiga. O lenei talitonuga fa'avae e fausia ai se tiute e lē maluelue o tuagane, e fa'amautinoa le saogalēmū o o latou tuafāfine ma e iloa ai, e lē talia mai se va'aiga fa'aleaganu'u ni sāuāga fa'asaga i tama'ita'i. O le mālosi o lea feagaiga e tāofia ai se tagata i le tala, "pei oe e leai sou tuafafine." E leai se tagata e mālamalama lelei i le Fa'asāmoa, e fa'aauau pea ana āmioga pe 'ā fai atu i ai lea tala. E leai se fa'ata'ita'iga manino atu o le 'auala o le puipuiga i le Fa'asāmoa mai sāuāga i totonu o 'āiga ma o se tali e tē'ena ai le fīnauga e fa'ataga e le aganu'u a Sāmoa sāuāga.

> "E tatau fo'i ona o tatou manatua, e lē na'o tamāloloa e sāuā i totonu o 'āiga. E tatau fo'i ona taga'i i le tinā ma tuafāfine o le to'alua. E oso mai ai le manatu, pe iai se taimi e tau ane ai i le māfaufau o le tinā o le to'alua, o le fafine 'olo'o ia fasia, o le tama a se isi tinā e alofa i lana tama O le tuafafine o se isi ali'i. O le tagata e pele i se isi 'āiga. Pe 'o'o ane i ai se māfaufau o nei tagata? O le vā tapuia. Tuagane ma tuafāfine, faiā'oga, isi tagata o le nu'u, so'o se tasi e 'āiga i ai. Ua lē toe amana'ia pe iloa o iai se vā tapuia, ma o le māfua'aga lenā o fa'afītāuli i totonu o 'āiga i aso nei."
>
> *Luagalau Foisagaasina Eteuati-Shon, Matai, Counsellor, Former CEO MWCSD, Avanoa fa'alaua'itele e fa'aleo ai manatu*

Peita'i, mai i su'esu'ega fa'apitoa o le Sā'ili'iliga ma fa'amaumauga o le ta'atele, e aliali mai ua lē toe amana'ia le feagaiga ma isi vā tapuia e pei ona sa iai muamua, ma o lea ua lē toe mautū ai le puipuiga sa maua mai ai. O se su'esu'ega o tagata Sāmoa i Niu Sila na iloa ai se feso'ota'iga o lenei fāi atu ma le taunu'u mai o misionare i Sāmoa.

> "O le fa'amālamalamaina o le tāua o le feagaiga, na fa'aaogā e sui tama'ita'i na 'auai ni mau mai le talafa'asolopito ma 'auala ua sui ai i le gāsologa o aso. Na fa'amatala taimi 'ae le'i nofo kolone Sāmoa, i le tāua o le tulaga na iai tama'ita'i i

nu'u. O le o'o mai o misionare Kerisiano, na fa'ae'e ai i ai le tulaga sa iai tama'ita'i ma fa'apea ona soso'o ane ma faife'au Sāmoa o le lotu. O le manatu o sui 'auai, na fa'aitiitia lo latou tulaga ona ua fa'ae'e atu le tulaga o le feagaiga i le lotu. O le manatu ua fa'amaulaloina le tulaga, na fa'auigaina e isi, ua tula'i mai ai se lamatiaga mai sāuāga."

'Primary prevention of violence against women and girls', Pepa o le Sā'ili'iliga 91

O le manatu, o le fa'asoaatu o le tulaga o le feagaiga i faife'au, ua tō'esea ai le tulaga tūtasi sa iai tama'ita'i i le aganu'u, ma fa'aitiitia ai le puipuiga na maua e tama'ta'i ma teine. Po o ā lava ni isi tulaga, ua 'āia atu lava le puipuiga 'autū na maua i le Fa'asāmoa o le vā tapuia, ma o se tasi lea o māfua'aga ua olaola ai sāuāga i Sāmoa i aso nei. E **le'i tupu ona** o le Fa'asāmoa, a ua tupu ona ua **lē iai** le Fa'asāmoa. Ua talanoaina mulimuli mai po ua tula'i mai lā le lotu e fa'atumu lenei avanoa.

E iai fo'i se nafa 'autū o le vā tapuia i le fausaga o le pupuni o le lē gaganaina o sāuāga i totonu o 'āiga ma fa'apea ai ona olaola. E leai se tasi e mana'o e iloa e isi tagata sāuāga e ono tutupu 'auā e aliali mai ai ua masofa le vā tapuia i totonu o lea 'āiga. O lenei tulaga, o le māfua'aga 'autū lea o le manatu o sāuāga o se matā'upu tau lotoifale ma e tele taumafaiga e tanumia ai sāuāga i totonu o āiga, ina ia fa'atūmau le ata sesē e 'avatu i fafo, e le'i malepe le vā tapuia i totonu o lea 'āiga. Peita'i, o lea faiga ua fausia ai le pupuni o le lē gaganaina ma tūla'i mai ai le māasiasi, ma o mea ia e lafi ai le fa'atino sāuāga ma fa'aauau ai ana faiga e lē fa'asalaina.

10.3.3O sāuāga i totonu o 'āiga o se luma ma o se matā'upu fa'alotoifale

"E olaola faiga fa'atāutala ona o le māasiasi, fa'alilolilo ma le lē gaganaina. O le tele o le mālamalama e fa'asusuluina i lenei matā'upu, o le faigatā fo'i lenā ona lalafi o tagata fa'atino sāuāga. E faigōfie atu i le 'au fa'atino sāuāga le fai o faiga fa'atāutala ma le toso teine, pe 'ā iloa e lē ta'uina e tagata e āfāina."

Lani Wendt Young, Avanoa fa'alaua'itele e fa'aleo ai manatu

E ō fa'atasi le lē gaganaina ma le māasiasi i sāuāga i totonu o 'āiga. E mana'omia le lē gaganaina ina ia lē fa'alauiloa atu ai ua soli le vā tapuia i totonu o le 'āiga, ma ina ia fa'amautinoa le tausisia e le tagata āfāina, ua fa'amāasiasi ina ia 'aua le tautala. O lea le 'auala e tausi ai le mamalu ma le ta'uleleia o le 'āiga.

O le ta'uvalea ona o sāuāga i totonu o 'āiga, le fa'alumaina o se 'āiga ma fa'atinoga e fai ina ia 'alofia lea luma, o se tasi lea o māfua'aga 'autū (pe 'āfai e lē o le māfua'aga 'autū) o le fausia o le pupuni o le lē gaganaina 'olo'o faitino i ona tua atu sāuāga i totonu o 'āiga.

"O se tasi o vaega aupito mātagōfie o le aganu'u a Sāmoa o le lagona o tiute fa'atino ma le naunau fa'amāoni i 'āiga. E mana'omia le puipuiga ma le tausia o le mamalu o le igoa o le 'āiga, ma le nonofo feālofani."

Samoa Planet, Pepa o le Sā'ili'iliga 45

O lea lā, o le manatu e tatau ona malu i fale sāuāga i totonu o ‘āiga, ‘olo’o u’una’i e le mana’oga e tausi le māopoopoga o le ‘āiga i le va’aiga mai fafo a tagata, ma ua o’o ai i se māsani o le tu’ua’ia, fa’amāasiasi ma isi fa’atinoga ua lē amana’ia ai a’afiaga o le tagata ua āfāina, ina ia mautinoa e lē tāutatala atu.

> “E iai manatu ta’atele e manatu tagata Sāmoa o uiga o se tagata lelei ‘āto’atoa – e leai ni ona fa’afītāuli. O le māfua’aga lenā e lē to’atele ai tagata e līpoti maia le tele o nei matā’upu. E māfua mai lava i lagona o le māasiasi ma le lē mana’o e ta’uleagaina. Ma o le mea lea ‘olo’o tupu i matā’upu tau mata’ifale. Ou te manatu e matuā tele atu i lō matā’upu matou te fa’alogo i ai. E lē līpoti maia ona o le fefe ma le māasiasi ona o le fa’alumaina o le ‘āiga, ona taumafai lea e fofō i le lotoifale.”
>
> *Ofisa o Leoleo i nu’u i tua, Avanoa fa’alaua’itele e fa’aleo ai manatu*

O se fa’ata’ita’iga talafeagai o ‘auala e māsani ona puipui ai le igoa o le ‘āiga, ‘ae lē taulia le tagata āfāina, o le fō’ia lea o se matā’upu e ala i se ifoga, e maua ai se maliega i le vā o le ‘āiga o le fa’atino sāuāga ma le tagata āfāina i se sala po o se fa’asalaga ma fa’apea ona tausia ai le fīlēmū. O le tele o taimi e fa’atino ai nei feiloa’iga, e lē ‘auai le tagata ua āfāina, ma aliali mai ai le fa’amuamua o le tausiga o le fīlēmū i le vā o ni vaega i nu’u ma o latou ta’ita’i, i lō le ola manuia o le tama’ita’i, ma tāotaomia ai lana aiā tatau i le maua o fa’amasinoga tonu.

O se itū e fuafuaina lelei ma taufa’amata’u e fa’amautinoa ai le lē tautala o le tagata āfāina, o le tu’ua’i lea ma le fa’amāasiasi, ma e mafai ona o’o atu i isi sāuāga ina ia mautinoa e lē līpotiina. O le gāsologa o fefa’asoaa’iga uma o le Sā’ili’iliga, na tele fa’amatalaga a tama’ita’i na ‘auai e uiga i sāuāga, peita’i, ina ua fesiligia e tu’uina atu ni molimau ta’ito’atasi i avanoa e fa’aleo ai manatu, e o’o lava i avanoa e le’i fa’alaua’iteleina, e le’i mānana’o e tula’i mai. E tele māfua’aga o lea mea, e aofia ai le talitonuga o le sesē o le tama’ita’i e māfua ai sāuāga, po o le fefe i le ‘āiga, po o le tupu ai o se vevesi, po o le manatu fo’i e lē se mea mamafa po o se fa’afītāuli e fa’aauau pea. O māfua’aga uma na tu’uina mai e ia tama’ita’i na tutupu ai sāuāga, o ni vaega uma o le pupuni ‘olo’o mafai ai ona fa’aauau sāuāga i totonu o ‘āiga, ma fa’atūmau le fa’atūlagaga o itūpā.

E lē se mea na’o Sāmoa ‘olo’o tupu ai le ‘avea o le māasiasi ma le fa’apea o se mea tau lotoifale sāuāga i totonu o ‘āiga. O se uiga ‘autū lea o sāuāga i totonu o ‘āiga i le lalolagi ‘ātoa, peita’i ua fīnau mai isi o le Fa’asāmoa ‘olo’o fa’amālosia ai nei tala pepelo, ma mimilo ai talitonuga fa’avae o le feālofani ma le mamalu o ‘āiga e lalafi ai i tua o itū’āiga fa’atinoga uma o sāuāga i totonu o ‘āiga.

> “’Olo’o iai le manatu sesē, o matā’upu tau sāuāga fa’alotoifale o se matā’upu patino i ni tagata po o matā’upu tau lotoifale o se ‘āiga ma e lē tatau ona aiā i ai tagata lautele.”
>
> *Vaipou Fetuliai Lagaaia, Lawyer , Avanoa fa’alaua’itele e fa’aleo ai manatu*

O tulaga ‘olo’o iai nei o sāuāga o se matā’upu tau lotoifale o se ‘āiga, ma tula’i mai ai se māsani o le tu’ua’ia ma le fa’amāasiasi o le tagata āfāina ina ia fa’amautūina lea manatu, e leai se aogā, ma e ‘auai le Sā’ili’iliga i le manatu o Vaipou, o se manatu sesē, ma e o’o ai i le fa’ateleina o le māasiasi o se ‘āiga fa’apea Sāmoa i le va’ai āga’i i le lumana’i.

"O le 'āiga o se tama'i atunu'u. O le fa'alauteleina atu o le li'o o le 'āiga, ua maua ai le atunu'u. O mea e tutupu i totonu o le 'āiga, o mea fo'i ia 'olo'o tutupu i le ōlaga o se atunu'u."

Baha'i church Inquiry submission, Pepa o le Sā'ili'iliga 2

'Ātonu na aogā le teu i le lotoifale ma le fa'ananā e puipui ai le ta'uleleia o le 'āiga i Sāmoa, e ui ina e le'i fa'apea i aso ua tuana'i. Pau le aogā o le nātia ai o le fa'afītāuli, ma lē maua ai e le tagata ua āfāina se mapusaga mai ona tīgā.

O le uiga lava ia o sāuāga i totonu o 'āiga, o fa'atinoga a se tagata e to'atasi, o se vaega o se faiga māsani lautele atu o āmioga fa'atāutala, ma 'āfai e lē fa'afetaia'ia māfua'aga, 'ole'ā fa'apea lava ona fa'aauau ai. Po o ā lava lagona fia fesoasoani o se matai, e lē 'āto'atoa lona tomai e tu'uina atu ai le fesoasoani mana'omia e le tagata āfāina po o le tagata fa'atino sāuāga, e momotu ai le ta'amilosaga o sāuāga. O le fa'apea o se matā'upu fa'alotoifale, o se tali lea e mafai ona fa'aauau ai pea sāuāga.

E lē gata i lea, 'ā manatu ane fo'i i le feso'ota'iga o sāuāga i totonu o 'āiga ma le ta'atele o isi itū'āiga sāuāga, ma manatua le salalau atu i 'auala o fa'asalalauga i atunu'u i fafo mea tutupu e pei o le tosoina o le to'alua o se ulugāli'i na tāfafao mai i Sāmoa ina ua fa'ato'ā uma ona fa'aipoipo 'ae toso ai le fafine. O le ulutala i le nusipepa o le Sāmoa Observer na fa'apea: "Māasiasi o le Atunu'u."[30] O le fa'ananā ma le fa'alotoifale e lē fa'atūmau ai le ta'uleleia ma le mamalu o le 'āiga, 'auā o le 'āiga, o le atunu'u lava lea, e pei ona fa'aali mai e le talitonuga Baha'i. O le tanu lilo o sāuāga, o le māasiasi lea o le atunu'u 'ātoa, 'ae lē o 'āiga ta'itasi. Pau tagata e tē'ena lenei manatu, o i latou ia 'olo'o mānana'o e fa'atūmau le fa'atūlagaga o itūpā 'olo'o iai nei, fa'apea lo latou mālosi ma la latou pule.

O tagata e lē mafai ona suia o latou māfaufau 'olo'o u'una'i e le mana'o e fa'atūmau le tulaga 'olo'o iai nei, po ua matuā mausalī manatu ua lē mafai ai ona taga'i i meamoni. E tatau ona fesili ane 'iā i latou lava: "O aogā le 'auala 'olo'o iai nei?" E mafai ona o latou fīnau mai i le āmiotonu 'olo'o amana'ia le vā tapuia o ali'i ma tama'ita'i, mātua ma fānau, tagata ma 'āiga o o latou ta'ito'alua, a 'olo'o ta'atele sāuāga e pei ona au'ili'iliina i le **Vaega III**? Na'o le 4% o le 1,500 tagata na 'auai i fefa'asoaa'iga o le Sā'ili'iliga na fa'apea mai e lē se fa'afītāuli sāuāga i totonu o 'āiga, ma ua o'o i le taimi ua tatau ai ona taga'i le 96% i ni 'auala e fō'ia ai le fa'afītāuli, 'auā e lē o aogā le lafo o sāuāga i totonu 'āiga o se matā'upu tau lotoifale a le 'āiga.

I'UGA 18 O LE SĀ'ILI'ILIGA: Ua tele ina lē o toe amana'ia le vā tapuia ma le Fa'asāmoa e pei ona sa iai, ma ua 'ave'esea ai 'auala mana'omia o le tāofiga o sāuāga i totonu o 'āiga e maua i totonu o le Fa'asāmoa.

10.3.4 Leai ni feso'ota'iga po o ni talanoaga i totonu o 'āiga Sāmoa

O feso'ota'iga ma faigā lauga e i le 'ogātotonu o le Fa'asāmoa, ma e tatau ona iai o la nafa tāua i le tāofiga o le salalau o sāuāga i totonu o 'āiga, e ala i le fausia o ni 'auala e mafai ai ona līpoti atu ma tāofia ai le lē

[30] Samoa Observer. "National shame." (19 July 2016). Retrieved from http://www.samoaobserver.ws/en/19_07_2016/local/8871/National-shame.htm. Accessed 12 May 2018.

gaganaina, ‘olo’o māfua ai le tupu lauolaola o sāuāga. Peita’i, e lē o fa’apea, ma e iai ni māfua’aga o lea tulaga, ma ‘auala ‘olo’o iai le sao o feso’ota’iga (po o le lē lava o feso’ota’iga) i sāuāga i totonu o ‘āiga.

> “O se tasi o talitonuga fa’avae o le Fa’asāmoa o feso’ota’iga po o le talatalanoa. ‘Āfai ua iai se mea ua lē fiafia ai le tamāloa i lona to’alua, talanoa i ai. Peita’i, ua leai se talanoa. ‘Auā fo’i e iai le manatu i tamāloloa Sāmoa, o lo’u to’alua o la’u meatōtino ou te pule ai. E leai se pisinisi a se iai i ai, na’o a’u lava.”
>
> *Luagalau Foisagaasina Eteuati-Shon, Matai, Counsellor, Former CEO MWCSD, Avanoa fa’alaua’itele e fa’aleo ai manatu*

O le fa’atūlagaga o itūpā ua fausia, ma ua fa’afaigōfie ai ona fa’atino sāuāga i totonu o ‘āiga, e iai fete’ena’iga fa’avae ma le Fa’asāmoa i le itū o feso’ota’iga. Ua leva ona iloa ma talia, o feso’ota’iga o le kī i se atunu’u e to’afīlēmū ma ‘āfai e ‘ave’esea feso’ota’iga, ua lamatia fo’i le fīlēmū. E lē mafai ona toe manino atu lea itū ona o lea ua iloa lelei, o le lē lava o feso’ota’iga, e iai lona sao tu’usa’o i le fa’atinoga ma le fa’aauauina o sāuāga i totonu o ‘āiga. O le to’alua o Hope[31] sa ‘avea o se Minisitā o le Kapeneta, e le’i mafai ona talanoa i lona to’alua, a ua liliu i sāuāga o le tino ma upu i so’o se taimi e lē malie ai. E to’atele tagata i Sāmoa e pei o Hope, e fa’atino i ai sāuāga i totonu o ‘āiga, ona ua leai se talanoaga, leai se ‘auala e fō’ia ai fa’afītāuli, e ‘ese mai le fa’aaogāina o sāuāga.

O se isi ‘auala ua ‘ave’esea ai ‘auala o feso’ota’iga, o le sesē lea ona fa’atino le talitonuga fa’avae o le Fa’asāmoa o le fa’aaloalo. O le ōlaga ‘ātoa o se tagata Sāmoa, e iai lo latou tiute e a’oa’o, fautua ma fa’asino tagata ‘olo’o si’omia ai i latou.

> *“E tū manu ae lē tū le tau logologo.”*
>
> *Fuaitau a Sāmoa*

O lenei tiute, e feso’ota’i ma le vāfeāloa’i ma le fa’aaloalo, e mana’omia ai le fa’aaloalo i tagata mātutua. O le gāsologa o aso, ua tu’ufa’atasi atu i ai ma le manatu o tama’ita’i ma tamaiti e tatau ona na’o na va’aia ‘ae leai se leo, ma ua o’o atu ai i le tulaga e itū tasi feso’ota’iga ma nei tagata. E tele manatu o le Fa’asāmoa e fa’avae i le fefa’asoaa’i ma le femulumulua’i, ma ua fa’aaogāina sesē fo’i e isi e fa’amālosi ātili ai se tasi o ‘auala e fa’amautū ai le lē tutusa o tulaga o itūpā. O le taunu’uga, ua fa’amālosia ai ‘auala e fa’afaigōfie ai sāuāga i totonu o ‘āiga, a ua ‘ave’esea ai i le taimi lava lea se tasi o ‘auala ‘autū o le puipuiga e maua i totonu o le aganu’u a Sāmoa.

O se taunu’uga o lea tulaga, ua mōu atu ‘auala o feso’ota’iga ma avanoa o fefa’asoaa’iga sa iai, ma ātili toso ai i lalo le pupuni o le lē gaganaina. Ua lē toe fa’afesāga’i ‘āiga i afiafi e talatalanoa ni o latou popōlega ma ua māsani ai mātua, ma lē toe iloa ai ona talanoa i a latou fānau i se ‘auala aogā lelei ma fa’apea ai lava ona fa’aauau atu i isi augā tupulaga. E lē gata i lea, o le tātutū i le fa’atinoga o le fa’aaloalo ma le ‘ave’esea o ala o feso’ota’iga ua o’o ai i tulaga mata’utia o le molimauina e tagata mātutua po o tamaiti sāuāga, ‘ae lē mafai ona tautala atu se tasi ona o le fa’aaloalo.

[31] Refer to Case Study 12.

"E iai taimi e mafai ai ona iai taunu'uga o le tausiga o le vā tapuia ma le vāfeāloa'i. Mo se fa'ata'ita'iga, 'ā molimauina e se tamaitiiti sāuāga, e mafai ona 'avea le vāfeāloa'i o se pā pupuni o le taumafai atu e vavao, po o le līpotiina, ona o le talitonuga lē fa'aleoina o se mea lē fa'aaloalo po se mea lē talafeagai lea."

'Primary prevention of violence against women and girls', Pepa o le Sā'ili'iliga 91

Pe o se mea na fuafuaina pe leai, ua 'avea le Fa'asāmoa o se pā pupuni i le tautala atu ma ua 'avea o se māfua'aga e fa'amālosia ai faiga e pūlea e tamā, o le fa'afeagai o tulaga e tatau ona 'ausia pe 'āfai e lelei ona fa'atino. O le **Vaega V** 'ole'ā taga'i ai i 'auala e toe mafai ai ona 'ausia tulaga sa iai.

I'UGA 19 O LE SĀ'ILI'ILIGA: Ua fa'alētonu feso'ota'iga i Sāmoa ma ua lē toe iai ni feso'ota'iga i le vā o ni itū se lua, ma ua fa'aopoopoina ai le ta'atele ma si'itia le lamatiaga mai sāuāga i totonu o 'āiga.

10.4 Talitonuga Fa'alefa'atuatua

"Le au pele e, ia tatou fealofani; auā mai le Atua le alofa; o i latou uma foi o e ololofa ua fānau mai i latou mai le Atua, ua iloa foi e i latou le Atua. O se le alofa ua le iloa e ia le Atua; auā o le Atua o le alofa lava ia."

1 Ioane 4:7-8

"O outou tane, ia outou ololofa atu i a outou lava avā, faapei o Keriso foi ona alofa mai i le ekalesia, ma foaiina mai o ia e ia e fai mona sui."

Efeso 5:25

"Faauta, o le fānau, o le tofi lea mai le Alii; o e ua fānau mai, o le taui lea mai ia te ia."

Salamo 127:3

Na taumafai le Sā'ili'iliga e sa'ili se mālamalamaga i le tulaga o le talitonuga Fa'alefa'atuatua e uiga i sāuāga i totonu o 'āiga, a'afiaga ona o le ta'atele, ma 'auala e mafai ona iai sona sao i fofō o le fa'afītāuli. O le talitonuga Fa'alefa'atuatua, e fa'avae i le alofa – i le pā'aga, i le fānau ma le alofa i isi tagata, e pei ona fa'aali mai i upu si'i 'olo'o i luga. Na atagia mai lea i le aotelega o manatu na tu'uina mai i le Sā'ili'iliga, e tē'ena e le talitonuga Fa'alefa'atuatua le fa'aaogā o sāuāga fa'asaga i se isi tagata, 'aemaise lava, i le si'osi'omaga i totonu o le 'āiga.

Peita'i, e le'i iai se manatu e fulisia i ai po o fa'asā so'o se itū'āiga fa'asalaga o le tino, ma e iai tagata na talitonu 'olo'o lagolagoina e le Tusi Pa'ia ma isi tusi fa'alelotu fa'asalaga i le tino e lē gata i le vā o se ulugāli'i, a o tamaiti.

10.4.1 Talitonuga Fa'alefa'atuatua ma Sāuāga Fa'asaga i se Pā'aga Vāvālalata

> "Ou te talitonu e lē tutusa le tulaga o tamāloloa ma fafine. E sili atu le pule a tamāloloa i lō fafine 'auā 'olo'o fai mai ai le Tusi Pa'ia. Na faia a'u e mālosi atu ma sili atu la'u pule i lō fafine."
>
> *Matai 'Auai, Avanoa fa'alaua'itele e fa'aleo ai manatu*

E lē na'o le matai fo'i ua tā'ua i luga na talitonu 'olo'o fa'amatala mai le Tusi Pa'ia se fa'atūlagaga o tagata e maualalo ifo ai fafine i lō tamāloloa ma e tatau "ona usiusitai i a outou lava tane",[32] "auā o le tane o le ulu ia o le avā".[33] E tele isi fuai'upu 'olo'o fa'auigaina e maualuga atu nafa o le tane i lō lona to'alua, le to'alua e tatau ona "a'oa'oina le fafine, a ia le tautala o ia, ma ia usiusitai lava".[34] Peita'i, o le fai o se i'uga fa'apea 'olo'o lagolagoina e le Tusi Pa'ia se fa'atūlagaga o itūpā, o le 'auai lea i se filiga o na'o ni vaega o le Tusi Pa'ia, ma fa'auiga sesē ai le Afioga a le Atua.

> "O le Tusi Pa'ia, o le pule o le ulu o le 'āiga, 'ae lē o le pūlea o mea e fai e le fafine po o le fasi i so'o se taimi e te mana'o ai. E te fa'asino ma fa'atonu le ātīna'ega o le 'āiga."
>
> *Rev. Fa'auuga Pula, Avanoa fa'alaua'itele e fa'aleo ai manatu*

O le molimau aupito manino o le fili o vaega o le Tusi Pa'ia e faitau, le Efeso 5:22, lea na aupito to'atele tagata na fa'atūina mai, e lagolago ai le maualuga atu o le tulaga o le tamāloa, 'olo'o mana'omia ai āvā e "usiusitai i a latou lava tane". Peita'i, ua lē taulia vaega i luma atu o le faitauga, 'olo'o fa'apea mai i le tāne ma le āvā "Ia usiusitai le tasi i le tasi ma le mata'u ia Keriso"'[35] ma se vaega mulimuli ane 'olo'o fa'apea mai, "O outou tane, ia outou alolofa atu i a outou lava avā, fa'apei o Keriso foi ona alofa mai i le ekalesia.[36] E fa'apēfea ona fīnau mai se tagata na'o fafine e tatau ona usiusita'i i a latou tane, a o le faitauga lava lea 'olo'o fa'apea mai i tagata uma ia usiusita'i le tasi i le isi? E lē o taumafai le Tusi Pa'ia e fai se fa'atūlagaga o itūpā. 'Olo'o taumafai e fa'atupu le feālofani, femālamalamaa'i ma le alofa.

> "Ona faia lea e le Atua o le tagata i lona faatusa, o le faatusa o le Atua na ia faia ai o ia; na faia e ia o i laua o le tane ma le fafine."
>
> *Genesis 1:27*

E leai se isi 'auala e manino atu ai le tulaga tutusa o le tane ma le fafine ua tā'ua i le faitauga mai le Kenese. E tele isi faitauga 'olo'o fa'aali mai ai le tulaga tutusa o le tane ma le fafine, ma fa'alēaogā ai le fīnauga e maualalo ifo fafine i lō tamāloloa ma e tatau ona usiusita'i ma fai le mea e mānana'o i ai tamāloloa.[37] Ua fa'auiga sesēina fo'i le Tusi Pa'ia e lalago ai le fa'aauauina o le maualuga o tamāloloa i lō fafine. Mo

[32] Ephesians 5:22.
[33] Ephesians 5:23.
[34] 1 Timothy 2:11.
[35] Ephesians 5:21.
[36] Ephesians 5:25.
[37] Romans 2:11 – 'For God does not show favouritism'; Proverbs 22:2 – 'Rich and poor have this in common: The LORD is the maker of them all'; Psalm 67:4 – 'May the nations be glad and sing for joy, for you rule the peoples with equity'; Ephesians 2:14 – 'For he himself is our peace, who has made two groups one and has destroyed the barrier, the dividing wall of hostility.'

tama'ita'i latou te talia fo'i lenei fa'auigaga, o le māfua'aga, o i latou ia ua māe'a le gāsologa o le teufatu i o latou māfaufau o māfua'aga o sāuāga, e pei ona fa'amatalaina i se vaega muamua atu o le Līpoti lenei.

> "O se sosaiete e pūlea e ali'i, ma o le Tusi Pa'ia na fa'aliliuina ma fa'auigaina e tamāloloa."
>
> *Rev. Fa'auuga Pula, Avanoa fa'alaua'itele e fa'aleo ai manatu*

'Olo'o iai iā i latou e fa'auiga sesēina le Tusi Pa'ia fa'apea tagata e talitonu, o āvā e lē usita'i ma lē talia le mea e fai atu ai le to'alua, e tatau ona fa'atonu i le sasa ina ia a'oa'oina i le mea e tatau ona fai. Ua iloa e le Sā'ili'iliga o le fa'auigaina o le Tusi Pa'ia 'olo'o fa'avae ai lenei i'uga e sesē. Peita'i, e aogā lava le fa'amauina, e leai se vaega o le Tusi Pa'ia o lagolagoina ai le fa'asala o le tino po o ni sāuāga i le vā o se tane ma lana āvā. E leai se vaega fa'apea. Peita'i, e lē mafaitaulia fuai'upu 'olo'o lagolagoina le agamalū, fa'apalepale, onosa'i ma le agalelei.

> "O outou tane, ia outou alolofa atu i a outou avā, aua foi ne'i faaonoono ia te i latou."
>
> *Kolose 3:19*
>
> "E tofotofo e le Alii i le ua amiotonu; a ua inosia e lona finagalo lē fai amio leaga, ma lē fiafia i le faasaua."
>
> *Salamo 11:5*
>
> "O le gutu o lē amiotonu, o le puna o le ola lea; a o gutu o e amio leaga, ua ufitia ia i le faasaua."
>
> *Faataoto 10:11*

E manino lelei le tē'ena e le Tusi Pa'ia o so'o se itū'āiga sāuāga po o se amioga a se tāne e āfāina ai lana āvā. E mana'omia tāne e fai fa'atinoga i a latou āvā e pei o le 'auala 'olo'o alofa mai ai Keriso i lana Ekalesia.

> "O outou tane, ia outou alolofa atu i a outou avā, faapei o Keriso foi ona alofa mai i le ekalesia, ma foaiina mai o ia e ia e fai mona sui […] ina ia na tuuina atu o ia ia te ia, o le ekalesia matagofie lava, e leai sona ila, po o se maanuminumi, po o se tasi mea e faapena […] 'Olo'o faapea ona tatau ona alolofa o tane i a latou lava avā, faapei o latou lava tino; o lē alofa i lana avā, o loo alofa o ia ia te ia lava; auā e leai lava se tasi e ita i lona lava tino; a e peitai na te fafaga ma tausi atu i ai, faapei o Keriso foi ona tausi i le ekalesia."
>
> *Efeso 5:25-29*

E lē gata ina fa'asā e le Tusi Pa'ia sāuāga i le tino, a ua fa'apea foi sāuāga i upu[38] ma fa'atonu mai, e aofia ai tagata uma, 'ae lē na'o le vā o se ulugāli'i.

'Āfai e leai se vaega o le Tusi Pa'ia o fa'apea mai e fa'atino sāuāga i le tino i āvā e lē usita'i i a latou tane, na fa'apēfea lā ona 'avea o se māsani i Sāmoa? 'Olo'o ta'oto le tali i le mālosi'aga 'olo'o fa'avae ai itū'āiga sāuāga uma i totonu o 'āiga – le mālosi ma le pule. O se vaega e fa'atino le mālosi i se isi vaega, ma e leai

[38] James 1:26 – 'If anyone things he is religious and does not bridle his tongue but deceives his heart, this person's religion is worthless.'

se tasi e tali atu i ai i le fa'aaogāina o lea mālosi, e māsani ona i'u i fa'ai'uga lē fa'avaea e so'ona fa'aaogā ai le pule, ma mana'omia ai sāuāga e fa'amālosia ai fa'atonuga 'auā ua leai ni māfua'aga tatau o le fa'aaogāina o le mālosi. O su'esu'ega fa'apitoa na fa'aali mai ai, o le faia'ina o le Manu Sāmoa[39] e mafai ona fasi ai e se tamāloa lana āvā e fa'amālosia ai o ia e pule i le 'āiga. O le leai o se faiga e fa'amālosia ai le tali atu a se tagata i i'uga o fa'atinoga, ua lē fesiligia ai le fa'atinoga o le mālosi, ma ona fa'atinoga mulimuli ane, ma fa'apea ai ona fa'ateteleina lenei tulaga.

E manino mai lā i le Sā'ili'iliga, e lua mea ua tutupu – muamua, ua fa'auiga sesē le Tusi Pa'ia, ia fetaui ma se sosaiete e pūlea e ali'i, ma o le mulimuli i lea fa'auigaga, ua sosolo mālie mai ai le fa'aaogāina o sāuāga e tapu'e ai lea fa'atūlagaga, ma fa'amautinoa ai lona fa'atūmauina.

Manatu Lē Fa'avaea 14: Fai mai le Tusi Pa'ia e maualalo ifo āvā i lō tāne ma e tatau ona fasi pe 'ā lē usita'i.

O le tulaga sa'o: E manino lelei le Tusi Pa'ia na fai e tutusa le tane ma le fafine i le fa'atusa o le Atua, ma e matuā leai se tala o fa'apea mai e fasi e le tāne le āvā po o se pā'aga vāvālalata. E fa'afeagai lea ma le tele o a'oa'oga i le lē sāuā, agalelei, fa'apalepale, to'afīlēmū, e o'o i le ositaulaga. O lenei manatu lē fa'avaea 'olo'o fa'aauau e tagata 'olo'o taumafai e fa'atūmau le faiga 'olo'o iai nei e pūlea e ali'i.

10.4.2 Talitonuga Fa'alefa'atuatua ma Sāuāga fa'asaga i Tamaiti

"O le ua tuuna lana sasa, ua 'ino'ino o ia i lona atalii; a o le ua alofa ia te ia, ua saili le aoaiga mo ia."

Fa'ata'oto 13:24

Ua au'ili'ili e le Līpoti le mālosi o le talitonuga, e mana'omia mo tamaiti le sasa ia mautinoa le usita'i ma ola a'e o ni tagata lelei. Peita'i, ua maua fo'i e le Līpoti, o fa'asalaga **uma** i le tino ma upu mālolosi, o sāuāga ia i le tamaitiiti. O se vaega e lagolago ai lea manatu e sau mai le lapata'iga i le Tusi Pa'ia o le "tuuna o le sasa".

O le vaega lenei e ta'atele le fa'atūina mai e lagolago ai le sasaina o tamaiti.[40] 'Olo'o fautuaina i le vaega lenei le maumaututū o mātua i le fa'atonuina o se tamaitiiti lē fa'alogo. E 'ese mai lea ma le fa'apea mai 'olo'o lagolagoina e lenei vaega le sapini i se lā'au e sui ai le a'oa'i ma le fa'atonu i upu. O se mea mālie, o le fuai'upu lonafā 'olo'o soso'o ai, le Fa'ata'oto 14:3, 'olo'o fa'apea mai "'olo'o i le gutu o le vale le 'sasa' o le faamaualuga."

O le manatu 'olo'o fa'avae ai le fa'auiga sesē, o le sasa, o se meafaitino. Peita'i, o le tele o taimi, o le sasa i le Tusi Pa'ia, 'olo'o fa'aata mai ai le mālosi lelei ma ona taunu'uga e pei ona iai i le "O le Alii o lo'u papa

[39] Refer to Hope's story, Case Study 12.
[40] It is often confused with 'spare the rod and spoil the child', which is not from the Bible but from a 1664 poem by Samuel Butler.

ia ma lo'u olo",[41] ma o le lā'au/to'oto'o o Mose na fa'aaogā e fai ai vavega mata'utia e ofo ai le loto. O le lā'au 'olo'o fa'aataina i le Tusi Pa'ia o se fa'ailoga o le mālosi ma suiga fa'aleagaga.

O le fa'auigaina lenei o le lā'au, e telē atu ma talafeagai lona uiga, pe 'ā manatu i isi fa'asinoala i le tausiga o tamaiti 'olo'o maua i le Tusi Pa'ia, ma mea ua maua mai e le Sā'ili'iliga i uiga o sāuāga i totonu o 'āiga. O le Fa'ata'oto 22:6 'olo'o fa'atonu ai mātua e "A'oa'o ia le tama e tusa ma ona ala; a oo ina toeaina lava o ia, e le te'a ese ai". Ua maua e le Sā'ili'iliga, o le fa'aaogāina o fa'asalaga sasa ma le fa'atonu/sāuāina i upu ma le molimauina o sāuāga i totonu o 'āiga, e mafai ona tele le avanoa e i'u ai le tamaitiiti e 'avea o se tagata e āfāina i sāuāga, po o se tagata fa'atino sāuāga pe 'ā o'o ina tagata matua. 'Olo'o iai fo'i i le Tusi Pa'ia upu a le poto i uiga o tamaiti 'olo'o fa'atonu mai ai: "aua ne'i tou faaonoono atu i a outou fānau, a ia tausi atu i ai i aoaiga ma apoapoaiga a le Alii".[42] Ua maua e le Sā'ili'iliga le i'uga o sāuāga i tamaiti i le tino ma upu, fa'atasi ma le lē lava o feso'ota'iga ma mātua, o le tupu lea o le ita ma isi lagona lē lelei i tamaiti, e mafai ai ona i'u atu i le pule i le ola po o le fa'atinoga o sāuāga, ma isi taunu'uga 'ese'ese.

E ui ina lagolagoina e molimau o le Sā'ili'iliga le isi fa'auigaga o le fa'atonuga o tamaiti, e lē tatau ona mana'omia se iloiloga tau tomai fa'apitoa i le Tusi Pa'ia e taunu'u ai i lenei fa'ai'uga. "Faauta, o le fānau, o le tofi lea mai le ALII,[43] ma e tatau ona tausia i le alofa, agalelei ma le fa'apelepele 'olo'o fa'avae ai le talitonuga Fa'alefa'atuatua ma le Fa'asāmoa. **E fānau mai tamaiti e leai se iloa i sāuāga ma e lē tatau ona a'oa'oina i sāuāga e se mātua po o se isi lava tagata**.

E mafai ona talitonu mātua i aso nei 'olo'o lagolago e le Tusi Pa'ia le fa'asalaina o tamaiti i se lā'au faitino. Ua tu'ufa'asolo mai lenei manatu sesē i augā tupulaga talu ai le lē iloa o ni isi 'auala o le tausiga ma a'oa'iga o tamaiti, ma ua 'avea ai ma mea māsani le oso i sāuāga e taumafai ai e pūlea āmio a se tamaitiiti. E iai taimi e taumafai ai tamaiti e su'esu'e, e sā'ili'ili i lo latou si'osi'omaga i ni mea fou, ma e lē mālamalama pe 'āfai e pō, pe 'ava'avau atu i ai e tu'u. E lē suia ai le āmio a le tamaitiiti i le fa'atino i ai o sāuāga ma ua 'āmata ai i latou i se 'auala e mafai ona o'o atu ai e fa'atino sāuāga. Talu ai le lē ta'atele o isi 'auala o le tausiga ma le a'oa'iina o tamaiti i Sāmoa, e mālamalama lā i le māfua'aga ua o'o ai i lenei tulaga ma le fa'aaogāina o le Tusi Pa'ia e lagolago ai 'auala o tausiga ma a'oa'iga a mātua. Peita'i, e ui ina e le'i fa'amoemoeina, ua fesoasoani lea i le ta'atele o sāuāga i Sāmoa. O le **Vaega V** 'ole'ā taga'i ai i ni 'auala e fa'afetaia'i ai, ni 'auala e fa'avae i le talitonuga Fa'alefa'atuatua.

I'UGA 20 O LE SĀ'ILI'ILIGA: Ua fa'aaogā sesē le Tusi Pa'ia e lagolago ai sāuāga fa'asaga i tama'ita'i ma tamaiti, ma ua fa'aauau ai le sosaiete e pūlea e ali'i, o se si'osi'omaga e fanafānau ai sāuāga.

10.5 'Auai i faigā fa'ai'uga

E matuā tāua le tu'uina atu i tagata o le avanoa ma le 'auai i faigā fa'ai'uga a ni vaega, 'aemaise vaega e a'afiagōfie i sāuāga i totonu o 'āiga, ina ia mautinoa e amana'ia ma aofia vaega mo lo latou ola manuia i ia

[41] Psalm 18:2 and 31:3.
[42] Ephesians 6:4.
[43] Psalms 127:3.

faigā fa'ai'uga. O le lē aofia i faigā fa'ai'uga, 'ole'ā lē mafai fo'i ona tu'uina atu o latou iloa ma lagona, i uiga tonu o sāuāga i totonu o 'āiga, pe fesoasoani fo'i i le faiga o fa'amasinoga tonu, filifiliga o fa'amuamua ma le fausaga o polokalame e fa'afetaia'i ai sāuāga i totonu o 'āiga. O lea lā e tāua ai le lautele e mafai ona aofia ai nei tagata i fa'alāpotopotoga 'autū (Fono a Nu'u, Palemene ma le Lotu). Ua mālamalama ma talia e le Mālō le lē tutusa o tulaga o le 'auai.

> "O le leai o se leo o tinā ma tama'ita'i i faigā fa'ai'uga i nu'u ma pūlega a le atunu'u, e mafai ona lē aogā ai taumafaiga e fō'ia le fa'afītāuli o sāuāga i totonu o 'āiga."
>
> *Sixth Periodic State Report to the Committee on the Elimination of Discrimination against Women, Pepa o le Sā'ili'iliga 90*

10.5.1 Fono a Nu'u

Na'o le 11% o matai uma i Sāmoa o tama'ita'i, ma na'o le 5.5% o matai uma e fa'amautū i totonu o nu'u. E aliali mai i nei fa'amaumauga, na'o le 'afa o matai tama'ita'i e nonofo i totonu o nu'u ma fōliga mai e faigōfie ona 'auai i Fono a Nu'u.[44] E mana'omia le suafa matai ina ia mafai ona 'auai i faigā fa'ai'uga i totonu o nu'u, ma e fa'apea fo'i i se sui e fia 'auai i le Palemene.[45] O lona uiga, o le to'aitiiti o matai tama'ita'i, o le to'aitiiti fo'i lea o ni sui tama'ita'i e mafai ona 'auai i le Palemene.

E 21 nu'u (tusa o le 8% o nu'u uma)[46] i Sāmoa e lē fa'atagaina ona matai se tama'ita'i, ma a'afia ai le mafai e tama'ita'i ona tauvā i faigā pālota mo le Palemene i le 16 o itūmālō fa'apālota e 41 (40%).

O i latou fo'i e matai, e tele itū e saisaitia ai le mafai ona 'auai i Fono a Nu'u ma fai so latou sao i faigā filifiliga. E māfua lea tulaga i ni aiaiga aloa'ia 'olo'o iai po o ni isi itū e lē fa'ailoa aloa'ia. E 36 nu'u e aloa'ia ai matai tama'ita'i, 'ae lē fa'atagaina ona 'auai i Fono a Nu'u.[47] E fōliga mai o se faiga aloa'ia lea o māfua'aga 'olo'o lē 'auai ai le 79% o matai tama'ita'i i Fono a Nu'u, talu ai le lagona fa'a'esea i se si'osi'omaga e mafuli i ali'i.[48]

> "O le to'atūgā aupito ta'atele i le 'auai o tama'ita'i i fono a nu'u, o le lē nonofo o matai tama'ita'i i nu'u, ma e to'aitiiti atu e saofafa'i i fono a nu'u. O se māfua'aga ta'atele e tu'uina mai, e lē tatau ona iai tama'ita'i pe 'ā fai talasuaga a ali'i, ona o le vā tapuia, o se vaega o le feagaiga i le vā o tuagane ma tuafāfine. O le lē 'auai lā o matai tama'ita'i i Fono a Nu'u, e fa'amālosia ai le manatu lautele o faigā fa'ai'uga

[44] Samoa Bureau of Statistics. (2011). *Samoa Census 2011*. Retrieved from http://www.sbs.gov.ws/index.php/new-document-library?view=download&fileId=1388. See also Government of Samoa. (2017). *Sixth Periodic State Report to the Committee on the Elimination of Discrimination against Women.* CEDAW/C/WSM/6. Document 90 of Inquiry anthology.
[45] *Electoral Act 1993*, section 5.
[46] Samoa Bureau of Statistics. (2011). *Samoa Census 2011*. Retrieved from http://www.sbs.gov.ws/index.php/new-document-library?view=download&fileId=1388. See also Government of Samoa. (2017). *Sixth Periodic State Report to the Committee on the Elimination of Discrimination against Women.* CEDAW/C/WSM/6. Document 90 Inquiry anthology.
[47] National University of Samoa. (2015). "Political representation and women's empowerment in Samoa." *Final Report* 1. Retrieved from http://samoanstudies.ws/wp-content/uploads/2015/07/Centre-for-Samoan-Studies_Final-Report-Volume-1-English.pdf. Document 63 Inquiry anthology.
[48] See Samoa Office of the Ombudsman/ NHRI. (2015). *State of Human Rights Report 2015: For Samoa by Samoa*. Apia: Government Printers; Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws; and SPC and UNFPA. (2006). *Samoa Family Health and Safety Study 2000*. Document 83 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

e faia e ali'i, e lē gata i Fono a Nu'u, a o komiti i totonu o nu'u, ma fa'apea ai ona o'o atu i le palemene."

Political representation and women's empowerment in Samoa[49]

Na fa'afofoga le Sā'ili'iliga i molimau a ni matai e lagolagoina lea manatu, e lē se mea talafeagai le 'auai o tama'ita'i i Fono a Nu'u ona o uiga o talanoaga e fai ai, o talasuaga e tele ina fa'aaogā ai tala tau faigā 'āiga, e lē talafeagai le iai o tama'ita'i ma e soli ai le feagaiga. Peita'i, e manatu le Sā'ili'iliga, o se tasi fo'i lenei tulaga 'olo'o lagolago ai taumafaiga e fa'atūmau le sosaiete e pūlea e ali'i i Sāmoa, ma tu'u'esea ai tama'itai mai faigā fa'ai'uga. Ua iloa e le Sā'ili'iliga ua malepe le feagaiga, ua ōīa ona o sāuāga i totonu o 'āiga. O se tasi o māfua'aga e iai le sao i lea tulaga, o le leai o ni tama'ita'i e 'auai i Fono a Nu'u, a o le māfua'aga tonu lava lea 'olo'o fa'atū mai e ala ai ona lē talia matai tama'ita'i.

10.5.2 Palemene

"O le to'atele atu o tama'ita'i i le Palemene, e mafai ai ona tau tu'utu'u ane lagona ma pāleni ai felafolafoa'iga i matā'upu tau itūpā, fa'apea le fa'amālosi'au i se 'auala āga'i i luma e ōgatasi ma tu'ufa'atasia ai fa'atinoga fa'aleaganu'u ma le tulafono e uiga i tama'ita'i i upufai o mālō ma le maua e tama'ita'i o avanoa i isi vaega o le soifuaga."

Outcome document to Samoa's 2nd Universal Periodic Review, Pepa o le Sā'ili'iliga 66

Ua fa'ailoa ma fa'atino e le Mālō suiga i le 'auai o tama'ita'i i le Palemene, e fa'afetaia'i ai le lē tutusa o tulaga o itūpā, 'olo'o lalago ai sāuāga i totonu o 'āiga i Sāmoa. E iai fo'i le fa'ailoga tagata lē tu'usa'o fa'asaga i tama'ita'i, 'olo'o lē mafai ai ona 'ūmia ni tofiga.[50] Ua matuā fa'afeagai lea ma le Fa'avae o le Mālō o Sāmoa, 'olo'o tu'uina mai ai i tagatānu'u uma le sa'olotoga mai tulafono fa'ailoga tagata.[51] Ua iai se fautuaga a le Komisi o le Toefuata'iga o Tulafono a Sāmoa, e 'ave'esea tulafono a nu'u 'olo'o fa'asā ai le tōfia o tama'ita'i o ni matai.[52]

O le taimi nei, e 5 tama'ita'i 'olo'o 'ūmia nofoa o nofoa e 50 i le Palemene. O lenei fuainumera na tūla'i mai ina ua pāsia le *Tulafono o le Teuteuga o le Fa'avae 2013* na fa'ata'atia ai le tapula'a aupito maualalo o le 10% o Sui Tama'ita'i o le Palemene. Peita'i, o le 10% o se fuainumera la'iitiiti pe 'ā taga'i i se fuainumera e mautinoa ai le pāleni o manatu ma le mālosi o se leo e aogā ai ni taumafaiga e fa'afetaia'i le lē tutusa o tulaga o itūpā ma sāuāga i totonu o 'āiga.[53] O taunu'uga o le tulafono i le taimi nei ma le fuainumera o

[49] National University of Samoa. (2015). "Political representation and women's empowerment in Samoa." *Final Report* 1. Retrieved from http://samoanstudies.ws/wp-content/uploads/2015/07/Centre-for-Samoan-Studies_Final-Report-Volume-1-English.pdf. Document 63 of Inquiry anthology.

[50] Government of Samoa. (2017). *Sixth Periodic State Report to the Committee on the Elimination of Discrimination against Women.* CEDAW/C/WSM/6. Document 90 Inquiry anthology.

[51] Article 15 of the Constitution of the Independent State of Samoa.

[52] Samoa Law Reform Commission. *Convention on the Elimination of All Forms of Discrimination Against Women Legislative Compliance Review Final Report.* (2016). Document 89 Inquiry anthology.

[53] This was also the concern raised by the CEDAW Committee Concluding observations in response to Samoa's 4th and 5th State Periodic Report on CEDAW. (9-27 July 2012). Retrieved from http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-WSM-CO-4-5.pdf.

tama'ita'i i le Palemene, 'olo'o itiiti lava le leo o tama'ita'i ma o se tulaga lea e iai le sao i le mautinoa e fa'aauau pea le fa'afītāuli 'olo'o iai nei, o sāuāga i totonu o 'āiga.

10.5.3 O le lotu

E pei o le Fono a Nu'u ma le Palemene, o le lotu o se tasi lea o fa'alāpotopotoga mālosi i totonu o Sāmoa. O lea lā, e tāua se sao o le 'auai o tama'ita'i i faigā fa'ai'uga i totonu o lotu ma 'ole'ā 'avea o se vaega tāua i le fa'afetaia'iga o sāuāga i totonu o 'āiga. Na'o le tasi le lotu i Sāmoa e fa'au'uina tama'ita'i e 'avea ma faife'au, ma o le fa'atuatuaga Baha'i e tutusa nafa o ali'i ma tama'ita'i i le ta'ita'iga o le lotu.[54] O isi lotu e iai tama'ita'i i la'asaga 'ese'ese o le pūlega o le lotu.

O le mafuli o le au failotu i Sāmoa i ali'i, e mafai ona 'avea ai le leo mai le pulela'a e fa'apito i le va'aiga mai le itū a se ali'i, ma e mafai ona fa'amālosia ai fa'auigaga e puipui ai le sosaiete e pūlea e ali'i.

E pei fo'i ona iai i le va'aiga i Fono a Nu'u ma le Palemene, 'āfai e lē tulaga tutusa le 'auai ma le iai o sui tama'ita'i, 'ole'ā fa'apea fo'i ona mautinoa e lē 'āto'atoa se tali atu i sāuāga i totonu o 'āiga.

10.5.4 Isi Vaega Patino

Talu ai o tama'ita'i o se tasi o vaega aupito to'atele 'olo'o a'afia i sāuāga i totonu o 'āiga, e matuā tāua ai lo latou sao i faigā fa'ai'uga, e lē na'o i latou le vaega e tatau ona manatu i ai. E pei ona iai le manatu i le lē lava o sui o tama'ita'i i Fono a Nu'u, le Palemene ma lotu, e fa'apēnā fo'i i isi vaega 'olo'o tele ina a'afia i sāuāga i totonu o 'āiga.

E ui ina lē mafai ona 'auai tamaiti o ni sui o le Palemene, 'olo'o puipuia lo latou manuia e i latou ua filifilia. E seāseā fa'atino ni fefa'asoaa'iga ma tupulaga talavou o Sāmoa. Peita'i, e mafai ona maua mai tupulaga talavou ni manatu i matā'upu e pei o sāuāga i totonu o 'āiga, e ono lē amana'ia. O le tāua lea o le mautinoa e lagona ma amana'ia leo o tamaiti. O la latou aiā tatau e lagonaina ma amana'ia, o se tasi lea o talitonuga fa'avae 'autū o le Feagaiga i Aiā Tatau a le Tamaitiiti i tulaga o se fa'ai'uga a le fa'amasinoga po o ni taualumaga tau fa'afoega e a'afia ai,[55] ma le ātīna'ega o ni polokalame, 'au'aunaga ma a'oa'oga 'ole'ā 'auai.[56] Ua toe fa'aali mai fo'i i lenei vaega le mālosi e mafai ona o'o i ai, i le tu'ufa'atasiga o aiā tatau a tagata soifua ma le Fa'asāmoa, lea e fa'apea mai, "o le tele o sulu e maua ai fīgota e tele", e pei ona iai i le talitonuga fa'avae o le soālaupule.

O le lē 'auai o vaega e pei o tamaiti, fa'afāfine, tagata ua matua le soifua ma tagata e 'ese o latou lagona i itūpaā mai fa'atūlagaga māsani i faigā fa'ai'uga, o se itū e fa'anoanoa ai ma o se solia fo'i lea o a latou aiā tatau ma le Fa'asāmoa. O le uiga fo'i, 'ole'ā lē 'āto'atoa se tali atu i le fa'afetaia'iga o sāuāga i totonu o 'āiga, ma fa'apea ai lava ona fa'aauau.

[54] Ramona Boodoosingh and Penelope Schoeffel. (2015). "Addressing Violence against Women in Developing Countries: The Case of Samoa." Document 82 Inquiry anthology.
[55] See Article 12 of the *Convention on the Rights of the Child*.
[56] UN Committee on the Rights of the Child. (2009). General Comment No. 12 on the right to be heard. CRC/C/GC/12. Retrieved from http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-GC-12.pdf.

I'UGA 21 O LE SĀ'ILI'ILIGA: E iai tulaga i le atunu'u 'olo'o tāofiofia ai pea le 'auai o tama'ita'i (ma isi vaega patino) i Fono a Nu'u, Palemene ma le Lotu, ua ātili fa'amausalī ai le sosaiete e pūlea e ali'i ma lamatia ai le fa'amanuiaina o ni taumafaiga e fa'afetaia'i sāuāga i totonu o 'āiga, e ala i le lē fa'atāuaina o manatu o i latou e aupito a'afia.

11. Ta'iala o le Tāofiga

E iai le sao tu'usa'o o manatu ma uiga fa'aalia, talitonuga, fa'atinoga ma fa'aaliga, i ta'iala o le tāofiga ma le puipuiga. 'Āfai o se mea māsani po ua talia le pō o le to'alua ona o le lē usita'i, e leai lā se puipuiga mo i latou e āfāina mai nei fa'atinoga po o ni taumafaiga e tāofia ai le tupu mai i le lumana'i. E fa'apēnā fo'i pe 'āfai e lē iai ni sui o tama'ita'i i fa'alāpotopotoga e faia fa'ai'uga, e fesiligia le aofia o le ola manuia o tama'ita'i i ni faiga fa'avae ma ni polokalame fa'aleatunu'u. O lea lā e tāua ai le taga'i mai le si'osi'omaga o le matā'upu na se'i mavae atu, i le iloiloga o ta'iala o le tāofiga ma le puipuiga 'olo'o iai nei, ma lo latou aogā i le fa'afetaia'iga o sāuāga i totonu o 'āiga. So'o se fofō e fuafuaina, e tatau fo'i ona taga'i toto'a i mea na mātauina i le matā'upu ua mavae atu, ma fa'afetaia'i manatu ma uiga fa'aalia, talitonuga, fa'atinoga ma fa'aaliga, ina ia mautinoa e aogā lelei ma fa'amanuiaina fuafuaga. O le matā'upu lenei 'olo'o taga'i muamua i 'auala o le tāofiga i Sāmoa i aso nei, po o aogā pe leai, ma sa'ili e fa'ama'oti ni vaega mo le fa'aleleia.

11.1 A'oa'oga ma le Silafia

E iai le nafa 'autū o manatu ma uiga fa'aalia, ma talitonuga, i le 'a'ano o ni taumafaiga fou tau a'oa'oga ma le fa'atupuina o le silafia, e mafai ona taunu'u i ni suiga i le lamatiaga mai sāuāga i totonu o 'āiga. Ua fa'ailoa e le Sā'ili'iliga le tele o 'auala 'olo'o fa'atūmauina ai le sosaiete e pūlea e ali'i, ma le tele o taimi 'olo'o tu'ua'ia ma fa'amāasiasi ai tagata āfāina i sāuāga na o'o i ai. O se itū lē manuia, e fōliga mai o nei manatu, uiga fa'alia ma talitonuga, e a'afia ai fo'i le 'auala 'olo'o a'oa'oina ai tamaiti.

11.1.1 A'oa'oga

O le tamaitiiti o le la'asaga aupito tāua ma le tā'a'inagōfie i le ōlaga o so'o se tagata, i le faiga o filifiliga o la latou va'aiga ma feso'ota'iga ma lo latou lalolagi, ma o tagata e aupito tele lo latou sao i le ātīna'ega o ia manatu, o mātua ma faiā'oga. O lea lā, e matuā tāua le 'a'ano ma le a'oa'oina atu o matā'upu a'oa'oina i a'oa'oga a le atunu'u, ina ia aogā lelei i le tu'uina atu i tamaiti o tomai ma iloa latou te mana'omia, e ola ai i se ōlaga e sa'oloto mai sāuāga.

Peita'i, e fōliga mai o le fa'afeagai le mea lea e tupu ma o le 'auala 'olo'o fa'atino ai nei, 'olo'o tapu'e ai le tele o talitonuga ma faatinoga ua maua e le Sā'ili'iliga 'olo'o iai le sao i le ta'atele o sāuāga. Mo se fa'ata'ita'iga, o le Ta'iala mo Faiā'oga o le Soifua Mālōlōina ma Fa'amālositino mo Tausaga 9-10 'olo'o fautuaina ai, "e mafai ona tāofiofi teine mai le so'ona gāoioi ma feoa'i sa'oloto e pei ona sa iai muamua,

talu ai popōlega ne'i 'āmata ni a latou so'otaga tau faigā 'āiga ma pā'ū'ū ai 'ae le'i fa'aipoipo, pe ma'itaga pe toso fo'i e se tagata".[57]

O lenei 'auala ua fa'amālosia ai le manatu e uiga i tamaiti i totonu o le 'āiga na maua e le Sā'ili'iliga, ua si'i atu ai le tiute mai le fa'atino sāuāga tau faigā 'āiga, ma fa'aputu atu i luga o le tagata ua āfāina. O lea faiga ua sa'oloto ai ali'i e lē fa'asalaina, ona ua lagolagoina le manatu lē fa'avaea, e lē mafai ona fa'amalieina o latou mana'oga tau faigā 'āiga, ona e lē mafai ona o latou pūlea o latou lagona. 'Āfai o le 'auala lea e fa'aaogā e faiā'oga ma mātua, e lē se mea lā e ofo ai le ola a'e o tamaiti e talitonu o le fa'ao'olima tau faigā 'āiga e tu'ua'ia lē ua āfāina, 'ae tu'usa'oloto le fa'atino sāuāga e lē tau'aveina le taunu'uga o a latou fa'atinoga.

E lē fesoasoani fo'i le 'a'ano o matā'upu a'oa'oina i le ola a'e o tamaiti e mafai ona ola i se ōlaga e sa'oloto mai sāuāga. O le mafai ona 'alofia, tete'ē atu, pe līpoti sāuāga tau faigā 'āiga, e tatau ona iai se mālamalamaga fa'avae i faigā 'āiga, le uiga o le malie i ai, ma le mea e fai pe 'āfai e tago atu se tasi i se 'auala lē talafeagai. Na maua e le Sā'ili'iliga e lē o maua a'oa'oga nei i le 'āiga, ma e lē o maua fo'i i ā'oga.

O matā'upu a'oa'oina i ā'oga, e leai se vaega e uiga i faigā 'āiga saogalēmū, ma e pau a'oa'oga 'olo'o iai, 'olo'o fa'atatau i faigā 'āiga i le vā o se ulugāli'i fa'aipoipo ma le lagolagoina o le tāofi o ia fa'atinoga i so'o se isi lava tulaga. O se fa'amoemoega lenei e to'atele tagata e mānana'o e 'ausia. Peita'i, o se fa'amoemoega ua faigatā ona fa'ataunu'u. O aso nei, 'olo'o fa'atino faigā 'āiga a tupulaga talavou fa'apea tagata mātutua i fafo atu o le vā o se ulugāli'i fa'aipoipo, ma o le lē amana'ia o lenei meamoni, o le fesoasoani lava lea i le fa'aauauina o sāuāga.

E māfua lea ona o le lē lava o le tausiga ma a'oa'iga a mātua fa'apea a'oa'oga mo tamaiti i fa'atinoga lelei ma fa'atinoga leaga tau faigā 'āiga, ma si'itia ai lo latou a'afiagōfie i sāuāga tau faigā 'āiga. E lē mafai e tamaiti ona iloa po o le ā le osofa'iga po o le fa'ao'olima tau faigā 'āiga. Ua ta'ita'iina tamaiti e talitonu o latou e māfua ai ma e leai ni 'auala o feso'ota'iga e līpotiina ai. O le lē aofia i le tausiga ma a'oa'iga a mātua po o a'oa'oga, e māfua mai i talitonuga ma manatu lautele o faigā 'āiga, o se matā'upu e tapu, ma e lē tatau ona talanoaina i fafo atu o le vā o se ulugāli'i fa'aipoipo. Peita'i, o nei manatu ma le lē a'oa'oina i nei matā'upu, 'olo'o iai le sao tu'usa'o i le ta'atele o sāuāga tau faigā 'āiga fa'asaga i tamaiti (ma mulimuli ane, i tagata mātutua). 'Āfai e moni ma fa'amāoni le naunau o Sāmoa e puipui le mea aupito lelei mo le tamaitiiti, e tatau lā ona sui nei manatu.

E pei ona tāofiofia e manatu ma talitonuga o tagata a'oa'oga aogā lelei mo tamaiti, e fa'apēnā fo'i i le gagana. O se tulaga ma'ale'ale le talanoaina o faigā 'āiga, ma tusa fo'i pe mānana'o faiā'oga po o mātua e a'oa'o ai a latou fānau, o se galuega faigatā lea mo le to'atele. E māfua lea ona o le leai o ni upu talafeagai e fa'amatala ai, i se 'auala aogā, e aunoa ma le fa'aaogāina o 'upusā.

> "Tatou te lē talanoa i faiga fa'atāutala e tutupu 'auā e leai ni a tatou upu e fa'amatala ai uiga lelei."
>
> *Lani Wendt Young, Avanoa fa'alaua'itele e fa'aleo ai manatu*

[57] Ramona Boodoosingh and Penelope Schoeffel. (2015). "Addressing Violence against Women in Developing Countries: The Case of Samoa." Document 82 Inquiry anthology.

‘Āfai e leai ni upu e mafai ona talanoaina ai faigā ‘āiga, ‘ole’ā lē a’oa’oina fo’i tamaiti, ma lē mafai ona līpotiina atu pe ‘āfai e tutupu iā i latou. O lea lā, e lē gata ina mana’omia suiga i manatu ma uiga fa’aalia, e tatau fo’i ona maua ni suiga i le gagana e fa’aaogāina i faigā ‘āiga, ma lagona o tagata e uiga i faigā ‘āiga. ‘Ole’ā fa’apea ai ona maua ni fefa’asoaa’iga ma talanoaga aogā, e ‘ave’esea ai le pupuni o le lē gaganaina ‘olo’o tāofia ai le mālamalama ma le līpotiina, ‘olo’o mafai ai ona fa’aauau pea sāuāga e lē fa’aitiitia.

E le’i maua e Sisilia[58] se tasi lava o nei meafaigaluega e mafai ai ona tautala atu i faiga fa’atāutala na fa’atino e lona tauusoga ma fa’apea ai lava ona fa’aauau. E fa’apēnā ona fa’aauau mo le faitau selau o tamaiti (ma tagata mātutua) i aso nei, ‘auā e lē mālamalama i so’otaga mamā, pe iloa fo’i faiga fa’atāutala pe ‘āfai e o’o i ai. Fa’ato’ā sa’oloto Sisilia mai nei faiga, ina ua te’i i le va’ai i se fa’alauiloa i le televise.

> “Fa’ato’ā mafai ona ou ta’uina i se tagata ona o se fa’alauiloa ua leva ma tau lē manino na ou va’ai ai i le televise a Tutuila. ‘Ana leai, e ono o’o atu lava i se tulaga o le toso o a’u”.
>
> *Folasaga tusitusia, Sisilia, Avanoa fa’alaua’itele e fa’aleo ai manatu*

E lē tatau ona tu’utia’i le motusia o le ta’amilosaga i se mea e tupu e le’i fuafuaina, e ui ina sao Sisilia ona o le va’ai i le fa’alauiloa i le televise ‘ae le’i fa’ateteleina faiga fa’atāutala na fa’atino ‘iā te ia. Mo isi tagata, e lē fa’apea le laki, ma tumau ai lava le sāisaitia. Ua fa’amati’e mai ai fo’i le ‘auala faigōfie ma lē feuia’i, e momotu ai le ta’amilosaga pe ‘āfai ua i se tagata le iloa sa’o ‘olo’o mana’omia. O se tulaga tatau ma le mana’omia vave le maua e tamaiti uma o lea iloa.

I’UGA 22 O LE SĀ’ILI’ILIGA: O le leai o se a’oa’oga i faigā ‘āiga ma so’otaga lelei i matā’upu a’oa’oina i ā’oga ma fa’asinoala e tu’uina atu i faiā’oga e uiga i itūpā ma sāuāga tau faigā ‘āiga, ua fa’amālosia ma tapu’e ai manatu māsani i itūpā, ma fa’ateleina ai le a’afiagōfie o tamaiti i sāuāga tau faigā ‘āiga.

11.1.2 Fa’asalaga sasa i totonu o Ā’oga

E ui ina e lē aofia i tu’utu’uga o galuega a le Sā’ili’iliga, e lē ‘ave’esea ai le tāua ma feso’ota’iga ma fa’asalaga sasa. E māfua lea ona o le feuluuluta’i o uiga o sāuāga i totonu o ‘āiga, fa’apea manatu fa’aalia o le toe fa’aofi mai i Sāmoa, i le māe’a ai o le fa’asāina i le 2013. E talisapaia e le Sā’ili’iliga le toe liuliu o le tōfā a le Matāgaluega o Ā’oga, Ta’aloga ma Aganu’u, ona o manatu fa’aalia mai le Matāgaluega o Leoleo ma le Ofisa o le Lōia Sili.

> “O le maua mai o le manatu fa’aletulafono mai le Ofisa o le Lōia Sili ma se lapata’iga mai le Matāgaluega o Leoleo o le fa’ao’olima lava o le fa’ao’olima, ua mana’omia ai le toe taga’i o le Matāgaluega i lea tulaga.”[59]
>
> *Hon. Loau Keneti Sio, Minisitā mo le Matāgaluega o Ā’oga, Ta’aloga ma Aganu’u.*

[58] Case Study 7.
[59] As reported by the Samoa Observer. “Government rethinks corporal punishment.” (27 February 2018). Retrieved from www.samoaobserver.ws/en/28_02_2018/local/30541/Govt-rethinks-corporal-punishment.htm.

E fa'atupu manatu le fautuaga mai le Matāgaluega o Leoleo ma le Ofisa o le Lōia Sili, 'auā 'olo'o iai fete'ena'iga i tulafono 'olo'o iai nei. O le *Tulafono o Ā'oga 2009* 'olo'o fa'asāina ai fa'asalaga sasa e faiā'oga.[60] Peita'i, 'olo'o iai lava i le fuai'upu 14 o le *Tulafono o Tamaiti 1961* le aiā tatau e fa'atino ai "fa'asalaga talafeagai".[61] E fa'atupu manatu lā le fautuaga 'auā 'olo'o fa'aalia mai ai le manatu o Matāgaluega nei e lua, i le feagai ai ma tulafono fete'enai, ua fai ai le fa'ai'uga, so'o se fa'asalaga sasa, e tutusa lava ma le fa'ao'olima. O se fa'ai'uga lā e mafai ona taunu'u i ai, e fa'apea fo'i manatu o ia ofisa i fa'asalaga o le sasa e fa'atino e mātua.

E lautele lautele molimau e atagia mai ai e lē o maua i fa'asalaga sasa i totonu o ā'oga le taunu'uga fa'amoemoeina, ia ola a'e tamaiti e usita'i ma āmio pūlea.[62] Peita'i, e fa'ateleina ai lamatiaga o le i'u atu i āmioga lē pūlea ma isi a'afiaga lē lelei e pei ona ua fa'ailoa atu i le Līpoti lenei. O le i'uga, o le ūna'i āga'i i luma o sāuāga i totonu o 'āiga, ma o le feso'ota'iga lea e tatau ona matuā fa'ato'ato'a le taga'i i ai o le Līpoti nei.

O le fa'afītāuli ua lauiloa o fusu'aga ma misa'aga i le vā o ā'oga i le lima tausaga na mavae atu, na toe manatu ai le Matāgaluega o Ā'oga Ta'aloga ma Aganu'u e toe iloilo le fa'asāina o le fa'asalaga sasa se'ia o'o ina tu'uina atu fautuaga a le Matāgaluega o Leoleo ma le Ofisa o le Lōia Sili. O Fepuari 2018, na maua ai le tala o se tamaitiitiā'oga na fa'ate'a ma le ā'oga ona ua fa'ao'olima i se faiā'oga.[63] Peita'i, na aliali ane mulimuli, 'olo'o tu'ua'ia lea faiā'oga i le fasiga o ni tamaitiā'oga, ona o a latou tōgiga po o le 'otiga o ulu ma e iai le taimi na ia motoina ai fōliga o se tasi o tamaiti.[64] 'Āfai e fa'amāonia nei tu'ua'iga, 'ole'ā toe fa'amati'e ātili ai le fānau mai e sāuāga o isi sāuāga.

E tele le taimi na iloilo ai e le Sā'ili'iliga lenei matā'upu ma fa'atino sā'ili'iliga i taunu'uga o fa'asalaga sasa i totonu o ā'oga ma na mafuli molimau na maua e fa'apea mai ai, e lē 'ausia taunu'uga fa'amoemoeina o fa'asalaga sasa, 'ae tele taunu'uga lē manuia, ma ua matuā solipala ai le Fa'asāmoa ma aiā tatau a tagata soifua.

Fa'amatalaga Fa'amālamalama 14 o le Sā'ili'iliga:O se su'esu'ega fa'apitoa fa'atonutonu o le taunu'uga o fa'asalaga sasa i totonu o ā'oga

O se su'esu'ega fa'apitoa lelei tele i fa'asalaga sasa le Iunaite Setete o Amerika. E iai setete ua fa'asā ai fa'asalaga sasa, e iai fo'i setete e lē fa'asāina, ma ua maua

[60] *Education Act 2009*, section 23.
[61] Infants Ordinance 1961, section 14.
[62] See Global Initiative to End all Corporal Punishment of Children. "Negative Effects of Corporal Punishment." Accessed at https://endcorporalpunishment.org/resources/research/; Human Rights Watch. "Corporal Punishment in Schools and Its Effect on Academic Success." *Joint Statement by Human Rights Watch and ACLU.* (15 April 2010). Retrieved from https://www.hrw.org/news/2010/04/15/corporal-punishment-schools-and-its-effect-academic-success-joint-hrw/aclu-statement; Save the Children. (1999). "Awareness Campaign against corporal punishment of children in families." *Sixth Session.* Retrieved from http://harprathmik.gov.in/pdf/rte/corporal%20punishment.pdf.
[63] Radio NZ. "Samoa teacher files assault complaint against student." (28 February 2018). Retrieved from https://www.radionz.co.nz/international/pacific-news/351472/samoa-teacher-files-assault-complaint-against-student.
[64] See Samoa Observer. "Vice Principal and teacher charged." (16 March 2018). Retrieved from http://www.samoaobserver.ws/en/16_03_2018/local/31150/Vice-Principal-and-teacher-charged.htm.

mai ai se fa'atusatusaga e leai ni itū e fesuisuia'i. E fōliga mai, e lē fesiligia, e lē lelei taunu'uga o fa'asalaga sasa:[65]

- O setete e 10 e aupito maualuga le fasioti tagata, e 8 e taga ai fa'asalaga sasa;
- O setete e 10 e aupito to'atele tagata i falepuipui, e 9 e taga ai fa'asalaga sasa;
- O setete e 10 e aupito to'alāiti tagata i falepuipui, e leai se setete(0) e taga ai fa'asalaga sasa;
- O setete e 10 aupito leaga e ola a'e ai se tamaitiiti (e fua i le fa'atūlagaga o le ola manuia o tamaiti), e fa'ataga i ia setete uma e 10 fa'asalaga sasa;
- O setete e 10 aupito lelei mo le ola a'e ai o se tamaitiiti, e leai (0) se setete e taga ai fa'asalaga sasa;
- O setete e sefulu e aupito leaga le pasene o tamaiti e māe'a ā'oa'oga maualuga, e 7 e taga ai fa'asalaga sasa;
- O setete e 10 e aupito maualuga le pasene o tamaiti e māe'a a'oa'oga maualuga, e 1 e taga ai fa'asalaga sasa;
- O setete e 10 e aupito mātitiva, e 7 e taga ai fa'asalaga sasa;
- O setete e 10 e aupito lelei le tamāo'āiga, e 2 e taga ai fa'asalaga sasa;
- O setete e 10 e aupito maualalo le tulaga tau soifua mālōlōina, e 8 e taga ai fa'asalaga sasa;
- O setete e 10 e aupito lelei le fa'atūlagaga tau soifua mālōlōina, e 1 e taga ai fa'asalaga sasa.

O se matā'upu lavelave le solitulafono, ma o māfua'aga o nei feso'ota'iga e lē mafai ona fa'apea o le iai po o le lē iai o fa'asalaga sasa. Peita'i, e iloga le fa'ateleina o lamatiaga e i'u atu i taunu'uga lē manuia. O lea lā, o le fa'ataga o fa'asalaga sasa i ā'oga, o le fausia fo'i lea o taunu'uga lē manuia e pei ona iai i sāuāga i totonu o 'āiga, ma o le fa'atagaina o fa'asalaga sasa i ā'oga, 'ole'ā fa'ateleina ai sāuāga e sosolo atu i totonu o 'āiga. E lē mafai ona tu'u'ese'eseina ma fa'afetaia'i 'ese'ese nei matā'upu e lua, talu ai nei feso'ota'iga lē ma'ave'esea.

E lē gata i lea, e tatau fo'i ona taga'i i fa'asalaga sasa mai le va'aiga a le Fa'asāmoa ma aiā tatau a tagata soifua. 'Ole'ā fa'apea ona manino ai, o se matuā solia o nei vaega e lua. E leai se mea i le Fa'asāmoa o lagolagoina ai le a'oa'o o tamaiti e ala i le fa'ao'olima po le fa'aaogā o upu ma gagana mālolosi. O le tulaga moni o le fa'afeagai. E tatau i le Fa'asāmoa ona fa'asino tamaiti i upu, le atamai ma le alofa. E fa'apēnā fo'i i aiā tatau a tagata soifua, 'olo'o fa'apea mai, e tatau ona sa'oloto tamaiti mai so'o se faiga e lē tusa ai ma faiga fa'atagata soifua, po o faiga e fa'alumaina ai, po o le fa'asalaina ma e tatau ona maua puipuiga

[65] Annie Reneau. "Has a decrease in spanking led to higher crime rates? Nope." Accessed at http://www.scarymommy.com/decrease-spanking-higher-crime-rates/. Document 88 Inquiry anthology.

tutusa i lalo o le tulafono. Ua fa'ailoa e le Matāgaluega o Leoleo a Sāmoa, o le fa'ataga o fa'asalaga sasa i totonu o ā'oga, o le solia lea o lenei aiā tatau a tagata soifua, talu ai, o le fa'ao'olima lea i le tamaitiiti.

O le fa'amoemoe o le talitonuga o le fefa'asoaa'i ma le femulumulua'i i le Fa'asāmoa, ia 'avea le a'oa'oina o se fa'agāsologa e āga'i i itū e lua. E maua e faiā'oga le fa'aaloalo mai tamaitiā'oga ma e tatau ona fa'apea ona fa'atino e faiā'oga i tamaiti. E tutusa le taunu'uga e i'u i ai le fa'aaloalo ma le leai o ni sāuāga. E lē se mea lā e fa'ate'ia ai se tasi pe 'āfai o lea e a'oa'oina tamaiti mai lo latou lāiti mai fa'atinoga a mātua, faiā'oga, matai, faife'au ma isi, i le ta'atele o sāuāga ua tutupu mai nei i le vā o tamaiti ā'oga. O le mea moni fo'i lea pe 'ā taga'i i le tulaga ua o'o nei i ai, o le lē lava o feso'ota'iga a fānau ma mātua ma isi tagata mātutua. E leai se isi 'auala e 'ave'ese ai le fiu ma le ita o tagata talavou, a ua fa'asasao loa i si tupulaga talavou.

E leai se isi fa'ata'ita'iga manino atu i lō le matā'upu na tā'ua i luga, na 'āmata ai ona manatu le Matāgaluega o Ā'oga, Ta'aloga ma Aganu'u e toe fa'ataga fa'asalaga sasa i ā'oga. Na 'āmata mai i le fa'ao'olima o se tamaitiitiā'oga i se faiā'oga na līpotiina ma o le tali atu i ai, o le vala'au lea ia toe fa'ataga le sasa i ā'oga. Mulimuli ane na aliali mai ai, na fasi muamua e le faiā'oga tamaiti, ma ua lē mafai loa ona 'onosa'ia e tamaitiā'oga.

E ui ina o se la'asaga i le itūlagi sa'o le fa'asāina o fa'asalaga sasa i ā'oga i le 2013, e manino fo'i, e le'i 'āto'atoa le fa'amamaluina ma 'olo'o iai pea fo'i ni fesili e uiga i le talafeagai o faiā'oga i le a'oa'oina o matā'upu a'oa'oina.

"O le 50% o tamaiti ā'oga e fefefe i se faiā'oga leaga e sāuā, 'ae 38% e fefefe ona o upu mālolosi e lafo."

Samoa Family Safety Study, 2017, Pepa o le Sā'ili'iliga 46

E lelei lava le fa'asāina o fa'asalaga sasa. Peita'i, 'āfai e lē tausisia e faiā'oga, 'ole'ā fa'apea lava ona fa'aauau taunu'uga lē manuia ua 'oto'otoina i lenei līpoti e o'o mai i le vaega lenei.

'Ole'ā aliali a'e pea fōliga mātagā o fa'asalaga sasa i Sāmoa, e pei ona iai i le 'āmataga o le 2018, ma e faigōfie le māfua'aga. O sāuāga o se 'auala 'alo mai fa'asinoga fa'aleagaga ma fa'atonuga aogā lelei. O se 'auala faigōfie. 'Ae māoa'e le leaga o ona taunu'uga.

I'UGA 23 O LE SĀ'ILI'ILIGA: 'Olo'o fesoasoani fa'asalaga sasa i ā'oga, i le ta'atele o sāuāga i totonu o 'āiga ma isi taunu'uga lē lelei mo le atunu'u lautele. E mana'omia le fa'asā taputapu, ona fa'ato'ā taunu'u manuia lea o ni taumafaiga e fō'ia ai sāuāga i totonu o 'āiga. Peita'i, e lē o 'āto'atoa le fa'atinoina o le sā 'olo'o iai nei i Sāmoa, ma fa'apea ai ona fa'ateleina le lamatiaga ma le ta'atele o sāuāga i totonu o 'āiga.

11.1.3 Silafia o Tagata Lautele

E lē fesiligia le māoa'e o le si'itia o le silafia o tagata lautele i sāuāga i totonu o 'āiga i le 10-20 tausaga ua mavae atu, ma ua 'avea o se matā'upu e mafai ona sa'oloto le talanoa i ai o tagata. Ua maua so'o i ai līpoti mai 'auala o fa'asalalauga ma e 85% o le 1,500 o tagata i vaega uma o Sāmoa na manatu o se matā'upu ua tatau ona 'ave i ai le fa'amuamua. Na'o le 4% na talitonu e lē se fa'afītāuli.

> "O le 15 tausaga ua mavae, e le'i tele ni fa'amatalaga e uiga i sāuāga. O le taimi nei, ua tele līpoti, tele le silafia, peita'i, ua fa'aali mai i fuainumera fa'amauina, ua fa'ateteleina le leaga."
>
> *Mata'afa Keni Lesa, Editor Samoa Observer, Avanoa fa'alaua'itele e fa'aleo ai manatu*

Na maua e le Sā'ili'iliga molimau e lagolago ai le manatu o Mata'afa, e ui ina si'itia le silafia e le atunu'u, e leai se suiga lelei ua aliali mai. E tele māfua'aga o le leai o se āga'i i luma. E telē le sao o le 'augatā o i latou 'olo'o maualuga i pūlega, e fa'afesāga'i ma le meamoni, o se sosaiete e pūlea e ali'i, e fanafānau ma fa'atūmauina sāuāga i totonu o 'āiga. O lea lā e nofonofo fīfīlēmū ai e leai se leo i lenei matā'upu.

> "E mafai lava ona tatou nonofo i inei ma talanoa i ai. 'Ae 'ā fa'apea e 'ese se finagalo o Sui o le Palemene ma lo tatou Pālemia, tou te manatu lā e 'augōfie tagata lautele e 'auai i ni taumafaiga? E leai se tasi e āno mai. E tatau ona 'ave muamua i le Palemene ma le Pālemia, 'auā e fa'alogo ma usita'i tagata i fa'atonuga mai luga."
>
> *Matai 'auai, Avanoa fa'alaua'itele e fa'aleo ai manatu*

Na maua e le Sā'ili'iliga e lē na'o sui i upufai o mālō e lē o fa'alogoina ni leo i le matā'upu i sāuāga i totonu o 'āiga. E fa'apea fo'i i latou i pūlega fa'aleaganu'u, i nu'u ma afio'aga, fa'apea lotu. O taimi o tapu le fa'aleoina o sāuāga i totonu o 'āiga, e leai se tasi na lagona se leo, vaganā le toa o i latou na āfāina ma sao mai i sāuāga i totonu o 'āiga, na tūla'i mai, fa'ailoa ma tāutatala mai i mea na tutupu. Na fa'aali le manatu o Mata'afa Keni Lesa i le Sā'ili'iliga, e mana'omia siamupini ia 'auā "'āfai tatou te tu'u mai i le la'asaga o tagata ta'ito'atasi, e iai le avanoa 'ole'ā aogā lelei a tatou taumafaiga". Ua salalau atu ma lagonaina leo o tagata āfāina ma tagata ua sao mai sāuāga i totonu o 'āiga, ma o se la'asaga lea āga'i i luma. O leo e le'i salalau ma lagonaina, o leo ia o tagata e faia fa'aiuga, e aofia ai sui i upufai o mālō, lotu ma nu'u ma afio'aga. O le mea ua ātili ai le fa'afītāuli, o le tele o tagata fa'atino sāuāga e i totonu o vaega ia, ma na'o se taga'i lava i le tala 'iā Hope,[66] e maua mai ai le molimau. O lea lā, 'olo'o iai le lē lagona o leo, lagolagoina, ma le 'auai i fa'atinoga o tagata ia, 'ana fa'apea e tāutatala mai, o i latou ia e mafai ona faia suiga i le ōlaga i le atunu'u.

> "Tatou te mana'omia tagata totoa e tāutatala mai. Tatou te mana'omia ni siamupini mai le lotu ma nu'u ma afio'aga. 'Āfai e iai nei tagata, ua tatou iloa o fa'ai'uga ia e sau mai iā i latou. Ma o latou fo'i o fa'atino sāuāga. 'Āfai tou te mana'o e tōsina ni suiga, e tatau ona tou 'āmata mai i le lotu ma nu'u ma afio'aga."
>
> *Mata'afa Keni Lesa, Editor Samoa Observer, Avanoa fa'alaua'itele e fa'aleo ai manatu*

[66] Case Study 12.

Ua latalata ona o'o atu Sāmoa i le tulaga o le tele o tala o sāuāga e līpotia i 'auala o fa'asalalauga, e i'u ai ina lē toe āno se tasi i matā'upu fa'apēnei. Ua iai le popōlega o i latou e galulue i 'auala o fa'asalalauga, ua fiu tagata e vā'ai i ulutala "tāofi sāuāga i totonu o 'āiga", ma 'ole'ā 'āmata ona lē toe fia vā'ai pe fa'alogo i ia tala ma i'u ai ina leiloa atu se avanoa e fa'afetaia'i ai lenei fa'ama'i pepesi. O le taimi lenei mo i latou e faia fa'ai'uga e tūla'i mai ai e 'auai ma lagolago le taumafaiga, ina ia fua, ma fua tele mai le si'itia o le silafia e tagata lautele.

I'UGA 24 O LE SĀ'ILI'ILIGA: O se tasi o itū 'olo'o fa'aauau ai pea sāuāga i totonu o 'āiga, o le leai lea o se lagolago i lona tafi'esea mai ta'ita'i o upufai o mālō, tagata faigaluega a le mālō, ta'ita'i fa'aleaganu'u ma ta'ita'i fa'alelotu, ma lo latou 'auai, o ni tagata fa'atino sāuāga.

O se isi vaega e mafai ona fa'aleleia i le silafia e le atunu'u o le iloa lea e le lautele o le atunu'u o tulafono ma 'au'aunaga 'olo'o iai. E mafai ona iloga se aogā i le mafai e se tagata ona maua avanoa i fa'amasinoga tonu, fesoasoani mana'omia i le toe fa'afo'isia o le mālosi ma le ola manuia, pe mo se tagata fo'i e iloa po o tusa ma le tulafono po o se solitulafono mea 'olo'o latou faia.

E to'atele tagata e lē mālamalama pe iloa le *Tulafono o le Saogalemu o Aiga 2013*. O le 30% o i latou na 'auai i le SFSS 2017 na iloa e iai le tulafono, 'ae lē iloa po o ā mea 'olo'o i le Tulafono, ma le 24% e le'i iloa e iai se tulafono fa'apea. Na iloa fo'i i le līpoti "o le leai o se iloa o le *Tulafono o le Saogalemu o Aiga 2013* e lē fa'apito i tagata lautele ma o fa'atalanoaga na fa'atinoina na iloa ai, 'olo'o taumafai pea le 'aufaigaluega a le Matāgaluega e mālamalama ai ma 'olo'o mana'omia fo'i e le Matāgaluega o Leoleo ni isi a'oa'oga i le tulafono".[67]

O le tala mai le Ofisa o le Lōia Sili ma le Matāgaluega o Fa'amasinoga ma le Fa'afoeina o Matā'upu tau Fa'amasinoga e lē o latou e ona le matāfaioi o le fa'atupu silafia o le tulafono, pe lē lava fo'i puna'oa e fa'atino ai. Na maua e le Sā'ili'iliga molimau o lenei lē lava o le mālamalama i su'esu'ega fa'apitoa e ta'atele ai le toso teine i le vā o se ulugāli'i fa'aipoipo, 'ae le'i manatu o se solitulafono. E mana'omia se ta'iala mautū fa'aletulafono i le fa'afetaia'iga o sāuāga i totonu o 'āiga. Peita'i, e tatau lava ona mālamalama le atunu'u lautele i le tulafono ma 'auala e puipuia ai i latou i lalo o le tulafono. O le taimi nei, o taunu'uga o le lē mālamalama i le tulafono, e lē o maua e tagata le puipuiga e tatau ona maua i lalo o le tulafono, ma fa'aauau ai pea sāuāga i totonu o 'āiga.

E to'atele fo'i tagata e lē mālamalama i 'au'aunaga 'olo'o mafai ona maua mo i latou e āfāina i sāuāga i totonu o 'āiga, ma e tutusa taunu'uga o lea lē mālamalama, ma taunu'uga o le lē mālamalama i tulafono. O le SFSS 2017 na fesiligia ai tagata na 'auai i le su'esu'ega po o ai latou te iloa o tu'uina atu 'au'aunaga. O le to'atele e iloa le To'omaga, 'ae to'atele fo'i e lē iloa 'au'aunaga 'olo'o tu'uina atu e le Mālō. Na'o le

[67] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

56% na iloa ‘au’aunaga e tu’uina atu e le Matāgaluega o Leoleo, ‘ae 22% na iloa ‘au’aunaga ‘olo’o tu’uina atu e le Matāgaluega o Tinā ma Tama’ita’i, Ātīna’e o Nu’u ma Afio’aga ma Agafeso’ota’i.[68]

O le Mālō e iai le matāfaioi ‘autū i le fa’amautinoaina e mauaina e tagatānu’u uma o Sāmoa fa’amanuiaga o a latou aiā tatau. Peita’i, toeitiiti ‘afa o tagata e lē iloa ‘auala ‘olo’o mafai ona fesoasoani atu ai leoleo i tulaga tau sāuāga i totonu o ‘āiga. O lenei lē iloa, ‘olo’o fesoasoani lea i se si’osi’omaga ‘olo’o tu’usaunoa ai pea sāuāga i totonu o ‘āiga e lē faia i ai se galuega, sa’oloto ai pea tagata fa’atino sāuāga, ma fa’atūmau ai le tulaga ‘olo’o iai nei.

I’UGA 25 O LE SĀ’ILI’LIGA: E to’atele tagata e lē iloa pe mālamalama fo’i i tulafono ‘autu ma ‘au’aunaga ‘olo’o iai. O lona uiga, e mafai ona to’atele tagata āfāina e lē mauaina lea fesoasoani latou te mana’omia, ma lē mafai ai ona ‘ausia le tāofiga o sāuāga i le lumana’i, ma tu’uavanoa ai pea i le fa’aauauina o sāuāga.

11.1.4 Tusitusiga ma ‘Auala o Fa’asalalauga

“E tāua tele le nafa o ‘auala o fa’asalalauga i le tāofiga ma togafitiga o sāuāga i totonu o ‘āiga ‘auā o i latou ia e mafai ona fa’alauiloaina tala ma fai tusitusiga e uiga i sāuaga fa’alotoifale. Peita’i, e fa’alagolago fo’i i le va’aiga e taga’i mai ai, ma le ‘auala e tusia ai tala.”

Faleafa Falaniko Taefu, Matai, Avanoa fa’alaua’itele e fa’aleo ai manatu

E mana’omia tusitusiga i le fa’agāsologa o taualumaga e fa’afetaia’i ai sāuāga i totonu o ‘āiga. Na maua e le Sā’ili’iliga le tāua, le aogā ma o’o i taunu’uga lelei, o lo latou nafa fa’atino i le silafia e le atunu’u o sāuāga i totonu o ‘āiga. O le matā’upu a Tuiloma Sina Retzlaff, o se fa’ata’ita’iga e tasi o le galulue fa’atasi ma le Samoa Observer i le fa’amatalaina o lana tala. Na fa’amautinoa e le Sāmoa Observer e lē toe āfāina i le faia o ni tu’ua’iga po o faiga fa’amāasiasi e pei ona ua fa’amati’e e le Sā’ili’iliga, ‘olo’o fa’atino i isi tagata āfāina. O le taunu’uga o lenei ‘auala, o le si’itia lea o le silafia e le atunu’u, ma pāepae ai le avanoa o isi talanoaga o sāuāga i totonu o ‘āiga. Peita’i, e fa’asusulu tonu ai fo’i le sulu i le mālosi o ‘auala o fa’asalalauga, e lē gata e iai taunu’uga manuia, ‘ae iai fo’i taunu’uga lē manuia, pe ‘āfai e ‘ese le va’aiga mai le va’aiga na fa’atino ai le matā’upu ‘iā Tuiloma.

O se matā’upu ma’ale’ale le līpotiina o sāuāga i totonu o ‘āiga, e mana’omia ai le fa’aeteete ma le māmalamalaga loloto i ‘auala e tatau ona puipuia ai tagata āfāina mai le fa’aopoopo atu o isi māfatiaga. Na talanoa le Sā’ili’iliga i ni sui o ‘auala o fa’asalalauga na ‘ioeina, e mafai, ma e tatau ona fa’aleleia ātili le mālamalamaga o le ‘au fa’asalalau i lenei itū.

“E mana’omia le fa’aopoopoina o le ūna’i i le tulaga o āmioga tatau i tagata tusi līpoti ma ni a’oa’oga fa’aopoopo mo tagata tusi līpotii i ‘auala o le tusiga o līpoti. E iai tusi līpoti e pei lava o ni tamaiti e leai se a’oa’oina i tomai o le galuega, ma e lē

[68] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

mafai fo'i lā ona fa'alagolago e latou te iloa tusi ni līpoti i matā'upu tāua ma taumafai e fausia ai ni suiga i le ōlaga o tagata."

Faleafa Falaniko Taefu, Matai, Avanoa fa'alaua'itele e fa'aleo ai manatu

Ua maua lā e le Sā'ili'iliga, ua fa'atino e tusitusiga fa'asalalau se nafa tāuā i le fa'alauiloaina o sāuāga i totonu o 'āiga i le atunu'u lautele, ma 'olo'o fa'aauau pea lea galuega, o se tasi o galuega aupito sili ona tāua. Ina ia fa'amautinoa e taunu'u i i'uga lelei lo latou sao tāuā, e tatau lava ona taga'i i ni 'auala e si'itia ai, ma 'ausia tulaga mana'omia tau galuega tusitusi, i vaega uma o 'auala o fa'asalalauga.

I'UGA 26 O LE SĀ'ILI'ILIGA: O tusitala, o ni pā'aga 'autū i le fa'afetaia'iga o sāuāga i totonu o 'āiga ma e mana'omia a'oa'oga i tomai i 'auala o le tusiga o līpoti ma fa'alauiloa, i se ala e lē fa'aopoopo ai le lagolagoina o manatu ma uiga 'olo'o i'u i sāuāga i totonu o 'āiga, pe tula'i mai ai fo'i ni isi lamatiaga mo tagata ua āfāina.

O se pōpolega patino i 'auala o fa'asalalauga na fa'aleoina mai pea o le Sā'ili'iliga, o le nafa lautele lea o 'auala o fa'asalalauga i le ta'atele o sāuāga i totonu o 'āiga. E lua itū o lenei manatu – muamua, o le fa'amālosia o manatu māsani i itūpā e ala i fa'alauiloa, ata tīfaga ma le televise ma lonalua, o le matuā tele o sāuāga tau faigā 'āiga i le televise/ata tīfaga ma le fa'ateleina o avanoa e maua ai ata mātagā.

Ua au'ili'ili e le Līpoti mea na fa'alogo i ai le Sā'ili'iliga i "manatu ta'atele i aso nei i uiga e mō'omia i tama tāne, 'olo'o fa'aalia i mitiafu o se ali'i māsomasoa e tā tatau ma mamanu i le tino, ma fōliga fa'amisa",[69] ma e fa'apēnā fo'i i polokalame o le televise ma fa'alauiloa. E iai se tasi na lāgā i le Sā'ili'iliga le matā'upu o se pia lauiloa a le atunu'u, 'olo'o fa'aaogā ai sāuāga e ūna'i ai la latou pia. E le'i mafai e le Sā'ili'iliga ona fa'amāonia lenei tala, peita'i, ua aliali mai ai le popōlega lautele, 'olo'o 'auai 'auala o fa'asalalauga i manatu ma uiga ua au'ili'ili atu i le Līpoti, e āfāina ai tagata, ma fesoasoani i le ta'atele o sāuāga, 'ae lē fesoasoani i le fa'afetaia'iga.

O le itū lonalua o le popōlega, o le faigōfie lea ona maua i telefoni o lōmiga mātagā ('aemaise lava mo tamaiti) ma sāuāga tau faigā 'āiga ua fa'aalia pea ma ua fa'ateteleina i televise ma ata tīfaga. O nei mea uma e fetaui lelei lava ma manatu māsani, o tama'ita'i o meafaitino tau faigā 'āiga ma o lo latou nafa o le tali o mana'o tau faigā 'āiga e lē fa'amalieina o ali'i.

"O nei manatu e iai fo'i le sao i le fa'alauiloaina ma le fa'alauteleina o le iloa i lōmiga mātagā ma le fa'aataina ma isi fa'aaogāga tau fefa'ataua'iga ua avea ai tama'ita'i o ni meafaitino tau faigā 'āiga, 'ae lē o ni tagata ta'ito'atasi. O mea uma nei e iai le sao i sāuāga tau faigā 'āiga."

CEDAW Committee General Recommendation 19, Pepa o le Sā'ili'iliga 105

[69] Ramona Boodoosingh and Penelope Schoeffel. (2015). "Addressing Violence against Women in Developing Countries: The Case of Samoa." Document 82 Inquiry anthology.

O nei tulaga i le āga'i i luma o le fa'aaogāga o 'auala o fa'asalalauga, ua fa'amālosia ai manatu māsani i itūpā ma le lē tutusa o tulaga o itūpā, e i'u atu ai i le ta'atele ona talia o aiā tau faigā 'āiga a ali'i, ma o'o atu ai i le fa'atinoga o sāuāga tau faigā 'āiga, ma isi itū'āiga sāuāga o le tino ma le māfaufau.

I'UGA 27 O LE SĀ'ILI'ILIGA: E mafai ona fa'ateleina ma 'olo'o fa'ateleina e 'auala o fa'asalalauga le lamatiaga mai sāuāga i totonu o 'āiga, e ala i le lagolagoina o manatu māsani e uiga i itūpā ma isi manatu lē manuia e māfua ai sāuāga i totonu o 'āiga.

11.2 Fuafuaga a le Mālō, Fa'amāopoopoina, ma Polokalame

11.2.1 Fuafuaga a le Atunu'u

O le Ta'iala mo le Ātīna'e o Sāmoa 2016/2017 – 2019/2020 o le ta'iala 'autū lea, ma o se tasi o ona taunu'uga fa'amoemoeina o le "Fa'aitiitia o sāuāga i totonu o 'āiga ma sāuāga tau faigā 'āiga". [70] 'Olo'o maua lea i lalo o le taunu'uga mō'omia o le fa'aleleia o le soifuaga lautele (Taunu'uga Mō'omia 8), 'olo'o iloa mai ai le manatu o le Mālō, o sāuāga i totonu o 'āiga o se matā'upu ua tatau ona tagofia ma e tele ona fa'atinoga i totonu o nu'u ma afio'aga.

E lagolagoina lea i se su'esu'ega o le Fuafuaga a le Vaega o Tulafono ma Fa'amasinoga 2016-2020 (**LJS Plan 2016-2020**) 'olo'o aofia ai fo'i sāuāga i totonu o 'āiga i le vaega o le fa'aleleia o le soifuaga lautele, 'ae lē o aofia i vaega o "pūlega" po o le "mauaina o avanoa i fa'amasinoga tonu". E fa'apēnā fo'i se iloiloga o le Fuafuaga a le Vaega o le Ātīna'e o Nu'u ma Afio'aga 2016-2021, 'olo'o aofia uma ai taumafaiga mo sāuāga i totonu o 'āiga, i lalo o ātina'e o le soifuaga lautele, 'ae leai se fuafuaga i lalo o pūlega.

"O se lu'i lea o le taimi nei, 'auā e leai se tu'ufa'atasiga po o se 'auala fa'amāopoopo. O aogā lā le fuafuaga a le vaega i lenei matā'upu?"

Leautuliilagi Vanessa Barlow-Schuster, Loia, Avanoa fa'alaua'itele e fa'aleo ai manatu

E maua se tali i le fesili ua tu'uina mai e Leautuliilagi, pe 'ā taga'i i fa'atinoga 'autū 'olo'o i le LJS Plan 2016-2020. Muamua, e la'iitiiti ni fa'atinoga i le la'asaga 'autū. E lē o taumafai fo'i le Fuafuaga e taga'i i se 'auala e mafai ai ona fa'ama'oti māfua'aga fa'avae o sāuāga i totonu o 'āiga, po o suiga mana'omia i manatu o tagata e mafai ai ona 'ausia ni suiga tūmau. O fa'atinoga 'olo'o iai e aofia ai le fa'avaeina o se Komiti a le Atunu'u mo le Fa'amutaina o Sāuāga, se Ta'iala a le Atunu'u mo le Tāofiina o Solitulafono, se Ofisa 'Autu o Matā'upu Fa'aletulafono mo Tagata Lautele ma teuteuga o le *Tulafono o Fono a Nu'u 1990*. Peita'i, o nei fa'atinoga uma 'olo'o fa'aauau mai le Fuafuaga a le Vaega na muamua atu. O lea lā, e lē gata ina lē lava fa'atinoga e fa'afetaia'i ai sāuāga i totonu o 'āiga, a o ni manatua tuai e le'i mafai ona fa'atinoina i le Fuafuaga a le Vaega na se'i mavae atu.

[70] Ministry of Finance Economic Policy and Planning Division. (2016). *Strategy for the Development of Samoa 2016/2017 – 2019/2020*. Retried from http://www.lse.ac.uk/GranthamInstitute/wp-content/uploads/laws/4836.pdf.

E fōliga mai fo'i o le 'auala lava lea e uia e le Fuafuaga a le Vaega mo Ātīna'e o Nu'u ma Afio'aga o le lē fa'atinoina, ma le fuafuaga mo "'Āiga Saogalēmū ma le Fa'amutaina o So'o se Itū'āiga Sāuāga" 2017-2021, 'olo'o tuai le fa'atinoga e tusa ma taimi na fa'atūlagaina. O lenei fuafuaga 'olo'o fa'amoemoe i le ātīna'ega ma le fa'alauteleina o se faiga feso'ota'i a ofisa 'ese'ese mo tagata āfāina i sāuāga, 'ae le'i iloga mai se fa'atinoga ua māe'a i lenei taimi.

Na fa'amauina e le Mālō se tulaga 'ausia i le fa'avaeina o se "Faiga Fa'avae a le Atunu'u mo Tinā ma Tama'ita'i o Sāmoa 2010-2015 'olo'o patino ai le fa'aitiitia o sāuāga fa'asaga i tama'ita'i, o se tasi o taunu'uga 'autū"."[71] Peita'i, o se i'uga i le līpoti 'olo'o tā'ua ai lenei faiga fa'avae, ua iloga le **fa'ateteleina** o sāuāga i totonu o 'āiga**.**

E manino mai lā i le Sā'ili'iliga, e ui i le tele o fuafuaga fa'aleatunu'u, vaega ma fuafuaga e ta'ita'i e matāgaluega, e leai se suiga lelei o 'ausia. E māfua mai lea i le leai o se fa'amāopoopoga o taumafaiga 'ese'ese, ma le lē mafai ona taga'i i māfua'aga fa'avae ma itū 'olo'o fesoasoani i le fa'aauauina o sāuāga i totonu o 'āiga, 'aemaise lava i la'asaga tau pūlega ma le mauaina o fa'amasinoga tonu.

11.2.2 Polokalame ma Tupe Fa'atatauina

O le Matāgaluega o Tinā ma Tama'ita'i, Ātīna'e o Nu'u ma Afio'aga ma Agafeso'ota'i (Matāgaluega o Tinā ma Tama'ita'i), o le ofisa 'autū lea o le Mālō ua iai le galuega tau'ave o le fa'afetaia'iga o sāuāga i totonu o 'āiga. Peita'i, na vave lava ona fa'ailoa mai e le Matāgaluega i le Sā'ili'iliga o latou lava fa'alētonu i le fa'atinoga o lea galuega tau'ave.

> "O la matou tulafono fa'avae (*Tulafono o Mataupu tau Tina ma Tamaitai 1990*) e lē o maua ai aiaiga fa'aletulafono e mana'omia po o puna'oa e 'āto'atoa ai se tali atu i sāuāga fa'alotoifale.
>
> E 2% o tupe fa'atatauina a le Mālō e maua e le Matāgaluega, ma e telē le fa'alagolago o le Matāgaluega i pā'aga mai fafo mo le fa'atinoga o ana polokalame o a'oa'oga/fa'atupu silafia.
>
> 'Olo'o iai galuega fuafuaina alualu mamao e le'i fa'atinoina e pei o 'au'aunaga ma polokalame mo tagata āfāina i sāuāga, 'aemaise lava sāuāga tau faigā 'āiga. 'Olo'o mana'omia fo'i polokalame fa'apitoa mo le toefuata'iina o tagata fa'atino sāuāga.
>
> 'Olo'o 'avea pea o se lu'i le māta'itūina ma le tulituliloaina o polokalame."
>
> *Molimau Tusitusia, Matāgaluega o Tinā ma Tama'ita'i, Pepa o le Sā'ili'iliga 1*

O lenei iloiloga fa'alotoifale ua fa'amati'e ai le leai o se malosi'aga fa'aletulafono, po o puna'oa e aogā ai ni fa'atinoga a le Matāgaluega o Tinā ma Tama'ita'i, i le fa'afetaia'iga o sāuāga i totonu o 'āiga. E to'atele ua mātauina lenei fa'alētonu:

[71] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

> "E tusa ai ma sā'ili'iliga ma fefa'asoaa'iga na fa'atino e le Komisi i lana iloiloga o le Feagaiga mo le Fa'amutaina o So'o se Fa'ailoga Tagata Fa'asaga i Tinā ma Tama'ita'i, e manino mai le leai o ni polokalame ma 'au'aunaga e fa'afetaia'i ai matā'upu tau sāuāga."
>
> *Molimau Tusitusia, Komisi o le Toefuata'iga o Tulafono a Sāmoa ,Pepa o le Sā'ili'iliga 38*

Na maua fo'i e le Komisi o le Toefuata'iga o Tulafono a Sāmoa, o le nafa o le Matāgaluega o Tinā ma Tama'ita'i, 'olo'o tapu'e ma fa'amālosia ai manatu māsani e uiga i itūpā, lea e i le 'ogātotonu o sāuāga i totonu o 'āiga. E fa'atino lea i se vaega o lona mālosi'aga fa'aletulafono, o le lagolagoina ma fesoasoani i fa'atinoga patino i tinā e pei o le lalagaina o le 'ietoga, fuafuaga o le tausiga lelei o 'āiga ma galuega fa'apēnā.[72]

E ui ina lē lava le lagolago a le Mālō tūtotonu,[73] ma galuega tau'ave fa'atulafonoina e lagolagoina ma fa'amālosia manatu māsani i nafa o itūpā, na manino mai i le Sā'ili'iliga le tautua a le Mātāgaluega pe 'ā manatu i le lē lava o tupe fa'atatauina 'olo'o fa'atino ai a latou galuega. O ni tagata faigaluega fa'apea, 'olo'o gāpātia ma tautua fa'amāoni, ma iai le mālamalamaga i sāuāga i totonu o 'āiga, o se meatōtino matuā aogā lea mo Sāmoa. O a latou taumafaiga e pei o polokalame o mātua mata'alia, saogalēmū o tamaiti, puipuiga o tagata lautele ma le polokalame o ali'i e tete'e atu i sāuāga[74] 'olo'o fa'aali mai ai galuega e mafai ona fa'atino i se tupe itiiti. Peita'i, o le lē lava o le lagolago a le Mālō i le itū tau mālosi'aga fa'aletulafono ma tala fa'atatau o tupe, e i'u ai i le itiiti ma lē 'āto'atoa galuega e tatau ona fa'atino, ma fa'apea ai ona itiiti taunu'uga e mafai ona 'ausia. Ui i lea, e fa'afiafia loto, ma e tatau ona fa'ailoa galuega lelei ua fa'atino.

11.2.3 Sui o Nu'u

O Sui Tama'ita'i o Nu'u (**STN**) ma Sui o Nu'u (**SN**) o ni vaega ia o feso'ota'iga o sui o nu'u ma afio'aga, 'olo'o ala atu ai feso'ota'iga a le Mālō i nu'u ma afio'aga. E fa'alagolago le Matāgaluega o Tinā ma Tama'ita'i i sui ia, e lagolagoina le fa'agāoioiga i nu'u ma afio'aga o le tāofiga, ma le tali atu i ni matā'upu tau sāuāga i totonu o nu'u ma afio'aga.[75] Na līpoti mai i le Sā'ili'iliga e le Matāgaluega o Tinā ma Tama'ita'i, o nu'u e mata'alia ma tau lāgalaga i mea lelei o latou sui, ua iloga suiga ua o'o i ai. E maualuga taunu'uga e mafai ona 'ausia mai nei feso'ota'iga. Peita'i, na manino mai fo'i i le Sā'ili'iliga, e le'i tāitai o'o i le tulaga 'āto'atoa e mafai ona o'o i ai. Na fa'aleoina i le Sā'ili'iliga popōlega e uiga i le aogā lelei o nei tulaga/tofiga ma le mana'omia ai o le māta'itūina ma iloiloga.

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[72] Samoa Law Reform Commission. *Convention on the Elimination of All Forms of Discrimination Against Women Legislative Compliance Review Final Report.* (2016). Document 89 Inquiry anthology.
[73] The UN CEDAW Committee in response to Samoa's 4th and 5th Periodic Report on CEDAW also made a similar concluding observation noting the lack of Government support injected into the national machinery for the advancement of women. Retrieved from http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-WSM-CO-4-5.pdf.
[74] MWCSD written submission to the Inquiry. Document 1 Inquiry anthology.
[75] MWCSD written submission to the Inquiry. Document 1 Inquiry anthology.

"E tatau ona tele atu galuega e fa'atino e sui o nu'u e ala i le ta'ita'iga o polokalame fa'atupu silafia mo 'āiga ma ulugāli'i talavou, 'auā o le māfua'aga lenā na tōfia ai. E 'auai mai i a'oa'oga uma e fa'atino i Apia, 'ae leai se fa'atinoga e va'aia i nu'u ma afio'aga."

Molimau Tusitusia, Komisi o le Toefuata'iga o Tulafono a Sāmoa, Pepa o le Sā'ili'iliga 38

O se tasi fo'i lenei taunu'uga o le lē fa'amāoni o le Mālō e fa'afetaia'i sāuāga i totonu o 'āiga, ma le lē lava o puna'oa e fa'atino ai le māta'itūina o le aogā o sui o nu'u, o le leai fo'i lenā o se tali mai i taunu'uga o a latou galuega ma leai se aogā lelei.

E lē gata i lea, e fa'ailoga tagata le faiga fa'avae a le Mālō i totogi o STN ma SN, ma fa'amālosia ātili ai le fa'atūlagaga o itūpā, 'olo'o fa'avae ai sāuāga i totonu o 'āiga. 'Ae le'i o'o mai i le 2014, na la'iitiiti ifo le totogi o sui tama'ita'i o nu'u i totogi na maua e sui o nu'u. O Tesema 2014, na talia ai e le Kapeneta se si'itaga o totogi mo le ta'ilua vaiaso mai le ST$125 i le ST$195, e ui ina maua e sui o nu'u le ST$250.[76] O le folasaga a le Mālō i le Komiti mo le Fa'amutaina o So'o se Fa'ailoga Tagata Fa'asaga i Tinā ma Tama'ita'i i le 2017, na fa'apea ai, "o se ata lelei lea o le naunau o le Mālō e fa'atino le tulaga tutusa o itūpā ma le lagolagoina o le 'ausia o le tulaga tutusa o itūpā".[77] E 'auai le Sā'ili'iliga i lenei manatu, 'ae lē o le 'auala na fa'amoemoe i ai. 'Ana fa'apea e naunau sa'o le Mālō i le tulaga tutusa o itūpā, semanū e si'i totogi ia tutusa ma totogi o sui ali'i. O le lē tutusa o totogi, na fa'aalia manino atu ai, e lagolagoina e le Mālō le lē tutusa o itūpā, ma lagolagoina le māsani lā te ō fa'atasi, o sāuāga ia i totonu o 'āiga.

I'UGA 28 O LE SĀ'ILI'ILIGA: O le lē lava o le fa'amāoni o le Mālō ma ana fa'atinoga, e ala i le lē lava o puna'oa, lagolago ma le lē māopoopo o taumafaiga, e 'avatu ai i tagata se fe'au, e talia le tulaga lē tutusa o itūpā, ma e talia sāuāga i totonu o 'āiga.

11.3 Fono a Nu'u

O le matāfaioi a Fono a Nu'u, o le fa'amautinoaina o le fīlēmū ma le nofo feālofani ma le ātina'e o le nu'u.[78] E tele taimi i le fa'agāsologa o le Sā'ili'iliga e tūla'i mai ai matai ma fa'apea mai, e leai ni sāuāga o tutupu i 'āiga i o latou nu'u.

"O lo'u nu'u, e leai ni sāuāga o tutupu i totonu o 'āiga 'auā 'olo'o fa'atino le galuega a le Fono a Ali'i ma Faipule."

Matai 'auai, Avanoa fa'alaua'itele e fa'aleo ai manatu

E iai se taimi na tūla'i ane ai se matai ma fa'apea mai i le Sā'ili'iliga e noa ni matā'upu tau sāuāga i totonu o 'āiga i lo latou nu'u. O le molimau na soso'o ane ai, na tūla'i mai ai se tinā ma fa'apea mai e lē sa'o le fa'amatalaga. E iai lana tama teine sa nofotane i le nu'u lea, se'ia o'o ina fasi e lona to'alua ma to'ulu ai

[76] Confirmed to the Inquiry by the Internal Affairs Division, MWCSD. (Email correspondence). 20 March 2018.
[77] Government of Samoa. (2017). *Sixth Periodic State Report to the Committee on the Elimination of Discrimination against Women.* CEDAW/C/WSM/6. Document 90 Inquiry anthology.
[78] Refer to *Village Fono Act 1990.*

ona nifo, e le'i toe fo'i ai lava i ai. E lua itū ua maua mai i nei molimau e fa'apopole ai le loto. Muamua, o se vaega tele o le fa'afītāuli o matai 'olo'o lagolagoina ma 'auai e ala i le fa'afiti o iai ni sāuāga, po o 'auai sa'o lava o ni tagata fa'atino sāuāga. O le SFHSS 2000 na fa'ailoa mai ai o le 35% o tagata fa'atino sāuāga o matai.[79] Talu ai na'o le 15.5% o le faitauaofa'i o ali'i o matai,[80] o nei fuainumera ua aliali mai ai e sili atu i le fa'aluaina le pasene o matai fa'atino sāuāga i lō fa'amaumauga o tagata uma 'olo'o fa'atino sāuāga i le atunu'u. O le popōlega lonalua, 'āfai o le maualuga lea o le fuainumera o matai 'olo'o fa'atinoina sāuāga, 'ailoga lā e faia ni a latou fa'atinoga e fa'afetaia'i ai sāuāga i totonu o 'āiga. E lē na'o Fono a Nu'u 'olo'o maua ai lenei tulaga, a ua fesoasoani fo'i e fa'amālamalama ai le lē gāoioi o le Mālō.

> "E mumusu tagata ua āfāina i sāuāga e līpoti atu i fono a nu'u, ma e iai taimi na līpoti atu ai, 'ae le'i maua ni fa'amasinoga tonu talu ai, 'olo'o 'auai ia matai i le fono, ma e lē mānana'o isi matai e fa'amasino se tasi uso ā matai."
>
> *Matai 'auai, Pepa o le Sā'ili'iliga 99*

O lea lā, o le fa'afītāuli lenei. E lē gata ina lē iloa pe tūla'i mai Fono a Nu'u e ta'imua le tāofiga o sāuāga i totonu o 'āiga, e mafai fo'i ona o latou puipuia tagata fa'atino sāuāga. E atuatuvale ai le loto, ma fa'amālosia ai itū na iloa i vaega muamua o le Līpoti, ua fāi ifo le tulaga o matai i nai tausaga ua mavae atu nei. O lenei tala, o se va'aiga lautele 'auā 'olo'o to'atele pea matai 'olo'o soifua ma tau'aveina le agaga tonu o le Fa'asāmoa, ma o ni ta'ita'i fa'atuatuaina e o latou afio'aga. E iai fo'i matai ua 'āmata lava ona mālamalama i taunu'uga lē manuia o sāuāga i totonu o 'āiga, ma ua fa'ailoa le loto toa e ala i le tūla'i mai ma ta'utino ni o latou sesē i aso ua alu, ma lo latou naunau e fai ni suiga, e pei o Milo i le su'esu'ega fa'apitoa 'olo'o mulimuli mai. E mana'omia e Sāmoa ni tagata se to'atele e pei o Milo, ina ia mafai ona fa'ato'ilaloina sāuāga i totonu o 'āiga.

Su'esu'ega Fa'apitoa 24: O le 'auala o Milo i le fa'amāgaloina

O Milo o se matai e vave ona ta'utino e lē se tagata e 'āto'atoa le lelei.

"O a'u o se tagata e fa'atino sāuāga i lo'u to'alua ma la'u fānau. O fa'ai'uga fo'i ou te faia mo lo'u nu'u e aofia ai fo'i sāuāga. E māfua ia i le lagona o 'oe e iai le pule – i lo'u to'alua, i lo'u 'āiga. O lo'u manatu, e iai la'u aiā tatau e fa'atino ai lea pule."

Na mafai ona 'auai Milo i ni polokalame tau sāuāga i totonu o 'āiga ma o ia taimi, na 'āmata ai ona ia lagona, e lē lelei ana fa'ata'ita'iga 'olo'o fai, ma taunu'uga mo lona 'āiga ma le nu'u, o lona sāuā.

"O le mea na 'āmata ai ona sui, o lo'u va'ai ifo lea i la'u matāfaioi o le 'avea o se tasi e fa'ata'ita'i mai i ai tagata o le nu'u, tupulaga talavou, ma lo'u nafa i le faiga

[79] SPC and UNFPA. (2006). *Samoa Family Health and Safety Study 2000*. Document 83 in Inquiry anthology, accessible at www.ombudsman.gov.ws.
[80] MWCSD. (2015). *Women: Matai and Leadership Survey 2015*. Retrieved from http://www.mwcsd.gov.ws/images/2017/Documents/DFSD/Women-Matai-and-Leadership-Report-2015---FINAL-FINAL.pdf.

o fa'ai'uga. O 'inā na 'ou iloa ai, ua tatau ona fai se suiga ina ia fa'apea ona fa'alogo mai tagata 'iā a'u. E tatau ona 'ou fa'atino mea o lea 'ou te fai atu ai."

Talu ona lagona e Milo nei mea, ua tele ana taumafaiga ia mālamalama ma fa'afetaia'i māfua'aga 'olo'o i le ta'ele o sāuāga i totonu o lona nu'u. Ua taumafai e fa'atapula'a fa'asalaga tupe, 'auā e ātili fa'aopoopo ai 'avega tautupe ma o'o atu ai i isi sāuāga. Na te tē'ena fo'i le fa'asalaga o le fa'atūla'i 'ese ma le nu'u, 'auā 'ole'ā si'i atu ai le fa'afītāuli i le nu'u o se isi tagata. O lona manatu, o sāuāga i totonu o 'āiga, o lona tiute lea, ma e mana'o e fa'avae se komiti a le nu'u e fesoasoani e fa'afetaia'i lenei fa'afītāuli.

O Milo ua na'o se matai e to'atasi ua 'āmata ona iai suiga i ona lagona e uiga i sāuāga i totonu o 'āiga ma ua ia iloa fo'i ni 'auala e fa'atino ai. Peita'i, o le meamoni, 'olo'o olaola a'e pea sāuāga i totonu o 'āiga, e ui ina taututū mai le to'atele o matai i le Sā'ili'iliga, e lē o tutupu ni sāuāga i totonu o o latou nu'u. O se molimau fa'anoanoa lenei, talu ai, e fōliga mai o Milo 'olo'o i se vaega to'aitiīti lava o matai.

"E lē mafai ona tatou faia na'o tatou. E lē mafai ona tatou faia pe 'ā le iai Fono a Nu'u. O lā latou te iloa le tulafono. Peita'i, e ui ina 'auai i a'oa'oga, e lē o faia la latou galuega o le fa'asalalau atu o le upu ma ātīna'e le iloa e tagata. E iai Fono a Nu'u e lagolagoina tagata fa'atino sāuāga ma taumafai e 'aumai māfua'aga e pupuni ai sāuāga, ma o le māfua'aga lenā e toe fa'atino sāuāga ai fo'i tagata."

Ofisa Leoleo, Avanoa fa'alaua'itele e fa'aleo ai manatu

E tofu le nu'u ma ana tulafono e pūlea ai le nu'u ma tausi le ola manuia o ona tagata. E le'i fa'alogo le Sā'ili'iliga i se tulafono e feso'ota'i ma le fa'asāina o sāuāga i totonu o 'āiga ma taunu'uga e mafai ona o'o i ai. O le tele o tulafono na tulimata'i ai āmioga a tagata 'ōnanā, lā'ei lē talafeagai, ma sā i afiafi. Peita'i, a o fa'agāsolo le tusiga o lenei Līpoti, na fai le fa'ai'uga a le Fono a le afio'aga o Asau, na talia ai faiga fa'avae o le matuā lē talia o se sāuāga fa'asaga i tama'ita'i, o se la'asaga lelei ua tatau ma onomea le 'avatu i ai o le fa'amālō.[81] O le fa'avaeina ma talia aloa'ia o le fa'asāina o sāuāga i totonu o 'āiga ma ona taunu'uga, 'ole'ā 'avatu ai se lapata'iga mālosi i tagata uma e nonofo i se nu'u, e uiga i āmioga talafeagai e tatau ona ola ai.

O le leai o ni tulafono fa'apea a nu'u (vaganā ai Asau), o se mōliaga lava lea o le manatu lautele o Fono a Nu'u o Sāmoa e uiga i sāuāga i totonu o 'āiga ma le matuā lē lava o ni a latou fa'atinoga o so latou sao e tāofia le sosolo lautele atu o sāuāga i totonu o 'āiga.

I'UGA 29 O LE SĀ'ILI'ILIGA: O le lē fa'avaeina o ni faiga aloa'ia e tali atu ai i sāuāga i totonu o 'āiga, o le 'auai lava lea o le tele o Fono a Nu'u i le ta'atele o sāuāga i totonu o 'āiga.

[81] Samoa Observer. "Asau moves to protect women." (5 January 2018). Retrieved from http://www.samoaobserver.ws/en/05_01_2018/local/28509/Asau-moves-to-protect-women.htm.

11.3.1O le Nafa o Matai o ulu o ‘āiga

E tāua tele le nafa māsani o le matai o le ulu o le ‘āiga, i le taua fa’asaga i sāuāga i totonu o ‘āiga. O i latou ia e feagai ma le fō’ia o matā’upu fa’apēnei, ma fa’amautinoa e lē o’o atu i Fono a Nu’u.

> “O i latou (matai) e tatau ona ‘avea o tagata muamua e tali atu i le fa’afītāuli ua tūla’i mai i totonu o le ‘āiga. E tatau ona ia sa’ili se fautuaga mai le faife’au po o le Fono a le Nu’u pe ‘āfai ua o’o i se tulaga e i fafo atu o lana pule. O ia e feagai ma le ola manuia ma le ātīna’e o tagata uma o lona ‘āiga lautele. O le fa’amoemoega ‘ātoa lenā na fai ai matai”.
>
> *Matai ‘auai, Avanoa fa’alaua’itele e fa’aleo ai manatu*

Peita’i, ‘olo’o aliali mai i fa’amaumauga,[82] e leai ni matā’upu fa’apea o līpoti atu i Fono a Nu’u, a ua sili atu ona leaga sāuāga i totonu o ‘āiga i lō se tulaga na o’o i ai muamua – o se molimau leotele, e to’atele matai ua lē fa’atinoina o latou tiute.

> “O le maua o se suafa matai ua lē toe pa’ia e pei ona sa iai i aso ua mavae ma ua mafai lava ona matai so’o se tasi. E maua loa le matai, fa’apea loa o i latou e pule i o latou tagata ma o latou ‘āiga”.
>
> *Sui ‘auai, Avanoa fa’alaua’itele e fa’aleo ai manatu*

‘Ae le’i faia se fa’amasinoga po o fa’ataunu’u e matai o latou tiute i sāuāga i totonu o ‘āiga, e tāua le tu’u ‘ese’ese o itū tau puipuiga ma itu tau tāofiga. Ua māe’a ona ‘oto’oto e le Līpoti le fa’alē fetaui o le nafa o le matai mo le puipuiga o tagata ta’ito’atasi e āfāina i sāuāga i totonu o ‘āiga. E lē o iā i latou tomai mana’omia ma iloa e tu’uina atu ai le tausiga ma le lagolago e mana’omia e le tagata ua āfāina ia toe fa’afo’isia le mālosi, ma le tagata fa’atino sāuāga e toefuata’i ai ana āmioga. Ma e lē fa’apea fo’i ua fai atu o se tulaga lea e mafai ona o’o i ai. Peita’i, o le nafa o le matai e tatau ona ‘avatu le tagata ua āfāina fa’apea le fa’atino sāuāga, i tagata tonu e mafai ona maua ai ia fesoasoani, pe ala atu i le Fono a le Nu’u po o le tu’u atu sa’o i Leoleo. Talu ai le si’osi’omaga fa’aleaganu’u, o le va’aiga a tagata ua lē mafai ona fa’atino tiute o le matai pe ‘āfai ua mama atu i fafo atu o le ‘āiga, ma o la latou tali i ia manatu, o le taumafai lea e nanā le matā’upu i so’o se ‘auala e mafai ai. O lenei fa’ai’uga ua lamatia ai le tagata āfāina mai ni isi sāuāga ma mautinoa ai lava e toe fa’aauau. E tatau ona fa’amuta i le taimi lava lea le matā’upu. E tatau ona ‘āmata ona mālamalama matai o lo latou nafa i matā’upu tau sāuāga i totonu o ‘āiga, o le fesoasoani lea e fa’afaigōfie le mauaina o ‘au’aunaga mana’omia mo le tagata ua āfāina ma le tagata fa’atino sāuāga ma fa’apea ona fa’atino ni fefa’asoaa’iga ta’ito’atasi ma le tagata ua āfāina fa’apea le fa’atino sāuāga.

O le itū i le tāofiga o sāuāga i totonu o ‘āiga, ‘olo’o tele ina lē fa’atinoina le nafa o matai talu ai, o isi o i latou, o tagata fa’atino sāuāga, e to’atele atu i lō le fua fa’atatau mo le atunu’u ‘ātoa.[83] Mo le tāofiga o sāuāga i totonu o ‘āiga, e tatau i matai ona ‘auina atu se fe’au manino, e lē talia sāuāga i totonu o ‘āiga

[82] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.
[83] *Police v Leota [2017] WSSC 113* (8 August 2017). Retrieved from http://www.paclii.org/cgi-bin/sinodisp/ws/cases/WSSC/2017/113.html?stem=&synonyms=&query=title(Police%20and%20Leota%20).

ma tu'uina atu ni ta'iala o fa'atinoga, e mafai ona ola ai tagata i se ōlaga to'afīlēmū, e leai ni sāuāga. E lē mafai ona 'ausia lea itū'āiga ōlaga, pe 'āfai e lē ni ta'ita'i 'olo'o fa'atinoina ni fa'ata'ita'iga lelei.

O le gāsologa o le Sā'ili'iliga, e iai taimi na fa'aali ai manatu, ua pa'ū le tulaga o le lelei o matai. O le māfua'aga na tu'uina mai, o le se'e atu lea o Sāmoa i se tamāo'āiga e fa'alagolago i le tupe, ma ua maua ai le so'otaga a suafa matai i fanua ma le tupe, 'ae lē o le tautua. O lenei talitonuga ua femilosa'i ai le va'aiga sa iai i matai, ua i'u ai i se tulaga o le fa'aali o le mālosi ma le mana'o e amana'ia, a ua leai se 'au'aunaga. O le taunu'uga, ua mōu atu fo'i se tasi o 'auala sa maua ai le puipuiga mai sāuāga i totonu o 'āiga.

Ua ātili fa'aopoopo i lenei tulaga le meamoni, o le matuā to'atele (89%) o matai o ali'i,[84] ma o le to'atele o ia ali'i o tagata fa'atino sāuāga po o tagata fo'i e mānana'o e fa'atūmau le fa'atūlagaga o tagata 'olo'o iai nei, 'olo'o o latou maua ai le mālosi ma le pule. O le tu'ufa'atasia o le pa'ū o le tūlaga lelei o matai ma le 'ese o manatu i nafa o le matai, e itiiti lava lā se naunau o le to'atele o matai e talia ma fa'asaga tonu atu e fa'afetaia'i le fa'afītāuli o sāuāga i totonu o 'āiga, ma fōliga mai ai ua ōīa fo'i se tasi o 'auala o le puipuiga na fausia e le Fa'asāmoa. Ua ātili lautele atu ai lava le fa'avae mo sāuāga i totonu o 'āiga.

I'UGA 30 O LE SĀ'ILI'ILIGA: E lē o mafai e matai ona puipuia tu'usa'o tagata e āfāina i sāuāga i totonu o 'āiga ma lē o fa'atinoina sa latou galuega o so latou tiute i nei matā'upu. O lona uiga, 'olo'o gata i totonu o 'āiga, ma leai ni taunu'uga manuia. E lē lava galuega a matai 'olo'o fai i le taimi nei e tāofia ai sāuāga i totonu o 'āiga, e ala i fa'ata'ita'iga lelei ma le fa'atupuina o le to'afīlēmū i le vā o tagata o o latou 'āiga.

11.4 Lotu

Na fa'alototeleina le Sā'ili'iliga i le fa'alogo atu i faife'au na tūla'i mai ma fa'aleo le matuā tete'e i sāuāga i totonu o 'āiga ma le nafa o le lotu, ma fa'amālamalama mai 'auala ua fa'ata'atitia i le taimi nei. O se fa'ata'ita'iga, o le Fono Aoao a Ekalesia So'ofa'atasi, o se pā'aga 'autū i lalo o le Fuafuaga o Fa'atinoga a le Atunu'u mo Tamaiti, ma 'olo'o 'auai i galuega fa'atino tau puipuiga ma 'auala e tali atu ai i ni isi o māfua'aga ma u'una'i o fa'atinoga o sāuāga. Na iai le māliliega i le gāsologa o fefa'asoaa'iga o le Sā'ili'iliga, i le matuā tāua o le sao o le Lotu. Peita'i, na iai fo'i lagona e lē o fa'atinoina i se tulaga e tatau ona o'o i ai le matāfaioi a le Lotu, e ui ina iai ni nai fa'ata'ita'iga o fa'atinoga lelei.

"O faife'au o le Lotu ma o latou faletua o ni tagata mamalu, tāua ma e i tulaga e fa'alogo i ai tagata. E iai lā lo latou nafa tāua i le fa'aaogāina o a latou a'oa'oga e fausia ai 'āiga mālolosi, tu'uina atu le lagolago, faufautua ma fesoasoani i 'āiga ua iai fa'afītāuli. E iai lagona e lē o fa'atinoina e faife'au o le lotu lo latou nafa o le tu'uina atu o ta'ita'iga fa'aleagaga ma fa'asinoala, ma fa'amālosi'au."

Līpoti o fefa'asoaa'iga o le Sā'ili'iliga, Pepa o le Sā'ili'iliga 58

[84] MWCSD. (2015). *Women: Matai and Leadership Survey 2015*. Retrieved from http://www.mwcsd.gov.ws/images/2017/Documents/DFSD/Women-Matai-and-Leadership-Report-2015---FINAL-FINAL.pdf.

Ua māe'a susu'e ma folasia e le Sā'ili'iliga le fa'auiga sesē o le Tusi Pa'ia e lagolago ai sāuāga i totonu o 'āiga. Na talia e se faife'au o le lotu[85] ma na fa'apea mai, e tatau ona taumafai mālosi atu le 'au failotu e fō'ia lenei tulaga.

E lē gata ina lē o mafai ona lāugaina se fe'au manino e lē fesuisuia'i o le leai o ni sāuāga ma le tutusa o itūpā, na maua e le Sā'ili'iliga isi fa'atinoga po o ni lape, 'olo'o fesoasoani i le fa'aauauina o sāuāga i totonu o 'āiga. Ma o mea nei:[86]

- Ua taumamao ma ua lē āno faife'au i mea tutupu i a latou 'aulotu;
- fa'ateleina le 'avega mamafa tautupe e tau'ave e 'āiga; ma le
- fe'ālofa'i 'ae lē fa'ailoa le āmiotonu i le faiga o molimau o āmio a tagata fa'atino sāuāga i totonu o 'āiga.

Na līpoti mai fo'i i le Sā'ili'iliga e ni tagata, ua sui galuega a faife'au o lotu, ua tau lē asiasi i tagata o 'aulotu e pei ona sa iai i aso ua tuana'i.

> "Ua tau lē asiasi faife'au o lotu i aso nei. O aso ia, sa asiasi e lē gata i tagata o a latou 'aulotu – 'ae asiasi i tagata uma."
>
> *Sui 'auai, Avanoa fa'alaua'itele e fa'aleo ai manatu*

E fetālia'i lea ma manatu o le tele o isi molimau i le Sā'ili'iliga na fa'apea mai, e iai faife'au o lotu ua tele ina fa'ato'ā va'aia i Aso Sā, 'ae tau leai ni feso'ota'iga i isi aso o le vaiaso. O lea tulaga ua lē gata ina fa'atapula'a ai ta'ita'iga fa'aleagaga e maua e le 'aulotu, a ua tāofia ai fo'i le iloa e faife'au o ni sāuāga e ono tutupu mai i 'āiga 'ae le'i tutupu, pe fai fo'i i ai se galuega pe 'āfai e tupu. O se 'auala 'autū lea o le tāofiga o sāuāga i totonu o 'āiga i Sāmoa, ua tāuau lava ina mōu 'ātoa atu.

E fa'aopoopo i le lē asiasi o faife'au o lotu, e iai fo'i le sao o le folafolaina o fōa'i tupe i le lotu, i le ta'atele o sāuāga. E ui ina e lē folafolaina i lotu ma falesā uma, 'olo'o atagia mai i lenei faiga le fa'afītāuli lautele o le fa'aopoopoina o le 'avega tautupe i 'āiga (ua o'o ai lava ina fai nonōgātupe mai faletupe), ona o mana'oga fa'alelotu, ma fa'amāasiasi ai tagata e lē mafai ona lafoina ni tupe e tele (ma aliali ai le lē lagonaina/amana'ia e le lotu). O fa'afītāuli tau tupe na tele ina fa'atū mai, o se u'una'i o fa'atinoga o sāuāga i totonu o 'āiga, ma o le iai o le sao o le lotu i nei sāuāga, o le tu'usa'o fo'i lea o le sao o le lotu i le fa'ateleina o lamatiaga, ma le ta'atele o sāuāga i totonu o 'āiga, ma ua tatau ona tūla'i mai le lotu e fa'atino se tali atu i lenei meamoni.

O se isi faiga māsani a faife'au o lotu, o le tu'uina atu lea i le fa'amasinoga o tusi molimau o āmio a tagata fa'atino sāuāga pe 'ā o'o ina tūla'i i luma o le Fa'amasinoga. E mafai ona fesoasoani nei tusi molimau i fa'amasino i le faiga o fa'ai'uga o fa'asalaga talafeagai. Peita'i, i le si'osi'omaga lea, e iai fa'afītāuli e tūla'i mai ai.

[85] Evidence provided by Father Lui Sanele, Inquiry public hearings.
[86] Views expressed during Inquiry public consultations.

O sāuāga i totonu o ‘āiga e māsani lava o se gāsologa o āmioga sāuā, ma e ui ina o se taimi muamua lea e tūla’i ai se tagata i luma o le fa’amasinoga, e telē le avanoa na fa’atino ai fo’i sāuāga i taimi ua tuana’i. ‘Āfai e le’i līpotiina muamua, e māsani ona lē iloa e le fa’amasinoga ma e leai fo’i ni ‘auala latou te sā’ili’ili ai. O le tāpā o molimau o āmio, o le ‘auala lea a le fa’amasinoga e maua ai se fa’amatalaga i lea itū. Peita’i, o le tele o nei molimau, ua si’i ai le fa’atino sāuāga i se va’aiga aupito lelei e mafai, ma fa’afōliga o lelei isi itū. O le tu’uina atu o molimau o āmio e lē ‘āto’atoa le sa’o, o le fa’ateleina lea e faife’au o lotu o avanoa e sa’oloto ai tagata fa’atino sāuāga mai ni fa’asalaga, ma tapu’e ātili ai le manatu, o sāuāga i totonu o ‘āiga o se vaega māsani o le ōlaga e tatau ona talia. E lē se tulaga lea e fa’ate’ia ai se tasi, pe ‘ā taga’i i le sao o faife’au o lotu i sāuāga i totonu o ‘āiga – o i latou fo’i o fa’atino sāuāga.

> “O se tasi o māfua’aga o lo latou (faife’au o lotu) lē pisa i lenei matā’upu, e iai tagata o le ‘au failotu ‘olo’o fa’atinoina āmioga lē talafeagai i tama’ita’i, ‘ā lē o o latou ta’ito’alua, o tama’ita’i o a latou ‘aulotu.”
>
> *Mercy Maliko, ‘Theology Response to domestic violence in Samoa’, Pepa o le Sā’ili’iliga 39*

Na lagona le fa’anoanoa tele o le Sā’ili’iliga i le fa’alogo atu i faife’au o lotu e sāuāina a latou āvā, ma le fuainumera o i latou ua maua na fa’atinoina faiga fa’atāutala i tamaiti i lalo o la latou tausiga,[87] e aofia ai le faife’au lotu ‘olo’o feagai nei ma mōliaga o le tosoina o le tama/afafine a lona lava tuafafine/uso.[88] O nei matā’upu ua na’o se vaega la’iitiiti o se mea matuā telē e lē o mafai ona va’aia pe mālamalama i ai i le taimi nei. E lē se tulaga lā e ofo ai, e pei fo’i ona iai i le va’aiga i le Mālō ma Fono a Nu’u, le mātauina o le leai o ni galuega e tāofia ai sāuāga i totonu o ‘āiga, ma le **taulāmua** o faife’au o lotu i le fa’atūmauina o le tulaga ‘olo’o iai nei ma le puipuiga o tagata fa’atino sāuāga ‘ae lē o tagata āfāina.

O māfua’aga uma ‘olo’o i luga, e lē fa’ate’ia ai se tasi i le to’atele o faife’au o lotu e matuā tē’ena ma e leai se tala e uiga i le iai, ma le lautele o lenei fa’afītāuli o sāuāga i totonu o ‘āiga, e pei fo’i ona iai i le tele o Fono a Nu’u.

> “Ou te lē iloa ni matā’upu o ni sāuāga i totonu o ‘āiga, ‘olo’o tutupu i lo’u nu’u.”
>
> *Matai ma o se Sui o le Lotu, Avanoa fa’alaua’itele e fa’aleo ai manatu*
>
> “E le’i iloa e Reverend Howard Leiataua ni sāuāga o tutupu so’o i totonu o ‘āiga o le ‘aulotu ma o le tele, o ni fe’ese’esea’iga po o ni mea tutupu ta’itasi.”
>
> *Ramona Boodoosingh, PHD on Violence Against Women in Samoa, Pepa o le Sā’ili’iliga 82*

O lea lā, e fōliga mai ‘olo’o tauaso le Lotu i sāuāga i totonu o ‘āiga, po ua leai ni feso’ota’iga, ua o’o ai i le tulaga ua lē iloa mea o tutupu, po ua taumafai e fa’amatala o ni mea e fa’atasi ona tupu. E mana’omia e le lotu le talia o lenei meamoni, ina ia mafai ona toe fa’avae lona nafa o le tāofiga o sāuāga i totonu o ‘āiga.

[87] *Police v Paulo (Sentence) [2002] WSSC 1* (13 February 2002). Accessed at http://www.paclii.org/cgi-bin/sinodisp/ws/cases/WSSC/2002/1.html?stem=&synonyms=&query=paulo.
[88] Samoa Observer, Church Minister facing sex charges vacates plea.” (3 December 2017). Retrieved from http://www.samoaobserver.ws/en/03_12_2017/local/27360/Church-Minister-facing-sex-charges-vacates-plea.htm.

I'UGA 31 O LE SĀ'ILI'ILIGA: Ua tele ina lē fa'atinoina le nafa o le lotu i le tāofiga o sāuāga i totonu o 'āiga ma 'olo'o tapu'eina le sosaiete e pūlea e ali'i, 'olo'o lalago ai sāuāga i totonu o 'āiga. 'Olo'o iai le sao o le lotu i le sa'oloto o fa'atino sāuāga e leai ni fa'asalaga ma 'olo'o talia tagata fa'atino sāuāga i lana 'aufaigaluega.

11.5 Aoina o Fa'amaumauga

O le Mālō, Fono a Nu'u ma Lotu, o vaega 'autū ia e tolu e mafai ona tāofia sāuāga i totonu o 'āiga i Sāmoa, pe 'āfai e sa'o 'auala e uia, e fa'amāoni ma ma lelei ta'iala o fa'atinoga. Peita'i, e manatu Komesina, e matuā mana'omia le aogā lelei o le aoina o fa'amaumauga, ina ia iloa 'auala e uia ma ta'iala o fa'atinoga. E fa'alagolago fuafuaga lelei i fa'amaumauga e fa'atuatuaina le sa'o, aofia ai fa'amaumauga aupito fou, ma fa'amatalaga au'ili'ili e uiga i le ta'atele o sāuāga i totonu o 'āiga, mauaina o 'au'aunaga, taunu'uga o polokalame, m.m.f.

O le Matāgaluega o Fa'amasinoga ma le Fa'afoeina o Matā'upu tau Fa'amasinoga, o se fa'ata'ita'iga lelei o se Matāgaluega a le Mālō e fa'aaogāina fa'amaumauga ma fuainumera fa'amauina tau sāuāga i totonu o 'āiga, ina ia mafai e le Fa'amasinoga mo Matā'upu Fa'atatau i 'Āiga, po o fea le vaega 'olo'o aupito mana'omia le fesoasoani ma fa'ama'oti ma fa'aaogā polokalame e tali atu ai i ia mana'oga.[89] Peita'i, na fa'ailoaina e le Matāgaluega, o le aoina o fa'amaumauga, o se lu'i fa'aauau pea. O se va'aiga aoao, na mātauina e le Sā'ili'iliga le lē lelei o le tulaga o tausiga o fa'amaumauga ma le aoina o fa'amaumauga i Matāgaluega ma Fa'alāpotopotoga Tūma'oti, o se tulaga e āfāina ai le mafai ona fa'atino polokalame aogā lelei ma le tali atu. O vaega 'autū 'olo'o maua mai ai fa'amaumauga tau sāuāga i totonu o 'āiga – le Vaega o Sāuāga Fa'alotoifale, SFHSS 2000 ma le SFSS 2017 'olo'o iai fa'alētonu, ma e mana'omia le fa'aopoopoina o le mālamalama i fuainumera fa'amauina ma lo latou tāua.

E tele līpoti 'olo'o fa'aaogāina ai fuainumera fa'amauina a le Vaega o Sāuāga Fa'alotoifale, e aofia ai Fa'alāpotopotoga tau Aiā a Tagata Soifua a Mālō 'Aufa'atasi. Peita'i, e iai le manatu o nei fuainumera ua na'o se vaega itiiti o le aofa'i tonu 'olo'o līpoti mai i leoleo. O le molimau mai le Matāgaluega o Leoleo i le Sā'ili'iliga na fa'amāonia ai, na'o matā'upu e līpoti sa'o mai i le Vaega o Sāuāga Fa'alotoifale i Apia 'olo'o aofia i nei fuainumera. O ni matā'upu e līpoti atu i ofisa o leoleo i fafo atu o Apia (po o Savai'i 'ātoa), e lē faitauina. E lē gata i lea, o solitulafono e pei o le toso teine/tama e lē aofia ai, talu ai e fa'amauina i fuainumera fa'amauina a le vaega o le Matāgaluega, mo Su'esu'ega o Solitulafono.

O lenei lape 'olo'o manino mai i le 'ese'esega o fuainumera o sāuāga fa'alotoifale i fa'amaumauga a le Vaega o Sāuāga Fa'alotoifale, ma fuainumera a le Vaega o Faiga Fa'avae ma Fuafuaga a le Matāgaluega o Leoleo. E 375 matā'upu tau sāuāga fa'alotoifale na fa'amauina e le Vaega o Sāuāga Fa'alotoifale mo le 2013, ma le 469 i le 2014. Peita'i, na fa'amauina e le Vaega o Faiga Fa'avae ma Fuafuaga le 2,892 matā'upu tau sāuāga i totonu o 'āiga i le tausaga fa'aletupe 2013/2014, o se fuainumera matuā maualuga atu nai fuainumera fa'amauina e le Vaega o Sāuāga Fa'alotoifale. E lua taunu'uga tāua o lenei tulaga. Muamua, o

[89] MJCA Inquiry public hearing presentation. Document 32 Inquiry anthology.

le fa'asalalauina o fa'amaumauga lē sa'o mai le Vaega o Sāuāga Fa'alotoifale, ua tu'utu'u ai i lalo e le Mālō le telē o le fa'afītāuli 'olo'o feagai ma Sāmoa – o le ufiufi fo'i lea o le lautele o sāuāga. O lonalua, 'ole'ā lē talafeagai ni fuafuaga fa'ata'atitia ma tupe fa'atatauina, 'auā 'ole'ā fa'avae i fuainumera e matuā maualalo nai le tulaga 'olo'o iai, ma fa'apea ona avanoa ai lava le fa'aauauina o sāuāga i totonu o 'āiga.

E lē na'o le Matāgaluega fo'i o Leoleo 'olo'o tupu ai le fa'aaogāina sesē o fuainumera fa'amauina i le fa'afetaia'iga (po o le lē faia o se gāoioiga e fa'afetaia'i ai) sāuāga i totonu o 'āiga.

> "O le Su'esu'ega o le Saogalēmū o 'Āiga, o fa'amaumauga fa'avae ia e fua i ai galuega tau sāuāga i totonu o 'āiga i le lumana'i."
>
> *Molimau Tusitusia, Matāgaluega o Tinā ma Tama'ita'i, Pepa o le Sā'ili'iliga 1*

E sa'o le taumafai o le Matāgaluega o Tinā ma Tama'ita'i e fa'avae fa'amaumauga 'āmata e fuafua ai a latou polokalame ma fa'ama'oti ai a latou fa'amuamua. O se fa'amoemoega talafeagai lea. Peita'i, na maua e le Sā'ili'iliga ni lape i su'esu'ega o le SFHSS 2000 ma le SFSS 2017, ua tūla'i mai ai ni popōlega i le fa'atuatuaina o fa'amaumauga na aoina, ma fa'apea ai fa'ai'uga o ta'iala ma fa'atinoga 'olo'o fa'avae i ia fa'amaumauga.

O le SFHSS 2000 na fa'atino e le Ofisa o le Potopotoga o Tagata Pasefika (SPC) ma na fa'alagolago i le maua o tagata tomai i fuainumera fa'amauina. O lea na maualuga ai le fa'amoemoeina o fa'amaumauga na aoina ma lo latou vā'ili'iliga. Peita'i, na iai lava sasi na iai, e pei o le sesē o vāilaina fa'atutū (column) e fa'amauina ai fuainumera. Na a'afia ai fuainumera o pasene o tagata āfāina ma tagata e le'i āfāina e nonofo i nu'u i tua atu o taulaga ma i latou e nonofo i taulaga. O le i'uga a le līpoti, "o tagata na tali mai i le su'esu'ega e to'atele tagata mai nu'u i tua (53%), fa'atusatusa i tagata e i 'āiga i taulaga (35%)".[90] E iai fo'i le avanoa e fa'atino ai i tagata i nu'u i tua itū'āiga sāuāga uma, i lō tagata e nonofo i taulaga.[91] E lē gata ina sesē fuainumera fa'amauina ona o le sesē o le fa'amauina, na fa'amati'e ai fo'i ni lape i 'auala o vā'ili'iliga o fa'amaumauga na fa'aauauina i le SFSS 2017.

O le vā'ili'iliga a le SFHSS 2000, na fa'apea mai, o le to'atele o tagata na tali mai ua fa'atino i ai sāuāga e nonofo i nu'u i tua. O le tulaga lea e tatau ona iai, 'auā o le 82% o le faitau aofa'i o tagata i Sāmoa, e nonofo i nu'u i tua atu o taulaga.[92] Peita'i, ona iai lea o le i'uga o le līpoti, **e ono tele le avanoa e sāuāina** ai tama'ita'i e nonofo i tua atu o le taulaga, i lō tama'ita'i e nonofo i le taulaga. Ua fe'āvea'i nei e le līpoti le ta'atele, fua fa'atatau o le to'atele, po o lamatiaga. O le maua o le i'uga sa'o, sa tatau ona toe la'a tasi atu le vā'ili'iliga ma taga'i i le ta'atele o sāuāga i nu'u i tua, fa'apea le ta'atele i totonu o taulaga, ona fa'atusatusa lea i le fuainumera o le ta'atele mo le atunu'u 'ātoa, e iloa ai pe telē atu le lamatiaga o tagata i nu'u i tua. Na mafai e le Sā'ili'iliga ona fa'aaogā fa'amaumauga mai le SFHSS 2000 ma toe galuea'ina

[90] SPC and UNFPA. (2006). *Samoa Family Health and Safety Study 2000*. Document 83 in Inquiry anthology, accessible at www.ombudsman.gov.ws.
[91] SPC and UNFPA. (2006). *Samoa Family Health and Safety Study 2000*. Document 83 in Inquiry anthology, accessible at www.ombudsman.gov.ws.
[92] Samoa Bureau of Statistics. (2016). *Samoa Census 2016*. Retrieved from www.sbs.gov.ws/index.php/new-document-library?view=download&fileId=2114.

fuainumera mo vaega uma o tagata, vaganā ai le fa'atusatusaga o tagata i nu'u i tua ma tagata i taulaga, talu ai le sesē na tula'i mai ina ua sese le fa'amauina o fuainumera i le pusa (table).

O le fenumia'i o le ta'atele ma le fua fa'atatau o lamatiaga na iai i le SFSS 2000, na fa'apea ona tau'ave mai i le SFSS 2017, ua na'o le ta'atele na vā'ili'iliina. E ui ina tāua le fa'ama'otiina o vaega o tagata e aupito to'atele ai tagata a'afia, e tāua fo'i le fa'ama'otiina o le **fua fa'atatau**, i totonu o ia vaega o tagata, ina ia fa'ama'oti ai itū e lamatia ai. Mo se fa'ata'ita'iga, ua aliali mai, o le la'asaga o a'oa'oga o le vaega aupito to'atele o tagata na tali mai i le su'esu'ega na o'o i ai sāuāga, o a'oa'oga maualuga. Peita'i, o le vā'ili'iiga a le Sā'ili'iliga na fa'aaogā ai le SFHSS 2000, o le fua fa'atatau o le tutupu o sāuāga i le vaega lea, na toeitiiti lava tutusa ma le fua fa'atatau mo le atunu'u 'ātoa, 'ae matuā maualuga atu le fua fa'atatau mo le vaega o tama'ita'i na'o a'oa'oga tulagalua na māe'a.

Na fa'apea ona āga'i atu le SFSS 2017 i ni isi sesē e āfāina ai ana i'uga, e aofia ai le fa'avae o i'uga i se su'esu'ega la'iitiiti o se aofa'i o tagata e 22 (tagata e iai mana'oga fa'apitoa) ma le fa'amatalaina sesē o le uiga o sāuāga fa'atino i tagata ua matua le soifua, na iloga ai le maualuga o fuainumera o ana i'uga.[93] E lē gata i lea, e le'i tutusa 'auala na fa'aaogāina i le SFHSS 2000 ma 'auala na fa'aaogā i le SFSS 2017, ma o lona uiga, e lē mafai ona faia ni fa'atusatusaga i fuainumera o su'esu'ega e lua.

E fōliga mai e le'i maua e le SFSS 2017 fa'amanuiaga mai le tomai fa'apitoa i fuainumera fa'amauina na iai i le SFHSS 2000, ma e iai lape iloga i su'esu'ega uma e lua, e aofia ai le lē lelei o le vā'ili'iliga o fa'amaumauga, ma o ia tulaga, e mafai ona telē se a'afiaga i le aogā lelei o ni polokalame ma 'auala o fa'atinoga e fa'avae i nei fa'amaumauga.

E ui ina sa fa'atinoina le SFHSS 2000 ma le SFSS 2017 i le agaga o le fa'amāoni ma fa'asusulu ai le mālamalama i le ta'atele o sāuāga i totonu o 'āiga, e manatu Komesina, e tatau ona maualuga atu tulaga fa'ata'atitia e mana'omia e ofisa fa'atino ma pā'aga e fa'atupeina galuega fa'apea i le lumana'i.

I'UGA 32 O LE SĀ'ILI'ILIGA: E lē o 'ausia tulaga lelei i le aoina o fa'amaumauga tau sāuāga i totonu o 'āiga ma faifaipea le sesē ona līpotiina le tulaga tonu o le lautele o le fa'afītāuli, ma fa'aitiitia ai le aogā o nai taumafaiga 'olo'o iai e fa'afetaia'i ai.

12. Ta'iala o le Puipuiga

12.1 Ta'iala fa'aletulafono

Talu ona sainia e Sāmoa le Feagaiga mo le Fa'amutaina o So'o se Fa'ailoga Tagata Fa'asaga i Tinā ma Tama'ita'i (CEDAW), e maoa'e toefuata'iga o tulafono ua fa'atino, ua fa'aali mai ai le mana'oga mo suiga

[93] This erroneous definition may also have been applied to other demographics with the same effect but an Inquiry request for clarification went unanswered.

āga'i i luma ma taunu'uga lelei e mafai ona maua, i le 'auai i feagaiga fa'avāomālō i matā'upu tau aiā tatau a tagata soifua.

O ta'iala fa'aletulafono e iai so'otaga i sāuāga i totonu o 'āiga o le vaega lea e tasi na maua e le Sā'ili'iliga le sōloga lelei ma māopoopo ma e to'atele e 'auai i lenei manatu.

"'Olo'o ōgatasi tulafono a Sāmoa ma le tele o Fa'ailo (o le *CEDAW*) o le Tausisia e Tulafono o aiaiga tau sāuāga i totonu o 'āiga."

Samoa Law Reform Commission, CEDAW compliance review, Pepa o le Sā'ili'iliga 89

Fa'amatalaga Fa'amālamalama 15 o le Sā'ili'iliga: Tulafono ma Tulafono 'Autū a Sāmoa tau Sāuāga i Totonu o 'Āiga

Fa'avae o le Mālō Tūto'atasi o Sāmoa 1960: 'Olo'o i le Fa'avae folafolaga o le maua o aiā tatau 'ese'ese mo tagatānu'u uma, e aofia ai le aiā tatau i le ola (fuai'upu 5), aiā tatau i le sa'olotoga tau le tagata (fuai'upu 6), fa'asa'olotoina mai faiga e lē tusa ai ma faiga fa'atagata soifua (fuai'upu 7), aiā tatau i le fa'amasinoina ma le tonu (fuai'upu 9), ma le sa'olotoga mai tulafono fa'ailoga tagata (fuaiupu 15).

Tulafono o le Resitalaina o Tagata Solitulafono tau Faigā 'Āiga 2017: E mana'omia ai tagata ua fa'amāonia solitulafono tau faigā 'āiga e tu'uina atu i leoleo o latou fa'amatalaga, ma ia logo leoleo i mea o nonofo ma feoa'i i ai

Tulafono o Fono a Nu'u 1990 *ma le* ***Tulafono o Teuteuga o le Tulafono o Fono a Nu'u 2017:*** 'Olo'o aloa'ia ai le pule a Fono a Nu'u e fai ai tulafono, e tusa ma aganu'u ma le fa'aaogāina i o latou nu'u, ma fa'asalaga e tusa ai ma aganu'u ma le fa'aaogāina i lea nu'u.

Tulafono o Taualumaga tau Solitulafono 2016: Ua mafai ai ona fa'aaogā molimau i ata vito (video) mo le puipuiga o tagata āfāina i sāuāga i totonu o 'āiga.

Tulafono o le Fa'amasinoga mo Matā'upu Fa'atatau i 'Āiga 2014: Ua fa'avae ai le Fa'amasinoga mo Matā'upu Fa'atatau i 'Āiga, o se Vaega o le Fa'amasinoga Fa'aitūmālō.

Tulafono o le Saogalēmū o Āiga 2013: O se tulafono e aiaia ai puipuiga e sili atu mo 'āiga ma le fa'afoeina o sāuāga fa'alotoifale ma matā'upu e feso'ota'i i ai. Ua maua ai poloa'iga tau puipuiga e tu'uina atu i tagata āfāina i sāuāga i totonu o 'āiga ma fa'ailoa ai tiute o leoleo, e aofia ai le faiga fa'avae e leai se matā'upu tau sāuāga fa'alotoifale e līpotiina atu e mafai ona fa'ata'atia 'ese. O lona uiga, e tatau ona fa'atino su'esu'ega i matā'upu uma e līpoti atu.

Tulafono o Solitulafono 2013: Ua fa'atulagaina ai aiaiga o solitulafono 'ese'ese e feso'ota'i ma sāuāga i totonu o 'āiga, e aofia ai le fasioti tagata, fasioti tagata pa'i valea ma le fa'ao'olima, toso o se teineitiiti/tamaitiiti, toso le āvā fa'aipoipo ma le mata'ifale.

Tulafono o le Tulafono o Teuteuga o le Fa'avae 2013: Na fa'avae ai le fuainumera aupito maualalo o Sui Usufono Tama'ita'i o le Palemene, ia lē itiiti ifo i le 10%.

Tulafono o le Komesina o Sulufa'iga 2013: Na fa'avae ai le Ofisa o le Komesina o Sulufa'iga e 'avea o le Ofisa mo Aiā Tatau a Tagata Soifua, ma lana matāfaioi fa'aletulafono o le māta'itūina o le tausisia e le Mālō o ana matāfaioi tau aiā tatau a tagata soifua, ma le puipuiga ma le fa'alauiloaina i aiā tatau a tagata soifua i le atunu'u 'ātoa.

Tulafono o Fa'afoega o l'uga a Fa'amasinoga i Nu'u ma Afio'aga 2008: E aloa'ia ai le fa'afoeina o o ni itū'āiga fa'asalaga i nu'u ma afio'aga ma le toefuata'iga ma le toe taliaina lelei o tagata solitulafono.

Tulafono o Isi l'uga a le Fa'amasinoga e Fō'ia ai ni Fe'ese'esea'iga 2007: O se tulafono 'olo'o mafai ai e le fa'amasinoga ona tu'uina atu matā'upu i isi 'auala e fō'ia ai fe'ese'esea'iga, 'ae lē o'o atu i le tulaga o se fa'amasinoga.

Tulafono o le Matāgaluega o Tinā ma Tama'ita'i 1990: Na fa'avae ai nafa o sui o nu'u ma fa'ata'atia ai galuega tau'ave a le Matāgaluega o Tinā ma Tama'ita'i, Ātīna'e o Nu'u ma Afio'aga ma Agafeso'ota'i.

Tulafono o Tamaiti 1961: O se tulafono 'olo'o fa'avae ai puipuiga fa'aletulafono mo tamaiti ma tūlaga mana'omia i tagata e va'aia tamaiti.

O le *Tulafono o le Saogalemu o 'Āiga 2013* 'olo'o 'avea pea o se tasi o tulafono 'autū, peita'i, e mafai ona fa'amālosia ātili ia aofia ai sāuāga i totonu o 'āiga i lona fa'amatalaina, ma ia aofia ai taimi fa'atapula'aina mo le fa'ao'oina atu o poloa'iga tau puipuiga.

"E tele taimi ua fa'atuai ai le fa'ao'oina atu o poloa'iga tau puipuiga, ua lamatia ai le saogalēmū o tagata ou te va'aia. Pe mata e to'afia ni talosaga e feagai ma nei fa'atuai e leai se māfua'aga tatau ma o nei fa'atuai e māfua mai i le lē tu'uina atu e le Matāgaluega o Fa'amasinoga i leoleo, po o le lē fa'ao'oina atu e leoleo o le poloa'iga. Ou te tu'ufesili fo'i pe to'afia ni tagata e iai 'auala e tulituliloa ai ma ūna'i le fa'ao'oina atu loa o poloa'iga, e pei o la'u galuega lea e fai mo a'u matā'upu. O manatu leoleo i le saogalēmū o le tagata āfāina pe 'ā latou lē fa'ao'oina atu poloa'iga?"

Savalenoa Mareva Betham-Annandale, Family Law Barrister and Solicitor, Avanoa fa'alaua'itele e fa'aleo ai manatu

Na maua fo'i e le Sā'ili'iliga ni fa'aaliga mai tagata galulue fa'aletulafono i le mana'oga ua tatau ona pāsia ia le *Tulafono Taufa'aofi o le Puipuiga o Tamaiti*, ma fa'aleo o latou lagona lē fiafia i le le'i pāsia lava e 'avea o se Tulafono a le Palemene, e ui ina ua tele tausaga ua alu i felafolafoa'iga, fefa'asoaa'iga ma le tusiga. O le fa'amoemoe o le Tulafono Taufa'aofi, o le tu'uina atu lea o le mālosi'aga fa'aletulafono i le Matāgaluega o Tinā ma Tama'ita'i e māta'itū ai tamaiti ua lamatia i sāuāga, ma talosagaina se poloa'iga tau puipuiga pe 'āfai e mana'omia. 'Āfai ua manatu e tatau ona tu'uina atu se tamaitiiti i se va'ava'aiga, e tau'ave e le Mālō tau o nei galuega, ma e fōliga mai, o le māfua'aga 'autū lea o le fa'atuai. Peita'i, o lea ua maua e le Sā'ili'iliga, o le tau i le atunu'u o le lē fa'afetaia'ia o sāuāga i totonu o 'āiga, ua o'o atu i le faitau miliona tālā, e ui lava i se taga'i mai le itū o le āmiotonu ma le itū fa'aletulafono, e iai le tiute o le Mālō e fa'atino ai se galuega pe 'āfai ua lamatia le saogalēmū o se tamaitiiti.

E talafegai ona momoli le fa'amālō i le polokalame o le toefuata'iga o tulafono ua 'ausia talu ona fa'amāonia le *CEDAW*. Peita'i, e lē o fa'apea le tulaga o le fa'atinoga o ia toefuata'iga, ma na maua e le Sā'ili'iliga ni fa'ata'ita'iga o le lē mālamalama po o le naunau e fa'atino. O le taunu'uga, e itiiti lava po ua leai fo'i ni suiga ua tūla'i mai. E pei ona tā'ua e le Lōia Sili i lana molimau i le Sā'ili'iliga, "e fa'alagolago le fa'atinoga o le tulafono i manatu o tagata o le atunu'u". O se fa'ata'ita'iga lelei o le faiga fa'avae o le "lē tu'u'esea" i fa'aseā e tu'uina atu i Leoleo, i matā'upu tau sāuāga fa'alotoifale i lalo o fuai'upu 15 ma le 16 o le *Tulafono o le Saogalemu o Aiga 2013*. O le agaga o nei aiaiga o se 'auala lelei e fa'aofi mai ai le tali atu o tagata fa'atino sāuāga, tāofiofia ai, ma 'avatu ai se fe'au i le atunu'u, e lē talia itū'āiga āmioga fa'apea. Peita'i, e fōliga mai e fa'a'āfa'afa le fa'atinoga, ma e 'ese'ese la'asaga o le mālamalama o leoleo na tu'uina mai molimau i le Sā'ili'iliga, i le faiga fa'avae ma le 'augōfie o leoleo e fa'atino. E iai i latou na lagolagoina 'āto'atoa ma fa'atino, 'ae iai fo'i isi e le'i fa'alogo lava i ai, pe na talitonu fo'i e le'i fa'amamaluina.

O le lē lava o fa'atinoga o le polokalame o le toefuata'iga o tulafono, e fōliga mai e māfua mai i le lē lava o le mālamalamaga po o le iloa e le 'aufaigaluega e fa'amālosia tulafono ma tagata lautele, ma le lē mānana'o e tausisia, ona e fete'ena'i ma uiga ma manatu māsani ua maua'a.

> "E ui ina ua iai nei suiga mo le āga'i i luma (toefuata'iga o tulafono), o le lē talia e tagata 'olo'o iai sāuāga i totonu o 'āiga, o se lu'itau mālosi lea 'olo'o iai i le fa'aitiitia o lenei fa'afītāuli."
>
> *Savalenoa Mareva Betham-Annandale, Family Law Barrister and Solicitor, Avanoa fa'alaua'itele e fa'aleo ai manatu*

O lenei i'uga ua fa'aopoopo i le i'uga ua maua e le Sā'ili'iliga, e lē o 'ausia e polokalame ma faiga fa'avae a le Mālō 'olo'o iai i le taimi nei, tulaga e mana'omia mo le fa'afetaia'iga o māfua'aga 'olo'o tupuga mai ai sāuāga i totonu o 'āiga.

E lē gata i lea, e ui ina tele suiga lelei mai le toefuata'iga o tulafono, e le'i iai se māta'itūina ma iloiloga o ona taunu'uga. E fōliga mai o le va'aiga a isi fai fa'ai'uga, o le tulafono o se 'auala i le taunu'uga, ma o lea taunu'uga 'ātonu ua na'o le tu'uina atu o se ata o le āga'i i luma tau agafeso'ota'i. 'Āfai e sesē le manatu lea o le Sā'ili'iliga, o lona uiga, e leai lā se fa'afaigatā o le toe taga'i i se toe iloiloga o 'auala o fa'atinoga, ma fa'ama'oti māfua'aga ua ala ai ona fa'atuai, ma ia fa'avae se ta'iala o le māta'itūina ma iloiloga ina ia fa'amautinoa e aogā 'āto'atoa lelei.

I'UGA 33 O LE SĀ'ILI'ILIGA: Ua mālosi atu le ta'iala fa'aletulafono a Sāmoa i matā'upu tau sāuāga i totonu o 'āiga, nai le tulaga sa iai. Peita'i, e vāivai pe leai fo'i se fa'atinoga ma le māta'itūina o le aogā lelei.

12.2 'Au'aunaga

"E ui i suiga lelei i le itū tau tulafono, 'olo'o iai pea lu'i, 'aemaise lava … le lē lava o 'au'aunaga talafeagai mo tama'ita'i."

SPC, 2015, 'Beijing+20: Review of progress in implementing Beijing Platform for Action in Pacific Island Countries

O le tulaga mana'omia o le mātaala o tagata lautele na fa'aata atu i le **vaega 9.6.1**, e mana'omia ai le faia e le Mālō o la'asaga mana'omia e fa'afetaia'i ai sāuāga fa'ailoga tagata ua ta'atele ma talia e le atunu'u, e pei o sāuāga i totonu o 'āiga. O lenei galuega e aofia ai le tu'uina atu o nofoaga e malu ai ma le talia e le Mālō, 'olo'o iai se mana'oga. O le lē fa'ataunu'uina o le tiute e tu'uina atu nofoaga o sulufa'iga, o le solia fo'i lea o aiā tatau a tagata 'olo'o feagai ma sāuāga i totonu o 'āiga.[94]

"Talu ai le lē lava o puna'oa, 'ole'ā lē mafai e le Mālō o Sāmoa ona fa'avae ni nofoaga o sulufa'iga mo tagata āfāina i sāuāga. O lea lā, 'olo'o fa'aaogā ai 'auala 'olo'o iai nei, e pei o le tausiga e maua mai i le 'āiga lautele, le lotu ma ta'ita'i o nu'u ma afio'aga."

Government of Samoa to the CEDAW Committee, 2017, Pepa o le Sā'ili'iliga 90

O le fa'amatalaga a le Mālō 'olo'o i luga, o se lagolago manino lea i le manatu, e lē manatu mamafa le Mālō i le tāofiga o sāuāga i totonu o 'āiga i Sāmoa. E lē moni le ta'utinoga e lē lava tupe e fa'atino ai ni nofoaga e malu ai tagata āfāina, ma e 'avatu ai se fe'au, e lē se fa'afītāuli tele sāuāga i totonu o 'āiga, ma tapu'e ātili ai le talia e le atunu'u o sāuāga o le vaega māsani o le ōlaga. Ua maua e le Sā'ili'iliga, o tupe fa'asaoina mai le fa'afetaia'iga o sāuāga i totonu o 'āiga e faitau miliona, ma o 'au'aunaga tau nofoaga e malu ai, e mafai ona fa'atupe mai lea fa'agāsologa. O fefa'asoaa'iga o le Sā'ili'iliga, na sā'ilia ai manatu o tagata e 1,500, o sui o le faitauaofa'i o le atunu'u, e 85% na manatu o sāuāga i totonu o 'āiga o se matā'upu ua tatau ona 'ave i ai le fa'amuamua. Ua o'o i le taimi ua tatau i le Mālō ona fa'atino i ai lana fa'amuamua.

E lē gata ina lē lava 'au'aunaga e feso'ota'i ma sāuāga i totonu o 'āiga e pei o nofoaga e sulufa'i atu i ai, nofoaga tūtotonu mo sāuāga i totonu o 'āiga po o ni polokalame toe fuata'i, e iloagōfie le lē lava o taumafaiga a le Mālō ia maua ni faufautua agava'a mo tagata āfāina i sāuāga ma tagata fa'atino sāuāga. E mana'omia faufautua ua iai tomai ma agava'a i le toe fuata'iina o tagata āfāina, 'auā e iai isi na feagai ma

[94] In 2005 the CEDAW Committee heard the case of *A.T. v Hungary* and found the state had failed to act with due diligence in providing the maximum protection of the law to victims of domestic violence (CEDAW/C/32/D/2/2003. Accessed at http://hrlibrary.umn.edu/cedaw/decisions/2-2003.html). In coming to its conclusion the Committee pointed to the Hungary's own admission that domestic violence cases are not afforded priority in court proceedings as evidence of the state's implicit acceptance of such violence.

ni faiga fa'aauau pea o sāuāga mata'utia mai tagata e pele iā i latou, ma e tele ina fa'aopoopoina le māfatia i so latou talitonuga o i lātou lava e tu'ua'ia.

> "O le tu'uina atu o 'au'aunaga faufautua ma isi 'au'aunaga mana'omia i tagata āfāina ma tagata fa'atino sāuāga, e mafai ona fesoasoani e motusia le ta'amilosaga o sāuāga, ma fesoasoani i ia tagata e fa'aauau o latou ōlaga ma fa'afo'isia le mālōlōina o le tino ma le māfaufau na a'afia ona o nei fa'atinoga, e aofia ai āuga o manu'aga".
>
> *INSPIRE: 7 Strategies for Ending Violence Against Children, WHO, Pepa o le Sā'ili'iliga 48*

E to'atele tagata ua sao mai sāuāga i totonu o 'āiga na fa'ailoa mai i le Sā'ili'iliga lo latou mana'omia o faufautuaga aogā lelei. E pei o le tala a se tasi molimau, "e lē mafai ona te'a 'ese ma oe". O le lē lava 'āto'atoa o tulaga mana'omia i tomai tau faufautua ma isi 'au'aunaga mana'omia a le Mālō, ua tūla'i ai se avanoa ua tele ina fa'atumuina e Fa'alāpotopotoga Tūma'oti po o fa'alāpotopotoga fa'alelotu. E ui o se taumafaiga lelei le faufautua, o se galuega ma'ale'ale, e iai tomai fa'apitoa o le galuega, ma e mafai ona o'o atu ai se tagata i ni āfāina e tele atu.

> "Tatou te mana'omia faufautua ua iai fa'ailoga taualoa e fa'atino ai le galuega. E matuā ogaoga taunu'uga pe 'āfai e te tu'uina atu faufautuaga 'ae sesē le 'auala e fa'atino ai. 'Āfai e sesē le 'auala e te talatalaina ai se matā'upu, e mafai ona mata'utia taunu'uga".
>
> *Luagalau Foisagaasina Eteuati-Shon, Matai, Counsellor, Former CEO MWCSD, Avanoa fa'alaua'itele e fa'aleo ai manatu*

E mana'omia e tagata āfāina ma tagata fa'atino sāuāga tausiga fa'apitoa ma faufautuaga, ina ia 'alofia ni isi āfāina, ma 'āmata ai ona fa'afetaia'i māfua'aga i le ta'ele o māfatiaga po o āmioga fa'asāla'ese. O le lē mafai ona tu'uina atu fua mana'omia o galuega o faufautuaga po o ni faufautua ua iai fa'ailoga taualoa o le galuega, ua fausia ai e le Mālō se si'osi'omaga e fa'atino ai e tagata i le agaga o le fesoasoani fautuaga e mafai ona fa'aopoopo ai le āfāina o se tagata i le āfāina ua iai. 'Ole'ā fa'apea ai lava ona fa'auau le ta'amilosaga o sāuāga i totonu o le atunu'u.

I'UGA 34 O LE SĀ'ILI'ILIGA: O le lē tu'uina atu o 'au'aunaga talafeagai ma le lagolago i tagata āfāina fa'apea le tāofiga o sāuāga i totonu o 'āiga, e tu'ua'ia ai le Mālō i le salalau o le soliga o aiā tatau a tagata soifua ma fa'aali mai ai lona lagolagoina o sāuāga i totonu o 'āiga.

12.2.1 Leoleo

E mana'omia Leoleo i le tauiviga fa'asaga i sāuāga i totonu o 'āiga i so'o se atunu'u, 'auā o i latou ia e ulua'i tali atu i tagata āfāina i sāuāga i totonu o 'āiga. E tāua le fa'ailoa o le fa'afetai i galuega ua fa'atino e le Matāgaluega o Leoleo e fa'afetaia'i ai sāuāga i totonu o 'āiga, ma ātīna'e iloa o leoleo i 'auala e tagofia ai matā'upu tau sāuāga i totonu o 'āiga. O nei galuega na fa'atinoina mai tausaga ua mavae e aofia ai le fa'avaeina o le Vaega mo Sāuāga Fa'alotoifale, Aso o Līpine Pa'epa'e, leoleoga o vāi'a'ai, polokalame

fa'atupu silafia i nu'u ma afio'aga ma a'oa'oga i fa'aeteetega i lagona ma ma fa'atinoga, fa'apea isi a'oa'oga i tomai o le 'aufaigaluega.[95]

E ui i nei taumafaiga lelei, e tele pea galuega e manaomia le fa'ataunu'u. E iloa lea mai tali o le SFSS 2017, na'o le 18% o tagata āfāina na filifilia Leoleo, o le ofisa e līpoti atu i ai. 'Ā fa'aopoopo lā iai ma le aofa'i o matā'upu e lē līpotiina, **na'o le 2% o sāuāga uma i totonu o 'āiga 'olo'o līpotia atu i leoleo.** E matuā fa'afeagai lea ma le 67% na manatu o Leoleo, o le ofisa lea e tatau ona ulua'i tali atu.[96] E tele māfua'aga na tu'uina mai i le Sā'ili'iliga, e tāofiofia ai tagata āfāina mai le līpoti atu o se matā'upu i leoleo. O ia māfua'aga e aofia ai popōlega i le iloa e isi tagata o matā'upu fa'apēnei, fefe i le toe sāuāina pe 'ā iloa ua līpoti, ma le mana'o e puipui le tagata fa'atino sāuāga ma le igoa lelei o le 'āiga. E lē gata i lea, o popōlega i uiga ma manatu o leoleo ma le lagona e lē mafai ona o'o atu e līpoti, ua i'u i le maualalo o le fua fa'atatau o matā'upu e līpoti atu.

12.2.1.1 Manatu ma uiga fa'alia o Leoleo

E tāua manatu ma uiga fa'aalia lelei o leoleo i matā'upu tau sāuāga i totonu o 'āiga e fesoasoani ia i le lagona o le saogalēmū ma le māfanafana i tama'ita'i 'olo'o sa'ili mai fa'amasinoga tonu ma se lagolago mo le puipuiga mai sāuāga i totonu o 'āiga. O le fa'agāsologa o fefa'asoaa'iga, e tele lava ni molimau na fa'apea mai, o uiga fa'aalia o leoleo na 'avea o se pā pupuni i tagata āfāina, e ala i le taumafai e 'aua le līpotiina, po o le fa'apea ane fo'i o le mea fa'atauva'a e lē āfāina ai se isi. E iai isi molimau na fa'apea mai, o se tasi o itū na matuā fa'anoanoa ai i le sā'ili atu o se fesoasoani i leoleo, o le fesuisuia'i lea o uiga, manatu lē mālamalama ma āmio fa'aalia i tagata āfāina. E iai ni tagata āfāina na fa'aleoina lagona o le matamuli e toe fo'i i Leoleo ona o le fefe i 'otegia e leoleo i le fa'ama'imauina o o latou taimi ma le toe fa'aui i tua o se matā'upu, a o isi e le'i mānana'o e toe fa'aauau le matā'upu ma ua sili atu ai le 'onosa'ia o sāuāga, i lō le feagai ma uiga fa'aalia o le 'aufaigaluega i ofisa e tau atu i ai.

O le SFHSS 2000, e 26 tama'ita'i na tali mai i le su'esu'ega na fa'apea mai e leoleo lana pā'aga. Mai lea fuainumera e to'a 10 (38%) na fa'ao'olima i a latou pā'aga. E ui ina la'iitiiti le fuainumera na aofia i le su'esu'ega e mafai ai ni i'uga mautū, e fa'aali mai i fuainumera e ono iloga fo'i le aofa'i o leoleo 'olo'o fa'atinoina sāuāga. E lē gata i lea, o le iai o nei leoleo ('olo'o fa'atinoina sāuāga), e mafai ona si'itia ai le lamatiaga o tagata āfāina talu ai le lē mafai e ia leoleo ona tali atu i se 'auala talafeagai i matā'upu e līpoti mai, ma e mafai fo'i ona tūta'ia ai le līpotiina atu o matā'upu e tagata āfāina. O lea lā, e aliali mai i nei itū se mana'oga manino mo le Matāgaluega o Leoleo e iloilo toto'a manatu ma uiga fa'aalia o lana 'aufaigaluega i sāuāga i totonu o 'āiga, ina ia mautinoa e lē āfāina ai a latou taumafaiga e fa'afetaia'i sāuāga i totonu o 'āiga.

[95] MoP submissions to the Inquiry. See also Samoa Observer. "Police tackle violence." (20 December 2015). Retrieved from http://www.samoaobserver.ws/en/20_12_2015/local/472/Police-tackle-violence.htm; and Samoa Planet. "Leading the frontline response to domestic violence." (6 February 2018). Retrieved from http://www.samoaplanet.com/leading-frontline-response-domestic-violence-samoa/.

[96] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

12.2.1.2 'Au'aunaga tau puipuiga a Leoleo

E ui ina iai le "faiga fa'avae o le lē tu'u'esea" 'olo'o fa'aalia manino i fuai'upu 15 ma le 16 o *Tulafono o le Saogalemu o Aiga 2013,* na fa'afofoga le Sā'ili'iliga i ni leoleo 'olo'o galulue 'olo'o fautuaina pea tagata āfāina e toe fo'i i a lātou pā'aga, ma o le tu'uina atu fo'i lea o ia tagata e toe āfāina.

"O le māsani, 'āfai o ni sāuāga i upu [[…]], matou te fautuaina le ulugāli'i po o le 'āiga."

"O le tele o [matā'upu matou te feagai] o sāuāga fa'atino i se pā'aga vāvālalata. Matou te taumafai i le taimi lava lea e taunu'u mai ai, e fō'ia le matā'upu. 'Āfai e ō mai fa'alua, e toe fautua fo'i i ai, 'ae 'ā fa'atolu loa, o le taimi lenā matou te fautuaina ai loa ua tatau ona fa'aulu se fa'aseā."

"E tele atu o matou taimi e alu i le fautuaina o tagata i lō taimi e iai i le ofisa. Matou te taumafai e fa'amālosi'au i ai e māfaufau lelei i a latou fa'atinoga, 'ae lē o le fa'auluina o se fa'aseā."

Leoleo, ofisa i nu'u i tua, Avanoa fa'alaua'itele e fa'aleo ai manatu

E faigatā tele i se tagata ua āfāina i sāuāga i totonu o 'āiga ona alu atu e līpoti se matā'upu. E iai isi tagata ua loa tausaga o feagai ma sāuāga ma e seāseā ona līpoti atu i le taimi muamua e tupu ai. O le fautuaina e leoleo e toe fo'i i le so'otaga 'olo'o sāuāina ai se tagata, o se fautuaga matuā fa'atamala, ma 'ailoga e toe fo'i atu lea tagata, ma nofosala ai lava i se ōlaga o sāuāga. E mana'omia lava ni isi a'oa'oga ma saga fa'amanatu, ina ia mautinoa e tausisia e ofisa uma le faiga fa'avae o le lē tu'u'esea ma e manino i ai ofisa uma.

E lē o 'āto'atoa fo'i le fa'aaogāina e Leoleo o o latou mālosi'aga fa'aletulafono e tali atu ai i le lautele o sāuāga.[97] Mo se fa'ata'ita'oga, o lalo o le fuai'upu 17 le *Tulafono mo Tagata Talavou Solitulafono 2007,* e mafai ona tu'uina atu se lapata'iga i se tagata talavou e suia ai se mōliaga pe 'āfai e fa'amalieina ni aiaiga ua fa'ata'atia.[98] O lea lā, e tu'uina atu i le tagata talavou se isi avanoa, i lō le tu'uina atu o se mōliaga ma o'o atu ai i luma o le fa'amasinoga, 'auā 'āfai e fa'amāonia, e faigatā ona 'alo 'ese mai ai, ma ia 'aua ne'i o'o atu i se ōlaga 'ātoa o soligātulafono. O se meafaigaluega aogā tele ia lapata'iga i fa'atinoga e mafai ona fai e leoleo, e mafai ai ona tāofia tagata talavou mai le o'o atu i le falepuipui, ma fa'aitiitia ai āmioga o sāuāga i le atunu'u.

"Ua leva ona iai lea mālosi'aga ma e mafai ona sao ai tamaiti mai le o'o atu i le fa'amasinoga ma se ōlaga solitulafono. A o le mea lea ua ou iloa atu, e le'i tupu lava se mea fa'apea. 'Aiseā?"

Judge Rosella Papalii, Family Violence Workshop, Apia, November 2017

[97] A representative to the MJCA Family Violence workshop explained that police officers have yet to be trained in these powers and that the Standard Operating Procedures are currently with the Commissioner awaiting his approval, and have been for nearly a year.

[98] *Young Offenders Act 2007*, Part 6.

12.2.1.3 Polokalame tau tāofiga ma fa'atinoga

E ui ina ua fa'ailoa le agaga fa'afetai o le Sā'ili'iliga i taumafaiga a le Matāgaluega o Leoleo e tāofia sāuāga i totonu o 'āiga, e mātauina fo'i e iai taumafaiga e fa'afetaia'i ai sāuāga i totonu o 'āiga e le'i fa'asopolia ai vaega uma o le Matāgaluega i le atunu'u 'ātoa, ma e lē o māta'itūina ia iloa ai po o aogā lelei. O le lē lava o le 'aufaigaluega ua ātili ai ona lē tele se taimi e alu i lenei galuega. E fa'alototeleina le Sā'ili'iliga i le fa'aopoopoina o le 'aufaigaluega a le Matāgaluega talu ai, e pei ona aliali mai i fuainumera fa'amauina lata mai, e maualalo le aofa'i o a tatou leoleo, fa'atusatusa i isi atunu'u o le itūlagi. Mo se fa'ata'ita'iga, o Sāmoa, 'olo'o tasi le leoleo fa'afa'igaluegaina mo tagata e 795, fa'atusa 'iā Fiti e 1:418, 1:226 i Toga, ma le 1:240 i Vanuatu.[99]

O le lē gafatia e le fuainumera o le 'aufaigaluega o le tulaga e tatau ona iai, e a'afia ai fo'i le mafai e le 'aufaigaluega ona fa'atupu so'otaga vāvālalata ma nu'u ma afio'aga, o se feso'ota'iga matuā mana'omia ina mafai ona iloa ma tāofia sāuāga i totonu o 'āiga ma isi uma itū'āiga solitulafono. E iai molimau i le Sā'ili'iliga na fa'aalia le fa'anoanoa i le fa'aitiitia o va'aia o leoleo asiasi i nu'u ma afio'aga i le gāsolo mai o tausaga, ma mātauina fa'apea sa vāvālalata ma māfana so'otaga i tausaga ua tuana'i.

> "E tatau ona ona o tatou tulimata'i ma fa'atāua galuega a leoleo i nu'u ma afio'aga, ma ātīna'e so'otaga lelei ma māfanafana ma nu'u ma afio'aga. E tatau ona 'avea leoleo o tagata e va'aia so'o i nu'u ma afio'aga, ma iloa e tagata latou te lagolagoina le tāofiga o sāuāga i totonu o 'āiga, 'ae lē na'o le fa'amālosia o tulafono ma se'iloga ua iai se solitulafono."
>
> *Leautuliilagi Vanessa Barlow-Schuster, Loia, Avanoa fa'alaua'itele e fa'aleo ai manatu*

12.2.1.4 A'oa'oga i Tomai o le galuega mo Leoleo

> "E lē o maua e Leoleo a'oa'oga talafeagai i tomai o le galuega, e mafai ai ona tagofia matā'upu tau sāuāga i totonu o 'āiga."
>
> *Komisi o le Toefuataiga o Tulafono a Samoa folasaga tusitusia, Pepa o le Sā'ili'iliga 38*

Fa'ato'ā mafai ona suia manatu ma uiga fa'aalia 'olo'o i'u ai i le lē tulimata'iina o sāuāga i totonu o 'āiga, ma le lē talafeagai o le tali atu i tagata āfāina, pe 'āfai e mālosi ma lelei le ta'ita'iga, fa'atasi ma a'oa'oga faifaipea i tomai o le galuega. E to'atasi le sui mai ofisa ta'itasi o leoleo i nu'u i tua e 'auai i a'oa'oga 'olo'o fa'atino e le Vaega mo Sāuāga Fa'alotoifale, i le fa'afoega o fa'aseā tau sāuāga i totonu o le 'āiga. Peita'i, ua 5 tausaga talu ona fa'atino le a'oa'oga aupito lata mai.[100] 'Ā manatu i le ta'atele ma uiga o sāuāga i totonu o 'āiga ua iai nei, e lē tāitai ona lava le fa'atino o a'oa'oga i ni nai leoleo to'aitiiti, i le ta'ilima tausaga. O lalo o le Polōketi o le Tāofiga o Sāuāga Fa'alotoifale, 'olo'o fa'atino e Leoleo a le Mālō o Ausetalia

[99] Ramona Boodoosingh and Penelope Schoeffel. (2015). "Addressing Violence against Women in Developing Countries: The Case of Samoa." Document 82 Inquiry anthology.
[100] Samoa Law Reform Commission submission to the Inquiry. Document 38 Inquiry anthology.

a'oa'oga mo leoleo, i tomai e feagai ai ma tagata āfāina i sāuāga. Peita'i, e le'i mauaina e le Sā'ili'iliga ni molimau o ni a'oa'oga ua maua e le lautele o leoleo, ma 'olo'o laualuga pea manatu ma fa'atinoga tuai.

I'UGA 35 O LE SĀ'ILI'ILIGA: E lē o lava a'oa'oga talafeagai mo Leoleo i tomai e fa'afoe ai matā'upu tau sāuāga fa'alotoifale. E leai se molimau e fa'ailoa mai ai fua o a'oa'oga ua maua e le lautele o leoleo, ma 'olo'o laualuga pea manatu e āfāina ai tagata, ma fa'atinoga tuai, 'olo'o tāofia ai tagata mai le līpoti atu o sāuāga i totonu o 'āiga.

12.2.2 Falepuipui ma le Toefuata'iina

E fa'ailoa le agaga fa'afetai o le Sā'ili'iliga i polokalame toefuata'i 'olo'o fa'atino e 'Au'aunaga o Falepuipui ma Toefuata'iga (*SPCS*) 'olo'o fa'afetaia'i ai āmioga sāuā. O le 2016, na līpoti mai ai le SPCS, e 30 pagotā na fa'amāonia solitulafono feso'ota'i ma **sāuāga** fa'alotoifale, e tusa lea ma le 8.8% o pagotā uma.[101] Peita'i, 'āfai e 60% o tama'ita'i uma i Sāmoa ua o'o i ai sāuāga i totonu o o latou 'āiga,[102] e mafai ona fa'apea ane, o se pasene fo'i fa'apea o pagotā ua fa'atinoina sāuāga pe o le māfua'aga lea na falepuipui ai pe leai. O lea lā, e tāua le sao o le SPCS i le toefuata'iga o pagotā uma, ina ia mafai ona fo'i i se ōlaga e leai ni sāuāga, 'ae lē na'o pagotā ua falepuipui ona ua fa'amāonia solitulafono tau sāuāga i totonu o 'āiga.

O le taimi o le tu'u'ese'eseina o le Matāgaluega o Leoleo ma 'Au'aunaga mo Falepuipui ma Toefuata'iga iā Ianuari 2014, e le'i iai se va'aiga fa'apitoa i le itū o le toefuata'iga i totonu o falepuipui. O le va'aiga i lea taimi, o le falepuipui o le nofoaga e tāofia ai ma le fa'atinoga o fa'asalaga. Talu mai le tu'u'ese'esega, ua suia le va'aiga ma ua 'avea nei le toefuata'iga o se vaega 'autū i falepuipui. O se itū lea e tu'uina atu ai le fa'amālō, 'aemaise lava o ia galuega 'olo'o fa'atino i tupe fa'atatauina e fa'atapula'a. O se tasi o vaega o le polokalame o toefua'ta'iga o le pūlea o le ita, ma ua 181 pagotā ua 'auai.[103] O taumafaiga fa'apēnei o se ulua'i la'asaga lelei lea mo SPCS, ma ua tatau loa ona fa'atino isi galuega e fa'alautele atu itū'āiga polokalame fa'atino, ma fa'apea ona māta'itū ma tulituliloa le aogā lelei, ma o latou taunu'uga i le gāsologa o aso.

12.2.3 Soifua Mālōlōina

O 'au'aunaga tau soifua mālōlōina e aogā lelei, e tatau ona maua ai 'au'aunaga mo le puipuiga o tagata āfāina i sāuāga i totonu o 'āiga e lē gata i le taimi e tutupu ai, a o le fa'afo'isia o le mālosi i le taimi lea ma le āga'i atu i le lumana'i. O se 'aufaigaluega tomai fa'apitoa tau soifua mālōlōina e lelei ma lava tāpena, o i latou ia e mafai ona iloa lelei sāuāga i totonu o 'āiga, ma tu'uina atu matā'upu i leoleo ma tagata tomai fa'apitoa i 'au'aunaga lagolago fa'asoifua mālōlōina, o i latou ia e mafai ona fa'atinoina galuega i le togafitiga o māfua'aga ma a'afiaga tūmau.

[101] Samoa Prison and Correction Services submission to the Inquiry. Document 117 Inquiry anthology.
[102] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.
[103] Samoa Prison and Correction Services submission to the Inquiry. Document 117 Inquiry anthology.

Peita'i, o le ata na maua e le Sā'ili'iliga, o se ata o le matuā lē lava o tomai ma iloa, manatu ma uiga fa'aalia, fa'apea fa'atinoga e āfāina ai tagata, ma le tele o 'au'aunaga mana'omia e lē o mafai ona maua.

12.2.3.1 'Au'aunaga a Falema'i

Mo le to'atele, e faigatā ona maua 'au'aunaga a falema'i, ona o le mamao, ma le tau o pāsese e malaga atu ai, le tau o 'au'aunaga, po o se pā'aga fo'i e fa'atapula'aina gāoioiga a le tagata sāuāina i le fefe ne'i iloa sāuāga 'olo'o fa'atino.

Na fa'amatala mai fo'i i le Sā'ili'iliga e tagata 'olo'o faigaluega i falema'i ma ofisa o foma'i, e tusa e 230 ni foma'i, ma le 400 tausi soifua 'olo'o mana'omia i le taimi nei. O lenei lē lava o le 'aufaigaluega fomai ma tausi soifua, 'olo'o a'afia ai le tulaga o tausiga 'olo'o mafai ona tu'uina atu i ma'i, ma le mafai ona fa'ama'oti ma 'āto'atoa togafitiga mo tagata e āfāina i sāuāga i totonu o 'āiga.

> "E matuā to'aitiiti le 'aufaigaluega i falema'i, ma o lona uiga, e lē lava fo'i le taimi o le 'aufaigaluega e fai ai ni su'esu'ega, tusa lava pe mānana'o i ai."
>
> *Ramona Boodoosingh, PHD on Violence Against Women in Samoa, Pepa o le Sā'ili'iliga 82*

E mafai ona matuā aogā le fa'agāsologa o su'esu'ega i le fa'ama'otiina o tagata āfāina i sāuāga i totonu o 'āiga ma tu'uina atu ai i 'au'aunaga talafeagai o fa'amasinoga ma tausiga a 'au'aunaga lagolago fa'asoifua mālōlōina. E to'atele e lē mānana'o e līpoti sāuāga ona o lagona o le mā, fefe, ma le talia o sāuāga o se vaega māsani o le ōlaga. 'Āfai e lelei le fa'atinoga i le taunu'u atu o se tagata āfāina i le falema'i, e mafai ona 'ave'esea nei pā pupuni, ma telē ai le āga'i atu i luma i le fa'afetaia'iga o sāuāga i totonu o 'āiga i le atunu'u 'ātoa. Peita'i, o le lē lava o foma'i ma tausi soifua, e matuā lē lava ai fo'i le taimi mo nei galuega, tusa lava po o le mana'o lea o le 'aufaigaluega i falema'i ma ua iai fo'i tomai mana'omia e fa'atino ai lea galuega e lē ono tupu mai ai le fa'aopoopoina o le āfāina.

O se isi pā pupuni i le aogā lelei o le puipuiga e maua i falema'i mo tagata āfāina i sāuāga i totonu o 'āiga, o le leai lea o ni nofoaga malu e mafai ona fa'atino ai ni talanoaga ma le ma'i e uiga i māfua'aga o ona manu'aga.

> "E toso pupuni ma e iloa uma e tagata mea e tutupu. E lē fa'aaogāina fo'i e foma'i ma tausi soifua pupuni, ma e mafai lava e ma'i ma 'āiga ona mātamata atu a o fai su'esu'ega o isi. E vāvālalata fo'i moega."
>
> *Ramona Boodoosingh, PHD on Violence Against Women in Samoa, Pepa o le Sā'ili'iliga 82*

E fete'ena'i līpoti na maua e le Su'esu'ega, pe iai se fa'agāsologa fa'atulafonoina i le vā o leoleo ma 'Au'auga tau Soifua Mālōlōina a le Atunu'u (*NHS*). Na maumaututū le manatu o le Vaega o Su'esu'ega o Solitulafono o le Matāgaluega o Leoleo, e vāvālalata so'otaga a matāgaluega e lua, ma e līpoti atu lava e le *NHS* matā'upu tusa pe le'i talosagaina e le tagata āfāina. E lē gata ina fa'afofoga le Sā'ili'iliga e leai se fa'agāsologa fa'apea o iai, e mafai ona tūla'i mai ai se isi āfāina o le tagata sāuāina, pe 'āfai na līpoti atu i leoleo 'ae le'i iai sana maliega. E tatau lava i so'o se fa'agāsologa o se su'esu'ega ona fa'amanino i le

‘aufaigaluega uma, ma ‘ia ‘ogātotonu mana’oga o le tagata āfāina i le faiga o fa’ai’uga. E leai se fa’agāsologa fa’apea a leoleo.

Tusa fo’i pe iai se fa’agāsologa aogā lelei mo le ‘aufaigaluega i falema’i e fa’ama’oti ai tagata āfāina mai sāuāga i totonu o ‘āiga, e itiiti lava se aogā pe ‘āfai e leai ni ‘au’aunaga lagolago tau soifua mālōlōina e mafai ona tu’uina atu i ai ia tagata.

> “Ua ou faigaluega i falema’i (i atunu’u i fafo), ma ‘āfai ou te māsalosalo o ni sāuāga, pe fai mai fo’i ‘iā te a’u o sāuāga, e mafai ona ou ‘auina atu i se tagata faigaluega tau agafeso’ota’i, o ia lea e mafai ona sā’ili’ili po o se sāuāga e tasi fa’ato’ā tupu, po o se tulaga faifaiso’o.
>
> O lo’u galue ai o se foma’i i Sāmoa nei, o se tasi o itū aupito faigatā iā te a’u ina ua ou iloa le māfua’aga o manu’aga, o le lagona lea o le leai o se fa’amoemoe ma le lagona o le leai o se mea e mafai, ‘o le ā la’u mea ‘ole’ā fai?’, ‘o le ā se mea e mafai ona ou faia?’ ma ‘o fea ou te maua mai ai se fesoasoani mo nei tagata ‘olo’o mana’omia le fesoasoani?’”
>
> *Dr. Malama Tafunai, Avanoa fa’alaua’itele e fa’aleo ai manatu*

‘Ole’ā talanoaina au’ili’ili mulimuli mai le lē lava o ‘au’aunaga lagolago tau soifua mālōlōina. Peita’i, na manino mai i le Sā’ili’iliga, e lē o fa’aaogāina e le *NHS* ma le Matāgaluega o le Soifua Mālōlōina (*MoH*) ‘au’aunaga e ui ina itiiti, ‘olo’o galulue i Sāmoa i le taimi nei.

> “Ua tele tausaga o o matou taumafai e ātīna’e se so’otaga ma le *MoH.* Peita’i, […] o lo latou manatu e lē mana’omia matou. Ui i lea, ‘olo’o matou taumafai pea e fa’amamafa atu i ai le mana’oga o fesoasoani tulituliloa mo ‘āiga, i le mavae atu o ni taumafaiga a se tasi e pule i le ola. ‘Āfai e ta’u mai ‘iā matou ni taumafaiga e pule i le ola, e mafai ona matou tu’uina atu le fesoasoani i tulaga ia.”
>
> *Fa’ataua Le Ola, Avanoa fa’alaua’itele e fa’aleo ai manatu*

E ui ina tatau ona matuā fa’aeteete ofisa o le Mālō i le fa’amautinoaina e ‘ausia tulaga mana’omia pe ‘āfai e ‘auina atu ni matā’upu i ni ofisa i fafo atu, o le taimi nei e lē o tele ni taumafaiga e ātīna’e ni so’otaga fa’apea. O le tulaga lea ‘olo’o iai, e ui ina mana’omia nei ‘au’aunaga i le ātīna’ega o se ‘auala aogā lelei e ‘auina atu i ai tagata āfāina, ma fa’amalieina ai mana’oga o tagata āfāina i sāuāga i totonu o ‘āiga.

12.2.3.2 Tausiga a ‘au’aunaga lagolago fa’asoifua mālōlōina

E ‘ogātotonu, ma o se vaega e tatau ona iai o se fa’agāsologa o togafitiga e ‘auina atu ai se ma’i i se la’asaga e soso’o ai o togafitiga, o le tausiga lea a ‘au’aunaga lagolago fa’asoifua mālōlōina. O i latou ia e su’esu’eina ma togafitia māfua’aga ma a’afiaga o sāuāga i totonu o ‘āiga. O ‘au’aunaga lagolago fa’asoifua mālōlōina, e aofia ai vaega uma tau soifua mālōlōina, vaganā ai foma’i, tausi soifua ma foma’i nifo. ‘Ā o’o mai i sāuāga i totonu o ‘āiga, e aofia ai tagata faigaluega tau agafeso’ota’i, faufautua, tagata tomai fa’apitoa i le māfaufau ma āmioga a tagata, tagata tomai fa’apitoa i togafitiga e pei o le fofō ma

fa'amālositino ma tagata tomai fa'apitoa i togafitiga e fa'aaogā ai fa'atinoga po o ni galuega. Toeitiiti lava leai ni 'au'aunaga fa'apea i Sāmoa.

> "'Olo'o iai le mana'oga mo ni tagata tomai fa'apitoa i le faufautua i Sāmoa, e mālamalama i la tatou gagana ma le aganu'u, ma fa'agāsologa o togafitiga ma mafai ona galulue ma tagata o nu'u ma afio'aga. Ua o'u togafitia tagata i fafo atu o la'u galuega ona o le tūla'i mai o matā'upu i ni teine talavou ua manatu e pule i le ola, o nei matā'upu na fa'afeso'ota'i e ala mai i a'u uō, talu ai, ua lē iloa e ia tagata se isi mea e sa'ili i ai se fesoasoani."
>
> *Moana Regina Solomona, clinical therapist, Matagaluega o Faamasinoga*

O le 2013, na fa'avae ai e le *NHS* le Vaega o 'Au'aunaga tau Agafeso'ota'i, e mafai ona 'auina atu i ai tagata āfāina, e masalomia e māfua mai sāuāga, mo se iloiloga. O le 'āmataga, na galulue ai ni tagata mai fafo na ofoina mai la lā 'au'aunaga, fa'atasi ai ma le ulu o le vaega, ma na o latou fa'atinoina polokalame o a'oa'oga ma le toe fa'afo'isia o le mālosi. Peita'i, na feagai ma ni fa'afītāuli e aofia ai "le lē lava o le 'aufaigaluega, le lē lava o 'au'aunaga tau faufautua i Sāmoa, fa'afītāuli o le mafai ona o'o atu Fa'alāpotopotoga Tūma'oti i ma'i i le falema'i, fa'afītāuli tau pūlega, ma le fa'afaigatā ona fa'aaogā le ta'iala o tausiga i atunu'u i fafo, i le si'osi'omaga i Sāmoa".[104]

'Ā manatu i le lautele o sāuāga i totonu o 'āiga ma le a'afia ai o le toeitiiti lua mai se to'atolu tama'ita'i i le atunu'u, e lē tāitai ona gafatia e se 'au'aunaga lagolago fa'asoifua mālōlōina e fa'avae i se vaega e to'alua tagata mai fafo ofoina mai le 'au'aunaga ma se tagata faigaluega tūmau e tasi. O se isi lenei tulaga e fa'ailoa mai ai le lē naunau o le Mālō e fai fa'atinoga aogā lelei e fa'afetaia'i ai le fa'afītāuli. O le mea lea 'olo'o mafai ai pea ona fa'aauau sāuāga i totonu o 'āiga ma o le solia lava lea o āiā tatau a le faitau afe o tinā ma tama'ita'i, teine ma tamaiti, ma isi vaega a'afiagōfie 'olo'o pagātia i sāuāga i aso ta'itasi.

12.2.3.3 Manatu ma uiga fa'aalia o le 'aufaigaluega o tausiga fa'asoifua mālōlōina

Na iai le i'uga a le Komisi o le Toefuata'iga o Tulafono a Sāmoa, e lē lava a'oa'oga 'olo'o maua e le 'aufaigaluega o tausiga fa'asoifua mālōlōina, i feso'ota'iga ma tagata āfāina i sāuāga i totonu o 'āiga, e pei ona iai fo'i lea tulaga i Leoleo.[105] E lē mafai e ni upu ona tu'uina ifo i lalo le tāua o a'oa'oga i tomai mo nei 'au'aunaga e lua. O se avanoa lea e fa'afetaia'i ai manatu ma uiga fa'aalia ua maua'a i tagata o le atunu'u, 'olo'o saga tapu'e ai sāuāga i totonu o 'āiga ma e mafai ona tutupu ai isi āfāina i le māfaufau ma le tino o tagata ua āfāina. E aogā le toe fa'amanatu o le "faiga fa'avae o le lē tu'u'esea" o se tasi lea o taunu'uga na o'o i ai, ina ua fautuaina e leoleo e le'i a'oa'oina i tomai e feagai ai ma tagata āfāina i sāuaga, se tinā, e toe fo'i i lona to'alua āmio fa'atāutala. O le i'uga, na togi/tu'i e le to'alua i se 'alā ma maliu ai lea tinā.

> "Ina ia aogā lelei (su'esu'ega i sāuāga i totonu o 'āiga) ma ia mafai e le 'aufaigaluega ona tali atu i ni tali e aogā mo mana'oga o tama'ita'i, e mana'omia le lu'iina o le 'aufaigaluega o tausiga fa'asoifua mālōlōina, e iloilo toto'a ma

[104] Ramona Boodoosingh and Penelope Schoeffel. (2015). "Addressing Violence against Women in Developing Countries: The Case of Samoa." Document 82 Inquiry anthology.
[105] Samoa Law Reform Commission submission to the Inquiry. Document 38 Inquiry anthology.

fa'afetaia'i fa'afītāuli tau mālosi ma le pule i o latou lava ōlaga, i le galuega, ma le soifuaga lautele i nu'u ma afio'aga".

Ramona Boodoosingh, PHD on Violence Against Women in Samoa, Pepa o le Sā'ili'iliga 82

E ta'atele manatu ma uiga fa'aalia e tu'ua'ia ai tagata ua āfāina, i le 'aufaigaluega o tausiga fa'asoifua mālōlōina, e pei fo'i ona salalau i isi vaega o le ōlaga. O se tasi lenei o māfua'aga 'autū e lē līpotiina ai e tagata āfāina sāuaga, ma fa'atūmau ai pea le pupuni o le lē gaganaina, 'olo'o puipuia ai, ma lē fa'afetaia'ia ai sāuāga i totonu o 'āiga.

"O se tasi o itū e aupito fa'anoanoa ai i le sā'iliga o se fesoasoani mai ofisa, le ofisa lea o leoleo ma 'au'aunaga fa'asoifua mālōlōina, o o latou uiga o le lē āno mai, pei e lē tāua le matā'upu, fa'apea uiga lē mālamalama ma āmioga e fa'aali i tagata āfāina. Muamua, e matuā faigatā i tagata āfāina le maua o le lototele e tūla'i atu ai ma līpoti ni āmioga. 'Ae o'o ina leai se manatu e fa'aauau ai se matā'upu pe 'ā fa'afeto'ai mai e manatu ma uiga fa'aalia o tagata, ma sili atu ai iā i latou ona toe fo'i i sāuāga, i lō le toe feagai ma uiga o le lē amana'ia mai ofisa e o'o atu i ai".

Tuiloma Sina Retzlaff, survivor and family violence advocate, Avanoa fa'alaua'itele e fa'aleo ai manatu

E manino le fa'amati'eina e Tuiloma o le tāua o le tiute o leoleo ma 'au'aunaga fa'asoifua mālōlōina i le fesoasoani i tagata āfāina e fa'ailoa mai a latou fa'aseā, sa'ili se fa'amasinoga tonu, maua 'au'aunaga e toe fa'afo'i ai i le mālōlōina ma fa'ailoa ai sāuāga 'olo'o tutupu, ma fa'apea ai ona fai se fa'ai'uga i tagata fa'atino sāuāga. 'Āfai e fa'aali atu e leoleo ma le 'aufaigaluega o tausiga fa'asoifua mālōlōina uiga fa'amasinosino i tagata āfāina, ua fa'apea ona fa'amālosia ai le tagata āfāina e toe fo'i, ua sao le fa'atino sāuāga, ma toe fa'apea mai fo'i le atunu'u, e lē āfāina, ma e leai se galuega e faia e tali atu ai i sāuāga i totonu o 'āiga.

E fa'aputu atu i luga o manatu ma uiga fa'aalia i tagata āfāina, 'olo'o maua fo'i i 'au'aunaga tau soifua mālōlōina le fa'afītāuli 'olo'o maua i isi ofisa tau puipuiga ma le tāofiga. Le fa'afītāuli lea, e tele foma'i ma tausi soifua e fa'atino sāuāga, pe o ni uō lelei fo'i a tagata fa'atino sāuāga. O lona uiga, 'ailoga e tāua atu mana'oga o le tagata ma'i i lō o latou lava mana'oga e puipui i latou lava ma tāofia ai le tagata āfāina mai le līpotia o ia sāuāga.

"Ou te le'i sā'ilia lava se fesoasoani mai foma'i po o leoleo, leaga e to'atele foma'i ma leoleo e māsani ai lo'u to'alua. O uō uma a lo'u to'alua e fasiāvā. E fai lē leoa lava, ma o le māfua'aga fo'i lea e mumusu ai o latou ta'ito'alua e līpoti."

Anonymous witness submission, Pepa o le Sā'ili'iliga 24

I'UGA 36 O LE SĀ'ILI'ILIGA: E lē lava puna'oa a 'Au'aunaga Fa'asoifua Mālōlōina ma le iloa e fa'atino ai su'esu'ega aogā lelei o tagata āfāina i sāuāga i totonu o 'āiga, ma e leai fo'i se faiga tau 'au'aunaga lagolago fa'asoifua mālōlōina e 'auina atu i ai tagata āfāina. E lē līpotiina matā'upu tau sāuāga i totonu o 'āiga ona o

manatu ma uiga fa'aalia o le 'aufaigaluega, ma e iai fo'i tagata fa'atino sāuāga i le 'aufaigaluega, ma fa'aauau ai pea lava sāuāga i totonu o 'āiga.

12.2.4 Fa'amasinoga

O totonu o fale fa'amasino ma le Matāgaluega o Fa'amasinoga ma le Fa'afoeina o Matā'upu tau Fa'amasinoga (*MJCA*), 'olo'o iai le potopotoga aupito to'atele o tagata tomai fa'apitoa 'olo'o galulue āga'i i le tafi'eseina o sāuāga i totonu o 'āiga i totonu o Sāmoa. O lo latou pūnoua'i, naunauta'i ma lo latou fa'amāoni, ua fa'aali mai ai mea e mafai ona 'ausia, pe 'āfai ua iai le loto e fa'atino ai suiga.

12.2.4.1 Faiga 'olo'o iai nei

O le fa'avaeina o le Fa'amasinoga mo Matā'upu Fa'atatau i 'Āiga, Fa'amasinoga mo Matā'upu tau Sāuāga i 'Āiga, Fa'amasinoga o Tupulaga Talavou, ma le Fa'amasinoga mo Matā'upu tau 'Ava mālosi ma Vailā'au, o ni tulaga māoa'e ia ua 'ausia, ma ua atagia mai ai le tulimata'iina o sāuāga i totonu o 'āiga, e i latou 'olo'o galulue i galuega fa'aletulafono. O le Fa'amasinoga mo Matā'upu Fa'atatau i 'Āiga, e feagai ma poloa'iga tau puipuiga, tatalaina o fa'aipoipoga, va'aiga ma le tausiga. O le Fa'amasinoga o Matā'upu tau Sāuāga i Totonu o 'Āiga, e feagai ma solitulafono o sāuāga fa'alotoifale ma solitulafono e feso'ota'i ma totonu o 'āiga. O le Fa'amasinoga o Tupulaga Talavou o se lālā o le Fa'amasinoga Fa'aitūmālō, e feagai ma solitulafono a tupulaga talavou e 10-17 tausaga. E o'o mai i le taimi nei, o le tele o matā'upu ua o'o atu i luma o le Fa'amasinoga o Tupulaga Talavou o matā'upu tau sāuāga. Fa'ato'ā tasi le tausaga talu ona fa'atino galuega a le Fa'amasinoga mo Matā'upu tau 'Ava Mālosi ma Vailā'au ma 'auina atu tagata ua mōlia i le latou polokalame e fesoasoani e fa'ato'ilalo le fa'alagolago i le 'ava mālosi ma vailā'au.

O fautuaga a lōia, fa'amasino ma isi tagata tomai fa'apitoa i galuega fa'aletulafono, na mafai ai ona fa'atino ni suiga mo le fa'aleleia o le fa'agāsologa o fa'amasinoga i le sefulu tausaga na mavae atu nei, ia fa'amuamua tagata āfāina ma amana'ia mea na tutupu iā i latou, ina ia mautinoa e 'alofia le toe āfāina ma faia fa'amasinoga tonu. O nei suiga e aofia ai le fa'asāina o le fesiligia o se molimau e le itū tete'e i matā'upu tau sāuāga i totonu o 'āiga,[106] le fa'atagaina o molimau e fa'aaogā ai ata vito (video) e tāofia ai le fevā'aia'i o le tagata āfāina ma le tagata ua mōlia,[107] ma suiga i vaega o fa'agāsologa sa lē agalelei i tagata āfāina i sāuāga, 'aemaise lava sāuāga tau faigā 'āiga.

> "E tatau ona lagona e le tagata fa'aseā 'olo'o puipuia i latou i le faiga o se fa'aseā, e 'āmata mai lava i le alu atu i le ofisa o leoleo, se'ia o'o ina tūla'i e fai lana molimau. E mafai ona 'avea le potu fa'amasino o se si'osi'omaga taufa'amata'u. Se'i māfaufau ane lā, o oe o se tagata ua āfāina i sāuāga fa'alotoifale, a o lea 'ole'ā e alu atu i se potu fa'amasino lua te fa'afesāga'i ma le tagata sa fa'atino lona mālosi ma lana pule 'iā te oe."
>
> *Lemalu Hermann Retzlaff, Attorney General of Samoa, Avanoa Fa'alaua'itele e fa'aleo ai manatu*

[106] *Evidence Act 2015*, section 80.
[107] *Evidence Act 2015*, sections 89 and 120.

Ua ātīna'e fo'i e le fa'amasinoga so'otaga ma pā'aga e fa'atinoina 'au'aunaga fa'aauau i tagata āfāina ma tagata fa'atino sāuāga, ma le ātīna'ega o tomai i totonu o le matāgaluega.

> "Ua ma galulue ma la'u fa'afoe matā'upu e ātīna'e ni polokalame toefuata'i ma togafitiga, 'olo'o fa'aaogā fo'i mo le fa'amasinoga o matā'upu tau sāuāga i totonu o 'āiga ma le fa'amasinoga o tupulaga talavou. Ua fausia fa'apitoa nei polokalame mo le si'osi'omaga i Sāmoa. E o'o mai i le taimi nei, ua iai le polokalame o a'oa'oga i le 'ava mālosi ma vailā'au, polokalame e fa'atino i vaega o togafitiga e fa'aitiitia pe 'ave'esea ai fa'afītāuli o le māfaufau ma āmioga, ma se polokalame mo le pūlea o le ita. O tagata solitulafono uma e ui mai i le fa'amasinoga, e mana'omia le 'auai i nei polokalame i lalo o le fa'atonuga a le fa'amasino. Ou te fa'atinoina fo'i a'oa'oga mo Fa'alāpotopotoga Tūma'oti."
>
> *Moana Regina Solomona, clinical therapist, Matagaluega o Faamasinoga*

E fa'aopoopo i nei polokalame, e tu'uina atu fo'i e le *MJCA* 'au'aunaga tau fautuaga mo matā'upu a le fa'amasinoga mo matā'upu fa'atatau i 'āiga, ma o le līpoti mai, 'olo'o si'itia pea i luga le fuainumera o matā'upu e o'o atu, fa'apea fo'i le fa'amanuiaina o taunu'uga.[108] O le mātauina o lamatiaga o fa'asalaga falepuipui, ua taga'i muamua ai le fa'amasinoga i fa'asalaga e lē falepuipui ma 'ave lana fa'amamafa i le galulue ma tagata 'olo'o palola. O lenei 'auala e mana'omia ai le galulue ma nu'u ma afio'aga ma e fa'alagolago i le va'aiga a nu'u ma afioga, sui o nu'u ma isi ta'ita'i o nu'u ma afio'aga e va'ava'aia tagata palola i le fa'atinoga o fa'asalaga o tagata e fa'atino i totonu o nu'u ma afio'aga.[109] O lenei 'auala ua maua ai se va'aiga i itū'āiga so'otaga ma le vaega o fa'amasinoga, e ta'ita'i e nu'u ma afio'aga, e mafai ona matuā aogā le ātīna'ega ma le fa'aaogāina e leoleo.

> "E tatau ona o tatou galulue fa'atasi ma nu'u ma afio'aga, 'auā o le fa'amasinoga, o le taunu'uga lea (o le fa'agāsologa). O le toe fo'i atu o le fa'atino sāuāga i nu'u ma afio'aga, e mana'omia le mautinoa e le fa'amasinoga, 'ole'ā fa'aauau ai pea suiga lelei i o latou ōlaga. E mana'omia le sa'ili o manatu o ia ta'ita'i i nu'u ma afio'aga, e fesoasoani ai i le fa'amasinoga."
>
> *Judge Talasa Lumepa Atoa Sa'aga, Family Violence Workshop, Apia, November 2017*

O le tulimata'iina o le toefuata'iina, e mana'omia ai e le fa'amasinoga le ātīna'ega o so'otaga vāvālalata aogā lelei ma feso'ota'iga ma Fa'alāpotopotoga Tūma'oti e mafai ona 'auina atu i ai tagata, fa'apea 'au'aunaga mo tagata āfāina ma tagata fa'atino sāuāga i totonu o 'āiga. E faifaipea le galulue fa'atasi o le fa'amasinoga, *MJCA* ('au'aunaga o tagata nofo va'ava'aia), ta'ita'i i nu'u ma afio'aga e va'ava'aia tagata fa'asalaina, To'omaga mo Ē Puapuagatia (To'omaga), Lu'i mo Talavou, le *SRCT,* ma lotu. Ua tele tausaga o 'auina atu e le fa'amasinoga tagata fa'atino sāuāga i polokalame a le To'omaga, ma o le fa'ai'uina manuia o le 'auai i nei polokalame, e mafai ona taga'i i ai le fa'amasinoga i le taimi e fai ai le fa'ai'uga o fa'asalaga.

[108] For more information refer to "Stakeholder Consultations Report." Document 58 Inquiry anthology, accessible at www.ombudsman.gov.ws.
[109] MJCA Inquiry public hearing presentation. Document 32 Inquiry anthology.

E fa'ailoa le agaga o le fa'amālō ma le fa'afetai i le vaega o fa'amasinoga i galuega ua 'ausia ma suiga i le āga'i i luma. Ua fa'aali mai i nei galuega, taunu'uga o le naunauta'i ma le fa'amāoni o ni tagata to'aitiiti, ua galulue fa'atasi e fausia se faiga o le tāofiga ma le puipuiga, e fa'avae i le aganu'u. E mana'omia le fa'aauau pea o galuega lelei, e fa'aopoopo i galuega nei ua fa'ataunu'uina manuia, 'auā 'olo'o iai pea ni pā pupuni iloga ma lu'itau 'olo'o o tatou feagai.

12.2.4.2 Pā pupuni i le maua o 'au'aunaga tau fa'amasinoga

E to'atele tagata i Sāmoa, e leai se 'auala e mafai ona o latou maua ai 'au'aunaga tau fa'amasinoga, ma o se pā pupuni faigatā lea mo i latou, ma le lē maua e tagata fa'atino sāuāga fa'asalaga tatau mo a latou fa'atinoga, ma fa'amuta ai taimi o le sa'oloto o tagata fa'atino sāuāga.

> "Ou te nofo lava ma mānatunatu, po o ā 'au'aunaga 'olo'o maua e tagata 'olo'o āfāina i sāuāga i totonu o 'āiga e leai se tupe, leai se 'auala e maua ai se tupe, pe lē lelei fo'i a'oa'oga pei o tagata āfāina e ō mai 'iā te a'u. Tagata e leai se tupe e totogi ai se lōia, e lē mālamalama i tulafono, ma e lē iloa po o ai e līpoti atu i ai pe 'ā sāuāina, ma po o fea e talosaga ai mo se poloa'iga tau puipuiga?"
>
> *Savalenoa Mareva Betham-Annandale, Family Law Barrister and Solicitor, Avanoa fa'alaua'itele e fa'aleo ai manatu*

O le līpoti a le *MJCA*, o le to'atele o tagata āfāina i sāuāga i totonu o 'āiga, o tama'ita'i, ma o le to'atele, e leai ni a latou lōia,[110] ma fa'apea ai ona faigatā ona maua fa'amasinoga tonu. Mo se fa'ata'ita'iga, o se talosaga mo se poloa'iga tau puipuiga, e mana'omia fa'amaumauga o sāuāga ua tuana'i, fa'apea ni molimau o sāuāga, fa'atoā mafai ona tu'uina atu se poloa'iga. Mo le to'atele o tagata, e lē mafai ona o latou fa'amalieina ia aiaiga pe 'āfai e leai se lōia. O le amana'ia o lenei tulaga, ua aofia ai i le *Tulafono o le Ofisa Autu o Mataupu Faaletulafono mo Tagata Lautele 2015* le fa'avaeina o fesoasoani fa'aletulafono mo tagata āfāina e lē gafatia le totogi o se lōia. Peita'i, e le'i fa'atinoina lenei vaega talu ai fa'afītāuli tau fa'atupega – o se tasi lea fa'ata'ita'iga o le lē lava o teugātupe fa'afaigaluega ma le naunau e fa'afetaia'i sāuāga i totonu o 'āiga.

Ua lāgā fo'i e Savalenoa le matā'upu o le lē iloa e tagata, ma na maua fo'i e le Sā'ili'iliga le leai po o le itiiti o se iloa i isi tulafono ma 'au'aunaga fa'aletulafono i vaega uma o le atunu'u. O lenei lē mālamalama, o se tasi fo'i lea pā pupuni i le līpotiina o sāuāga i totonu o 'āiga, faiga o fa'ai'uga i tagata fa'atino sāuāga, ma ātili ai lona ta'atele. 'Olo'o taumafai le Fa'amasinoga o Matā'upu Fa'atatau i 'Āiga e si'itia le iloa o sāuāga i totonu o 'āiga i ā'oga. O se taumafaiga lelei lea. Peita'i, e mana'omia se taumafaiga e aofia ma 'auai ai vaega uma o le Mālō, Fa'alāpotopotoga Tūma'oti, ma 'au'aunaga lagolago mautū, ina ia fa'amanuiaina nei taumafaiga.

[110] MJCA Inquiry public hearing presentation. Document 32 Inquiry anthology.

12.2.4.3 Itū mo le fa'aleleia

Na fa'ama'oti e le Sā'ili'iliga ni itū o fa'amasinoga 'olo'o iai nei, e mana'omia le toe taga'i toto'a i ai, ina ia mautinoa e 'ausia le sini o le tafi'esea o sāuāga i totonu o 'āiga, i se 'auala aupito aogā lelei, ma le amana'ia o aiā tatau a le tagata āfāina.

O le itū muamua, o le lautele o le fa'aaogāina o le la'asaga o fautuaga i le fa'agāsologa galuega. O le taimi nei, 'olo'o tu'uina atu e le Fa'amasinoga mo Matā'upu Fa'atatau i 'Āiga matā'upu lāiti uma tau sāuāga i totonu o 'āiga e nofo va'ava'aia, e 'auai i Fonotaga Fa'ale'āiga (*FGC*), 'ae leai se fa'asalaga. O lenei la'asaga o se itū'āiga o fautuaga e fa'afoe e ofisa o le nofo va'ava'aia, e vala'auina ai tagata o le 'āiga o le tagata solitulafono ma le tagata āfāina, e feiloa'i e talanoa i ni 'auala mo le āga'i i luma. E lē fa'amālosia le 'auai o le tagata āfāina, ma e tulimata'i i le fonotaga le toefuata'iga o le tagata solitulafono ma ua maua le lagolago mana'omia mai le 'āiga, ina ia mafai ona 'ausia lea fa'amoemoe. E ui ina līpoti mai e le ofisa o le nofo va'ava'aia le fa'amanuiaina o lenei 'auala e o'o mai i le taimi nei, e iai le popōlega o le Sā'ili'iliga i le fa'aaogāina o fautuaga, 'ae leai se su'esu'ega 'āto'atoa o tulaga o lamatiaga ma le leai o se māta'itūina ma iloiloga, e mautinoa ai e leai se isi āfāina e o'o i ai le tagata āfāina. O le fa'aaogāina o le la'asaga o fautuaga i matā'upu tau sāuāga i totonu o 'āiga, ua tele felafolafoa'iga ma fefa'asoaa'iga o manatu e uiga i ona itū lelei ma itū lē manuia. Ui i lea, e to'atele tagata ta'ito'atasi e manatu e lē talafeagai le la'asaga o fautuaga, 'aemaise lava pe 'āfai e lē iai le agaga o le faiga tutusa ma le tonu, o itū uma e lua.[111] 'Ātonu e lē mana'omia le fa'asāina 'ātoa o le la'asaga o fautuaga, peita'i, e mana'omia lava le fa'aeteete ma le mātaitūina o lona fa'aaogāina, ina ia mautinoa e lē toe o'o atu ai le tagata āfāina i ni isi āfāina.

O le itū lonalua o popōlega, o le fa'aaogāina lea o molimau o āmio ma le ifoga, o ni itū e fa'aitiitia ai fa'asalaga. E ta'atele i le lalolagi 'ātoa le fa'aaogāina o molimau o āmio e fa'amāonia ai āmioga a se tagata i aso ua tuana'i, ma fuafua ai se fa'asalaga talafeagai. Peita'i, o se fa'afītāuli lea i le si'osi'omaga o Sāmoa. O le itū muamua e tatau ona mātauina, o le tele o taimi, 'olo'o fa'atino e le tagata tusi molimau o āmio lea galuega ona o se lagona 'olo'o fa'atino se tiute, po o lea fo'i tagata e tusia le molimau, o se tagata fa'atino sāuāga, ma i ai lona naunauta'iga e fa'aauau pea sāuāga i totonu o 'āiga ma le lē fa'asalaina o tagata fa'atino sāuāga. O le itū lonalua e tatau ona mātauina, 'olo'o to'atele pea tagata 'olo'o manatu o sāuāga i totonu o 'āiga o se matā'upu fa'alotoifale i Sāmoa. O lea lā, o se tulaga masani, e lē iloa e le tagata 'olo'o tusia le molimau o āmio, 'olo'o fa'atino faifaipea e lea tagata sāuāga i totonu o 'āiga. Na līpoti mai e Savalenoa, o le 100% o tagata ua ia va'aia, e umi le taimi na feagai ai ma sāuāga fa'aauau. O lea lā, e mafai ona tūsia molimau o āmio, 'ae lē iloa e le tusi molimau le āmio faifaipea a le fa'atino sāuāga, pe ona o se vaega lea o le si'osi'omaga lautele o le sa'oloto o tagata fa'atino sāuāga. O taunu'uga o nei va'aiga, ua lē maua e le tagata āfāina le fa'amasinoga tonu e tatau ona latou maua.

E fa'apēnā fo'i le fa'afītāuli e tūla'i mai i le fa'aaogāina o ifoga. O ifoga e "tele ina fa'amuamua le tausiga o le fīlēmū i le vā o 'āiga ma nu'u ma afio'aga ma o latou ta'ita'i (o ali'i) i lō le ola manuia o tama'ita'i".[112] E lē gata i lea, o lenei faiga ua tāofia ai le tu'uina atu o fa'asalaga e tusa ma le solitulafono, ma fa'aopoopo

[111] Aimee Davis. (2006). "Mediating cases involving domestic violence: solution or setback?" *Cardozo Journal of Conflict Resolution* 8(253). Retrieved from https://cardozojcr.com/vol8no1/CAC101.pdf.

[112] Ramona Boodoosingh and Penelope Schoeffel. (2015). "Addressing Violence against Women in Developing Countries: The Case of Samoa." Document 82 Inquiry anthology.

ai le lē tali o tagata fa'atino sāuāga i taunu'uga lē manuia o a latou fa'atinoga, ma fa'amālosia ai le fe'au, e talia a latou āmioga. E 'ese le fa'amoemoega o le ifoga, mai le fa'amoemoega fa'aletulafono. O le ifoga, – e fa'amautinoa ai le fīlēmū i totonu o nu'u ma afio'aga. E matuā tāua lenei fa'amoemoega. Peita'i, e 'ese lea ma le fa'amoemoega o le tulafono, o le fa'asala lea o le tagata solitulafono ma maua ai fa'amasinoga tonu e le tagata āfāina. O le tele o atunu'u i le lalolagi, e leai ni a latou faiga fa'aleaganu'u e tausi ai le fīlēmū ma le feālofani i totonu o nu'u ma afio'aga. E fa'amanuiaina Sāmoa i lenei itū. E lē fa'apea lā e mafai pe tatau ona aiā le tasi faiga i le isi faiga. E fōliga mai e talia le manatu lenei e le to'atele o tagata i Sāmoa.

"O le matuā to'atele o tagata na 'auai i fefa'asoaa'iga na manatu, e lē tatau ona 'avea fa'aleleiga fa'aleaganu'u e pei o ifoga, po o fa'asalaga a le nu'u, o se māfua'aga e fa'aitiitia ai fa'asalaga a le fa'amasinoga i matā'upu tau sāuāga fa'asaga i tinā ma tama'ita'i, 'aemaise lava matā'upu o sāuāga tau faigā 'āiga, ma e tatau ona 'ave'ese lenei aiaiga mai le *Tulafono o Fono a Nuu 1990*."

Samoa Law Reform Commission, CEDAW Legislative Compliance Review, Pepa o le Sā'ili'iliga 89

I'UGA 37 O LE SĀ'ILI'ILIGA: E iai galuega mo le āga'i i luma ua fa'atinoina e le vaega o fa'amasinoga ua tatau ma onomea ai le fa'amālō. Peita'i, 'olo'o iai isi itū e mana'omia le taga'i i ai, e aofia ai le mauaina e tagata o avanoa i le fa'amasinoga, le iloa ma le mālamalama o tagata i tulafono, ma le fa'aaogāina o fa'atinoga fa'aleaganu'u i le faiga o i'uga o fa'asalaga.

12.2.5 Fono a Nu'u

'Olo'o 'avea o se fa'afītāuli le lē manino 'āto'atoa o le vā o matāfaioi a Fono a Nu'u ma le vaega o fa'amasinoga, ma 'ātonu o se tasi lea o māfua'aga 'olo'o fa'atuai ai ona fa'agāoioi ni fa'atinoga a nu'u e o'o mai i le taimi nei. E lē fesoasoani fo'i le lē tā'ua manino o sāuāga i totonu o 'āiga i le *Tulafono o Fono a Nuu 1990,* o se vaega e tatau ona aofia i matāfaioi a Fono a Nu'u.

"O le mea lea e fa'alogo atu i ai mai Fono a Nu'u, o le "faiga fa'avae o le lē tu'u'esea" (a leoleo), o lona uiga, ua fa'atino e Fono a Nu'u se faiga fa'avae "o le ta'atia loa", 'auā o lo latou manatu ua ta'atia atu loa i isi lea matāfaioi, ma toeitiiti lava toe o le fafano o o latou lima, mai sāuāga 'olo'o tutupu i o latou nu'u."

Leasiolagi Dr Malama Meleisea, Inquiry Commissioner, Avanoa fa'alaua'itele e fa'aleo ai manatu

Peita'i, o lea fa'a'upuga ua na'o se 'alofaga 'olo'o fa'aaogā e ni Fono a Nu'u, e fa'aauau ai le sosaiete e pūlea e ali'i ma mafai ai pea mea e mānana'o i ai, ma e leai so latou naunau e lagalaga. O se tasi lea, mai le tele o māfua'aga na tu'uina mai i le Sā'ili'iliga, o le mafuli o Fono a Nu'u i le leai o ni galuega fa'atino mo le puipuiga o tagata āfāina mai sāuāga i totonu o 'āiga i o latou nu'u.

E lua ‘auala ‘olo’o tele ina tōsina ai e Fono a Nu’u sāuāga i totonu o ‘āiga. O fa’asalaga ia ‘olo’o tu’uina atu, ma lo latou sao e fesoasoani ai i le līpotiina atu i Leoleo o matā’upu tau sāuāga i totonu o ‘āiga. E fa’anoanoa talu ai o ia tōsina, e lē ni tōsina lelei.

Muamua, o fa’asalaga e tu’uina atu, e mafai ona fa’ateteleina ai le si’osi’omaga e olaola ai sāuāga i totonu o ‘āiga, ma o fa’ai’uga o fa’asalaga (i nai matā’upu fa’apea ua tagofia e Fono a Nu’u), e tele lava ina sala tupe ma o se sala e fa’asala ai le tagata fa’atino sāuāga ma lona ‘āiga. Peita’i, e mafai ona fa’aopoopoina e nei fa’asalaga le ‘avega tautupe a le ‘āiga, ma e mafai ona ‘avea o se u’una’i mo isi fa’atinoga o sāuāga i totonu o ‘āiga. E lē gata i lea, ua maua, ua sosolo atu i fa’ai’uga fai a Fono a Nu’u le tu’ua’ia o le tagata āfāina, ua fa’aalia ātili ai le mana’oga ua tatau ona vave taga’i Fono a Nu’u i ‘auala e mafai ona fa’atino ai sa latou galuega aogā lelei, i le puipuiga o tagata mai sāuāga i totonu o ‘āiga.

> “O se tasi o tulafono ‘auro i lo matou nu’u, o teine ma’itaga e le’i fa’aipoipo e fa’asala. O le fa’asalaga e 40 pusa’apa i’a ma le $2,000.”
>
> *Matai participant, Avanoa fa’alaua’itele e fa’aleo ai manatu*

O le itū’āiga faigā fa’ai’uga lenei ua lē taulia ai le manatu i le aiā a ali’i tau faigā ‘āiga, ‘olo’o feoa’i ma ni ali’i i Sāmoa, e mafai ai ona i’u atu i le fa’ao’olima tau faigā ‘āiga ma le toso teine. O lea lā, e mafai ona fa’asala ātili e le Fono a le Nu’u se tama’ita’i ua tō, ona o ia sāuāga na fa’atino iā te ia.

> E lē talia e le Fono a le Nu’u o Asau so’o se itū’āiga sāuāga fa’asaga i tama’ita’i. O se fa’amāoniga o lea manatu, ua pāsia e le Fono a le Nu’u faiga fa’avae e i’u ina fa’atūla’i ‘ese ai ma le nu’u tamāloloa e fa’ao’olima i o latou ta’ito’alua.[113]
>
> *Samoa Observer article*

O se fa’asalaga ta’atele mo sāuāga mātuiā e tutupu i totonu o ‘āiga, o le fa’atūla’i ‘ese ma le nu’u, ma e sau ai fo’i ma se lamatiaga o le fa’aopoopoina o sāuāga. O le fa’atūla’i ‘ese ma le nu’u e māsani ona lē na’o le tagata fa’atino sāuāga, a o lona ‘āiga, o le tele o taimi, o tagata ia ‘olo’o āfāina i sāuāga. E lē gata ina fa’asalaina ai le tagata āfāina, a o le popōlega sili, ‘ole’ā ō atu e nonofo i se isi nu’u e lē iloa e tagata lo latou tala’aga, ma sa’oloto ai lava le fa’atino sāuāga e fa’aauau ana āmioga, e lē mātauina e tagata e pei o le tulaga sa iai.

> “O le tele o Fono a Nu’u e mana’omia le ‘avatu muamua o se matā’upu i luma o le Fono, ‘ae le’i tu’uina atu i leoleo. O lenei faiga e mafai ona fa’alavelaveina ai le fa’aulu atu o ni fa’aseā, ‘aemaise lava pe ‘āfai o le fa’atino sāuāga o se sui ‘auai o le Fono a le Nu’u, ma e mafai fo’i ona i’u i le lē līpotiina atu o le matā’upu i leoleo.”
>
> *Komisi o le Toefuataiga o Tulafono a Samoa, CEDAW Legislative Compliance Review, Pepa o le Sā’ili’iliga 89*

[113] Refer to Samoa Observer. “Asau moves to protect women.” (5 January 2018). Retrieved from http://www.samoaobserver.ws/en/05_01_2018/local/28509/Asau-moves-to-protect-women.htm.

O se isi ‘auala ua lē puipuia ai e Fono a Nu’u tagata mai sāuāga i totonu o ‘āiga, o tulaga ia ua fa’asā e se Fono a le Nu’u ona ō sa’o tagata e līpoti matā’upu i leoleo. E lē se tulaga maoa’e lā i si’osi’omaga fa’apea le alu atu o le tagata ua āfāina i sāuāga i totonu o ‘āiga, e sa’ili se fa’atagaga mai le tagata na fa’atinoina sāuāga, e līpoti ai le matā’upu i leoleo. Tusa fo’i pe lē saofa’i le fa’atino sāuāga i le Fono a le Nu’u, e mafai lava ona fa’alavelaveina le līpoti atu i leoleo, talu ai e felāta’i so’otaga a le fa’atino sāuāga ma i latou ‘olo’o ‘auai i le Fono. O se taunu’uga, e ono leai lava se taumafaiga a se tagata āfāina e līpoti se matā’upu, ‘auā ua iloa, e leai se isi la’asaga āga’i i luma e o’o i ai.

I’UGA 38 O LE SĀ’ILI’ILIGA: E lē o tā’ua manino sāuāga i totonu o ‘āiga, o se tasi o matāfaioi a Fono a Nu’u, i le *Tulafono o Fono a Nuu 1990*.

I’UGA 39 O LE SĀ’ILI’ILIGA: E lē o puipuia e Fono a Nu’u tagata āfāina i sāuāga i totonu o ‘āiga ma o isi taimi ‘olo’o o latou tāofia le o’o atu o tagata āfāina i le fa’amasinoga, ma fa’ateleina ai le si’osi’omaga ‘olo’o olaola ai sāuāga i totonu o ‘āiga, e ala i fa’asalaga e lē lelei le fa’avaeina, ma le tāofia o le līpotiina atu o matā’upu i leoleo.

12.2.6 Lotu

O se fa’atusatusaga i le Mālō, le fa’amasinoga ma Fono a Nu’u, e la’itiiti le sao o lotu i le puipuiga o sāuāga i totonu o ‘āiga, ‘ae fa’amuamua le taula’i o lo latou sao, i le itū o le tāofiga o sāuāga i totonu o ‘āiga. Peita’i, e iai taimi e o’o atu ai tagata āfāina i faifea’u mo se lagolago ma se ta’ita’iga po o fautuaga. O lea lā e mana’omia ai se iloiloga o le aogā lelei o fa’atinoga ‘olo’o iai nei i le puipuiga, ma i le **Vaega V**, i ni ‘auala e mafai ai ona fa’aleleia ai.

Toeitiiti tasi mai se to’asefulu o tama’ita’i na tali mai i le SFHSS 2000 na manatu o le faife’au o se tagata aupito talafeagai e sulu atu i ai pe ‘āfai ua tutupu ai ni sāuāga.[114] Peita’i, na’o le 1.2% o tama’ita’i uma ua o’o i ai sāuāga na filifili e sulu atu ma fa’ailoa atu ia sāuāga i se faife’au. E aliali mai ai le lē fa’atuatuaina o le lotu, o se ‘auala o le puipuiga. E mafai fo’i ona māfua ona o le iai o fa’atino sāuāga i totonu o le lotu, po o lāuga e fa’amamafa ai le tulaga maualalo ifo ma le usiusita’i o fafine i a latou pā’aga.

O le māfua’aga mulimuli ‘olo’o i luga, ‘olo’o atagia mai ai fo’i le tali a le to’atele o tagata lotu pe ‘āfai e sulu atu se tasi ua āfāina i sāuāga i totonu o ‘āiga. ‘Ātonu e tele faife’au e fautuaina le tagata āfāina i ‘auala e fa’amamafa ai nafa māsani ma le fa’atūlagaga o itūpā, ma fautuaina le tagata āfāina e toe fo’i i lana pā’aga ma puipui le feagaiga na ōsia i le fa’aipoipoga.

“O manatu tuai (fa’alelotu), e mafai ona lagolagoina le fa’aaogā o le mālosi e fa’atūmau ai le pule i se āvā e fōliga mai ua lē tausisi i lona tulaga po ua lē usita’i. O se tinā/tama’ita’i lā e o’o i lenei tulaga, e mafai ona fautuaina e ta’ita’i fa’alelotu e usita’i, ma mānatunatu lelei i māfua’aga ua o’o ai ina fasi e lona to’alua. O le

[114] SPC and UNFPA. (2006). *Samoa Family Health and Safety Study 2000*. Document 83 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

māfua'aga lenei ua maua ai e isi su'esu'ega, e mafai ona aupito maualalo le fa'amanuiaina o faufautuaga e tu'uina atu e ta'ita'i o lotu, i lō isi uma vaega e mafai ona tu'uina atu fesoasoani."

Ramona Boodoosingh, PHD on Violence Against Women in Samoa, Pepa o le Sā'ili'iliga 82

I'UGA 40 O LE SĀ'ILI'ILIGA: E tele ina lē o ofoina atu e lotu i Sāmoa se puipuiga i tagata āfāina i sāuāga i totonu o 'āiga, ma e tele taimi e fautuaina ai tagata āfāina e toe fo'i atu i le so'otaga ma lea pā'aga, ma fa'aopoopoina ai o latou lamatiaga mai isi sāuāga.

12.2.7 Fa'alāpotopotoga tūma'oti

12.2.7.1 O le nafa o fa'alāpotopotoga tūma'oti

E tūla'i mai Fa'alāpotopotoga Tūma'oti e fa'atino se galuega ua mātauina 'olo'o mana'omia e tagata, se vaega 'olo'o māfatia, po o le lagolagoina o se vaega patino e leai se 'auala e fa'aleo ai o latou mana'oga po o manatu. E tele ina galulue nei fa'alāpotopotoga i vaega ua mātauina e lē o fa'atinoina e le Mālō, pe galulue fo'i e fa'aleleia 'au'aunaga 'olo'o tu'uina atu e le Mālō, ina ia 'ausia tulaga mana'omia. O Sāmoa, e pei fo'i ona iai i le tele o atunu'u i le lalolagi, e iai fa'alāpotopotoga tūma'oti 'ese'ese e galulue i vaega 'ese'ese mo fa'amoemoega 'ese'ese. Peita'i, e leai, ma ua umi se taimi e lē o iai, se fa'alāpotopotoga 'olo'o galue i le itū tau aiā tatau a tama'ita'i.[115] E lua ni māfua'aga o lenei tulaga – muamua, e leai se mana'oga mo se fa'alāpotopotoga fa'apea i Sāmoa. Peita'i, 'olo'o iai molimau, o se mana'oga lenei mo tama'ita'i, e tatau ona fa'amalieina. O lonalua, o le iai o se sosaiete e pūlea e ali'i, ma le talia o sāuāga i totonu o 'āiga o se mea māsani ma ua maua'a i le atunu'u, e leai se avanoa o se Fa'alāpotopotoga Tūma'oti fa'apea e iai le lagolago e mafai ai ona fa'avae ma fa'aauau.

E ui ina leai se Fa'alāpotopotoga Tūma'oti tau aiā tatau a tama'ita'i, e tele isi fa'alāpotopotoga 'olo'o galulue, ua māoa'e lo latou sao i le tali atu i sāuāga i totonu o 'āiga, e ui ina itiiti tupe 'olo'o fa'atino ai galuega, 'ae fa'apea foi le fa'alē amana'iaina.

Fa'amatalaga Fa'amālamalama 16 o le Sā'ili'iliga: Fa'alāpotopotoga Tūma'oti 'Autū tau Sāuāga i Totonu o 'Āiga[116]

Ofisa mo Ātīna'e ma Fesoasoani a le Lotu Aso Fitu (Adventist Development and Relief Agency): na fa'avaeina e le Lotu Aso Fitu i Sāmoa, e tu'uina atu fesoasoani fa'anatinati i taimi o fa'alavelave fa'alenātura ma fesoasoani mo tagata 'olo'o mana'omia se fesoasoani.

[115] A new NGO called Toomaga o Aiga is reported to have been established within the past year with the support of MWCSD but the Inquiry was unable to obtain contact details of any person involved and they did not make any submission, written or orally.
[116] The following list is of the prominent NGOs working on family violence issues. It is non-exhaustive and there are many other actors working in this field whose work the Inquiry acknowledges.

Faataua Le Ola (FLO): o se fa'alāpotopotoga faufautua mo tagata ua māfaufauina le pule i le ola. E lē gata i fautuaga fesāga'i, ua iai fo'i le telefoni e fa'afeso'ota'i e so'o se tagata i so'o se itula o le aso, ma 'olo'o fa'atino fo'i a latou polokalame e 'a'apa atu ai i ā'oga, lotu, nu'u ma afio'aga ma falepuipui.

Vaega mo le Lagolagoina o Ali'i e Tete'e atu i Sāuāga:[117] o se taumafaiga a le Vaega o Tinā ma Tama'ita'i e galulue ai ma ali'i ma tama e fa'ailoa atu ma lagolagoina le fa'afetaia'iga o so'o se sāuāga fa'avae i itūpā.

Fono Aoao a Tupulaga Talavou: o le fa'alāpotopotoga tūtotonu mo le fa'atulagaina o fa'atinoga uma tau tupulaga talavou i Sāmoa, ma e fa'atino faifaipea feiloa'iga a ona sui 'auai e fa'atalanoa matā'upu tau tupulaga talavou. O sini a le fa'alāpotopotoga o le fa'amālosi'au ma le tapu'eina i tupulaga talavou o āmio o ni tagatānu'u fa'atuatuaina, ma fa'aleleia ātili le ātīna'e o tupulaga talavou mo le mautū o agafeso'ota'i, le tamāo'āiga ma upufai o mālō o Sāmoa.

Fono Aoao a Tinā ma Tama'ita'i i Sāmoa: o le tulafono fa'avae na sau ai le Fono Aoao a Tinā o le lagolago i pūlega a Fono a Nu'u ma le faiga o fa'ai'uga. O tausaga lata mai, na galue ai i le lagolagoina o le si'itia o sui tama'ita'i i upufai o mālō ma le fa'amutaina o sāuāga fa'asaga i tinā ma tama'ita'i e ala i fa'atalanoaga i nu'u ma afio'aga.

Fa'alāpotopotoga mo i latou ua toe fo'i mai i Sāmoa: na fa'avaeina e le Mālō o Sāmoa e fesoasoani i le toefuata'iga o tagata Sāmoa sa mau i atunu'u i fafo, a ua toe fa'afo'i mai e ia atunu'u. Latou te tu'uina atu faufautuaga, fa'atino polokalame 'ese'ese e aofia ai "Isi 'auala 'ae lē o Sāuāga", "'Ava mālosi ma Vailā'au" ma "Taumafaiga mo se Avanoa Lonalua".

Samoa Social Welfare Fesoasoani Trust: na fa'avaeina i le 2016 ma e fa'a'autū lana galuega e fesoasoani i tagata solitulafono ma tagata i nu'u ma afio'aga i matā'upu tau fa'amasinoga, faufautuaga, femalagaa'iga e mau i se isi atunu'u, ma fautuaga fa'aletulafono.

To'omaga mo Ē Puapuagātia: Na ulua'i fa'avae e tu'uina atu le fesoasoani i tagata āfāina i sāuāga, ua leai se fesoasoani mai 'āiga. Ua lautele atu galuega a le To'omaga, ua aofia ai faufautuaga, nofoaga e malu ai tagata āfāina i sāuāga po o tamaiti tu'ulāfoa'iina, lagolagoina o le fa'amasinoga ma galuega mo le ola manuia o tagata.

Fa'alāpotopotoga mo le Soifua Mālōlōina o 'Āiga i Sāmoa: e tu'uina atu 'au'aunaga tau 'āiga fuafuaina, 'au'aunaga tau soifuaga fānau manuia i Sāmoa e ala atu i se ofisa tumau i Apia ma se ta'avale ua iai mea uma e mana'omia mo

[117] This organization has not been active for several years.

togafitiga mo nu'u ma afio'aga i tua atu o Apia. E fa'atino fo'i a latou polokalame fa'atupu silafia i matā'upu e feso'otai ma le soifua mālōlōina i faigā 'āiga ma le soifuaga fānau manuia.

Lu'i mo Tupulaga Talavou Sāmoa: E fa'avae le polokalame i talitonuga fa'alefa'atuatua e fesoasoani i tupulaga talavou e fa'afetaia'i fa'afītāuli e pei o le 'ava mālosi ma vailā'au, loto fa'anoanoa, sāuāga, soifua mālōlōina i faigā 'āiga ma le soifuaga fānau manuia, ma le 'avega o fa'aosoosoga mai isi o le tupulaga.

Fa'alāpotopotoga Kerisiano a Tama'ita'i Talavou: e 'auga i le fa'atūmauina o le aganu'u ma le fa'atuatua e fa'atupu ai suiga lelei. O le 2016 na fa'atino ai la latou polokalame o le TŪLA'I MAI, o se polokalame na tu'uina atu ai a'oa'oga i tama'ita'i i nu'u i tua ma taulaga e uiga i ta'ita'iga, soifua mālōlōina i faigā 'āiga ma le soifuaga fānau manuia, so'otaga manuia ma lelei, fa'a'āu'upegaina tau tamāo'āiga, ma aiā tatau a tagata soifua.

Sosaiete a le Koluse Mūmū i Sāmoa: E tu'uina atu a'oa'oga i le 'aufaigaluega ma sui o nu'u ma afio'aga e uiga i Sāuāga Fa'avae i Itūpā i Taimi o Fa'alavelave Fa'afuase'i ma 'olo'o fa'atupeina e UN Women tomai fa'apitoa 'olo'o fa'atino ai.

12.2.7.2 To'omaga mo Ē Puapuagātia i Sāmoa (To'omaga)

O le Fa'alāpotopotoga Tūma'oti aupito tele galuega 'olo'o fa'atino i lenei matā'upu o le To'omaga. O le 95% o i latou na tali mai i le SFSS 2017 na fa'amauina ua latou iloa le galuega 'olo'o fa'atino e le To'omaga i sāuāga i totonu o 'āiga, fa'atusatusa i le na'o le 56% na iloa galuega 'olo'o fa'atino e leoleo. Ua lava lenei meamoni e fa'ailoa mai ai, 'olo'o fa'atinoina e le To'omaga se galuega e lē o mafai ona faia e leoleo. O se fa'afītāuli lenei pe 'ā manatu ane, o le Mālō e tatau ona feagai ma vaega 'autū e pei o lenei.

Ui i lea, e anoanoa'i galuega 'ese'ese 'olo'o fa'atino e le To'omaga mo tagata āfāina ma tagata fa'atino sāuāga i totonu o 'āiga ma ua lāuiloa ma fa'afetaia la latou galuega.

"Ua tūla'i mai le To'omaga e fa'atumu se avanoa tāua e le'i fa'ataunu'uina e le atunu'u."

Tuiloma Sina Retzlaff, survivor and family violence advocate, Avanoa fa'alaua'itele e fa'aleo ai manatu

O le māfua'aga e mana'omia ai e le To'omaga se va'aiga fa'apitoa a le Sā'ili'iliga, ua iai popōlega ua āga'i atu ina telē tele ma e la'iitiiti se va'ava'aiga, ma o le leai o se ofisa o le Mālō e fa'amāopoopoina matā'upu fa'apēnei, o lona uiga, e lē iloa po ua lautele atu galuega a le To'omaga i vaega 'olo'o galulue ai nei isi Fa'alāpotopotoga Tūma'oti. Ua fa'ailoa uma mai e le Mālō ma le To'omaga lenei leai o se 'auala e tali atu ai i fa'atinoga, o se matā'upu e tatau ona taga'i i ai ma fai i ai se galuega.

"'Olo'o iai se fa'afītāuli i le mafai ona tali atu o fa'alāpotopotoga tūma'oti i le fa'atinoga o a latou galuega, 'aemaise lava pe 'āfai 'olo'o fa'atupe uma mai a latou galuega e pā'aga mai fafo. O le tiute o le Mālō, e ala atu i le ofisa e iai sea matāfaioi, le fa'amautinoa lea e tali mai fa'alāpotopotoga i a latou fa'atinoga, 'aemaise lava mo le ola manuia o tagata āfāina 'olo'o i lalo o la latou tausiga."

Samoa Family Safety Study 2017, Pepa o le Sā'ili'iliga 46

O lea lā, e lē fa'apea e lē o tu'uina atu e le Mālō ni 'au'aunaga, ma ua tūla'i mai Fa'alāpotopotoga Tūma'oti e fa'atumu le avanoa, e lē fa'amāgaloina ai le Mālō mai ona tiute. E mana'omia pea le fa'amautinoa e le Mālō 'olo'o fa'ataunu'u galuega tau'ave a Fa'alāpotopotoga Tūma'oti i 'auala e puipuia ai aiā tatau a tagata 'olo'o i la latou tausiga. E iai ni taimi e le'i mamao atu na iai ni tusitusiga i nusipepa e uiga i le tulaga o le tausiga 'olo'o tu'uina atu i tamaiti e le To'omaga, na tūla'i mai i ni tusitusiga a se tagata galue ofo mai mai Ausetalia na galue i le fa'alāpotopotoga. Ta'atia ia le sa'o po o le lē sa'o o ia tu'ua'iga, 'ae sa iai le tiute o le Mālō e su'esu'e ma mautinoa e fa'amalieina tulaga aupito maualalo mana'omia o le tausiga.

O se fa'ata'ita'iga aupito lelei lea o le mafai ona fesoasoani o le ta'iala o aiā tatau 'olo'o i le Feagaiga i Aiā Tatau a le Tamaitiiti e tapu'e ma fa'amālosia le Fa'asāmoa. O le iai o se tamaitiiti i lalo o le tausiga a se fa'alāpotopotoga mai fafo, ua lē mafai ai e mātua ona fa'ataunu'u o latou tiute fa'amātua ma fesoasoani i le ātīna'e o tamaiti. 'Olo'o iai i le Feagaiga i Aiā Tatau a le Tamaitiiti tulaga mana'omia aupito maualalo mo le tausiga o tamaiti, ma 'āfai e fa'aaogā, e mafai ona mautinoa ai le ātīna'ega o le tamaitiiti, tusa pe lē iai mātua. O le fa'aaogāina o le ta'iala o le Feagaiga i Aiā Tatau a le Tamaitiiti, e lē gata ina mautinoa ai e le Mālō 'olo'o fa'amalieina mana'oga i aiā tatau a le tamaitiiti, a 'ole'ā fa'apea ona tapu'e ma fa'amālosia ai talitonuga fa'avae o le Fa'asāmoa i lea tamaitiiti.

O se isi matā'upu e ono 'avea ma fa'afītāuli, o le fesili lea pe le'i lautele atu galuega a le To'omaga nai ana galuega tau'ave na 'āmata ai, ma ua sopo atu ai i galuega a isi Fa'alāpotopotoga Tūma'oti ma fa'atino galuega e ono lē o iai iā i latou tomai ma agava'a mana'omia.

"O le (fesili) pe le'i o'o le To'omaga i se tulaga, o le "tu'uina atu o so'o se 'au'aunaga i so'o se tagata o mana'omia" ma o latou fa'atinoina ai galuega e lē o i le 'aufaigaluega le tomai ma le agava'a e fa'atino ai. E iai itū e mafai ai ona fa'apea ai o le To'omaga o se fa'alāpotopotoga ua iai le "sāvali sosolo atu", talu ai le fa'amanuiaina o ana sini na fa'avae ai, ua o'o atu ai ina ia tau'aveina isi 'au'aunaga tāua i le tauvāga mo fa'atupega ma isi fa'alāpotopotoga 'olo'o tu'uina atu 'au'aunaga. Mo se fa'ata'ita'iga, e maualuga le fua fa'atatau o le pule i le ola i Sāmoa, ma o 'au'aunaga faufautua mo tagata ua māfaufauina le pule i le ola, e mana'omia ai faufautua ua a'oa'oina fa'apitoa. O le sāvali po o le fe'au lea ua loa ona fa'atinoina e le FLO, o se Fa'alāpotopotoga Tūma'oti a le atunu'u, 'olo'o tu'uina atu e tagata ua a'oa'oina fa'apitoa i tomai o lea galuega fesoasoani faufautua i le telefoni mo i latou ua maua i le loto fa'anoanoa ma ua iai manatu e pule i le ola. 'Ātonu e lelei atu le fesoasoani o le To'omaga i le FLO e fa'atino lana galuega, i lō le tauvā mo le fa'atupega ma tagata āfāina."

Ramona Boodoosingh, PHD on Violence Against Women in Samoa, Pepa o le Sā'ili'iliga 82

O fa'afītāuli ua tūla'i mai i le tuputupu ma le mālosi ua iai le To'omaga, o se taunu'uga tu'usa'o o le lē tu'uina atu e le Mālō o nei 'au'aunaga mo le manuia o tagata, ua tau'aveina nei e le vaega tūma'oti, ma ua i'u ai i le leai o se tali atu i fa'atinoga, leai ni tulafono fa'atonutonu ma leai se māopoopoga. E manino lava o sini ma fa'atinoga a le To'omaga 'olo'o faia i le agaga o le fesoasoani, ma ana leai le To'omaga, semanū e sili atu le fa'alētonu o le tulaga e o'o i ai le to'atele o tagata āfāina ma tagata fa'atino sāuāga i totonu o 'āiga. E momoli le fa'amālō i galuega a le To'omaga. Peita'i, e lē tatau ona 'avea o sa latou matāfaioi le fa'atonutonu ma fa'amāopoopo le vaega o Fa'alāpotopotoga Tūma'oti, ātīna'e ni tulaga aloa'ia o galuega ma māta'itū le tausisia. 'Āfai e talia e le Mālō le tu'u ai pea i le vaega tūma'oti nei galuega, e lē mafai ona 'alo 'ese mai ona tiute ma tu'u ai pea le vaega e āga'i po o fea lava le itū e āga'i i ai. O le māfua'aga e lē mafai ai ona nōfoa'i le Mālō, e iai le lamatiaga o le fa'ateleina o le pagātia o tagata āfāina i sāuāga i totonu o 'āiga ma 'ole'ā lē 'ausia le sōloga lelei ma 'āto'atoa o galuega a lenei vaega.

12.2.7.3 Lu'i

O le matā'upu i le To'omaga ua fa'amati'e ai le lu'i aupito telē 'olo'o feagai ma le vaega 'ātoa. Talu ai le lē lava o tāpenaga a le Mālō i le itū tau sāuāga i totonu o 'āiga, e leai se ta'iala o iai mo Fa'alāpotopotoga Tūma'oti, leai se fa'atūlagaga manino, ma ua tu'u ai e taufao o latou avanoa i le vaega. E leai ni fua o tulaga mana'omia ua fa'ata'atitia, se va'ava'aiga, po o se māopoopoga e i'u ai i le fesopoa'i o galuega, tauvāga e leai ni fua e fa'atonutonu ai, ma le 'ese'ese o fe'au e 'auina atu, o mea uma e i'u i le leai o se sōloga lelei po o se 'āto'atoa o galuega. Ua mātauina fo'i e le Mālō nei lu'i ua tūla'i mai.

> "E matuā tāua ma mana'omia 'auala e tali mai ai i fa'atinoga, ina ia fa'amautinoa tulaga lelei o 'au'aunaga mo tagata uma e āfāina i sāuāga ma, ina ia mautinoa e lelei le tulaga o 'au'aunaga 'olo'o tu'uina atu ma le mafai ona fa'aauau le tu'uina atu o ia 'au'aunaga e i latou uma 'olo'o fa'atinoina."
>
> *Samoa Family Safety Study 2017, Pepa o le Sā'ili'iliga 46*

E 'ese ai ma lu'i 'olo'o feagai ma Fa'alāpotopotoga Tūma'oti ona o le leai o se ta'iala au'ili'ili a le Mālō e fa'afetaia'i ai sāuāga i totonu o 'āiga, e iai fo'i isi itū fa'afaigatā 'olo'o latou feagai:[118]

- Fa'atupega o le fa'agāoioiga ma fa'atupega o polokalame;
- Maua o tomai o galuega ma le mauaina o a'oa'oga;
- Leai ni faiga o le Māta'itūina ma Iloiloga;
- So'otaga lelei e galulue fa'atasi ai ma le Mālō.

E 'ese ai ma matā'upu aoao e feso'ota'i ma le Mālō, o se tasi o lu'i 'olo'o fa'apopoleina ai Fa'alāpotopotoga Tūma'oti, ma ona taunu'uga i le tu'uina atu o 'au'aunaga, o le leai lea o ni tulaga fa'ata'atitia a le atunu'u o agava'a mana'omia mo galuega faufautua. Ua tele taimi ua fa'amati'e ai e le Sā'ili'iliga, peita'i, e tatau lava ona fa'amamafa pea talu ai le tāua. E matuā maualuga le lamatiaga o le toe tutupu o sāuāga ma māfatiaga, mai fautuaga e tu'uina atu. E tele Fa'alāpotopotoga Tūma'oti 'olo'o tu'uina atu lenei itū'āiga 'au'aunaga, ona o se itū 'olo'o tele ai le mana'oga. Peita'i, e to'aitiiti lava tagata ua iai fa'ailoga taualoa i

[118] SPC and UNFPA. (2006). *Samoa Family Health and Safety Study 2000*. Document 83 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

galuega faufautua ma o lea, e lautele le avanoa e toe fa'aopoopo ai se isi māfatiaga i tagata āfāina, ma le fa'aauauina o sāuāga, o le fa'afeagai o le taunu'uga na fa'amoemoeina o le tāofiga, tusa lava po o le ā le fa'amoemoega lelei na fa'atino ai.

"O se tasi o mana'oga tāua tele, e o'o lava fo'i i le To'omaga, o ni tagata faufautua ia ua lava le iloa ma le tomai e feagai ai ma matā'upu. E mana'omia tagata nei e fa'atalanoa fa'afītāuli ma tōmānatu i mea na tutupu, 'auā na'o le pau lea o le 'auala e mafai ai ona āga'i i luma."

Siliniu Lina Chang, President SVSG, Avanoa fa'alaua'itele e fa'aleo ai manatu

I'UGA 41 O LE SĀ'ILI'ILIGA: 'Olo'o fa'atino e Fa'alāpotopotoga Tūma'oti se galuega tele e tatau ona 'ave i ai le fa'amālō, e tali atu ai i le mana'oga e lē o fa'amalieina e le Mālō. Peita'i, e mana'omia le mafai ona fa'amālamalama fa'atinoga, le fa'amāopoopoina, a'oa'oga i tomai o galuega, ma e mana'omia le aoina o fa'amaumauga ina ia si'itia le aogā lelei o fa'atinoga, ma ia fa'amautinoa e maua e tagata āfāina i sāuāga i totonu o 'āiga tausiga talafeagai, i tulaga mana'omia o 'au'aunaga ua fa'ata'atitia.

13. U'una'i o fa'atinoga ma Isi Itu e Iai o Latou Sao

Ua māe'a ona fa'ama'oti e le Sā'ili'iliga ni isi o māfua'aga 'autū o sāuāga i totonu o 'āiga ma māfua'aga ua ala ai ona avanoa lona fa'aauauina ma le tupu lauolaola. O le matā'upu 'olo'o soso'o mai ua taga'i i ni vaega se tolu e mafai ona fa'amatalaina o ni u'una'i o fa'atinoga, 'ae lē ni māfua'aga fa'avae, ma ni vaega se lua ua manatu o ni vaega e iai se sao i sāuāga. O u'una'i e tolu o le 'ava mālosi, 'avega tautupe ma le pūlea o le ita ma le fuā. O isi vaega e iai lo latou sao, o tekonolosi ma le ātīna'e.

E tāua le fa'amanino o le 'ese'esega, 'auā o le 'atofaina sesē o u'una'i o ni māfua'aga fa'avae, e mafai ona fesoasoani lea i le āga'i pea i luma o le māsani o le sa'oloto o fa'atino sāuāga i totonu o 'āiga ona ua maua se 'alofaga e sao ai i le faia o ni fa'atinoga. E lē talia se fa'amatalaga "Na ou tāina lo'u to'alua leaga na ou 'ōnā". E lē se **māfua'aga** o sāuāga i totonu o 'āiga le 'ava mālosi. Peita'i, e mafai ('ae lē o taimi uma) ona 'avea ma u'una'i o fa'atinoga. Ui i lea, e tatau lava ona taga'i ma fai se fa'atinoga i u'una'i ma isi itū e iai lo latou sao i sāuāga, 'auā 'ole'ā fesoasoani lea i le fa'aitiitia o le ta'atele o sāuāga i totonu o 'āiga.

13.1 'Ava mālosi

E lua itū e tatau ona taga'i i ai e uiga i le 'ava mālosi ma lona sao i sāuāga i totonu o 'āiga. O le itū muamua, o le au'ili'ili lea o le 'auala 'olo'o 'atofa sesē ai o se māfua'aga fa'avae, ma maua ai pea le avanoa o tagata fa'atino sāuāga e 'alofia taunu'uga o a latou fa'atinoga ma "tu'ua'i le 'ava mālosi". O lonalua, o le iloilo lea o le lautele o lona sao i le 'avea ma u'una'i o sāuāga i totonu o 'āiga.

E lautele su'esu'ega ua fa'atino i vaega 'ese'ese o le lalolagi i le sao o le 'ava mālosi i sāuāga i totonu o 'āiga, ma isi itū'āiga sāuāga, ma tele ai ina talia, o le 'ava mālosi e lē se māfua'aga a o le u'una'i ma e tatau ona fa'apea ona fa'afetaia'i.

> "E iai le manatu o tusitusiga, e iai le sao o le 'ava mālosi i sāuāga e ala i le si'itia o le avanoa e mafai ai ona i'u i ni fete'ena'iga, fa'aitiitia lagona tāofiofi ma maua ai se avanoa o fa'asalaga i le la'asaga o le 'āiga. E fōliga mai le ('ava mālosi) o se […] u'una'i o fa'atinoga o sāuāga i ni si'osi'omaga patino, peita'i, e tatau ona fa'afetaia'i i le si'osi'omaga lautele o le lē tulaga tutusa o itūpā."
>
> *Papalii John Taimalelagi Afele, CEO, MJCA, Inquiry written submission, Pepa o le Sā'ili'iliga 32*

O se 'auala faigōfie e taga'i ai i lenei matā'upu, o le tūlaga lea, 'āfai e mōu atu i le pō ma leiloa atu le 'ava mālosi, e lē fa'apea ona tāofi fa'afuase'i ai sāuāga i totonu o 'āiga. 'Ātonu 'ole'ā fa'aitiiti ifo tēisi. Peita'i, 'ole'ā tūmau pea māfua'aga o le lē tulaga tutusa o itūpā, le mālosi ma le pule. O lona uiga, pau le mea na 'ausia, o se tama'i fa'aitiitiga, ina ua 'ave'ese se tasi o u'una'i o fa'atinoga, 'olo'o iai lona sao i le **ta'atele** o sāuāga.

I'UGA 42 O LE SĀ'ILI'ILIGA: O le manatu sesē o le 'ava mālosi o se "māfua'aga" 'ae lē se u'una'i, 'olo'o iai le sao i le māsani o le lē fa'asalaina ma maua ai pea le avanoa e tagata fa'atino sāuāga e "tu'ua'i le 'ava mālosi" 'ae lē feagai ma taunu'uga o a latou fa'atinoga. O lenei manatu sesē ua seu 'ese ai le va'ai mai māfua'aga tonu o sāuāga i totonu o 'āiga – o le lē tutusa o tulaga o itūpā, ma le mālosi ma le pule.

Peita'i, e lē na'o le manatu sesē i le sao o le 'ava mālosi e tatau ona taga'i i ai ma fa'atino i ai se galuega – e lē tatau ona lāfoa'i 'ātoa 'ese le sao o le 'ava mālosi. 'Aua fo'i, 'āfai e mafai ona fa'aitiitia sāuāga i totonu o 'āiga i so'o se 'auala, e tatau lā ona mafai, mo le māfua'aga faigōfie, o le fa'aitiitia o le māfatiaga o tagata āfāina, ma le la'aina o ni la'asaga āga'i i le 'avea o sāuāga o se itū'āiga āmioga e "lē māsani ai".

Mai fa'amaumauga, na iloa ai, na iai le 'ava mālosi (po o vailā'au) i le 24% o tagata na fa'atinoina sāuāga fa'asaga i tinā, tama'ita'i ma teine i matā'upu uma tau sāuāga na fa'amauina i le 2007–2014.[119] O lea fo'i lā, ua fa'aali mai i nei fa'amaumauga, e tele atu sāuāga i totonu o 'āiga e tutupu 'ae **lē** iai se 'ava mālosi i lō sāuāga e fa'atino a o iai le 'ava mālosi. O nei fuainumera e lagolagoina i'uga o le 1996 a le Fa'alāpotopotoga Tūma'oti ua lē toe iai nei, o le Mapusaga o 'Āiga. O lea līpoti na tā'ua ai o le 19% na 'ōnanā i le taimi na fa'atino ai sāuāga.[120] O lea lā, e ui ina e lē se māfua'aga 'autū le 'ava mālosi, 'olo'o iai i se vaega to'aitiiti o sāuāga ma e mafai ona 'avea se mālamalamaga 'āto'atoa o taimi e 'avea ai le 'ava mālosi o se u'una'i, e fesoasoani i le fa'aitiitia o le ta'atele o sāuāga i totonu o 'āiga.

[119] "Exploring violence against women and girls in Samoa." *Fallen Lizard Films* (an analysis of data provided by MOP Policy & Planning Division and the Domestic Violence Unit). Document 117 Inquiry anthology.
[120] SPC and UNFPA. (2006). *Samoa Family Health and Safety Study 2000*. Document 83 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

Ua maua e le Sā'ili'iliga e sesē le manatu o le 'ava mālosi e māfua ai sāuāga i totonu o 'āiga. Peita'i, ua fa'apea fo'i ona matuā sili atu i le fa'afaigōfie le ta'utinoga, o le 'ava mālosi o se *u'una'i o fa'atinoga* o sāuāga i totonu o 'āiga. 'Auā fo'i, e to'atele tagata e inu 'ava mālosi, 'ae le'i pa'i lava se lima i se tasi o o latou 'āiga, pe tautala atu i ai i se 'auala ua o'o ai i le sāuāina i upu po o sāuāga o le māfaufau. O se su'esu'ega loloto atu, e manino ai, o le **so'ona fa'aaogā fa'atāutala o le 'ava mālosi, 'ae lē o le 'ava mālosi** e u'una'ia i le tamāloa sāuāga i totonu o 'āiga.

O le osofa'iga na i'u fa'anoanoa a Afereti,[121] o se fa'ata'ita'iga sili ona lelei o lenei tulaga. E le'i na'o na inu 'ava mālosi Afereti i le aso na ia fasiotia ai lona atali'i. Na ia fa'aaogā *fa'atāutala* le 'ava mālosi. O nai itula 'ae le'i faia ana fa'atinoga o sāuāga, e sili atu i le fa'aluaina le tapula'a o le 'ava mālosi fautuaina e inu i le vaiaso i Niu Sila na ia inuina. E lē se tulaga māsani lea o se inu 'ava mālosi ma e lē lelei fo'i mo le soifua mālōlōina. O le fa'aaogā fa'atāutala o le 'ava mālosi 'ae lē o le 'ava mālosi o se u'una'i o sāuāga i totonu o 'āiga, 'olo'o lagolagoina e fuainumera fa'amauina a le atunu'u, 'ae lē na'o le mea na tupu 'iā Afereti. Na maua i le SFHSS 2000, o pā'aga a tama'ita'i sāuāina, e fa'aluaina le avanoa e inu i aso ta'itasi, fa'atusatusa iā i latou e lē sāuāina. Ua toe fa'aali mai ai, o le fa'aaogā fa'atāutala o le 'ava mālosi le u'una'i o fa'atinoga, nai le fa'aaogā o le 'ava mālosi. E lagolagoina lenei manatu e su'esu'ega fa'avāomālō, 'olo'o maua mai ai fo'i ni fautuaga e fesoasoani i ni 'auala e fa'aitiitia ai le 'avea o le 'ava mālosi o se u'una'i o fa'atinoga o sāuāga. 'Ole'ā au'ili'iliina lea i le **Vaega V**.

> "O le tele o le inu 'ava mālosi, o se itū ua manino le fa'amāonia, e iai lona sao i le tele o itū'āiga sāuāga. O se iloiloga o su'esu'ega fa'asaienitisi na lōmia fa'asalalau i le vā o le 1950 ma le 2015 na maua ai i'uga, o le tau o le 'ava mālosi, fa'atapula'aina o aso e fa'atau atu ai ma le fa'atapula'aina o le putuputu o fale'oloa e fa'atauina atu ai, e iai uma o latou sao i se fa'aitiitiga telē i le fa'atinoga o sāuāga i le vā o tagata".
>
> *INSPIRE: 7 Strategies for Ending Violence Against Children, WHO, Pepa o le Sā'ili'iliga 48*

E mafai ona fa'aaogā i'uga o nei su'esu'ega i le si'osi'omaga o Sāmoa 'auā 'ā taga'i i fuainumera fa'amauina mo aso ta'itasi o le vaiaso, e aupito maualalo sāuāga i totonu o 'āiga i Aso Sa, 'olo'o fa'asā ai le fa'atauina atu o le 'ava mālosi, i lō se isi lava aso o le vaiaso.[122]

> "E tatau ona tatou taga'i i le fa'atulafonoina o le pia i Sāmoa. Ua tatau lava ona fai i ai se fa'atatau. O le tele o taimi, na'o le so'ona inu o tamāloloa ua leai se fuafua, 'auā e leai se tulafono o fa'atonutonu le fa'atauina atu o le 'ava mālosi i totonu o Sāmoa."[123]
>
> *Selesele Oto, Matai, Avanoa fa'alaua'itele e fa'aleo ai manatu*

[121] Case Study 22.

[122] "Exploring violence against women and girls in Samoa." *Fallen Lizard Films* (an analysis of data provided by MOP Policy & Planning Division and the Domestic Violence Unit). Document 117 Inquiry anthology.

[123] The Samoa Law Reform Commission completed a review of Samoa's alcohol laws and published a Final Report in 2016. The Alcohol Reform Final Report looked at regulating the availability of cheap liquor, alcohol content in liquor, alcohol advertising, as well as introduction of age limits for the consumption of alcohol among others. The Final Report resulted in an Alcohol Reform Bill which is currently being finalized before it is tabled in Parliament. Copy of the report found at: http://www.palemene.ws/new/wp-content/uploads/05.Annual%20Reports/LRC/LRC-Alcohol-Report-2015-2016-Eng.pdf. See also Samoa Observer. "AG Lemalu proceeds with Alcohol Control Bill." (7 August 2017). Retrieved from http://www.samoaobserver.ws/en/07_08_2017/local/22988/AG-Lemalu-proceeds-with-Alcohol-Control-Bill.htm.

I'UGA 43 O LE SĀ'ILI'ILIGA: O le fa'aaogā fa'atāutala o le 'ava mālosi o se u'una'i o le fa'atinoga o sāuāga i totonu o 'āiga ma, o le fa'afetaia'iga o le so'ona fa'aaogā fa'atāutala ma le fa'aaogā sesē o le 'ava mālosi, e mafai ona fa'aitiitia ai itū'āiga sāuāga uma i totonu o le atunu'u.

E aliali mai fo'i i luma le feso'ota'i o sāuāga i totonu o 'āiga pe 'ā taga'i i le itū, o le tele o taimi, o le tele o le inu 'ava mālosi, e i'u atu i le fa'aopoopoina o le 'avega tautupe i se 'āiga, o le u'una'i lonalua o fa'atinoga 'ole'ā taga'i i ai le Sā'ili'iliga.

13.2 'Avega Tautupe

E iai su'esu'ega i Sāmoa ua fa'aali mai ai o 'āiga e maualalo tupe maua, o 'āiga ia e sili atu le a'afiagōfie i sāuāga i totonu o 'āiga. E lē gata i lea, o le tupe o se māfua'aga na fa'apea mai le 10% o tagata ua sāuāina na tali mai i le su'esu'ega, na iai se sao i sāuāga.[124] E ui ina e le'i vā'ili'iliina e le SFSS 2017 pe telē atu le lamatiaga i 'āiga e maualalo le tupe maua, e mafai ona galuea'ina mai le SFHSS 2000, o le ta'atele o sāuāga i totonu o 'āiga e maualalo tupe maua, o le 58% o tagata uma o lea vaega na aofia i le su'esu'ega, fa'atusatusa i le 45% o i latou i 'au'āiga e i le 'ogātotonu tupe maua, ma le 38% i 'au'āiga e maualuga tupe maua. E fōliga mai lā e iai le feso'ota'iga i le vā o tupe maua a se 'āiga ma sāuāga i totonu o 'āiga, ma e mafai ona 'avea popōlega tautupe o se u'una'i o fa'atinoga.

E fa'ateteleina sāuāga i totonu o 'āiga i Sāmoa ona o fa'atinoga fa'aleaganu'u e tūla'i mai i fa'alavelave fa'aleaganu'u ma mea fai a le lotu.

"O 'avega tautupe ona o saofaga fa'alelotu ma fa'alavelave fa'ale'āiga, o ni māfua'aga tūtasi ia o sāuāga i totonu o 'āiga, e patino 'iā Sāmoa."

Justice Tafaoimalo Leilani Tuala-Warren, 'olo'o aofia i le Pepa o le Sā'ili'iliga 82

O fa'alavelave i Sāmoa, o so'o se mea lea e tupu e fa'aopoopo atu i galuega ma fa'atinoga māsani ma e aofia ai fa'aipoipoga, maliu, saofa'i, fa'aulufalega ma umusaga, aso fānau fa'apitoa, ma le tele o isi mea fa'apēnā. O nei fo'i fa'alavelave, e mana'omia ai saofaga mai tagata e feso'ota'i tonu ma lea fa'alavelave. O se taimi e fa'atino ai le agaga o le ōsi'āiga, lotonu'u, femulumulua'i ma le puipuiga, o agatausili 'olo'o fa'avae ai le Fa'asāmoa. Peita'i, i le gāsologa mai o tausaga ma aso, ua o'o i se tūlaga ua pei ai o se tauvāga,[125] o se itū'āiga fa'aaliga fa'alialia i tagata, ma fa'aopoopoina ai le 'avega tautupe i le tele o 'āiga. E tele taimi ua faitau afe saofaga mo maliu, ma e lē se mea fou le faiga o nonōgātupe, pe fa'atau atu ni meatōtino a se 'āiga e fa'atino ai nei saofaga e fa'ataunu'u ai o latou tiute.

[124] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

[125] This may also be linked into the notion of man as the provider and men seeking to demonstrate their prowess through ever increasing fa'alavelave contributions.

"O le fa'auiga sesē o agatausili ma fa'atinoga o le Fa'asāmoa, e mafai ona o'o atu i se tūlaga e lamatia ai tama'ita'i i sāuāga. Ua iai suiga i faiga o fa'alavelave i le gāsologa o aso. Ua si'i maualuga le aofa'i o tupe e sasao e ulu o 'āiga mo fa'alavelave ma o'o ai ina matuā maualuga atu tupe mana'omia mo fa'alavelave, i lō tupe a se 'au'āiga 'olo'o iai. Ua iai fe'ese'esea'iga i 'āiga ma nu'u ona o nei tauvāga i le faiga o si'i ma meaalofa, ua fa'aopopoina ai le 'avega i 'āiga."

Samoan people's understanding of primary prevention of violence against women', Pepa o le Sā'ili'iliga 91

E mafai fo'i ona fa'aopoopoina le 'avega tautupe ona o fa'asalaga a Fono a Nu'u mo le soliga o tulafono a le nu'u. O le tele o fa'asalaga e fa'avae i tupe, ma o fa'asalaga aupito ogaoga o le fa'atūla'i 'ese ma le nu'u. O ia fa'asalaga uma o se 'avega mamafa mo 'āiga. O le līpoti a le Mālō i le Komiti o le *CEDAW* i le 2017, na fa'amati'e ai e le Mālō, o se tasi lenei o tulaga 'olo'o mātauina.

"O fa'asalaga a Fono a Nu'u, o se tasi lea o popōlega o tama'ita'i i le 'avega tautupe. Mo se fa'ata'ita'iga, o le tele o taimi, e pa'ū i le 'āiga lautele se fa'asalaga o le to'alua, 'auā o le ōlaga lea, e fefa'asoaa'i puna'oa. E mafai fo'i ona o'o i se tulaga o le fa'atūla'i 'ese ma le nu'u, ma lē maua ai le lagolago tautupe mo le 'āiga."

Samoan people's understanding of primary prevention of violence against women', Pepa o le Sā'ili'iliga 91

I'UGA 44 O LE SĀ'ILI'ILIGA: Ua mōu atu le agaga sa iai i le faiga o fa'alavelave. O le taimi nei, ua fa'atino pei o se tauvāga, ma ua saga fa'aopoopo ai le 'avega tautupe i 'āiga, ma e mafai ona 'avea lea o se u'una'i o fa'atinoga o sāuāga i totonu o 'āiga, ma fa'ateteleina ai le salalau o sāuāga i le atunu'u. E fa'apea fo'i taunu'uga o fa'asalaga a Fono a Nu'u, o sala tupe ma le fa'atūla'i 'ese ma le nu'u.

O se tūlaga fa'apea fo'i 'olo'o tupu i saofaga fa'alelotu. Ua fa'aopoopoina le 'avea o se 'avega mamafa i le ōlaga o le to'atele. Ua 'avea fo'i pei o se tauvāga, 'olo'o lagolagoina e le māsani o le folafola o tupe e lafo i le lotu. E pei o fa'alavelave, e mafai ona matuā mamafatū saofaga fa'alelotu ma 'avea o se 'avega mamafa, ma e mafai ona u'una'i ai sāuāga i totonu o 'āiga. O le tele o taimi, o tagata a'afiagōfie i fa'afītāuli, e lē taulia i faigā fa'ai'uga, e uiga i le aofa'i o se saofaga o tupe.

"O 'āiga e māsani ona faia fa'ai'uga i le 'aulotu, o 'āiga ia e lelei le tamāo'āiga […] o i latou ia e māsani ona fa'atūina mai le tulaga e tatau ona o'o i ai tupe e sao mo mea fa'alelotu, meaalofa, m.m.f."

Sui 'auai i fefa'asoaa'iga, Pepa o le Sā'ili'iliga 58

E iai faife'au e manatu o le aoina o tupe o le sini 'autū lea, ma ua fa'atauasoina i le māfatia ma sāuāga i totonu o 'āiga e mafai ona u'una'ia ona o nei tulaga.

"Ou te manatu o faife'au o se vaega lea o le fa'afītāuli. I se lalolagi āmiotonu, o faife'au e maua ai le fofō. Peita'i, e tatau ona o latou tau'ave le tu'ua'iga i le mea 'olo'o tupu. E tāgisā mai i se aofa'iga tēlē o saofaga ma fa'aopoopo i le 'avega, e

o'o atu ai i sāuāga i totonu o 'āiga. E mānana'o mai i tupe, a o lā latou te iloa e lē gafatia e 'āiga, 'aiseā e talosaga ai?"

Mata'afa Keni Lesa, Editor Samoa Observer, Avanoa fa'alaua'itele e fa'aleo ai manatu

O 'avega tautupe, o se u'una'i o sāuāga i totonu o 'āiga, e pei ona iai i le 'ava mālosi ma o le fa'afetaia'ia o lea matā'upu, 'ole'ā fa'aitiitia ai sāuāga i totonu o 'āiga e u'una'ia, ma fa'apea ona fa'aitiitia ai le ta'atele. Ua iloa, o sāuāga fa'atino i se pā'āga vāvālalata, e fa'ateleina i le 1.3 avanoa e tutupu ai i 'āiga e feagai ma le lē mautū o taumafa, nai lō 'āiga e fa'amanuiaina i le mautū o taumafa.[126] O le fa'atino lā o se galuega i māfua'aga o popōlega i 'avega tautupe, e mafai ona 'ave'esea ai lenei 'ese'esega, ma fa'aitiitia ai sāuāga i totonu o 'āiga.

O le lautele o lenei fa'afītāuli i Sāmoa, ma lona taunu'uga i le aotelega o le fua fa'atatau o le ta'atele o sāuāga i totonu o 'āiga, e mafai ona fa'amati'e manino e le Su'esu'ega o Tupe Maua ma Tupe Fa'aaogā a 'Au'āiga, na līpotia mai ai fa'apea:

"O se aotelega i Sāmoa, e $1,479,686 le tupe fa'aalu i vaiaso ta'itasi i le lotu, saofaga i le nu'u ma tupe mo ā'oga, ma le $1,625,260 i fa'alavelave. O le 486% lea o le aofa'iga e fa'aalu i le vaiaso i pili o ā'oga ma a'oa'oga, mea e fa'aaogā i ā'oga, ma mea'ai a tamaiti mo le ā'oga."

Household and Income Expenditure Survey 2008, 'olo'o aofia i le Pepa o le Sā'ili'iliga 82

I'UGA 45 O LE SĀ'ILI'ILIGA: Ua āga'i atu lava ina lē mafai ona pūlea le maoa'e o tupe o saofaga i le lotu ona ua fai fa'atauvaga ma le lē mafai e lotu ona pūlea aofa'i e tu'uina atu, ma ua o'o atu ai i le so'ona fa'aopoopoina o le 'avega tautupe, ma i'u atu ai i le u'una'iga o le ātili ta'atele o sāuāga i totonu o 'āiga.

13.3 Fa'atautaiga o le ita ma le fuā

Na maua e le SFHSS 2000, o le 45% o le 'au fa'atino sāuāga fa'asaga i se pā'aga vāvālalata na lagona, ana mafai ona pūlea le ita, semanū e le o'o ina fasi lona to'alua po o lana teine. E lē fa'apea lā o fai atu o le ita o se māfua'aga o sāuāga i totonu o 'āiga. Peita'i, o lagona o le ita ua lē mafai ona fō'ia, e mafai ona u'una'ia sāuāga.

O sāuāga fo'i, e tutupu a'e ai le ita i le fānau a le tinā ua sāuāina, ma e 35% le avanoa e mafai ona fa'aalia ai e nei tamaiti uiga fa'amisa, nai lō tamaiti e le'i sāuāina o latou tinā.[127] E fa'apēnā fo'i ona tūmau i tamaiti

[126] Hernandez, D. C., Marshall, A., & Mineo, C. (2014). "Maternal Depression Mediates the Association Between Intimate Partner Violence and Food Insecurity." *Journal of Women's Health*, 23(1). pp 29–37. Accessed at http://doi.org/10.1089/jwh.2012.4224.

[127] SPC and UNFPA. (2006). *Samoa Family Health and Safety Study 2000*. Document 83 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

na fa'atonu i le sasa pe na sāuāina, lagona o le ita ona o nei mea na tutupu. O taunu'uga lā fa'apea, e faigōfie ai ona mālamalama i le 'āmataga o le tutupu mai o sāuāga, ma le vave ona sosolo ma salalau atu, se'ia o'o ina talia o se vaega māsani o le ōlaga. O le māfua'aga fo'i lea ua lē mafai ai ona fa'apea, o sāuāga o se matā'upu fa'alotoifale, 'auā e lē mafai ona gata i le si'osi'omaga o le lotoifale.

E tele tulaga e mafai ona tupu a'e ai le ita, ma e tele lava ina fa'alagolago i le mafai e le tagata ona fa'atautai lona ita ma ona uiga fa'aletagata. E mafai ona tupu le ita pe 'āfai ua fiu po ua lē fa'amalieina se mana'o, ma lagona tāofiofi, 'aemaise lava le si'osi'omaga o aso nei i Sāmoa, 'olo'o iai le fa'atūlagaga o ala o feso'ota'iga, e faigatā ai i tagata ona fa'aali o latou manatu, 'aemaise lava i le vā o fānau ma o latou mātua. E lē gata i lea, o manatu māsani i uiga o tama tāne, e lē faigōgie ai ona fa'aleo atu lagona, ma e mafai ona i'u lea i le lē fiafia ma le ita, ma u'una'i ai loa sāuāga.

O se isi māfua'aga fa'avae o le ita o le gagana. 'Āfai e lē lava upu a se tagata e fa'amatala ai ona manatu, na'o na tatou fa'aataina lagona o le fiu e o'o i lea tagata. E mafai ona tupu lea tulaga pe 'āfai e le'i a'oa'oina i upu, po o le 'auala e feso'ota'i atu ai, po o le leai fo'i o ni upu e fetaui i lea gagana. Na maua e le Sā'ili'iliga molimau o nei itū uma i le gāsologa o le aoina o molimau.

E ui ina o se manatu lē fa'avaea le fai mai o le ita e māfua ai sāuāga i totonu o 'āiga, e lua 'auala e iai le sao o le ita i sāuāga. Muamua, e iai tagata fa'atino sāuāga latou te fa'aaogāina le ita o se 'auala taufa'amata'u, e fa'afefe ai le tagata sāuāina ina ia usita'i. O lonalua, o le tulaga ua oso a'e ai le ita, ma u'una'i ai loa sāuāga. E matuā 'ese'ese lava tulaga nei e lua, ma vaganā ua fa'afetai'ai le fa'atautaiga o le ita, fa'apea le ita o se u'una'i o sāuāga, ona fa'ato'ā mafai lea ona fa'a'ese, fa'ama'oti ma fa'afetaia'i le fa'aaogāina o le ita o se 'auala e fa'atino ai le pule.

E tāli tutusa gāsologa o le ita ma le fuā, na tele fo'i taimi na tā'ua ai i le Sā'ili'iliga, e iai sona sao i sāuāga i totonu o 'āiga. E pei o isi itū uma ua tā'ua i lenei matā'upu, e lē o se māfua'aga, a o le u'una'i. Ua fa'amatalaina i le manatu lē fa'avaea 10 o i luga atu, le tūla'i mai o le fuā. E tele sāuāga fa'atino i Sāmoa e u'una'i e le fuā ma fa'aopoopo ai i le ta'atele o sāuāga. O le mālamalama ma le fa'afetaia'iga o māfua'aga 'olo'o i le ta'ele o le fuā, e aofia ai manatu māsani e uiga i itūpa, aiā a ali'i tau faigā 'āiga ma manatu i uiga o tama tāne, ona fa'ato'ā mafai lea ona fa'aitiitia le ta'atele o sāuāga i totonu o 'āiga.

I'UGA 46 O LE SĀ'ILI'ILIGA: O le ita ma le fuā e mafai ona u'una'ia sāuāga i totonu o 'āiga, ma mafai ona fa'aaogāina e tagata fa'atino sāuāga, o se meafaigaluega; o le fa'afetaia'iga o ia fa'afītāuli e lua, e mafai ona fa'aitiitia ai sāuāga i totonu o 'āiga.

13.4 Ātīna'e ma Tekonolosi

Ua televave atu i aso nei, nai lō se isi lava taimi, suiga i 'auala o gāoioiga ma feso'ota'iga i le lalolagi, ma e lei fuafuaina pe lelei uma fo'i taunu'uga o ia suiga. Ua lē toe tutusa 'auala o feso'ota'iga i Sāmoa i aso nei ma aso ua tuana'i, ma o ni isi o ia suiga, na fa'ailoaina e iai lo latou sao i le ta'atele o sāuāga i totonu o 'āiga.

"E iai ni molimau, o suiga o aso nei ma le vave o suiga i le ōlaga o tagata, e mafai ona iai le sao i le si'itia o le tutupu so'o o sāuāga fa'alotoifale (Counts 1990)."

Samoa Family Health and Safety Study 2000, Pepa o le Sā'ili'iliga 83

"E lua vaitaimi o suiga tetele fa'aleaganu'u i Sāmoa i totonu o le 150 tausaga ua tuana'i atu. Muamua, o le suiga mālie o le toe fa'atūlagaga o talitonuga fa'alelotu ma faiga fa'a'upufai i le vaitaimi o le 1830-1880, i le taunu'u mai o le talitonuga Kerisiano ma isi faiga ma manatu mai fafo. O lonalua, o suiga na tutupu mai ona o le to'atele o tagata na malaga atu ma mau i le Iunaite Setete o Amerika, Niu Sila, ma aupito lata mai nei, i Ausetalia, i le vaitaimi o le 1960-1980, na fausia ai se tamāo'āiga e fa'alagolago i tupe maua mai 'āiga 'olo'o mau i atunu'u i fafo. Ua 'ese le fa'atūlagaga o nu'u, mai le putuputu o fale sa iai, i le salalau o fale i nofoaga fou, ona o fausaga fou o fale, ma le si'itia o le fa'alagolago i le tamāo'āiga e fa'aaogā ai tupe maua."

'Political representation and women's empowerment in Samoa', National University of Samoa, Pepa o le Sā'ili'iliga 63

Ua māe'a ona taga'i fa'apitoa le Sā'ili'iliga i le taunu'u mai o misionare ma le fa'amaualaloina ai o le tulaga o tama'ita'i i Sāmoa, ma le 'ave'esea ai o le puipuiga mai sāuāga i totonu o 'āiga. O le vaitaimi lonalua o suiga tetele i le aganu'u, na iai fo'i lona sao feso'ota'i ma sāuāga i totonu o 'āiga, i 'auala e le'i fuafuaina, ma fa'apea ona leai se tāpenaga mo le puipuiga. E mafai ona tu'uvaega i ni vasega se fa nei suiga:

13.4.1 Soifuaga e fa'aaogā ai le tupe

E lē fa'apea o le suiga āga'i i se soifuaga e fa'aaogā ai le tupe e iai sona sao tu'usa'o i le ta'atele o sāuāga. Peita'i, ua fa'ata'atia ai le fa'avae mo isi itū po o u'una'i o sāuāga, ua tūla'i mai ona o le leai o se va'aiga mamao āga'i i luma ma ni fuafuaga, i le taimi o suiga.

"Ua tatou iai i se soifuaga e fa'aaogā ai le tupe. Peita'i, e le'i a'oa'oina tatou i le fa'afoega o tupe po o le faiga o ni teugātupe. E i'u atu lea i popōlega tautupe, e mafai ona i'u atu ina iai le sao i le inu 'ava mālosi ma sāuāga i totonu o 'āiga."

Dr. Malama Tafunai, Avanoa fa'alaua'itele e fa'aleo ai manatu

E lē gata ina si'itia popōlega i le o'o mai o le soifuaga e fa'aaogā ai le tupe talu ai le lē lava o a'oa'oga i matā'upu tautupe ma e mafai ona i'u atu i le si'itia o sāuāga i totonu o 'āiga, ua si'itia fo'i nei 'avega ona o tiute fa'atino i fa'alavelave ma le lotu, e pei ona talanoaina i se vaega ua mavae atu o le Līpoti.

I'UGA 47 O LE SĀ'ILI'ILIGA: O le o'o mai i Sāmoa o le soifuaga e fa'aaogā ai le tupe, ma le lē lava o le mālamalama i le fa'afoeina o tupe, ua tu'ufa'atasia ia e tūla'i mai ai 'avega tautupe, ma i'u ai ina si'itia le lamatiaga mai sāuāga i totonu o 'āiga.

13.4.2 Tulaga o fale

O se tasi taunu'uga o le se'e atu o Sāmoa i se soifuaga e fa'aaogā ai le tupe, o le 'āmataga lea o le suia o fōliga o nu'u, fa'apea le fausaga o fale. O nei suiga e lua na i'u i ni taunu'uga lē manuia i le tāofiga ma le puipuiga i le itū tau sāuāga i totonu o 'āiga.

> "Ua sui le faatūlagaga o nofoaga. O le tele o nu'u, sa māsani ona vāvālalata fale. E leai ni puipui o fale, e iloa atu uma lava e tagata o latou tuā'oi, ma e toeitiiti iloa uma lava e tagata mea e tutupu. Peita'i, ua tele suiga i Sāmoa talu ona maua mai tupe i tagata 'olo'o mau i atunu'u i fafo. O aso nei, ua nonofo 'āiga i fale e tū'ese mai isi fale. Ua salalau le tulaga o fale i nu'u, ma ua nonofo 'āiga ua tau lē iloa mai e isi tagata, e lē pei o le tulaga sa iai. 'Ā tutupu mai lā ni fa'afītāuli i se 'āiga, e lē faigōfie ona iloa e tuā'oi, ma alu ane se tasi e lavea'i, e pei ona iai i aso ua tuana'i."
>
> *Handbook for Community Conversations, Government of Samoa, Pepa o le Sā'ili'iliga 116*

O lenei fa'amatalaga na fa'avae i se su'esu'ega na aofia ai ni tama'ita'i sa nonofo i nu'u ma afio'aga e vāvālalata so'otaga, a ua malaga atu e mau i atunu'u i fafo. Na o latou mātauina, o le malaga atu i atunu'u i fafo, ua leiloa atu ai le puipuiga sa maua i le nonofo i fale ta'alaelae, o se si'osi'omaga e tāofiofia ai sāuāga i totonu o 'āiga. Se'i toe manatu ane iā Solomona,[128] e le'i iai se tasi na lagona atu ana fa'atāitaiō ma le tagi. E lē na'o Solomona ua lē tali ane se isi i lana tagi, ona o suiga ua iai tulaga o fale i nei aso.

Ua fa'aopoopo i lenei tulaga le fa'ateleina o tagata e āga'i atu e nonofo i taulaga. O le si'i atu o ni vaega o le 'āiga lautele e nonofo i Apia, o le salalau fo'i lea o nofoaga i nu'u i tua, ua to'aitiiti tagata i 'au'āiga ma ua fa'aitiitia ātili ai 'auala o puipuiga sa iai.

13.4.3 Mōu atu le tulaga mautū sa iai o ali'i ma tama'ita'i

E aogā fo'i le taga'i i le taufa'ai'uga o le vaitaimi na nofo kolone ai Sāmoa, ma le tau 'āmataga o le tūto'atasi, pe le'i iai se sao i sāuāga i totonu o 'āiga ona o le tele o suiga na a'afia ai nafa o ali'i ma tama'ita'i ma fa'apea ona mōu atu le mautū o o latou tulaga sa iai. O le tulaga sa iai, o komiti a tinā ma tama'ita'i o le fatu lea o le ōlaga i nu'u ma afio'aga, e maualuga lona tulaga, 'auā o le 'ogātotonu lea o le 'au'aunaga tau soifua mālōlōina.[129] E lē gata i lea, o le 'āmataga o lea vaitaimi na fa'aofi mai ai le faigā Mālō e lua vaega, ua tu'ufa'atasia ai le galuega māsani a Fono a Nu'u ma le faigāmālō tūtotonu e pei o le faiga a Peretānia. E ui ina e le'i maua e le Sā'ili'iliga ni molimau maumaututū e fōliga mai ai e iai se so'otaga o lea mōu atu o le tulaga mautū sa iai ma le ta'atele o sāuāga i totonu o 'āiga, e iai su'esu'ega ua fa'atino i le itūlagi e fōliga mai ai e mafai ona tupu ma 'olo'o tupu.

[128] Case Study 2.
[129] National University of Samoa. (2015). "Political representation and women's empowerment in Samoa." *Final Report* 1. Retrieved from http://samoanstudies.ws/wp-content/uploads/2015/07/Centre-for-Samoan-Studies_Final-Report-Volume-1-English.pdf. Document 63 Inquiry anthology.

"E mafai fo'i ona u'una'ia sāuāga fa'asaga i tama'ita'i ona o manatu o ali'i ua mōu atu lo latou tulaga mautū sa iai, ona o si'osi'omaga ua televavave suiga tau agafeso'ota'i ma tau tamāo'āiga, ma taunu'uga o ia suiga i le va'aiga a tagata i nafa o ali'i ma tama'ita'i ma a latou aiā tatau."

"'Aiseā e fa'aaogā ai e ni ali'i sāuāga fa'asaga i tama'ita'i, ma e fa'apēfea ona o tātou tāofia?'
Partners for Prevention, 2013, Pepa o le Sā'ili'iliga 75

E faigōfie ona ona tupu a'e se manatu, o le 'ave'esea fa'afuase'i o tiute, le pule ma le tulaga sa iai, e mafai ona o'o i se tulaga lautele o le lē fiafia, ma i'u ina tino mai i ni isi taimi, i sāuāga i totonu o 'āiga. O lea lā, talu ai le mālamalamaga e **mafai** ona tupu ma sa uia e Sāmoa nei suiga i le soifuaga, e tatau ona amana'ia lenei tulaga i le fausaga o se ta'iala o ni fofō.

I'UGA 48 O LE SĀ'ILI'ILIGA: O suiga o le ōlaga mai tulaga sa māsani ona iai, ua si'itia ai le lē iloa atu e se tasi o mea e tutupu i se 'āiga, ua vāvāmamao tulaga o fale, ma fa'aitiitia ai le ono iai se lavea'i i taimi o sāuāga i totonu o 'āiga, ma ua mōu atu fo'i le tūlaga mautū sa iai ali'i ma tama'ita'i i totonu o nu'u ma afio'aga.

13.4.4 Tekonolosi

Ua matuā tele suiga o le ōlaga i Sāmoa i le 20-30 tausaga na se'i mavae atu nei, talu ai le taunu'u mai o tekonolosi. Ua lē se va'aiga fou le malaga atu i nu'u i tua ma va'aia se televise māfolafola lāpo'ā i se fale Sāmoa ta'alaelae. E tele itū lelei e maua mai i nei suiga. Ua faigōfie atu ona maua fa'amatalaga ma fa'afiafiaga e lē pei ona sa iai muamua. O taimi o fa'alavelave fa'afuase'i, e mafai ona matuā tāua lona sao i le fa'asaoina o ola o tagata. Peita'i, e mafai fo'i ona iai itū lē manuia, e le'i fuafuaina, pe le'i māfaufauina e tutupu.

E matuā māoa'e le saoasaoa o suiga i le ōlaga o so'o se tagata i Sāmoa ona o tekonolosi. O totonu o se vaitaimi e sefulu tausaga, sa na'o le 'au mau'oloa e maua telefoni fe'āvea'i. O le taimi nei, ua maua nei telefoni fe'āvea'i e le to'atele o tamaiti ma tupulaga talavou, ma ua maua ai so'otaga sa'oloto i le 'initanei mai a latou telefoni ma/po o telefoni a a latou uō. E ui ina mafai ona maua mai ai ni taunu'uga lelei, e mafai fo'i ona i'u i taunu'uga lē manuia, e aofia ai le fa'aitiitia o le mālōlōina o le māfaufau, le tutupu a'e ai o mana'oga lē lelei tau faigā 'āiga, fa'amālosia o manatu i aiā a ali'i tau faigā 'āiga, ma le lē tutusa o tulaga o itūpā. O nei taunu'uga na mātauina e sui 'auai i le Sā'ili'iliga, o se taunu'uga o fa'alauiloa a kamupanī telefoni fe'avea'i (ft. telefoni e leai se totogi i itula ua leva le pō, fe'au tusitusia m.m.f.).

O le taimi e fa'aalu e tamaiti i a latou telefoni, 'aemaise 'auala o feso'ota'iga a tagata i le 'initaneti, o popōlega lea i vaega uma o le lalolagi. Ua fa'aalia popōlega o ta'ita'i o kamupanī tetele e pei o le *Apple, Facebook* ma le *Twitter* i a'afiaga e maua i le tele o le taimi e fa'aaogā ai masini 'eletoroni e tupulaga talavou. Ua iloa i su'esu'ega, o le so'ona fa'aaogā o masini 'eletoroni ma 'auala o feso'ota'iga ma tagata i

le ‘initaneti, e o’o ai i mana’oga e lē mafai ona fa’ataunu’uina, manatu e maualalo ma lē taulia lona tagata, ita ma le mūsuā.[130] O nei mea uma, e mafai ona fa’ateleina ai le lamatiaga o sāuāga i totonu o ‘āiga.

I’UGA 49 O LE SĀ’ILI’ILIGA: O le si’itia o le fa’aaogāina o masini ‘eletoroni e mafai ona o’o atu i le fa’ateleina o le lamatiaga o sāuāga i totonu o ‘āiga.

14. O le ta’amilosaga o sāuāga

O sāuāga o se mea e fa’aauau e ia ia lava ma e mafai ona tupu i le la’asaga o tagata ta’ito’atasi ma le la’asaga o le atunu’u ‘ātoa. O sāuāga o se māfua’aga lava o sāuāga, ma e tatau ona taga’i i ai mai le itū lenei, ina ia mafai ona aogā lelei se tali atu i ai, ma ia mafai ona mātauina e tagata lo latou lava tulaga i totonu o lea ta’amilosaga o sāuāga i le vā o augātupulaga.

“O āmioga a ali’i ua ‘auai i a matou polokalame i sāuāga, o āmioga na a’oa’oina ai ma ua fa’atino fo’i iā i latou. ‘Olo’o latou fa’aaogāina sāuāga o se ‘auala e pūlea ai o latou ‘āiga ma fa’alafi ai o latou lagona o le lē mautonu.”

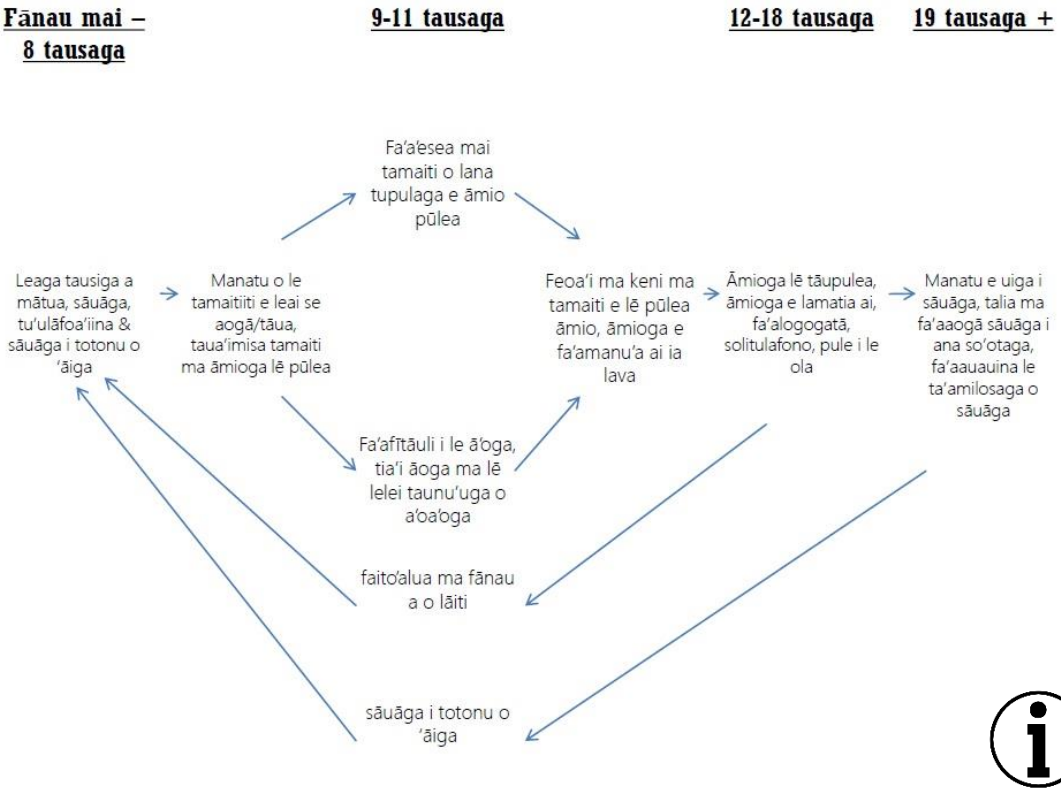
Moana Regina Solomona, clinical therapist, MJCA

“Ua maua i molimau se so’otaga mālosi i sāuāga fa’asaga i tamaiti ma sāuāga fa’asaga i tama’ita’i. O tamaiti e ola a’e i ‘āiga e iai sāuāga, e telē le avanoa e ono i’u fo’i ina ‘avea o ni tamaiti e āfāina i faiga fa’atāutala i tamaiti; e telē fo’i le avanoa e ono i’u fo’i teine ina mātutua ma ‘avea o ni tagata āfāina i sāuāga tau faigā ‘āiga ma sāuāga fa’alotoifale, ma e telē le avanoa e ‘avea ai tama o ni tagata fa’atino sāuāga i a latou so’otaga pe ‘ā mātutua.”

Report on Pacific Conference on Ending Violence Against Children, UNICEF, 2015

[130] Eveline A. Crone and Elly A. Konijn. (2018). “Media use and brain development during adolescence.” Retrieved from https://www.nature.com/articles/s41467-018-03126-x.pdf. Accessed 13 May 2018.

Fa'amatalaga Fa'amālamalama 17 o le Sā'ili'iliga: Ata fa'atusa o sāuāga tu'ufa'asolo mai le tasi tuplaga i tupulaga 'olo'o soso'o



Fetu'una'iga mai le ata: *Browne & Herbert; Patterson, DeBaryshe & Ramsey*

Na fa'afofoga le Sā'ili'iliga i le anoanoa'i o molimau o tagata fa'atino sāuāga na ola a'e i 'āiga e fa'atino ai sāuāga. O se tamaitiiti na ola a'e ma va'ai pea o fasi lona tinā, ua ola a'e ma 'avea o se ata moni o lona tamā fa'atino sāuāga. Po o tamaiti fo'i na ola a'e i se 'āiga o sāuāga i le tino ma upu mai o latou mātua, ua o'o ai ina leai se lagona o lo latou tāuā ma i'u ai i le taua'ifusu ma sāuāga, o se 'auala e fa'asasao ai le ita ma le lē lavā onosa'i. Na fa'afofoga ma loto fa'anoanoa le Sā'ili'iliga i le tele o fa'ata'ita'iga o sāuāga fa'apea ua tu'ufa'asolo mai mātua i fānau.

Ua talia i le lautele o le lalolagi, o le ola a'e i se si'osi'omaga o so'o se itū'āiga o sāuāga mai le la'iitiiti o se tamaitiiti, e mafai ona āfāina ai le ātīna'ega o le fai'ai o le tamaitiiti ma le ātīna'ega o vaega 'ese'ese o le māfaufau, ma o se taunu'uga, o le fa'ateleina lea o le lamatiaga e i'u ina 'avea o se tagata e āfāina po o se tagata fa'atino sāuāga i le lumana'i.

"O sāuāga tu'ufa'asolo i tupulaga, o se ata fa'atusa lea o […] sāuāga e tu'ufa'asolo atu ai āmioga fa'atino mai mātua i fānau, fānau i uso/tuafāfine/tuagane. E lagolagoina e le ata fa'atusa le manatu o se ta'amilosaga o sāuāga, e mafai ai ona

‘avea se tagata na sao mai i sāuāga, o le tagata fa’atino sāuāga. O sāuāga o āmioga a’oa’oina.”

Harmful connections: Examining the relationship between violence against women and violence against children in the South Pacific, United Nations, 2015, Pepa o le Sā’ili’iliga 54

E tāua le toe fa’amanatu ma fa’amamafa, e lē fa’apea o tagata uma e ola a’e i ‘āiga e iai sāuāga e i’u ina ‘avea o se tagata fa’atino sāuāga po o se tagata āfāina i sāuāga pe ‘ā o’o ina matua. E to’atele tagata i Sāmoa i le asō na ola a’e i ‘āiga e iai sāuāga. Peita’i, na filifili e lāfoa’i lea ‘auala ma maua fa’amanuiaga o se ōlaga e lē iai ni sāuāga. O le itū tāua e fia fa’amamafa, o se si’osi’omaga o sāuāga e **telē atu le avanoa e toe o’o ai i isi sāuāga, ‘ae lē fa’apea e mautinoa.**

“O tamaiti e ola a’e i se si’osi’omaga o sāuāga i totonu o ‘āiga, e tele le avanoa e iai o latou manatu e lagolago ai lo latou fa’aaogāina o sāuāga. E lē fa’apea lā o tamaiti uma e ola a’e i se si’osi’omaga o sāuāga, e mautinoa e ‘avea o ni tagata fa’atino sāuāga pe ‘ā mātutua pe āfāina tūmau fo’i i aso o totoe o o latou ōlaga; e to’atele tamaiti ma tupulaga talavou e maoa’e le mafai ona toefa’afo’isia le tulaga mālōlōina mai ni a’afiaga i sāuāga i totonu o ‘āiga.”[131]

Victorian Royal Commission into Family Violence, 2016, taga’i i le Pepa o le Sā’ili’iliga 98

E iai se su’esu’ega i le itūlagi na maua ai, o ali’i na āfāina i sāuāga o le māfaufau po o le tu’ulāfoa’iina, e fa’a 1.53 avanoa e latou te fa’atinoina sāuāga i se pā’aga vāvālalata. O i latou na molimauina se sāuāina o o latou tinā, e fa’a 1.48 avanoa e mafai ona i’u ina ‘avea o tagata āfāina.[132] O le ‘avea o sāuāga o se mea e ono tupu i ni ‘auala ‘ese’ese, e mautinoa lava o se tulaga lē ma’alofia le fa’aopoopoina o le ta’atele o sāuāga i tupulaga e soso’o mai.

“O sāuāga o se ta’amilosaga e tupu ma toe tupu pea. O le tele o taimi, e fa’ateleina. O le fa’ateteleina, o le maualuga atu fo’i lea o lamatiaga.”

UN Women speaking at Family Violence Workshop, Apia, November 2017

O le ata ‘olo’o tau fa’amati’e i nei fa’amatalaga uma, so’o se itū’āiga sāuāga lava, e mafai ona tutupu mai ai isi āuāga i tua atu. E lē tū sāuāga i se mea tu’ufua ma o ona taunu’uga e tele ina tu’ufa’asolo mai i augātupulaga. O le ata ‘olo’o i luga ‘olo’o fa’aali mai ai le ‘auala e mafai ona fa’aofi ai āmioga sāuā i le ōlaga o se tamaitiiti. O le tala lē manuia, o la’asaga ta’itasi o le āga’i i luga, o le fa’ateteleina fo’i lenā o le lamatiaga e ‘avea lea tamaitiiti o se fa’atino sāuāga po o se tagata e āfāina i sāuāga. Peita’i, o le tala fiafia, e mafai ona ‘ave’eseina se tamaitiiti mai lenei ‘auala o le ātīna’e, ma momotu le ta’amilosaga o sāuāga. **O le ‘auala e ‘ausia ai, o le tē’ena ma lāfoa’i lea o so’o se itū’āiga sāuāga i le la’asaga o tagata ta’ito’atasi, ma fausia se ala a le atunu’u e matuā leai, leai lava se talia o se itū’āiga sāuāga.**

[131] Victorian Royal Commission into Family Violence. (2016). “Royal Commission into Family Violence Report.” Retrieved from, http://www.rcfv.com.au/MediaLibraries/RCFamilyViolence/Reports/Final/RCFV-Summary.pdf. Accessed 2 May 2018.
[132] UNDP, UNFPA, UN Women and UN Volunteers. (2013). “Why Do Some Men Use Violence Against Women and How Can We Prevent It? Quantitative Findings from the United Nations Multi-Country Study on Men and Violence in Asia and the Pacific.” Retrieved from http://partners4prevention.org/sites/default/files/p4p-unmcr-ppt-lores.pdf. Accessed 6 May 2018.

O lenei Sā'ili'iliga ua fa'ailoga ai se taimi o suiga i le tala'aga o sāuāga i totonu o 'āiga i Sāmoa. E le'i iai muamua se galuega fa'atino e fa'apēnei le lautele ma au'ili'ili, ua fa'amauina ai ni manatu o ni tagata se to'atele. 'Ailoga e toe iai se isi galuega fa'apēnei. E tele ma feuluuluta'i so'otaga o māfua'aga ma u'una'i o sāuāga i totonu o 'āiga. E mafai ona fa'apea atu, toeitiiti lava tagata uma i Sāmoa e iai sona sao i le ta'atele o sāuāga i totonu o 'āiga e o'o mai i le asō, e ala i le 'avea o se tagata fa'atino sāuāga, e o'o atu i le tūtū ma mātamata e leai se tūla'i atu e fa'atino se galuega pupulu misa pe lāvea'i. Peita'i, o le manatu o Komesina, e leai se aogā o le fa'asinosino lima po o ai e tu'ua'ia, ma o le to'atele o tagata, o sāuāga, ona pau lea o le 'auala latou te iloa, ma e lē mālamalama fo'i i taunu'uga. Ua tu'uina atu e le Sā'ili'iliga mo le ulua'i taimi se mālamalamaga au'ili'ili o māfua'aga, itū e iai o latou sao, ma u'una'i o fa'atinoga o sāuāga i Sāmoa. O le taimi lā lenei, ua lē tatau ona lē toe mālamalama tagata i taunu'uga o a latou fa'atinoga, ma ua lē toe iai se 'alofaga mo le tutū ma mātamata, 'ae leai se galuega fa'atino e momotu ai le ta'amilosaga. Ua sā'ili'ili i le **Vaega V** po o ā tonu galuega e mana'omia le fa'atino, ina ia 'ausia nei taunu'uga, ma le tafi'esea o sāuāga mai lo tatou atunu'u.

I'UGA 50 O LE SĀ'ILI'ILIGA: Talu ai le uiga fa'ata'amilo o sāuāga i totonu o 'āiga, na'o le tasi lava le 'auala e fa'afetaia'i ai ma fa'aitiitia lona ta'atele. O le fa'atupuina lea o se 'auala e matuā tē'ena ma lē talia ai so'o se itū'āiga o sāuāga i totonu o le atunu'u.

VAEGA V: VĀ'ILI'ILIGA MA FOFŌ

E o'o mai i le vaega lenei, ua mā'ea ona fa'amāonia e le Līpoti le ta'atele ma le uiga fa'aauau o sāuāga e tutupu mai ai isi sāuāga, 'olo'o fesoasoani i ai, ma māfua mai i se sosaiete e pūlea e ali'i, e maualalo ai le tulaga o tama'ita'i i lō ali'i, ma 'olo'o fa'aaogā ai sāuāga, o se 'auala e fa'atūmau ai lea fa'atūlagaga. Ua iloa fo'i le 'auala 'olo'o 'avea ai sāuāga o se vaega o le ōlaga o tagata mai le fānau mai, ua suitūlaga ai sāuāga i isi 'auala o le tausiga ma le a'oa'iga o tamaiti e lē sāuāina ai, i se si'osi'omaga 'olo'o fa'aaogāina ai manatu māsani e uiga i itūpā, o māfua'aga tonu o sāuāga i tagata mātutua i totonu o 'āiga. Ua au'ili'ili e le Līpoti le tele o 'auala 'olo'o tutupu ai nei sāuāga i totonu o le si'osi'omaga i Sāmoa, ma ua maua mai fo'i le matuā to'atele o tagata o le atunu'u ua fulisia i le manatu, e lē mafai ona fa'aauau pea lenei tulaga.

O le fa'a'āu'upegaina i lenei mālamalama'aga o uiga ma māfua'aga o sāuāga i totonu o 'āiga, ua tatau nei 'iā Sāmoa ona taga'i toto'a i se 'auala fa'atino e fa'afetai'ai ai sāuāga i totonu o 'āiga, ina ia fa'amautinoa e fa'amanuiaina ia taumafaiga. O le vaega fa'ai'u o le Līpoti ua fa'ata'atia atu ai se fofō lautele ma au'ili'ili, ua taga'i ai i le fa'afetaia'iga o māfua'aga fa'avae uma, ma ua aofia ai uiga o sāuāga i totonu o 'āiga, e pei ona fa'amatalaina e tagata 'olo'o ola i lea ōlaga. Mo le fa'amanuiaina, e tolu mea e mana'omia:

1. Ia fa'atino uma fautuaga, 'ae lē o le filifili o ni nai fautuaga. O lea ua fa'aali mai i uiga o sāuāga i totonu o 'āiga, e tatau ona matuā tē'ena 'āto'atoa ma lē talia sona vaega, 'auā 'āfai e lē o lea, 'ole'ā i'u lava i le fa'aauauina i le atunu'u 'ātoa;
2. Ia lagona le fa'ailoa atu o le lagolagoina o fofō e ta'ita'i uma ma i latou e faia fa'ai'uga, e aofia ai i latou i upufai o mālō, lotu, ma ta'ita'i o nu'u ma afio'aga;
3. **Mo tagata ta'ito'atasi uma e fa'atino la latou vaega** – e iai le tiute o tagata ta'ito'atasi uma, ma lo latou nafa e fa'atino i le tafi'esea o sāuāga i totonu o 'āiga.

O le gāsologa 'ātoa o le Sā'ili'iliga, na manino ai, o le fa'ailoga e maua mai le fa'amanuiaina o le fa'afetaia'iga o sāuāga i totonu o 'āiga, e lē gata i le fa'ateleina o le fīlēmū, māopoopoga o tagata o le atunu'u ma le nonofo feālofani. 'Āfai e talia 'āto'atoa ma fa'atinoina fofō ua tu'uina atu i le Līpoti, e mafai ona sagisagi atu Sāmoa e maua fa'amanuiaga o le si'itia o ātīna'e o se tamāo'āiga mausalī, si'itia o le tūlaga o le soifuaga, fa'aitiitia o le mativa, fa'aitiitia o sāuāga, ma le fa'aitiitia o solitulafono mātuiā i le atunu'u.

E lē gata i lea, talu ai 'olo'o fa'avae nei fautuaga i le Fa'asāmoa, talitonuga Fa'alefa'atuatua ma aiā tatau a tagata soifua, o le fa'atinoga o nei fautuaga 'ole'ā tapu'e ma fa'amālosia ātili ai agatausili fa'aleaganu'u ma talitonuga Fa'alefa'atuatua, ma talafeagai ātili ai mo le ōlaga o aso nei, ma fa'apea ona 'anagatā mo le āga'i atu i le lumana'i. O le talisapaia o le uiga femulumulua'i o aiā tatau a tagata soifua, le Fa'asāmoa ma

lo tatou Taltonuga Fa'alefa'atuatua, 'ole'ā fausia ai e Sāmoa se ta'iala fa'avae mo le puipuiga ma le tāofiga, e ō'oō'o i fafo atu o sāuāga i totonu o 'āiga ma 'ole'ā 'avea ma 'au'auna aogā mo le atunu'u i augā tupulaga o le lumana'i.

'Ātonu o le va'aiga a i latou 'olo'o 'ūmia le mālosi – le Mālō, Fono a Nu'u, lotu, mātua, - 'ole'ā mamulu 'ese atu ai se vaega o la latou pule. Peita'i, e lē fa'apēnā. O le taliaina ma talisapaia o toefuata'iga ua fa'atūina atu, tau agafeso'ota'i, upufai o mālō ma fa'alelotu, 'ole'ā fa'amālosia ātili ai tagata uma lava i Sāmoa. 'Ole'ā mafai ai e tagata uma ona sa'oloto mai manatu māsani e uiga i itūpā, ma maua ai se atunu'u e amana'ia tagata 'ese'ese, ma se atunu'u e mālōlōina lelei. 'Ole'ā lē toe a'afia nu'u ma afio'aga i le ma'i o sāuāga i totonu o 'āiga, fa'ateleina fua o fa'a'ele'eleaga, ma 'ole'ā fa'amautūina ātili le feālofani i nu'u ma afio'aga.

E tatau ona fai suiga i manatu ma uiga fa'aalia o tagata ma fa'atinoga māsani 'olo'o iai nei. Peita'i, i se atunu'u e laualuga le manuia o tagata uma o se 'āiga po o se nu'u ma le atunu'u, e tatau lā ona talisapaia nei suiga. Ua na'o se tasi lenei o ta'unu'uga o le tē'ena o nei suiga. Mai le tusa e to'a 92,000 o tinā, tama'ita'i ma teine 'olo'o ola i Sāmoa i le asō:[1]

- e 18,400 'ole'ā toso e se tagata o lona lava 'āiga;
- e 8,832 'ole'ā toso e lona to'alua po o le pā'āga vāvālalata;
- e 6,348 'ole'ā mānatunatu e pule i le ola;
- e 2,300 'ole'ā taumafai e pule i le ola.

O le tau o le mālosi, fa'amisa ma le lē mālamalama, e lē tāitai tutusa ma le tīgā ma le māfatiaga o nei tagata ma so'o se tagata ua fa'asalaina e ola i se ōlaga e feagai pea ma sāuāga. E lē tāitai fo'i ona tutusa ma le āfāina o le Fa'asāmoa ma Talitonuga Fa'alefa'atuatua i le āga'i atu i le lumana'i, pe 'āfai e lē mafai ona fetu'una'i, e fa'amāonia ai lo latou aogā, ma fa'ato'ilalo ai lenei ma'i ua āfāina ai le atunu'u.

O fofō ua fa'atūina atu, na fautuaina mai e tagata na 'auai mai i le Sā'ili'iliga – tagata e mālamalama lelei 'iā Sāmoa ma le uiga o sāuāga i totonu o 'āiga i lenei atunu'u. O se tu'ufa'atasiga o fofō e fa'avae i le aganu'u ma le Talitonuga Fa'alefa'atuatua o Sāmoa, ma ua lagolagoina e le ta'iala o aiā tatau a tagata soifua.

15. Fa'atūina le Fa'avae mo Suiga – le Ofisa a Sāmoa mo le Tāofiga o Sāuāga i Totonu o 'Āiga

I'UGA 1 O LE SĀ'ILI'ILIGA: O sāuāga i totonu o 'āiga o se matā'upu matuā lavelave ua feagai ma le atunu'u. O se fa'afītāuli e feso'ota'i māfua'aga, u'una'i o fa'atinoga, ma taunu'uga. E mana'omia le galulue fa'atasi ma le māopoopo o le atunu'u i se 'auala ina ia tāofia ma puipuia ona tagata mai sāuāga i totonu o

[1] Samoa Bureau of Statistics. (2016). *Samoa Census 2016*. Retrieved from www.sbs.gov.ws/index.php/new-document-library?view=download&fileId=2114.

‘āiga. O se taumafaiga a Sāmoa o le atunu’u, e tatau ona fa’avae ma ta’imua le Fa’asāmoa, Talitonuga Fa’alefa’atuatua ma le ta’iala o aiā tatau a tagata soifua.

I’UGA 2 O LE SĀ’ILI’ILIGA: Ua o’o atu i le la’asaga o se fa’ama’i pepesi le fa’atonu/sāuaga i upu ma sāuāga tau faigā ‘āiga fa’asaga i tamaiti.

- O le 9 mai ni tamaiti e 10 i Sāmoa e o’o i ai sāuāga.
- E māsani ona ogaoga tulaga e o’o i ai le fa’atonu/sāuāga o le tino, ma sopo atu mai “fa’asalaga talafeagai” i lalo o tulafono a Sāmoa.
- O faigā ‘āiga fa’atautala ma le mata’ifale ‘olo’o fa’atino i tamaiti, ua o’o i tulaga o se fa’ama’i mata’utia ua pepesi i Sāmoa.

I’UGA 3 O LE SĀ’ILI’ILIGA: O Sāuāga i Totonu o ‘Āiga ua toeitiiti lava a’afia ai ‘āiga uma i Sāmoa, fa’atasi ai ma le to’atele o tagata ua o’o i ai sāuāga mātuiā i o latou ōlaga:

- Toeitiiti lava 9 mai se to’a 10 tagata ua o’o i ai sāuāga o le tino po o le māfaufau i totonu o o latou lava ‘āiga;
- O le to’atele o tama’ita’i (6 mai se to’a 10) ua o’o i ai sāuāga e fa’atino e se pā’aga vāvālalata;
- Toeitiiti lava tutusa le ta’atele o sāuāga mai se tagata e lē se pā’aga vāvālalata ma le ta’atele o sāuāga mai pā’aga vāvālalata;
- Ua o’o atu i le 1 mai se to’a 5 tama’ita’i ua tosoina;
- Ua o’o atu ina māsani tagata i sāuāga, ua fa’apea ai ona māsani i le pō, a’a, tatu’i, palauvale po o le taufa’amata’u ma e leai se manatu e mamafa ia faiga pe aofia fo’i i le uiga o sāuāga;
- O sāuāga i totonu o ‘āiga ua māliliu ai tagata ma ua mālepelepe ai ‘āiga.

I’UGA 4 O LE SĀ’ILI’ILIGA: E matuā la’iitiiti lava se mālamalamaga i sāuāga fa’asaga i ni vaega patino e pei o tagata e iai mana’oga fa’apitoa, tagata ua matua le soifua, fa’afāfine ma tagata e ‘ese lagona tau itūpā mai fa’atulagaga māsani. O fa’amatalaga māua e fōliga mai ai e mafai ona ta’atele sāuāga ma e mana’omia le iai o ni fesoasoani talafeagai mo nei vaega.

I’UGA 6 O LE SĀ’ILI’ILIGA: O a’afiaga mai sāuāga i totonu o ‘āiga e fa’ateleina ai le lamatiaga o le ‘avea o se tasi e āfāina i sāuāga, po o se fa’atino sāuāga i le lumana’i.

I'UGA 7 O LE SĀ'ILI'ILIGA: O le tau mo le tamāo'āiga o Sāmoa o sāuāga i totonu o 'āiga e mafai ona lē itiiti ifo i le ST$98m - $132m i le tausaga (6 – 7% o le tamāo'āiga o Sāmoa).

I'UGA 8 O LE SĀ'ILI'ILIGA: O sāuāga i totonu o 'āiga ua lautele ai soliga o le Fa'asāmoa, Talitonuga Fa'alefa'atuatua ma aiā tatau a tagata soifua.

I'UGA 9 O LE SĀ'ILI'ILIGA: E tutusa a'a, agatausili ma talitonuga fa'avae o le Fa'asāmoa, Talitonuga Fa'alefa'atuatua ma aiā tatau a tagata soifua. E tofu i latou ma 'auala e puipuia ai le taunu'uga fa'amoemoeina e tasi 'olo'o o latou naunau uma i ai, ma o le fa'aopoopoina o le mālosi o le tasi, e fa'apea ona fa'aopoopoina ai le mālosi o isi.

I'UGA 28 O LE SĀ'ILI'ILIGA: O le lē lava o le fa'amāoni o le Mālō ma ana fa'atinoga, e ala i le lē lava o puna'oa, lagolago ma le lē māopoopo o taumafaiga, e 'avatu ai i tagata se fe'au, e talia le tulaga lē tutusa o itūpā, ma e talia sāuāga i totonu o 'āiga.

I'UGA 50 O LE SĀ'ILI'ILIGA: Talu ai le uiga fa'ata'amilo o sāuāga i totonu o 'āiga, na'o le tasi lava le 'auala e fa'afetaia'i ai ma fa'aitiitia lona ta'atele. O le fa'atupuina lea o se 'auala e matuā tē'ena ma lē talia ai so'o se itū'āiga o sāuāga i totonu o le atunu'u.

O i'uga 1-4, 6-9, 28 ma le 50 o le Sā'ili'iliga, 'olo'o tu'uina mai ai se ata manino o le lautele o le fa'afītāuli ua iai i Sāmoa ona o sāuāga i totonu o 'āiga. E lē gata i lea, o ona māfua'aga ma taunu'uga, le soliga o le Fa'asāmoa, le Talitonuga Fa'alefa'atuatua ma aiā tatau a tagata soifua, faapea le tau mo le tamāo'āiga o Sāmoa. O le ata lautele, o se fa'ama'i pepesi 'olo'o tūlei e ni māfua'aga ma u'una'i 'ese'ese e feso'ota'i ma feuluuluta'i, ma taunu'uga mo tagata āfāina ma tagata fa'atino sāuāga e fa'apea fo'i le tele.

'Ae le'i taga'i auili'ili i māfua'aga, itū 'olo'o lagolagoina sāuāga, ma u'una'i o fa'atinoga e pei ona fa'ama'oti i le Sā'ili'iliga, e tatau ona taga'i muamua i le fesili lautele, pe fa'apēfea ona fa'atino ni fofō e fuafuaina. O le Mālō, o le vaega lea e iai le matāfaioi 'autū i le fa'afetaia'iga o le fa'afītāuli. Peita'i, o lea ua iloa 'olo'o iai fa'alētonu i le tau'aveina o lana pitolā'au. O le to'atele o tagata i Sānoa e nonofo i nu'u ma afio'aga i tua atu o le taulaga, ma o vaega ia e tatau ona aogā lelei ai suiga, ina ia mafai ona tūmau. O Fono a Nu'u ma lotu o isi ia vaega e iai le matāfaioi o le fa'amautinoa o le māopoopoga, feālofani, to'afīlēmū ma le malupuipuia m.m.f. Peita'i, ua iloa fo'i 'olo'o iai fa'alētonu i le tau'aveina o a latou fo'i pitolā'au. O le fa'a'āu'upegaina ma le mauaina o le naunauta'i ma le fa'amāoni o nei vaega, o se tulaga matuā mana'omia, ina ia mautinoa e mafai ona fa'atinoina fautuaga uma o le Sā'ili'iliga.

15.1 Matāgaluega o Tinā ma Tama'ita'i, Ātīna'e o Nu'u ma Afio'aga ma Agafeso'ota'i

E ui ina ua tu'uina atu i ai le galuega tau'ave o le ofisa 'autū i le fa'afetaia'iga o sāuāga i totonu o 'āiga, e leai se fa'anenefu i le Matāgaluega o Tinā ma Tama'ita'i, Ātīna'e o Nu'u ma Afio'aga ma Agafeso'ota'i i le uiga o le galuega, ma le lē mafai e le Matāgaluega ona fa'amalieina lea matāfaioi.

"O Sāuāga i Totonu o 'Āiga ua o'o i le tulaga o se fa'alavelave mātuiā i le atunu'u; e lavelave, talu ai le felavasa'i o ona uiga, lona salalau, ma le ufiufi i le māsani o le lē gaganaina ma le talia o se vaega māsani o le ōlaga."

"E lē o iai i a matou matāfaioi fa'atulafonoina aiaiga fa'aletulafono po o puna'oa e mafai ai ona 'āto'atoa la matou tali atu i sāuāga i totonu o 'āiga."

Ministry of Women, Community and Social Development, Folasaga i le Sā'ili'iliga, Pepa o le Sā'ili'iliga 1

O le folasaga na tu'uina mai e le Matāgaluega i le Sā'ili'iliga, 'olo'o fa'amāonia ai le **l'uga 28 o le Sā'ili'iliga** ma e fa'afetaia le ta'utino mai e le Matāgaluega o lona lē 'āto'atoa. E lē se tulaga fo'i lea e fa'ate'ia ai, 'auā e to'atele le 'aufaigaluega a le Mālō, ua loloto o latou mālamalamaga i uiga ma le ta'atele o sāuāga e ala i a latou galuega, ma 'olo'o iai lagona fa'anoanoa ona o le lē lava o puna'oa ma le lagolago mai ta'ita'i o upufai o mālō, ina ia fai ni suiga.

O se tasi o manatu na fa'aali so'o mai i le Sā'ili'iliga, talu ai le telē o le matā'upu o sāuāga i totonu o 'āiga ma le tele o māfua'aga ma u'una'i, 'āfai e leai se ofisa e fa'amāopoopoina taumafaiga, e mautinoa lava e i'u ina lē 'ausia taunu'uga fa'amoemoeina, 'auā e lē mafai e ni taumafaiga fa'atino ta'ito'atasi, ona fa'afetaia'i le 'ātoaga o le fa'afītāuli. Na 'auai uma Fa'alāpotopotoga Tūma'oti, tagata na lagolagoina le fa'afetaia'iga o sāuāga i totonu o 'āiga fa'apea fo'i Matāgaluega a le Mālo.

"O la'u fautuaga e tasi, ia iai se fuafuaga ta'iala a le atunu'u 'ātoa, se 'auala e fa'afetaia'i ai le 'ātoaga o sāuāga i totonu o 'āiga."

Tuiloma Sina Retzlaff, survivor and family violence advocate, Avanoa fa'alaua'itele e fa'aleo ai manatu

"E tatau ona fausia se 'auala e aofia uma ai vaega e tatau ona iai."

MWCSD, Samoa National Policy for Gender Equality 2016-20, Pepa o le Sā'ili'iliga 43

"E mana'omia se 'auala e aofia ai la'asaga 'ese'ese ma vaega 'ese'ese e tatau ona iai, ma tagata 'autū uma e mana'omia, ina ia mafai ona fa'afetaia'i lenei fa'afītāuli OGAOGA ma SALALAU."

Young Women's Christian Association, Inquiry submission, Pepa o le Sā'ili'iliga 28

15.2 Fa'amanuiaga mai se 'auala lautele ma au'ili'ili e aofia uma ai le atunu'u

E telē le aogā o le fautuaga na to'atele tagata na tu'uina mai, o se 'auala lautele a le atunu'u, e ta'ita'i e le Mālō, ma o lea taumafaiga 'ole'ā fausia ai le fa'avae mana'omia e fa'afetaia'i ai le tele o māfua'aga fa'avae, pā pupuni, ma mea fa'afaigatā 'olo'o feagai ma fa'atinoga e lē lava le fa'atupega 'olo'o iai nei.

O le ta'imua o le Mālō i se taumafaiga e fa'afetaia'i ai sāuāga i totonu o 'āiga, 'ole'ā maua ai le mautū o le tulaga tautupe e mana'omia ina ia mautinoa le aogā lelei o taumafaiga, mafai ona fa'aauau, ma 'ave'esea ai ni isi o lamatiaga 'olo'o iai i fa'atinoga i le taimi nei. 'Ole'ā 'ausia ai le aogā lelei o fa'atinoga i lalo o tupe fa'atatauina i fa'atatauga o tupe a le Mālō i tausaga ta'itasi. O lona uiga, o le 100% o puna'oa, 'ole'ā mafai ona 'atofa e fa'afetaia'i ai le fa'afītāuli 'olo'o feagai ai, i lō le fa'aalu o taimi aogā ma le mālosi e sa'ili ai tupe mo galuega. 'Ole'ā fa'apea fo'i ona mautinoa ai le mafai ona fa'aauau –talu ai o fa'atupega o Fa'alāpotopotoga Tūma'oti e lē mautinoa i le gāsologa o aso, e mautū atu se fa'atupega i lalo o tupe fa'atatauina a le Mālō. O le itū fa'ai'u, o le mautinoa o le fa'atupega 'ole'ā 'ave'esea ai le tauvāga i vā o Fa'alāpotopotoga Tūma'oti, o se tulaga e mafai ona i'u i 'au'aunaga e ūna'i e 'auala e maua mai ai fa'atupega. 'Ole'ā 'avatu ai fo'i se fe'au mālosi ma manino i le atunu'u, ua lē toe fia 'auai le Mālō e lagolagoina le ta'atele o sāuāga i totonu o 'āiga, ma fa'aulufale mai ai se 'āmataga fou i le talafa'asolopito o le atunu'u, o le lē talia o so'o se itū'āiga sāuāga.

O se tasi o fa'afītāuli i le fa'afetaia'iga o sāuāga i totonu o 'āiga, o le mana'oga lea mo a'oa'oga i māfua'aga, taunu'uga ma fofō. O se 'auala fa'atino fa'atasi a le atunu'u 'ātoa, 'ole'ā mautinoa ai e tutusa le fe'au e tu'uina atu, 'auā 'āfai e leai, 'ole'ā fa'aauau ai pea le lē mālamalama ma le fa'auiga sesē 'olo'o iai nei.

E talia e le to'atele, 'āfai e leai se fa'amāopoopoga tūtotonu, 'ole'ā lē mafai fo'i e fuafuaga ta'iala ma fa'atinoga a vaega 'ese'ese o le Mālō ma Fa'alāpotopotoga Tūma'oti ona fa'afetaia'i se fa'afītāuli ua lautele, salalau ma feuluuluta'i ona māfua'aga fa'avae e pei o sāuāga i totonu o 'āiga. E mana'omia le 'ausia o le o'o atu i vaega uma o le atunu'u o polokalame fa'atupu silafia, a'oa'oga ma 'au'aunaga. 'Olo'o tele tele 'au'aunaga 'olo'o maua e na'o tagata i Apia ma tāulalata mai. E tutupu sāuāga i totonu o 'āiga i motu uma e fa o Sāmoa 'olo'o nonofo ai tagata. Na'o se taumafaiga e iai se fa'amāopoopoga tūtotonu e mautinoa ai le o'o atu ma maua e tagata uma.

O le aoina o fa'amaumauga o se tasi lea vaega na fa'ama'oti e le Sā'ili'iliga 'olo'o vāivai ma fa'apea ai ona tāofia le aogā lelei o ni fuafuaga ta'iala e fa'afetaia'i ai sāuāga i totonu o 'āiga. O le iai o se ofisa fa'amāopoopo tūtotonu, e mafai ona galulue fa'atasi ma le Matāgaluega o Fuainumera Fa'amauina e fa'avae ni fa'ailo mo le atunu'u, ma fa'amautinoa le fa'aauau o le aoina o fa'amaumauga e mafai ona fua ai le āga'i i luma, ma le fa'ataunu'uina o fa'atinoga aogā lelei e fa'afetaia'i ai sāuāga i totonu o 'āiga.

15.3 Fa'ata'ita'iga o le 'Auala 'olo'o fa'aaogā mo le Ofisa o le Fa'afoega o Fa'alavelave Mātuiā

E mālosi le fa'atōsina o fa'amanuiaga e maua i se faiga galulue fa'atasi a le atunu'u e fa'afetaia'i sāuāga i totonu o 'āiga. Peita'i, o ā fōliga o lea taumafaiga i lona fa'atinoga? Ma o le ā se faiga e mafai ona fa'atino i le si'osi'omaga i Sāmoa pe 'āfai e iai le mana'o o ta'ita'i o upufai o mālō? 'Ātonu e mana'omia se 'auala

fou ‘āto’atoa. Peita’i, e iai le lamatiaga, e lē talafeagai i le si’osi’omaga i Sāmoa, vaganā ua fa’ata’ita’i muamua i se isi nofoaga.

“‘Olo’o lelei le fa’atinoga o galuega a le Ofisa o le Fa’afoega o Fa’alavelave Mātuiā. ‘Aiseā tatou te lē fa’aaogāina ai mo sāuāga i totonu o ‘āiga? O se tali atu i mana’oga, o lea e ta’ita’i ma fa’atino e Sāmoa.”

Leautuliilagi Vanessa Barlow-Schuster, consultant and lawyer, Avanoa fa’alaua’itele e fa’aleo ai manatu

Fa’amatalaga Fa’amālamalama 18 o le Sā’ili’iliga: O le ā le Ofisa o le Fa’afoega o Fa’alavelave Mātuiā?

O le Ofisa o le Fa’afoega o Fa’alavelave Mātuiā , na fa’avaeina i lalo o le *Tulafono o Faafoega o Faalavelave Matuia ma Faalavelave Tutupu Faafuasei 2007*, o se Tulafono e aiaia ai mo:[2]

> “le faafoega o faalavelave matuia ma faalavelave faafuasei i totonu o Samoa e ala i se fuafuaga manuia ma le faaitiitia o tulaga lamatia, le tali atu ma taualumaga o le toe faaleleia ma le faalauiloaina o le faamaopoopoga i le va o lala sooupu e tali atu, ma mo faamoemoega e fesootai i ai.”

‘Olo’o aiaia i le Tulafono le fa’avaeina o se Fuafuaga a le Atunu’u mo le Fa’afoega o Fa’alavelave Mātuiā ma fa’ata’atia ai mea e tatau ona aofia i le fuafuaga. O lenei fuafuaga, o le ta’iala lea mo ofisa ma tagata uma e iai matāfaioi fa’atino i fa’alavelave mātuiā uma ma le fa’aitiitia o tulaga lamatia, tāpenaga ma fa’atinoga mo le toe fa’aleleia.

O le fa’atulagaga lenei ‘olo’o fa’avaeina i le Tulafono:

- Fono a le Atunu’u mo Fa’alavelave Mātuiā: e aofia ai le Pālemia ma Minisitā o le Kapeneta, e iloiloina fautuaga ma lapata’iga uma e tu’uina atu e le Komiti Faufautua mo Fa’alavelave Mātuiā ma fa’atonutonuina le fa’atinoga o le Fuafuaga a le Atunu’u mo le Fa’afoega o Fa’alavelave Mātuiā, le fa’aitiitia o tulaga lamatia, sāuniuni, tali atu, ma gāoioiga mo le toe fa’aleleia.
- Komiti Faufautua mo Fa’alavelave Mātuiā: e aofia ai fa’auluuluga o fa’alāpotopotoga talafeagai a le Mālō, e fa’amāonia fuafuaga ua faia e le Ofisa o le Fa’afoega o Fa’alavelave Mātuiā, tu’uina atu o fautuaga i le Fono, fa’ailoa ma lagolago le fa’atinoga o le Fuafuaga a le Atunu’u mo Fa’alavelave Mātuiā, ma fa’amautinoa se faiga tu’ufa’atasi a ofisa uma.
- Ofisa o le Fa’afoega o Fa’alavelave Mātuiā: fa’avaeina o se Vaega o le Matāgaluega o Puna’oa Fa’alenātura ma le Si’osi’omaga, e fa’auluulu i le Ofisa Sili o Pūlega ma e iai le mālosi’aga e tōfia ai tagata ofisa mai isi

[2] *Disaster and Emergency Management Act 2007*, Long title.

matāgaluega ma ofisa. Fesoasoani i ofisa ma nu'u ma afio'aga ia iloa, fa'atino ma 'auai i gāoioiga mo le fa'aitiitia o lamatiaga ma polokalame, fa'amāopoopo gāoioiga ma le fa'atinoga o le Fuafuaga a le Atunu'u mo le Fa'afoega o Fa'alavelave Mātuiā.

E māoa'e fa'amaumauga o le fa'atinoga o galuega a le Ofisa o le Fa'afoega o Fa'alavelave Mātuiā talu lona fa'avaeina. O le Fuafuaga fo'i o se matāti'a 'ausia, talu ai, 'olo'o au'ili'ili ai le fa'atinoga o se faiga tu'ufa'atasi e galulue uma ai ofisa i le fa'afoega o fa'alavelave mātuiā ma sāuniuniga i le si'osi'omaga o Sāmoa. O galuega fa'atinoina e o'o mai i le asō ua fa'amāonia ai, e mafai ona matuā aogā lelei lenei 'auala. O ni fa'atinoga fa'amanuiaina e aofia ai:

- *Pepa o fa'amatalaga i taimi fa'atūlagaina*: e au'ili'ili ai galuega fa'atino uma ma tala e uiga i le Fuafuaga a le Atunu'u mo le Fa'afoega o Fa'alavelave Mātuiā, e fa'ailoa ai i tagata uma mea 'olo'o tutupu i le āga'i i luma, fesoasoani i le fa'amāopoopoga o fa'atinoga, ma fa'amautinoa se fe'au mālosi e lē fesuisuia'i e uiga i le fa'afoega o fa'alavelave mātuiā ma sāuniuniga mo fa'alavelave fa'afuase'i.
- *Polokalame mo Nu'u ma Afio'aga o le Fa'afoega o Fa'alavelave Mātuiā ma Lamatiaga mai Suiga o le Tau:* ua fausia e fa'amālosia le mafai e nu'u ma afio'aga ona sāuniuni ma tali atu i fa'alavelave mātuiā. O Iulai ma Aokuso o le 2017 na fa'atino ai le polokalame na galulue fa'atasi ai le Ofisa Vā'ai Tau, Koluse Mūmū, FLO, Pūlega o Tinei mū ma 'Au'aunaga o Fa'alavelave Fa'afuase'i, Matāgaluega o Tinā ma Tama'ita'i, Matāgaluega o le Soifua Mālōlōina ma le Matāgaluega o Leoleo – o se taumafaiga na galulue ai vaega 'ese'ese, ma na aofia ai fo'i le māta'itūina ma iloiloga o taunu'uga o le polokalame.
- *PARTneR & PREP Project Data Management System:* a'oa'oga i tomai o galuega na fuafuaina e le Ofisa o le Fa'afoega o Fa'alavelave Mātuiā ma fesoasoani i ai le SPC ma le GNS Science NZ mo Matāgaluega ma ofisa 'ese'ese e sefulu i le fa'atinoga o se faiga a le atunu'u mo le fa'afoega o le aoina o fa'amaumauga.

Na fa'afofoga le Sā'ili'iliga i le fa'amatalaina o sāuāga i totonu o 'āiga, o se "sunami o tagata", "o se fa'ama'i pepesi", ma se "fa'alavelave mātuiā e ta'ita'i e tagata". Tatou te popole ma fefefe i fa'alavelave fa'alenūtura, o se mea e i'u lava ina o'o mai. E leai se tasi e talisapaia nei mea, peita'i, e leai se galuega na o tatou fa'atinoina e tali atu i ai, se'ia o'o ina fa'avaeina e le Mālō le Ofisa o le Fa'afoega o Fa'alavelave Mātuiā i le 2007. O le fa'autaga loloto na a'e ai lea tōfā, ua manino i le sāuniuni ma le tali atu a Sāmoa i fa'alavelave mātuiā fa'alenātura lea ua iai nei. O le mafai e fa'atino ai lenei sāunia ma le tali atu, 'olo'o fa'alagolago i galuega fa'atino e iai sini e tulimata'i ma e aofia ai nu'u ma afio'aga uma. O galuega e faifaipea, i lalo o le fa'amāopoopoga ma le fa'amālosi'au mai le ofisa tūtotonu. E lē o se miti fāivavale lā le manatu lenei. 'Auā a iloilo lelei, 'olo'o fa'afetaia'i e le 'auala 'olo'o fa'atino ai galuega a le Ofisa o le

Fa'afoega o Fa'alavelave Mātuiā, 'olo'o fa'afetaia'i ai le tele o atugaluga 'olo'o iai nei, i le tali atu i sāuāga i totonu o 'āiga:

- E fesoasoani ma fa'afaigōfie ai le tali tu'ufa'atasi ma māopoopo a vaega i se matā'upu lavelave e feagai ma le atunu'u;
- E fa'amautinoa ai le tutusa o le fe'au e tu'uina atu ma le mautū o le maua pea o le fa'atupega;
- E aofia ai ta'ita'i o faigā fa'ai'uga, mai le Pālemia, ma fa'asolo ifo ai i isi vaega o le fa'agāsologa;
- E tulimata'i le aoina o fa'amaumauga, le māta'itūina ma iloiloga o fa'atinoga.

E lē gata i lea, o se 'auala fa'apea 'ole'ā fausia i luga o faiga, fuafuaga ma faiga fa'avae 'olo'o iai nei, 'ae lē o le fausia o se isi 'auala e o'o atu ai i le fesopoa'i ma fa'atupu ai se isi fenumia'i. E faigōfie ona fa'aaogā se 'auala e pei ona fa'aaogāina mo le Ofisa o le Fa'afoega o Fa'alavelave Mātuiā, e fa'aaogā ai faiga 'olo'o iai nei, ma se 'auala ua iloa, 'olo'o aogā lelei i le si'osi'omaga i Sāmoa.

15.4 Ofisa mo le Tāofiga o Sāuāga i Totonu o 'Āiga

Ua fa'amāonia le fa'amanuiaina o le 'auala 'olo'o fa'aaogā mo le Ofisa o le Fa'afoega o Fa'alavelave Mātuiā i Sāmoa, i le fa'afetaia'iga o fa'afītāuli e mafai ona fa'atusa i le fa'afītāuli o sāuāga i totonu o 'āiga ma o lea, e lē lavelave tele, ma o se fa'ai'uga talafeagai le fa'aaogā o le 'auala lea i le fa'afītāuli 'olo'o o tatou feagai nei. E mafai ona fa'avaeina se taumafaiga e maualuga le avanoa o le fa'amanuiaina e fa'afetaia'i ai sāuāga i totonu o 'āiga, e ala i le fa'aaogā o 'auala nei:

1. *Fa'avaeina o se Tulafono o le Tāofiga o Sāuāga i Totonu o 'Āiga*: e mafai ona fa'apea lona fa'amoemoega, "o le tāofiga o sāuāga i totonu o 'āiga ma le puipuiga o tagata āfāina, e ala i 'auala aogā lelei o le fa'aitiitia o lamatiaga, 'au'aunaga mo le tāofiga ma le puipuiga, fa'amāopoopoina o vaega ma ofisa uma e talafeagai le 'auai, aoina o fa'amaumauga, ma le māta'itūina ma iloiloga".
2. *Fa'avaeina se Fono a le Atunu'u mo le Tāofiga o Sāuāga i Totonu o 'Āiga*: o se fono **talafeagai** e aofia ai Minisitā o le Kapeneta ma isi e pei o ta'ita'i fa'aleaganu'u ma ta'ita'i o nu'u ma afio'aga, ta'ita'i fa'alelotu, vaega tūma'oti ma sui o Fa'alāpotopotoga Tūma'oti e filifilia e le Kapeneta (ua fa'amautinoa ai le tutusa o itūpā i sui o le fono).[3]
3. *Komiti Fa'apitoa mo le Tāofiga o Sāuāga*: e aofia ai fa'auluuluga o matāgaluega talafeagai e fa'amāonia fuafuaga a le Ofisa mo le Tāofiga o Sāuāga i Totonu o 'Āiga. 'Olo'o iai nei le komiti fa'apitoa ma o i latou ia e mafai ona fa'atinoina lea galuega.
4. *Ofisa a Sāmoa mo le Tāofiga o Sāuāga i Totonu o 'Āiga:* o le fa'avaeina o se vaega o le Matāgaluega o Tinā ma Tama'ita'i, Ātīna'e o Nu'u ma Afio'aga ma Agafeso'ota'i, 'ole'ā mautinoa ai e iai tupe fa'atatauina mo totogi o se 'aufaigaluega tūmau, e ta'ita'i e se Ofisa Sili Lagolago o Pūlega, e līpoti atu i le Ofisa Sili o Pūlega. E feagai le Ofisa ma le va'aiga o le fa'atinoga o le Fuafuaga Ta'iala a le Atunu'u mo le Saogalēmū o 'Āiga, fa'amāopoopoina o gāoioiga ma fa'atinoga o le tali atu a ofisa, fa'atinoga ma 'auai i galuega fa'atino, fesoasoani i a'oa'oga mo ofisa ma tagata 'auai i fa'atinoga,

[3] The ***Council*** will be responsible for giving advice and decision making. The ***Taskforce*** will mainly be responsible for strengthening of partnership and coordination of activities.

si'itia le tulaga o le mālamalama o tagata, aoina o fa'amaumauga, māta'itūina ma iloiloga o fa'atinoga.

5. *Ta'iala a le Atunu'u mo le Tāofiga o Sāuāga i Totonu o 'Āiga:* E aiaia i lalo o le Tulafono o le Tāofiga o Sāuāga i Totonu o 'Āiga ma 'ole'ā aofia ai uma matāfaioi 'olo'o i lalo o fuafuaga a vaega uma 'olo'o iai nei, Sini o le Ātīna'e o Sāmoa, fautuaga o le Sā'ili'iliga, ma tāpenaina fa'atasi ma fefa'asoaa'iga ma ofisa ma tagata 'autu talafeagai e aofia ai tagata ua sao mai sāuāga i totonu o 'āiga, i so'o se vaega o tagata i totonu o le atunu'u.
6. *Ta'iala a le Atunu'u o Feso'ota'iga mo le Tāofiga o Sāuāga i Totonu o 'Āiga:* E fa'a'autū i le fa'aleleia o le mālamalama o le taunu'u ma tagata 'autū e iai o latou sao, i uiga, māfua'aga ma u'una'i o sāuāga i totonu o 'āiga. E fa'avae lea Ta'iala i i'uga na maua e le Sā'ili'iliga ma manatu lē fa'avaea 'olo'o iai, ma e ātīna'e e galulue fa'atasi ai ma tagata āfāina, tagata fa'atino sāuāga ma tagata talavou.

O se 'auala fa'apea e lē gata ina fa'avae i luga o faiga, fuafuaga ma faiga fa'avae 'olo'o iai nei, ma lē "toe fausia ai le uili", a 'ole'ā mafai fo'i ona fa'aaogā ni vaega talafeagai o ta'iala mo le tāofiga o sāuāga i totonu o 'āiga, ua ātīna'e i le itūlagi ma atunu'u lāiti e feoloolo le tulaga o le tamāo'āiga.

E tatau fo'i ona fa'aaogā e se Ofisa mo le Tāofiga o Sāuāga i Totonu o 'Āiga puna'oa 'olo'o mulimuli mai, ina ia fa'amautinoa le fa'aaogāina o vaega uma e tatau ona aofia i se 'auala o fa'atinoga e lautele ma au'ili'ili:

- 'Framework for Essential Services Package', pp. 11-12 of *Essential Services for Women and Girls Subject to Violence,* Partners for Prevention, (UN Women, UNFPA, WHO, UNDP & UNODC), 2015.
- 'Recommendations and Entry Points for Change', pp. 98-101 of *Why do some men use violence against women and how can we prevent it?,* Partners for Prevention, 2013.

O se aotelega, e manino le Sā'ili'iliga, e matuā mana'omia se ta'iala a le atunu'u mo le tāofiga o sāuāga i totonu o 'āiga, ina ia aogā lelei i le tāofiga o sāuāga i totonu o 'āiga, ma o le tau e totogi mo ia galuega, e tatau ona mafai ona toe fa'aola ma iai se fa'asiliga i tausaga ta'itasi, e ala i le fa'aitiitia o tupe alu ona o sāuāga. O le fa'avaeina o sea ta'iala, o le fautuaga muamua lenā o le Sā'ili'iliga, ma 'olo'o fa'avae ai isi fautuaga mulimuli mai.[4]

15.5 "Lē Talia e le Atunu'u se Sāuāga"

Talu ai le uiga feso'ota'i o sāuāga i totonu o 'āiga, ma le ta'amilosaga o sāuāga, so'o se itū'āiga sāuāga lava, e i'u i le si'itia o sāuāga i isi vaega o le atunu'u i se taimi mulimuli ane. 'Āfai e talia sāuāga i se si'osi'omaga e tasi, e i'u lava ina sosolo atu i isi vaega o le atunu'u, e pei o le tulaga ua iai nei i Sāmoa. Na'o le tasi lava le fofō, ma o lea fofō o le tē'ena ma lāfoa'i so'o se itū'āiga sāuāga i totonu o 'āiga. O le fe'au 'autū e tatau ona fa'ailoa atu e le Ofisa mo le Tāofiga o Sāuāga i Totonu o 'Āiga, o le matuā tē'ena ma lē talia o sāuāga i totonu o 'āiga. Ua iloa nei, e felāta'i le so'otaga o le ta'atele o sāuāga ma le fe'au (e ui ina e lē o fa'aleoina),

[4] Subsequent recommendations could be implemented without the establishment of a Family Violence Prevention Office but would stand less chance of success as the inter-agency coordination, sustainability of approach, consistency of message and strong focus on data collection and evaluation & monitoring would be harder to achieve.

‘olo’o lagolagoina e le Mālō, Fono a Nu’u, Lotu, mātua, ma le to’atele o tagata i aso ta’itasi. E tatau ona suia lea fe’au pe ‘āfai e moni le mana’o e fa’afetaia’i le fa’ama’i lea ua pepesi i totonu o le atunu’u. ‘Ole’ā iloa ai e tagata fa’atino sāuāga, ua lē toe sao faiga sa iai o le sa’oloto e leai se fa’asalaga, a ua tatau ona nofo ūta, e i’u ina maua, ma fa’asaga atu e tali taunu’uga o a latou fa’atinoga, tusa lava po o se Minisitā o le Kapeneta, matai, faife’au, tamā, tinā o le to’alua, po o tagata fo’i na feagai ma sāuāga.

FAUTUAGA 1: Ia fa’avaeina i se tulafono, se Ofisa mo le Tāofiga o Sāuāga i Totonu o ‘Āiga, Ta’iala a le Atunu’u mo le Tāofiga o Sāuāga i Totonu o ‘Āiga ma se Ta’iala o Feso’ota’iga, Fono a le Atunu’u mo le Tāofiga o Sāuāga i Totonu o ‘Āiga, ma se Komiti Fa’apitoa e fa’avae ma fa’a’autū i ai le tu’ufa’atasiga ma le māopoopo o le tali atu a ofisa uma i sāuāga i totonu o ‘āiga.

- Ātīna’e se Ta’iala a le Atunu’u mo le Tāofiga o Sāuāga i Totonu o ‘Āiga, e fa’avae i talitonuga fa’avae o le Fa’asāmoa, aiā tatau a tagata soifua, ma le Talitonuga Fa’alefa’atuatua.
- Fa’amāopoopoina o ofisa, fa’alāpotopotoga ma tagata uma e aofia i le tāofiga o sāuāga i totonu o ‘āiga.
- Aoina ma le fa’amāopoopoina o fa’amaumauga tau sāuāga i totonu o ‘āiga.
- Tulituliloa ma fa’alauiloa i galuega fa’atino ma gāoioiga uma e “lē talia e le atunu’u se sāuāga”.

FAUTUAGA 2: Tatau i le Palemene ona silasia ma fa’atino faanatinati fautuaga i totonu o lipoti o Aiā Tatau a Tagata Soifua a le Ofisa 2015 ma le 2016 aemaise mataupu patino i sauaga i tinā, tama’ita’i, tamaiti ma tagata e iai mana’oga fa’apitoa.

FAUTUAGA 3: Fai se su’esu’ega e fa’amauina ai le fa’atuputupulai’a o sāuāga o fa’afafine, tagata e ‘ese o latou lagona tau itūpā mai fa’atulagaga māsani o itūpā ma tagata ua matua le soifua, aemaise foi le fa’atinoina o a’oa’oga e fa’atatau i isi aia tataou o lo’o a’afia ai lea vaega.

15.6 “Polokalame a Nu’u Sa’oloto mai Sāuāga i Totonu o ‘Āiga”

O le to’atele o tagata i Sāmoa e nonofo i nu’u i tua atu o le taulaga, i nu’u ma afio’aga i faigā nu’u e i lalo o le pūlega a Fono a Nu’u. O se avanoa sili lea e ātīna’e ai se polokalame e fa’aaogā ai lea faiga i nu’u ma afio’aga, ma tulituliloa ai le agaga māsani o tauvaga i nu’u, lea na maua e le Sā’ili’iliga, o se tasi o itū e iai le sao i sāuāga i totonu o ‘āiga, ona o le si’itia ai o le ‘avega tautupe.

E tele tupe fa’asaoina mai le aogā lelei o le fa’afetaia’iga o sāuāga i totonu o ‘āiga, ma o lona uiga, e tele fo’i tupe e mafai ona fa’aaogā o ni teugātupe fa’afaigaluega, i polokalame o le tāofiga, ona o le iloa, ‘ole’ā aogā lea mo le tamāo’āiga i le lumana’i.

E lē gata i lea, e iai ni fautuaga ‘olo’o mulimuli mai i le Līpoti, ‘olo’o fa’atūina atu ai ni ‘auala e fa’aitiitia ai le ‘avega tautupe i tagata i totonu o nu’u. E ui ina e lē tatau ona ‘avea fa’asalaga tupe e tu’uina atu e Fono a Nu’u o se ‘auala e maua ai tupe a le Fono, o le tulaga moni, o le to’atele ua māsani i se ōlaga o le maua o le taui e ala mai i fa’asalaga a le nu’u.

O se ‘auala atu i lenei suiga, ma fa’atōsina Fono a Nu’u e vave fa’atino fautuaga uma o le Sā’ili’iliga, e fautuaina le fa’atino e le Mālō o se “Polokalame o Nu’u Sa’oloto mai Sāuāga” (**PNSS**), ma iai se faiga o togi e fua ai le tausisia e nu’u ta’itasi o le Tāofiga o Sāuāga i Totonu o ‘Āiga, e tusa ma ni ta’iala e fa’avae i fautuaga o le Sā’ili’iliga.

E lua vasega o aiaiga fa’atūlagaina,

- aiaiga o le mafai ona ‘auai, itū tau pūlega, polokalame po o fa’atinoga e tatau ona iai i se nu’u, ma ‘āfai e lē iai, e lē mafai ona maua ni fa’atupega mo PNSS.
- aiaiga fa’atulagaina o se lisi fa’aopoopo o le uiga lava lea, ma o le tele o le tausisia e se nu’u, o le tele fo’i lenā o tupe e maua mai le fa’aputugātupe mo le PNSS, e o’o atu i se aofa’iga ua fa’ata’atia.

O fautuaga o le Sā’ili’iliga ‘olo’o mulimuli mai, ‘ole’ā fa’apea ona fa’amauina ai aiaiga e tatau ona fa’amalieina mo le ‘auai i le PNSS (“PNSS mana’omia”), ma aiaiga e fa’aaogā e fa’ama’oti ai le aofa’iga o le tupe e maua e le nu’u i le fa’ai’uga o le tausaga fa’aletupe (PNSS “mō’omia”). O tupe e tufaina atu, e tatau ona talia i le mālamalamaga e fa’aaogā i le ātīna’ega o le to’afīlēmū ma le nofo feālofani o tagata o le nu’u, ma e tatau ona māta’itūina nei galuega fa’atino e le Ofisa mo le Tāofiga o Sāuāga i Totonu o ‘Āiga.

FAUTUAGA 4: Fa’avae se “Polokalame o Nu’u Sa’oloto mai Sāuāga”, e tu’uina atu ai fa’atōsina tautupe mo le fa’atinoga o taumafaiga mo le Tāofiga o Sāuāga i Totonu o ‘Āiga e fa’avae i fautuaga o le Sā’ili’iliga.

16. Manatu ma uiga fa’aalia ma talitonuga

E manino, e lē o iai se so’otaga i le vā o le fulisia o manatu e ave le fa’amuamua i le togafitiga o sāuāga i totonu o ‘āiga, ma le mafai ona fa’atino galuega aogā lelei e fa’afetaia’i ai. E tele lea ina māfua mai i manatu ma uiga fa’aalia ma talitonuga na ‘oto’otoina i le **Vaega IV**. O lea lā, ua tatau ona liliu le tai o le fa’ateteleina o sāuāga, ‘ae fa’asaga atu e fa’afetaia’i, e ala i suiga i manatu ma uiga fa’aalia. E lē tutupu nei suiga i le ‘emo o se mata, ma e mana’omia le taimi, onosa’i, fuafuaga lelei, ma le māta’itūina ma iloiloga. O fautuaga ‘olo’o tu’uina atu i le matā’upu lenei, ma matā’upu ‘olo’o mulimuli mai, ‘olo’o tele ina faia o ni galuega fa’atino a le ofisa fou, le Ofisa mo le Tāofiga o Sāuāga i Totonu o ‘Āiga (vaganā ua iai se isi fa’amatalaga), peita’i, e mafai ona tulituliloa e le Matāgaluega o Tinā ma Tama’ita’i ma isi ofisa o le Mālō, se’ia fa’avaeina le ofisa fou.

16.1 Tamaiti

Ua susu’e e le Sā’ili’iliga ni talamoni ‘ole’ā lē logo lelei i ni tagata, i uiga o sāuāga i totonu o ‘āiga, ma le tūtotonu o le sao o ‘auala o le tausiga ma a’oa’iga o tamaiti i Sāmoa, i sāuāga i totonu o ‘āiga. O sāuāga fa’asaga i tamaiti, pe fa’atino i le sasa, upu po o sāuāga tau faigā ‘āiga, e fa’ateleina ai le avanoa e toe

tutupu ai isi sāuāga, pe ‘ā o’o ina mātutua, a lē o ni fa’atino sāuāga, ua toe ‘avea fo’i o ni tagata e fa’atino i ai sāuāga.

E lē gata i lea, ua aliali mai i molimau, e lē maua i ‘auala o le tausiga ma a’oa’iga a mātua i le taimi nei taunu’uga ‘olo’o fa’amoemoeina, i le ātīna’ega o le tamaitiiti. O le meamoni, e fa’afeagai le taunu’uga, ma o le āfāina e tūla’i mai, e o’o atu ai ina fa’ateleina le lamatiaga mai le fa’aopoopoina o isi sāuāga. Ua maua e le Sā’ili’iliga, o sāuāga o se ‘auala ‘alo po o se ‘auala pu’upu’u e sui ai ‘auala aogā lelei o le tausiga ma a’oa’iga o le fānau, ma e to’atele mātua e si’i maia māfua’aga mai le Tusi Pa’ia ma mea na tutupu iā i latou fo’i. Ua fa’amāonia e le Sā’ili’iliga e leai se fa’avae o nei manatu uma.

O le ‘auala o le tausiga ma le a’oa’iga o tamaiti ua pāepae ai fo’i le fa’avae mo le sosaiete e pūlea e ali’i, lea e tupuga mai ai le tele o sāuāga i totonu o ‘āiga i Sāmoa, ma ua o’o atu ai ina lē toe iai ni feso’ota’iga aogā lelei, ma tō mai ai i lalo le pupuni o le lē gaganaina o fa’atinoga o sāuāga, mai le taimi e fānau mai ai se tamaitiiti.

O le fa’aaliga fa’ai’u mai molimau na aoina, o fa’atinoga **uma** o fa’asalaga i le tino ma upu, o sāuāga lava ia, ma ua āfāina ai le Fa’asāmoa, soli ai le Fa’avae o Sāmoa, soli ai aiā tatau a le tamaitiiti ma o le tete’e atu i le Afioga a le Atua. E to’atele tagata ‘ole’ā lē mafai ona talia nei i’uga. Peita’i, e la’iitiiti se molimau e sesē, ‘ae anoanoa’i molimau e lagolago ai.

Mo i latou ‘olo’o sāuni e taga’i i le moni o nei i’uga, e iai le tala lelei atu. Ua susu’e a’e fo’i e le Sā’ili’iliga molimau e fola ai se isi ‘auala. O se ‘auala ‘ole’ā tāofia ai sāuāga i totonu o ‘āiga, fa’ateleina ai le puipuiga mo tagata āfāina i sāuāga, ma e fa’avae i agatausili na fa’avae ai Sāmoa.

16.1.1 Fa’atonu/sāuāga i le sasa ma upu mālolosi

I’UGA 2 O LE SĀ’ILI’ILIGA: Ua o’o atu i le la’asaga o se fa’ama’i pepesi le fa’atonu/sāuaga i upu ma sāuāga tau faigā ‘āiga fa’asaga i tamaiti.

- O le 9 mai ni tamaiti e 10 i Sāmoa e o’o i ai sāuāga.
- E māsani ona ogaoga tulaga e o’o i ai le fa’atonu/sāuāga o le tino, ma sopo atu mai “fa’asalaga talafeagai” i lalo o tulafono a Sāmoa.
- O faigā ‘āiga fa’ataututala ma le mata’ifale ‘olo’o fa’atino i tamaiti, ua o’o i tulaga o se fa’ama’i mata’utia ua pepesi i Sāmoa.

I’UGA 5 O LE SĀ’ILI’ILIGA: E tele ma lautele a’afiaga tumau i le soifua manuia i le tino ma le māfaufau o tagata āfāina i sāuāga i totonu o ‘āiga ma i latou e molimauina ia sāuāga. O nei a’afiaga e aofia ai:

- Fa’afītāuli i le soifua manuia o le māfaufau, e pei o le loto fa’anoanoa (depression), fā’atu, pule i le ola ma amio fa’amisa;
- Fa’ateleina le fa’aaogāina o le ‘ava mālosi ma vailā’au, fa’ateteleina le so’ona fai solo o faigā ‘āiga ma tele pā’aga tau faigā ‘āiga;
- Manu’aga, ma e mafai ona i’u i le oti;

- Fa'afītāuli i le soifua mālōlōina o tinā ma'itaga ma failele, e aofia ai ma'itaga e le'i mana'omia, ma'itaga e lē taunu'u manuia (miscarriages) ma fa'afītāuli e tutupu i taimi o ma'itaga (pregnancy complications);
- Manatu e maualalo ma lē taulia lona tagata, e i'u ai i fa'afīfāuli tau soifua mālōlōina ma le āmio;
- Sāuāga fa'asolo i le vā o augā tupulaga;
- Fa'aitiitia le aogā i ni galuega ma āfāina ai ātīna'e o le tamāo'āiga o le atunu'u.

I'UGA 10 O LE SĀ'ILI'ILIGA: O tamaiti e sāuāina pe molimauina sāuāga a o tuputupu a'e, e matuā telē le lamatiaga e 'avea ai o ni tagata e fa'atino i ai sāuāga, po o ni tagata fa'atino sāuāga i totonu o āiga i le lumana'i.

I'UGA 11 O LE SĀ'ILI'ILIGA: E fa'atetele sāuāga fa'asaga i tamaiti ona e talitonu sesē mātua, o ia faiga na fesoasoani 'ia i latou i lo latou tutupu a'e, po o le fa'aaogā fo'i o isi māfua'aga o le lē pūlea o āmio a tupulaga talavou, o se 'alofaga mai le lē fa'atinoina o o latou lava tiute.

I'UGA 12 O LE SĀ'ILI'ILIGA: O itū'āiga fa'asalaga uma i le tino ma upu mālolosi,[5] o itū'āiga sāuāga ia, ma o se māfua'aga tu'usa'o o le ta'atele o sāuāga i totonu o 'āiga, ma o se māfua'aga feso'ota'i o le fa'ateleina o le lamatiaga e sau aso, e 'avea lea tamaitiiti o se tagata fa'atino sāuāga, po o se tagata e āfāina i sāuāga.

E matuā leai se fesiligia i le māfaufau, e telē le sao o le 'auala 'olo'o tausia ma a'oa'i ai tamaiti i Sāmoa i aso nei, i le ta'atele o sāuāga i totonu o 'āiga, i le atunu'u 'ātoa. O gāoioiga 'olo'o tā'ua e le to'atele o le fa'atonu, o le tala sa'o, ua o'o atu i sāuāga, ma mo i latou 'olo'o lē talitonu lava, e tatau ona mānatunatu pe 'aiseā e lē o maua ai e tamaiti le puipuiga i lalo o le tulafono, e tutusa ma puipuiga 'olo'o maua e tagata mātutua. E pei ona fa'amati'e muamua atu i le Līpoti, o le manatu o le Matāgaluega o Leoleo i le talanoaina o fa'asalaga sasa i ā'oga, "o le fa'ao'olima, o le fa'ao'olima lava". E iai lā se māfua'aga e tatau ona 'ese ai i totonu o le 'āiga?

"Fesili ane le tagata 'iā te ia lava – o ā lesona o o tatou a'oa'o atu i a tatou fānau i lo tatou fa'ao'olima i ai? E leai se tamaitiiti e fānau mai i lenei lalolagi ma uiga fa'amisa (vaganā tamaiti e fānau mai i tagata fa'aaogā vailā'au. E leai se tasi.) E leai se tamaitiiti e fānau mai e fa'amisa. O mea ia na a'oa'oina ai latou. O ai o latou ulua'i faiā'oga? O tatou. Ona mātua, lona 'āiga. Na te iloa sāuāga mai iā tatou. O le mātauina o o tatou *uncle*, *aunty*, po o le *cousin*. Na tatou a'oina uma. E te fai mai o le pō. Ou te ta'ua o le fa'ao'olima. O lea tatou te a'oa'oina atu tamaiti e fa'ao'olima, i so'o se taimi lava e pō ai. O lea tatou te a'oa'oina atu, o le fa'ao'olima

[5]Definition at Info Point 6.

o se ‘auala lea e tali atu ai i āmioga. E talia le fa’ao’olima e tali ai fa’afītāuli. Ona tatou toe fesili ane lea pe ‘aiseā ua ‘avea ai sāuāga fa’alotoifale o se fa’afītāuli tele i lenei atunu’u. Ua ‘avea ma fa’afītāuli ‘auā na a’oa’oina ai tatou a o tatou lāiti. Tatou te ola a’e ma le talitonuga o sāuāga o le fofō lea o se fa’afītāuli. Muamua e fasi a tatou fānau, soso’o ai ma le fasi o a tatou āvā. O se ta’amilosaga o sāuāga ‘auā e ‘āmata mai i lo tatou lāiti ma tau’ave fa’asolo atu ai se’ia ‘avea tatou o tagata mātutua. E mamā tamaiti i lo latou fānau mai. Fai mai le tusi o Fa’ata’oto ‘āfai e a’oa’o tamaiti i o latou ala, a mātutua, e lē toe te’a ‘ese ai. ‘Āfai e moni lo tatou mana’o e fa’afetaia’i sāuāga fa’alotoifale, e tatau loa ona tu’u le sasa ma le fa’aaogā o upu mamafa e o’o ina āfāina ai lagona ma māfaufau o a tatou fānau. O lo’u manatu, o ‘inā e tatau ona tatou ‘āmata ai.”

Justice Vui Clarence Nelson, Supreme Court judge, Avanoa fa’alaua’itele e fa’aleo ai manatu

E matuā anoanoa’i molimau na maua e le Sā’ili’iliga e lagolago ai le manatu o Justice Vui i lana aotelega, ma e lē fa’ate’ia ai se tasi, pe ‘ā taga’i i le tele o lona iloa mai lana galuega fa’amasino i le Fa’amasinoga Sili ma le Fa’amasinoga mo Matā’upu Fa’atatau i ‘Āiga, ma se sui o le Komiti i Aiā Tatau a le Tamaitiiti.

‘Āfai e fa’atino le gāoioiga o le sasa i se isi tagata matua, o le fa’ao’olima lea i lalo o tulafono a Sāmoa ma toeitiiti lava i so’o se atunu’u i le lalolagi. O le fuai’upu 15 o le Fa’avae o Sāmoa ‘olo’o folafolaina ai le aiā tatau e tutusa tagata uma i luma o le tulafono. O le fa’atagaina o le sasa o tamaiti ‘ae lē o tagata mātutua, e lē se tulaga tutusa lea i luma o le tulafono ma ua lē tusa ma le fa’avae. E fōliga mai fo’i o le manatu lea o le Matāgaluega o Leoleo ma le Ofisa o le Lōia Sili, o le sasa i totonu o le ‘āiga, o le fa’ao’olima lava lea. O la latou fautuaga i le Matāgaluega o Ā’oga, Ta’aloga ma Aganu’u ua fa’ama’oti ai, o le sasaina o tamaiti e faiā’oga, o le fa’ao’olima. Talu ai ‘olo’o aofia faiā’oga ma mātua i le fuai’upu 14 o le *Tualafono o Tamaiti 1961* e mafai ona fa’atinoina “fa’asalaga talafeagai”, e mafai ona fai le i’uga o le manatu o nei ofisa fa’amamalu tulafono uma e lua, o le fa’atonu e mātua i le sasa, o le fa’ao’olima.

E iai pea tagata e fa’apea mai, e mana’omia i le a’oa’iga o le tamaitiiti. Ua fa’ailoa atu e le Sā’ili’iliga e sesē lea manatu, ma e māfua mai ai fa’afītāuli sili atu, fa’afītāuli o le āmio, fa’afītāuli tau soifua mālōlōina ma sāuāga. E iai tagata e fa’apea mai, e le’i āfāina ai lava, pe fa’apea mai fo’i o le māfua’aga lenā ua manuia ai. Ua fa’aali atu fo’i e le Sā’ili’iliga, o ni manatu sesē lē fa’avaea ia. E iai pea fo’i tagata e fa’apea mai, ua leaga atu āmio a tamaiti i aso nei talu ai le *x, y* ma le *z,* ma e mana’omia le sasa ma upu māloloai. Ua fa’aali atu e le Sā’ili’iliga, o le tele o āmioga ua tu’uina mai fa’apea o le *x, y* ma le *z*, o āmioga ia e māfua mai i le ola a’e i sāuāga, ma e fa’ateteleina le fa’afītāuli i le sasa ma le lafo o upu mālolosi i tamaiti.

E mālamalama i lenei fa’atāutāu e talia le meamoni. O sāuāga na’o le pau lea o le ‘auala e iloa e le to’atele o tagata i Sāmoa. E lē fa’apea lā o le ‘auala sa’o lea. Ua māe’a fo’i ona fa’amati’e e le Sā’ili’iliga le lautele ua ōia ai agatausili o le aganu’u a Sāmoa ma le fa’ataute’e i le afioga a le Atua. ‘Ole’ā fa’ateteleina sāuāga, vaganā ua sāuni tagata e taga’i i se isi ‘auala.

“O au o mātua fānau.”

Fuaitau a Sāmoa

O se mea na tupu a'e i le alofa, ua suia nei o se vaega o le fa'avae o sāuāga i totonu o 'āiga. O le 'auala ua tele ina tausi ma a'oa'i ai tamaiti, e lē o fa'aalia ai le alofa o mātua i a latou fānau. O se mea tīgā lea e taunu'u i ai. Peita'i, e tatau ona o tatou taunu'u i ai. E lē na'o Sāmoa ua taunu'u i lea tulaga ma e iai atunu'u o le lalolagi na āga'i mālie atu i le mālamalama ane i taunu'uga o le sasa ma le lafo o upu mālolosi i tamaiti. O se fa'amanuiaga lea mo Sāmoa, talu ai, e tele su'esu'ega fa'apitoa e mafai ona taga'i i ai ma maua mai ai ni a'oa'oga aogā.

O le itū muamua e tatau ona mātauina, e iai sā'ili'iliga ua fa'atino i isi atunu'u o le lalolagi ua o'o i taunu'uga e pei ona iai nei Sāmoa, ona o le fa'atonu o tamaiti i sāuāga. Ua lē toe fesiligia o tamaiti e ola a'e i se si'osi'omaga o sāuāga e matuā telē le avanoa e i'u ai o ni tagata fa'atino sāuāga, e iai isi e fa'alimaina le avanoa, i lō tamaiti e ola a'e i 'āiga e leai ni sāuāga ma e alofaina.[6]

> "E telē le feso'ota'iga i Setete e fa'aaogāina fa'asalaga sasa ma taunu'uga lē manuia mo tagata, ma e fa'apēnā fo'i ona telē le feso'ota'iga o setete ua fa'asāina ai fa'asalaga sasa ma taunu'uga manuia i le ōlaga o tagata."
>
> *Ioane Guthrow, Pepa o le Sā'ili'iliga 84*

Ua ala a'e le lalolagi i nei taunu'uga, ma o le taimi nei, toe lua atunu'u[7] o le Iuni a Europa e le'i fa'asāina fa'asalaga sasa pe 'olo'o fa'agāsolo gāoioiga i le faiga o se filifiliga e fa'asāina. O Suetena le ulua'i atunu'u na fa'asāina fa'asalaga sasa i le 1979, ina ua suia a latou tulafono ia maua e tamaiti puipuiga tutusa e pei o tagata mātutua, i lalo o le tulafono. Na ō fa'atasi nei suiga ma se polokalame o a'oa'oga i le atunu'u 'ātoa ma o se taumafaiga na fa'amanuiaina. O le mavae o le 35 tausaga talu ona fa'asā fa'asalaga sasa, na pa'ū le pasene o tamaiti na sasa e o latou mātua mai 90% i le 10%. O se isi itū na mātauina, o le taimi na 'āmata ai le sā, e silia i le 'afa o mātua na mānana'o e sasa pea a latou fānau. Peita'i, o le mavae ai o 35 tausaga, ua pa'ū le pasene i le 10%.[8]

O lenei tala o se fa'atupu fa'amoemoe ma fa'amālosi'au mo Sāmoa. O le taimi nei, 'olo'o maualuga le lagolagoina o fa'asalaga sasa, 'ae leai se māfua'aga e fa'apea ane ai e lē mafai ona fa'asā fa'asalaga sasa, ma 'āfai e fa'amālosia, 'āfai e iai le lagolago mana'omia, e mafai ona talisapaia e mātua.

Mo so'o se tagata e faitauina lenei Līpoti i le agaga fetāla'i, o le fesili i le taimi nei e fa'apea, "ia, 'āfai lā ua lē mafai ona fa'atonu la'u fānau i le sasa, o le ā lā la'u mea 'ā fai?"

> "E māsani ona fesili mai mātua: "'Āfai le e lē sasaina tamaiti, e fa'afefea lā ona fa'atonu lau fānau?" O la matou tali, e tele mea e mafai ona 'ausia i upu, ma o le so'otaga a mātua ma fānau, e lē tatau ona i'u i le fa'aaogāina o sāuāga."
>
> *Carolina Romare, Review of ban on smacking in Sweden, Pepa o le Sā'ili'iliga 88*

[6] A.K. "Spanking and crime rates." *The Economist.* (15 July 2013). Retrieved from https://www.economist.com/blogs/charlemagne/2013/07/spanking-and-crime-rates.
[7] United Kingdom and Czech Republic
[8] A.K. "Spanking and crime rates." *The Economist.* (15 July 2013). Retrieved from https://www.economist.com/blogs/charlemagne/2013/07/spanking-and-crime-rates.

O lenei va'aiga i le 'auala ua fa'atino e Suetena, ua fesoasoani fo'i i le tali o se tasi o atugaluga na lāgā i le gāsologa o le Sā'ili'iliga:

> "E lelei lava le fai mai e fa'atino polokalame o tausiga lelei a mātua. A o nā polokalame e māsani lava ona fausia mo 'āiga papālagi."
>
> *Family Violence Workshop participant, Apia, November 2017*

O le fa'amatalaga si'i sa'o mai Suetena 'olo'o fa'ailoa mai ai, e pei lava na fausia sa'o mai la latou polokalame mai le Fa'asāmoa ma le mālosi'aga o talatalanoaga, fefa'asoaa'iga; o tama a tagata e fafaga i upu, a o tama a manu e fafaga i fuga o lā'au.

E mālosi le mana'oga e sa'ili ni 'alofaga e fa'apea ai e lē tatau ona māfaufauina le fa'asā o fa'asalaga sasa, 'auā e to'atele e lē iloa lava se isi 'auala. O le nātura o le tagata o le fefe i se mea e lē iloa. Peita'i, e pei ona iai le fuaitau 'olo'o i luga, 'ātonu o se mea e matuā lē iloa, ma o tali, na iai lava i le Fa'asāmoa i lenei taimi 'ātoa. Ua na'o se tulaga o lesona sa iai i aso ua tuana'i, ua galo ma leiloa atu i le gāsologa o aso.

E le'i iai se manatu o le Sā'ili'iliga i le 'āmataga e iai se fautuaga e fa'asā fa'asalaga sasa. E o'o fo'i lava i ulua'i la'asaga o le Sā'ili'iliga, le'i talanoaina fo'i e Komesina. Na fa'atino le fa'agāsologa o le Sā'ili'iliga i le agaga o le fetāla'i. O le iloiloga 'āto'atoa o molimau uma, na'o le tasi lava le taunu'uga na i'u i ai – e tatau iā Sāmoa ona āga'i atu e fa'asā fa'asalaga sasa ma upu mālolosi e lafo i tamaiti i totonu o 'āiga. E lē gata ina soli ai le Fa'asāmoa ma aiā tatau a le tamaitiiti, a o le 'āmataga fo'i lea o le tele o sāuāga i le atunu'u i aso nei. Fa'ato'ā mafai ona momotu a'ia'i le ta'amilosaga o sāuāga, pe 'āfai e tausi ma a'oa'i tamaiti e **lē** o se tali sāuāga. E fa'alagolago le fa'amanuiaina o fautuaga uma i lenei Līpoti, i le talia o fa'asalaga sasa ma upu mālolosi e fa'atonu ai tamaiti, o sāuāga lava ia, ma e lē toe talia ia faiga fa'apea o latou taunu'uga. O se itū fa'amālosi'au, e fōliga mai ua 'āmata ona vavala mai ata o le mālamalama ma le talia e Sāmoa.

> "So'o se sāuāga lava, po o le tino, māfaufau, po o lagona, o sāuaga uma. O sāuāga lava o sāuāga. Tatou te taumafai e 'alo ma fa'apea ane o le fa'atonu. Peita'i, e lē o le sa'o lea, o sāuāga lava. E lē tatau ona talia."
>
> *Father Lui Sanele, Avanoa fa'alaua'itele e fa'aleo ai manatu*

'Ae lei faia se i'uga fa'ai'u o le āga'i atu i le fa'asāina o fa'asalaga sasa o se mea lelei mo Sāmoa, e tatau ona tali atu i ni atugaluga fa'aopoopo se lua na fa'ao'oina mai i le Sā'ili'iliga.

Mnatu Lē Fa'avaea 15: O le fa'asā o fa'asalaga sasa, o lona uiga 'ole'ā to'atele mātua e i'u ina falepuipui.

O le tulaga sa'o: "E lē falepuipui se matua i se sasa e tasi, e pei lava ona lē falepuipui se tagata matua pe 'ā tasi se pō i se isi tagata matua."[9] O le fa'apea mai o se tulafono fa'apea 'ole'ā solo atu ai mātua i le falepuipui, e fa'ailoa mai ai, ua matuā fa'atelē fa'atelē atu e le tagata na fa'aleoina lea atugaluga tulaga sa'o ma e

[9] Jonas Freden. "First ban on smacking children." *Swedish Institute.* (21 May 2018). Retrieved from https://sweden.se/society/smacking-banned-since-1979/. Document 87 Inquiry anthology.

fa'ailoa mai ai, 'olo'o sa'ili e lea tagata se 'alofaga e fa'aauau ai le sasaina o tamaiti. Na'o tagata mātutua e fai ma māsani le sasa ma/po o le so'ona fasi o a latou fānau, e i'u ina o'o atu i leoleo ma maua ai se i'uga e falepuipui.

Manatu Lē Fa'avaea 16: O le fa'asā o fa'asalaga sasa 'ole'ā fa'ateteleina ai solitulafono.

O le tulaga sa'o: Talu ai le lavelave o uiga o fua fa'atatau o solitulafono, e faigatā ona 'atofa māfua'aga ma taunu'uga e feso'ota'i ma fa'asalaga sasa.

E leai se molimau maumaututū e fōliga mai ai e sa'o lea manatu, ma ua fa'ailoa mai i sā'ili'iliga, o le fa'asāina o fa'asalaga sasa e mafai ona fa'aitiitia ai fua fa'atatau o soligātulafono ma i'u atu i isi taunu'uga lelei mo tagata lautele. O se fa'ata'ita'iga, o le fua fa'atatau o solitulafono fasioti tagata a Suetena o se tasi o fua fa'atatau aupito maualalo i le lalolagi.

Ua maua e le Sā'ili'iliga, e fānau mai e sāuāga isi sāuāga ma o lea lā, o se la'asaga e mautinoa e o'o i ai, o le fa'ateteleina o solitulafono o sāuāga mātuiā. Na līpotia mai e leoleo le fa'ateteleina o sāuāga mata'utia, ua lagolagoina ai lenei i'uga. E lē gata i lea, o mea tutupu ona o sāuāga, e iai taunu'uga e si'itia ai le lamatiaga mai isi itū'āiga solitulafono. E si'itia ai le aofa'i o tamaiti e fa'ama'amulu mai āoga, e o'o atu ai i le leai o se tupe maua, ma o'o atu ai i le gaoi. E o'o atu ai i āmioga lē talafeagai tau agafeso'ota'i, ma o'o atu ai i le solitulafono. E leai se taunu'uga se tasi o sāuāga e feso'ota'i ma le fa'aitiitia o solitulafono.

'Āfai e fai se i'uga o fa'asagala sasa ma upu mālolosi uma e fa'atonu ai tamaiti o sāuāga, e fōliga mai lā e maualuga le avanoa e fa'ateteleina ai le aotelega o le fua fa'atatau o solitulafono. Peita'i, o le fa'asāina o le fa'asalaga sasa, e iai le avanoa 'ole'ā fa'aitiitia ai le fua fa'atatau o solitulafono.

Masalo e to'atele e tete'e mālosi i le fa'asāina o fa'asalaga sasa. Peita'i, o le tē'ena o lenei sini, o le fa'asalaina lava lea o le faitau afe o tamaiti ma tagata mātutua e pei o Tavita,[10] Solomona,[11] Teuila,[12] Masina[13], Lani[14] po o Sisilia,[15] i se ōlaga o tīgā ma pagātia o le māfaufau ma le tino, māfatiaga, po o le oti e le'i tāitai le ōlaga. O i latou e fa'alavelave i le āga'i atu i luma, o tagata ia e tē'ena le Fa'asāmoa, le Fa'avae, le afioga a le Atua, ma aiā tatau a tagata soifua.

[10] Case Study 1.
[11] Case Study 2.
[12] Case Study 3.
[13] Case Study 10.
[14] Case Study 6.
[15] Case Study 7.

Peita'i, e iai fo'i i latou 'ole'ā talia ma i latou e i'u ina talia i le gāsologa o aso. O le vaitaimi lenei, e lē aogā le lafo o le sesē ma tautu'ua'i, e lē maua ai se lelei. O le mea aogā, o le taga'i toto'a pe fa'apēfea tonu ona 'ausia le taunu'uga fa'amoemoeina.

E lē mafai, pe talafeagai fo'i ona manatu e mafai ona 'ausia ā taeao pe ina ua pāsia se tulafono. O le meamoni e iai i latou e tete'e ma e iai tagata e mana'omia le taimi e talia ai nei i'uga ma e mana'omia ai se vaitaimi e fa'atino ai suiga. E lē mafai, pe fesoasoani fo'i se manatu e mafai ona fa'atino e mātua se 'auala fou e aunoa ma le tu'uina atu i ai o tomai ma le lagolago mana'omia e mafai ai.

"O le fesoasoani i mātua ma tagata e va'aia tamaiti ia mālamalama i le tāua o 'auala lelei, e lē sāuā e fa'atonu ai tamaiti i le ātīna'ega o tamaiti, ma feso'ota'iga māfanafana i le vā o mātua ma tamaiti, e fa'aitiitia ai fa'atinoga sāuā a mātua, fa'atupu ai feso'ota'iga lelei, ma fa'atupu ai pea lagona o le māfanafana i le vā o tamaiti po o tagata e va'aia tamaiti ma tamaiti – o ni itū uma e fesoasoani e tāofia ai sāuāga fa'asaga i tamaiti.

O le iloiloga o le aogā o nei polokalame ua fa'aalia ai fo'i o lenei 'auala o le tāofiga, e la'iitiiti ifo le tau, nai le totogi mo taunu'uga o sāuāga fa'asaga i tamaiti."

INSPIRE: 7 Strategies for Ending Violence Against Children, WHO, Pepa o le Sā'ili'iliga 48

O i'uga a le *WHO* 'olo'o lagolagoina ai i'uga a le Sā'ili'iliga, e la'iitiiti mamao le tau o le fa'afetaia'iga o sāuāga i totonu o 'āiga, nai le tau mo le tamāo'āiga, o le lē fa'afetaia'ia o le fa'afītāuli. O le fa'amutaina o fa'asalaga sasa ma sāuāga fa'asaga i tamaiti, e lē gata ina mafai ona fa'aitiitia ai sāuāga i totonu o 'āiga, 'ae mafai ona fa'atino i se 'auala e lē iai se tau i lona aotelega, ma e mafai ona fa'amanuiaina ai le tamāo'āiga o le atunu'u.

E anoanoa'i fa'ata'ita'iga o polokalame mai vaega 'ese'ese o le lalolagi i tausiga lelei a mātua, e mafai ona maua mai ai e Sāmoa ni fesoasoani e tu'uina atu ai i mātua tomai mana'omia e tausi ma aoa'i ai a latou fānau i si'osi'omaga o le alofa ma leai ni sāuāga. O se fa'ata'ita'iga e tasi e lagolagoina ai i'uga o le tau o sāuāga, o se iloiloga o ni polokalame e 20 e asiasi atu ai i 'āiga e tu'uina atu fesoasoani lagolago i vaega 'ese'ese o le Iunaite Setete o Amerika. Na maua e le iloiloga o nei polokalame na iloga le fa'aitiitia o le leaga o le faiga o tamaiti, ma o se tasi o ia polokalame e ta'ua o le *Nurse-Family Partnership (**NFP**)* na maoa'e le lelei o taunu'uga.[16]

"Na 'āmata le NFP i le 1977 i le lagolagoina o le fa'atupuina o se si'osi'omaga saogalēmū i le 'āiga ma tausiga lelei a mātua, e ala i le fesoasoani ia maua feso'ota'iga ma 'au'aunaga tau soifua mālōlōina ma agafeso'ota'i. O le 'ogātotonu o lenei polokalame o tausi soifua resitalaina, e fa'atinoina asiasiga i 'āiga talavou e maualalo tupe maua, i ulua'i tausaga e lua o le ōlaga o a latou fānau. O taunu'uga lelei i tausaga na mulimuli ane, na aofia ai le fa'aleleia o le soifua mālōlōina 'ae le'i fānau le pepe, fa'aitiitia manu'aga o tamaiti, fa'aitiitia ma'itaga e le'i mana'omia, si'itia le aofa'i o tinā e faigaluega.

[16] World Health Organisation. (2016). *INSPIRE: Seven Strategies for Ending Violence Against Children*. Document 48 Inquiry anthology.

O le iloiloga tulituliloa i le mavae o le 15 tausaga na līpotia ai le 48% o le fa'aitiitia o sāuāga fa'asaga i tamaiti ma le tu'ulāfoa'iina, i 'āiga na maua asiasiga mai le polokalame, fa'atusatusa i 'āiga e le'i o'o i ai asiasiga.

O se vā'ili'iliga o le tau ma le aogā o le polokalame na iloa ai e fa'afāina tupe na fa'asaoina nai le tupe na fa'atino ai.
O le 'auala a le NFP ua fa'alauteleina nei i vaega uma o le Iunaite Setete ma ua fa'atino nei i Ausetalia, Kanata, Peretānia ma isi atunu'u."

INSPIRE: 7 Strategies for Ending Violence Against Children, WHO, Pepa o le Sā'ili'iliga 48

O le NFP ua na'o se fa'ata'ita'iga se tasi, 'ae tele isi polokalame 'olo'o iai, e aofia ai polokalame ua fausia fa'apitoa mo atunu'u e maualalo pe 'ogātotonu le tulaga o le tamāo'āiga[17] ma e mafai ona taga'i i ai Sāmoa. Peita'i, e mafai fo'i ona fa'aaogā e Sāmoa lana aganu'u e fausia ai polokalame o tausiga lelei a mātua. E tele alagā'upu, talitonuga fa'avae ma fa'atinoga e mafai, ma e tatau ona fa'aaogā i polokalame o tausiga lelei a mātua e fa'a'autū i le talitonuga fa'avae o le leai o ni sāuāga. Ua fa'amāonia le aogā lelei o le fa'aaogāina o manatu fa'aleaganu'u i le lagolagoina o suiga lelei.

Fa'amatalaga Fa'amālamalama 19 o le Sā'ili'iliga: O ā tausiga ma a'oa'iga lelei a mātua?

O tausiga ma a'oa'iga lelei a mātua o se 'auala lautele o le tausiga ma le a'oa'iga o tamaiti e fesoasoani e fa'atupu se so'otaga vāvālalata o le alofa, i le vā o mātua ma fānau, e fa'avae i feso'ota'iga ma le amana'ia, o ni talitonuga fa'avae o le Fa'asāmoa. E lautele atu nai le tausiga ma le a'oa'iga e leai se sasa, ma e tolu ona vaega tetele:[18]

- E fa'ata'atia tulafono ma taunu'uga, e talatalanoa so'o i ai ma tulituliloa;
- E tulimata'i e mātua le fesoasoani i tamaiti e teufatu i loto le āmio pūlea, ina ia mafai ona ātīna'e le pūlea o a latou āmio e i latou lava, 'ae lē o le usita'i i fa'atonuga ona o le fefe i le fa'asalaga;
- E fa'aaogā e mātua tomai o le fa'alogologo ma mālamalama i māfaufauga o tamaiti. O lenei faiga e maua ai le avanoa o mātua e fa'asa'o ni manatu sesē, po o ni māfaufauga ua lē sa'o le fa'asologa.

O ni mea faigōfie e mafai ona fa'aaogā e mātua e tu'uina atu tausiga ma a'oa'iga lelei i a latou fānau e aofia ai le:

- Faia fa'asalaga e tonu ma ia talafeagai ma le āmioga;
- Ia to'afīlēmū;
- Fa'amālamalama i le tamaitiiti le sesē o le āmio ua fai;
- Fa'atonu le tamaitiiti i se galuega e fai, o lona fa'asalaga lea.

[17] The Parenting for Lifelong Health programme in South Africa is one such example and is reporting great success in reducing prevalence of physical and emotional violence and improved parental skills.
[18] Barbara Harvey. "Positive Parenting Defined." (12 December 2015). Retrieved from https://www.kars4kidsorg/blog/positive-parenting-defined/.

O le aotelega, na maua e le Sā'ili'iliga o fa'asalaga i le sasa ma upu mālolosi o sāuāga lava ia, talu ai taunu'uga lē manuia e mafai ona o'o i ai, ma o ia taunu'uga e fa'ateleina ai le lamatiaga o isi sāuāga. Ua fa'aali mai fo'i i molimau, o le fa'asāina o fa'asalaga sasa e lē gata ina mafai ona fa'atino, a o polokalame e mana'omia mo le aogā lelei, e tele ina fausia mai talitonuga fa'avae o le Fa'asāmoa, ma e faigōfie ona fa'atupe i tupe fa'asaoina 'ole'ā maua ai. E lē gata i lea, o fīnauga uma e lagolago ai fa'asalaga sasa, ua fa'ailoa atu e lē sa'o, pe leai fo'i se 'a'ano o iai. Na tu'ua ai le Sā'ili'iliga na'o le tasi le 'auala e fautuaina.

FAUTUAGA 5: Ia talia e le Mālō le 'ave'esea o le fuai'upu 14 o le *Tulafono o Tamaiti 1961* ma fa'atino fefa'asoaa'iga talafeagai. Āga'i mālie atu i le fa'asāina o fa'asalaga sasa ma upu mālolosi i totonu o 'āiga.

- Si'itia le mālamalama o mātua i taunu'uga o fa'asalaga sasa ma upu mālolosi e āfāina ai tamaiti;
- Ātīna'ega o polokalame i tausiga ma a'oa'iga lelei e fa'atino e Komiti o le Saogalēmū o 'Āiga i nu'u ma afio'aga, e ala atu i Sui o Nu'u, lotu, ma isi 'auala talafeagai;
- Māta'itūina o fua fa'atatau o sāuāga fa'asaga i tamaiti ma manatu ma uiga fa'aalia i tausiga ma a'oa'iga o tamaiti i fa'asalaga sasa ma upu mālolosi.

16.1.2 Feso'ota'iga ma So'otaga a Mātua ma Fānau

I'UGA 13 O LE SĀ'ILI'ILIGA: Ua lē toe talanoa mātua i fānau a ua suitūlaga sāuāga i le talanoa. O le lē lava o ia feso'ota'iga, ua fa'ateleina ai le lamatia o tamaiti mai le fa'atinoga o isi sāuāga.

O se uiga 'autū o tausiga ma a'oa'iga lelei a mātua, o feso'ota'iga lelei ia i le vā o mātua ma le tamaitiiti, ma e lē se tulaga lā e fa'ate'ia ai le maua e le Sā'ili'iliga, ua tele ina leai ni feso'ota'iga fa'apea i Sāmoa. O se uiga o le Fa'asāmoa o le fefa'asoaa'i. O le mea e tatau ona fai e le tasi, e fa'apea fo'i le isi. O se tasi fo'i lea o a'oa'oga 'autū a le Tusi Pa'ia[19] ma se talitonuga fa'avae 'autū o aiā tatau a tagata soifua.[20] Peita'i, ua tele ina mōu atu lenei fefa'asoaa'i ma le femulumulua'i i Sāmoa ma o feso'ota'iga i le vā o mātua ma fānau, o se tasi lea o vaega ua a'afia ai.

E tele taunu'uga o feso'ota'iga aogā lelei i le vā o mātua ma fānau i le fa'aitiitia o lamatiaga o sāuāga i totonu o 'āiga. Muamua, e fesoasoani e fausia se so'otaga vāvālalata a le matua ma le tamaitiiti e 'ave'esea ai le lamatiaga o le lagona e le tamaitiiti o le tu'ulāfoa'iina, o se mea ua fa'ailoaina e le Sā'ili'iliga, e tupu i le fa'atonu i le sasa ma upu mālolosi.

O lonalua, e maua ai e tamaiti se avanoa e fa'aleo atu ai ni popōlega, ma talatalanoa ai i mea o mānatunatu i ai. E lua taunu'uga lelei e o'o i ai – e mafai ona fa'aitiitia ai le avanoa o le māfatia i le fa'aputu i le māfaufau

[19] Matthew 7:12 – "All things whatsoever ye would that men should do to you; do ye even so to them."
[20] *Universal Declaration of Human Rights*, Article 1 – "All human beings are born free and equal… and should act towards one another in a spirit of brotherhood."

o mea ‘olo’o mamafa ma popole i ai le tamaitiiti ma mafai ona i’u atu i sāuāga, ma e maua ai fo’i e le matua le avanoa e mālamalama ai, ma ta’ita’i le ātīna’e fa’aleagaga o le tamaitiiti. ‘Ātonu ua ‘āmata ona tōsina le tamaitiiti i ana tupulaga fa’atupu fa’alavelave, po ua sesē foi lana fa’auigaga o āmioga talafeagai. O le talatalanoa pea e mafai ona fesoasoani i mātua e iloatino ma fa’asa’o nei mea, ma fa’aitiitia ai lamatiaga o fa’afītāuli i le āmio.

O se fa’ata’ita’iga ma’oti o le aogā o feso’ota’iga aogā lelei e mafai ona tāofia pe puipuia ai mai sāuāga i totonu o ‘āiga, o le itū lea i sāuāga tau faigā ‘āiga. O se matā’upu ‘olo’o tapu. ‘Āfai e mafai ona talatalanoa mātua i faigā ‘āiga fa’atāutala, o ona fōliga, ma le mea e fai pe ‘āfai e tupu, ua iai lā i le tamaitiiti meafaigaluega na te mana’omia e tāofi ai, pe fa’atino la’asaga e mafai ai ona tāofia, ma maua ai le tausiga e mana’omia, ina ia fa’afo’isia lona mālōlōina.

E faigōfie lava ona talanoa e uiga i feso’ota’iga aogā lelei, peita’i, e mafai ona fōliga faigatā le iloa pe fa’apēfea ona fa’atino, talu ai le itiiti o tomai ‘olo’o iai nei.

Fai mai le Fa’asāmoa, e tatau ona fafaga tamaiti i upu, ma o le talanoa, e lua itū e aofia i se talanoaga. Fa’ato’ā mafai ona ‘ausia lea tulaga pe ‘āfai e ‘augōfie le matua e fa’alogo ma fa’asoa atu i le tamaitiiti. Ina ia mafai ona fai ni talanoaga aogā, ‘aemaise lava i matā’upu ma’ale’ale e pei o sāuāga tau faigā ‘āiga, e mana’omia le iai o upu talafeagai e mālamalama i ai tagata. O Sāmoa, e tele ina lē fa’apea. E mana’omia lā le fa’alautele atu o upu, ina ia mafai e tamaiti ma mātua ona talatalanoa mamā ma au’ili’ili i nei matā’upu.

O nei mea uma e mafai ona ‘avatu i ai le fa’amālosi’au, fa’atalatalanoa, ma fa’atino, o se vaega o so’o se polokalame o tausiga ma a’oa’iga lelei a mātua.

FAUTUAGA 6: Toe fa’amautū le māsani o le Fa’asāmoa o feso’ota’iga aogā lelei i le vā o mātua ma le tamaitiiti.

- A’oa’o atu feso’ota’iga aogā lelei ma talitonuga fa’avae o le Fa’asāmoa e feso’ota’i, o se vaega o le polokalame o tausiga ma a’oa’iga lelei a mātua.
- Ātīna’e upu e feso’ota’i ma sāuāga tau faigā ‘āiga, isi sāuāga, ma ni isi vaega o le gagana e mana’omia, ina ia fa’afaigōfie feso’ota’iga i le vā o mātua ma le fānau.

16.1.3 Manatu māsani e uiga i itūpā

I’UGA 14 O LE SĀ’ILI’ILIGA: E a’oa’oina tamaiti mai lo latou fānau mai, i manatu māsani e uiga i nafa o itūpā, ma tapu’e ātili ai se ōlaga e pūlea e ali’i, e a’oa’oina ai teine e ‘au’auna ma usita’i i ali’i, lagolagoina aiā tau faigā ‘aiga a tama, ma fausia ai se si’osi’omaga o le lē fa’asalaina o tagata fa’atino sāuāga.

O le uiga ta’atele ma le talia o se sosaiete e pūlea e ali’i i Sāmoa, ua iloa ‘olo’o lalago ai le tele o fa’atinoga o sāuāga i totonu o ‘āiga, ma ua a’oa’oina mai i le fānau mai o se tamaitiiti le tulaga maualalo ifo o

tama'ita'i. Ina ia aogā lelei taumafaiga i le fa'afetaia'iga o sāuāga i totonu o 'āiga, e tatau ona tāofia le teufatu i manatu o tamaiti o lea fa'atūlagaga, e fausia ai la latou va'aiga i le ōlaga.

O le 'auala 'autū e 'ausia ai lenei mana'oga, o a'oa'oga ma le si'itia o le iloa ma le mālamalama. E mana'omia le a'oa'oina o 'āiga i taunu'uga e āfāina ai, i le lagolagoina o manatu māsani e uiga i itūpā, ma mālamalama 'āto'atoa i le so'otaga i le vā o 'auala e tausi ma a'oa'i ai tamaiti, le 'au'auna ma usita'i o tama'ita'i i ali'i, aiā tau faigā 'āiga a ali'i, ma le ta'atele o itū'āiga sāuāga uma.

E tatau ona tu'uina atu le fa'amālosi'au i ni 'auala 'ese'ese o le faiga o tamaiti o ni tagata tutusa, ma fa'alauiloa atu fa'amanuiaga e maua mai ai. E mafai fo'i ona a'afia le ātīna'e o tamaiti i meata'alo e tu'uina atu i ai. O le fa'atapula'aina e mātua o filifiliga a le tamaitiiti e fa'avae i lona itūpā, e mafai ona fa'atapula'aina ai le ātīna'ega o ni tomai patino ma fa'agāsologa o le māfaufau.[21] O le 'ave'esea e mātua o pā pupuni tau itūpā, 'oleā fa'a'āu'upegaina ai e mātua tama ma teine. 'Ole'ā o latou maua ai tomai ma iloa lautele atu, ma o se tasi o taunu'uga, 'ole'ā fesoasoani i le fa'aitiitia o le lamatiaga mai sāuāga i totonu o 'āiga pe 'ā 'avea ma tagata mātutua.

O le uiga lenā o le tulaga tutusa o itūpa. O le fa'amautinoa e tutusa tulafono e ola ai ma avanoa e maua e tamaiti, po o le ā lava le itūpā, ma o latou lagona i itūpā. O le fa'atinoga, e fa'ataunu'u uma e tamaiti fe'au i le 'āiga, e tutusa avanoa e tā'a'alo ma sā'ili'ili ai, tutusa avanoa e tau'ave ai taunu'uga o a latou lava fa'atinoga.

O le fa'aaogāina o lenei 'auala, 'ole'ā 'āmata ai ona talalautasi le sosaiete e pūlea e ali'i, tafi'esea le 'au'auna atu ma usita'i o teine i ali'i ma tāofia ai le aiā tau faigā 'āiga a tama talavou ma ali'i – o mea uma nei 'ole'ā telē se sao i le fa'afetaia'iga o sāuāga i totonu o 'āiga.

O le tulaga tutusa o itūpā o se vaega lē matō'esea lea o le Fa'asāmoa moni. E lē mafai ona 'ausia le fepuipuia'i i nu'u ma afio'aga pe 'āfai e lē iai. O le tausiga ma a'oa'iga tutusa o tamaiti e lē fa'apito i se tasi, o le toe fo'i lava lea i le tupuga o le Fa'asāmoa, ma e tatau ona 'ogātotonu le Fa'asāmoa i le a'oa'oina atu o tausiga ma a'oa'iga lelei a mātua. E mafai ona fesoasoani ātili i lenei 'auala le ta'iala o le Feagaiga i Aiā Tatau a le Tamaitiiti, ina ia fa'amautinoa le tutusa o tamaiti uma, ma fa'ata'atia tulaga aupito maualalo e tatau ona 'ausia, e fa'amautinoa ai lo latou ātina'e aupito lelei mo lo latou manuia.

E mana'omia le lagolagoina o nei taumafaiga e isi vaega mo le toefuata'iga ua fa'ama'oti i le gāsologa o le Sā'ili'iliga, e pei o le fa'aleleia ātili o le sao o 'auala o fa'asalalauga, e taga'i toto'a ai i latou e faia fa'asalalauga fa'alauiloa, i taunu'uga e mafai ona o'o i ai lo latou lagolagoina o le tulaga tutusa o itūpā.

FAUTUAGA 7: Lagolagoina, fa'alauiloa ma fa'atino se 'auala e tutusa ai itūpā i le tausiga ma le a'oa'iga a mātua o tamaiti, e fa'avae i le Fa'asāmoa ma aiā tatau a tagata soifua, e fa'afetaia'i ai le sosaiete e pūlea e ali'i, le 'au'auna atu ma usita'i o tama'ita'i i ali'i, ma aiā tau faigā 'āiga a ali'i.

[21] BBC news. "Gender specific toys: do you stereotype children?" (16 August 2017). Retrieved from www.bbc.com/news/av/magazine-40936719/gender-specific-toys-do-you-stereotype-children.

- A'oa'o atu taunu'uga o le lē tutusa o itūpā ma le fa'a'ese'esega o le tausiga ma a'oa'iga o tamaiti e fa'avae i itūpā, i polokalame mo mātua, i tausiga ma a'oa'iga lelei o tamaiti.
- Tu'uina atu ta'iala e mafai ona fa'atino i 'auala e tausi ma a'oa'i ai tamaiti i 'auala e lē fa'ailoga itūpā, ma fa'amanuiaga e mafai ona maua mai ai e se tamaitiiti.
- Māta'itū taunu'uga o polokalame.

16.2 Nafa i itūpā

I'UGA 15 O LE SĀ'ILI'ILIGA: O Sāmoa o se sosaiete e pūlea e ali'i, e maualalo ifo ai le tulaga o tama'ita'i i le tulaga o ali'ii. O le lē tutusa o tutusa o tulaga o itūpā, o le māfua'aga 'autū lea o sāuāga i totonu o 'āiga i Sāmoa, ma le meafaigaluega 'autū o le fa'atūmauina o le maualuga atu o ali'i.

I'UGA 16 O LE SĀ'ILI'ILIGA: O le sosaiete e pūlea e ali'i 'olo'o fa'amālosia ma fa'atūmauina e ala i:

- Le manatu ta'atele i Sāmoa o uiga o tama tāne;
- Aiā tau faigā 'āiga a ali'i;
- Le lē lava o feso'ota'iga i totonu o so'otaga;
- Le tu'ua'ia o le tagata āfāina ma le ta'atele o le teufatuina o māfua'aga fa'atū mai e lagolago ai le fa'atinoga o sāuāga i totonu o 'āiga.

Toeitiiti lava iai i le 'ogātotonu o sāuāga uma i totonu o 'āiga le uiga i Sāmoa o se sosaiete e pūlea e ali'i. E tupu a'e ai le lē tutusa o tulaga o itūpā ma o'o ai ina mana'omia sāuāga i totonu o 'āiga, o se 'auala e fa'atūmau ai. E mana'omia lā le fa'afetaia'iga o itū uma o le sosaiete e pūlea e ali'i ma fa'atupu ai se sosaiete e fa'avae i le tulaga tutusa o ali'i ma tama'ita'i, ina ia mafai ona fa'afetai'ai sāuāga i totonu o 'āiga.

Na maua e le Sā'ili'iliga ni 'auala se tele 'olo'o lagolagoina ma fa'amālosia le sosaiete e pūlea e ali'i, ma e tatau ona talatala 'ese nei 'auala uma ina ia mafai ona fa'ata'atia se fa'avae mo se sosaiete e lē iai ni sāuāga.

"O nei mea uma 'olo'o fa'amālosia e ala i nafa o itūpā – e fa'amamā e fafine fale ma lotoā ma fai le kuka, 'ae fai e tamāloloa fa'ai'uga ma isi mea uma e mānana'o i ai. O mea uma nei 'olo'o tafu ai le afi o sāuāga i totonu o 'āiga. O a'u e i le vaega to'aitiiti o tamāloloa i lo'u nu'u e fai tāgāmea ma kuka, ma ou te lē mā e ta'u atu. 'Ana fa'apea e taumafai la'itiiti ane tamāloloa uma, pei o le taumafai e sui nafa o itūpā, 'ātonu 'ole'ā mafai ai ona tatou fa'afetaia'ia nei fa'afītāuli."

Faife'au o le Lotu na 'auai, Avanoa fa'alaua'itele e fa'aleo ai manatu

E mautinoa lava e to'atele tagata ma mālosi le tete'e i ni manatu e fa'atū atu ia tutusa itūpā, ma ua fa'afofoga fo'i le Sā'ili'iliga i tete'e e fa'apea mai, "o la tatou aganu'u e fa'ama'oti ai nafa o itūpā", ma le "o lea ua tulaga tutusa itūpā". E iai le sa'o i le manatu muamua, e fa'ama'oti e le aganu'u nafa o itūpā. Peita'i, o nei nafa e fa'avae i le mālosi fa'aletino, 'ae lē o le tausisia o itūpā (mo se fa'ata'ita'iga, o le faiga o le umu). Ua māe'a fa'aalia e le Sā'ili'iliga, e iai suiga o le aganu'u i le gāsologa o aso, ma o le tulaga tutusa o itūpā, o se vaega fa'avae o le Fa'asāmoa i aso ua tuana'i. O le tē'ena o le fa'afetaia'iga o le lē tutusa o tulaga o itūpā, o le vave lea ona 'avea lea o le Fa'asāmoa o se aganu'u māotua i se lalolagi ua āga'i atu i le tulaga tutusa o itūpā. O le fa'amālosia o le tulaga tutusa o itūpā i le taimi nei, o le toe fa'amālosia lea o le Fa'asāmoa ma mautinoa lona talafeagai pea mo tupulaga o le lumana'i.

E iai fo'i tagata tete'e ona e faigatā ona suia manatu ua maua'a ma ta'atele e lē gata i le lautele o le atunu'u, a o tagata ta'ito'atasi. Tusa lava pe iai se ali'i e faitau i lenei līpoti ma mana'o e sui ana āmioga, e tele manatu 'olo'o iai pea mai isi tagata e faigata ai ona fa'asāla'ese. Na'o se tagata loto toa ma mālosi le loto e mafai ona fa'afeagai ma le ulagia o ia e ana uō i lona lē talia o manatu māsani i uiga o tama tāne.

O le 'ave'esea o le sosaiete e pūlea e ali'i o se fa'agāsologa e mafai ona 'ausia ona fa'amoemoega i le gāsologa o aso, pe 'āfai e fa'ataunu'uina manuia fua fa'ata'atitia, galuega fa'atino ma ta'iala e aofia ai tagata uma o le atunu'u. E tatau fo'i ona ta'ita'i i nei suiga tagata e mafai ona tōsinaina suiga, tama'ita'i, fa'afāfine ma ali'i, 'aemaise lava ali'i e lē fefefe e tūla'i mai ma lu'iina tulaga 'olo'o iai nei. Ua tele tele taimi e fa'apea ane ai o sāuaga i totonu o 'āiga ma sāuāga fa'avae i itūpā o se "fa'afītāuli tau tama'ita'i". Peita'i, e lē se matā'upu tau tamaita'i. O le matā'upu a tagata uma o le atunu'u e mana'omia ai le 'auai o tagata uma, ina ia fa'amanuiaina taumafaiga e fa'afetaia'i ai.

Ma e lē tatau fo'i ona taga'i i le tulaga tutusa o itūpā, o se mea ua fa'amamulu atu ai se mālosi e ali'i i tama'ita'i. E fa'aleleia itūpā uma i nei suiga ma maua ai se fa'avae o se atunu'u e to'afīlēmū, fa'apalepale, ma lē toe mana'omia ai le tanu i lalo o lagona o tagata, ma e lagona leo o tagata uma i totonu o le fa'avae fa'aleaganu'u.

> "E tatau fo'i ona "fa'a'āu'upegaina" ali'i, fa'asa'oloto mai manatu māsani e uiga i itūpā, atugaluega, le lē mautonu ma manatu sesē, ma, i le tele o taimi, le lē mālamalama, e i'u ai ina fa'aaogā le mālosi e fa'atino ai le pule i o latou ta'ito'alua ma fānau."
>
> *Afamasaga Faamatala Toleafoa, Matai/Advocate, folasaga tusitusia, Pepa o le Sā'ili'iliga 6*

Ua taga'i le Sā'ili'iliga i le lautele o taunu'uga o manatu i uiga o tama tāne, e manatu ai ali'i e fai lava le mea e loto i ai, manatu e fa'amalieina o latou mana'oga tau faigā 'āiga, fa'atino sāuāga e fa'amautū ai le pule, a'o lo'o taofiofi ō latou lagona moni. Peita'i, na'o fa'atinoga faitino e mafai ona tali mai ai, 'auā latou te lē iloa se isi 'auala, ma e lē mafai ona talanoa lelei ma o latou ta'ito'alua, fānau ma le 'āiga lautele. E lē fa'amanuiaina ali'i i nei itū'āiga si'osi'omaga, ma e lē maua ai fo'i se manuia e tinā, tama'ita'i, tamaiti, mātua, mātua o mātua, uō, po o le atunu'u lautele. O se sosaiete e pūlea e ali'i e i'u atu i taunu'uga uma ua 'oto'otoina i le **Vaega III**, 'ae leai ni fa'amanuiaga e maua mai ai. O le suiga o lenei faiga, 'ole'ā manuia ai tagata ta'ito'atasi uma i Sāmoa.

Ina ia mafai ona ‘ausia le tulaga tutusa o itūpā, e tatau ona fa’afetaia’i itū uma ua fa’ama’oti i le **i’uga 14**, ‘olo’o mafai ai ona fa’aauauina le sosaiete e pūlea e ali’i. E tatau ona toe fa’amatalaina i Sāmoa uiga o le tama tāne, ina ia lē toe fa’avaeina i le maualuga ma fa’atino e ala atu i sāuāga. Fa’ato’ā mafai ona fa’atinoina lenei suiga i le gāsologa o aso e ala i se ‘auala māopoopo ma fe’au e lē fesuisuia’i.

O lenei galuega e mana’omia ai le galulue fa’atasi ma o se fa’agāsologa e fa’aauau pea, e aofia ai sui mai vaega ‘ese’ese uma o tagata i le atunu’u. O le fa’agāsologa lava ia o se fa’atinoga tau a’oa’oga ma ‘ole’ā mautinoa ai o taunu’uga o galuega a le atunu’u, e lē o se mea e mafai ona ‘ausia i totonu o le Sā’ili’iliga.

E lē gata i lea, e iai ni ‘auala lautele e tatau ona fa’aaofia i le fa’agāsologa ina ia mautinoa e aogā lelei taumafaiga e fa’afetaia’i ai le lagolagoina o le sosaiete e pūlea e ali’i i totonu o Sāmoa:

- Fa’afetaia’i manatu ma uiga fa’aalia uma e lē fa’avaea ‘olo’o fa’aauau ai pea le lē tutusa o itūpā e pei ona fa’ama’oti e le Sā’ili’iliga, ma fa’atino ‘āto’atoa fautuaga talafeagai;
- Lagolagoina le fefa’asoaa’i o tiute ma galuega i totonu o le ‘āiga;
- ‘Auai, a’oa’o, fa’amālosi’au ma lagolago ali’i ma tama ia tali atu i taunu’uga o a latou āmioga, e aofia ai le fa’atuatuaina i a latou āmioga tau faigā ‘āiga ma feusua’iga;
- Fa’aaogā puna’oa i le ātīna’ega ma le fa’atinoga o a’oa’oga, polokalame ma faiga fa’avae e si’itia ai le mālamalamaga i taunu’uga o sāuāga e āfāina ai tagata, ma āfāina ai le Fa’asāmoa, le Talitonuga Fa’alefa’atuatua ma soli ai aiā tatau a tagata soifua;
- Lagolago ma fa’atupu so’otaga ma feso’ota’iga aogā lelei i le vā o pā’aga vāvālalata ma mātua ma a latou fānau;
- Fa’asilasila fa’alaua’itele e ta’ita’i o upufai o mālō, ta’ita’i fa’aleaganu’u ma ta’ita’i o lotu lo latou fa’amāoni i le fa’afetaia’iga o se sosaiete e pūlea e ali’i, ma manatu ma uiga fa’aalia fa’apea fa’atinoga ‘olo’o lagolagoina, ma ia patino le tē’ena o le manatu e tu’ua’ia tagata āfāina i sāuāga i totonu o ‘āiga i mea ua tutupu ai.

FAUTUAGA 8: Fa’atulaga le tulaga tutusa o itūpā ia ta’imua i fa’amoemoega o le Ofisa mo le Tāofiga o Sāuāga i Totonu o ‘Āiga ma ātīna’e galuega fa’atino ma ‘auala e mafai ona fetu’una’i ai āmioga a ali’i ma tama’ita’i ina ia ‘ave’esea manatu fa’asosaiete e pūlea e ali’i, o le maualuga atu o ali’i, ma māta’itū taunu’uga i le va’aiga mamao āga’i atu i le lumana’i.

16.3 Fa’asāmoa ma Manatu Māsani o Tagata

I’UGA 17 O LE SĀ’ILI’ILIGA: E lautele le fa’aaogāina ma le fa’aaogāina sesē o le Fa’asāmoa e fa’amālosia ai le sosaiete e pūlea e ali’i, o le mea e i le fatu o sāuāga uma i totonu o ‘āiga.

Na maua e le Sā’ili’iliga, ‘olo’o fa’aaogāina le Fa’asāmoa e lagolago ai sāuāga i totonu o ‘āiga, ma o le taimi fo’i lava lea ua lē mafai ai e le Fa’asāmoa ona tu’uina atu le puipuiga sa māsani ai. E mana’omia le feliua’i o lenei tulaga: ia tafi’esea le ‘aumai o le Fa’asāmoa e lagolago ai sāuāga i totonu o ‘āiga, a ia toe fa’atūina

mai ‘auala o puipuiga na maua i le Fa’asāmoa. E lē faigōfie se tasi o nei fa’amoemoega e lua, ma e lē mafai fo’i ona tupu i se aso se tasi, peita’i, e mafai lava ona ‘ausia.

Na maua e le Sā’ili’iliga molimau, e fa’aaogā so’o le Fa’asāmoa e tu’ua’i i ai le maualuga a’e o ali’i nai tama’ita’i. O i latou ‘olo’o taumafai e fa’aaogā lenei manatu, ua lē gata ina o latou fa’amālosia le si’osi’omaga e lauolaola ai sāuāga i totonu o ‘āiga, a ua o latou solia talitonuga fa’avae o le Fa’asāmoa, le Talitonuga Fa’alefa’atuatua, ma aiā tatau a tagata soifua.

E fa’afeagai lea manatu ma le tulaga e iai pe ‘āfai e fa’aaogā lelei le Fa’asāmoa, e mafai e le Fa’asāmoa ona mālosi lona sao i le tulituliloaga o le tulaga tutusa o itūpā, o se mea e i’u i le fa’amālosia o le ‘āiga, - o le fatu o le aganu’u a Sāmoa, ma e mana’omia mo le soifua manuia ma le to’afīlēmū o tagata. O uiga lē matō’esea o sāuāga i totonu o ‘āiga, e fete’ena’i ma le Fa’asāmoa, ma o lea lā, o le taunu’uga tonu, ‘āfai e sa’o le fa’atinoga o le Fa’asāmoa, e tatau ona ‘avea o se meafaigaluega ‘autū i le taua fa’asaga i lenei ma’i ua pologa ai le atunu’u.

E tatau ona mālamalama ‘āto’atoa tagata o le atunu’u i le ta’atele o le fa’aaogāina sesē o le Fa’asāmoa ma ona taunu’uga, ma toe fa’atupuina le mālamalamaga i uiga tonu o ia vaega, ‘aemaise lava i so’otaga ma:

- Le nafa o le ali’i i totonu o le ‘āiga, o le pule*:* E tatau ona mālamalama lelei, e lē o le pule aoao e i’u ai ina fa’aaogā sāuāga e fa’amālosia ai le usiusita’i o tagata i lalo o lana pūlega e maualalo ifo iā te ia, a o le nafa o le ta’ita’i mo le soifua manuia ma le ātīna’e o le ‘āiga, e mana’omia ai le sao o tagata ta’ito’atasi uma o le ‘āiga.
- Le nafa o le nofotane: Ia ‘ave le fa’amamafa i le manatu o le maupaolo ‘ae lē o le nofotane, ina ia mautinoa lo latou puipuiga ma le soifua manuia o le ‘āiga. E lē gata i lea, ia amana’ia le feagaiga i le vā o ali’i ma tama’ita’i e tausisia ai le fefa’aaloaloa’i o itū uma e lua.
- Fa’aaogāina le fefa’aaloaloa’i: O le vāapiapi o le fa’aaogāina o le fa’aaloalo, e mafai ona o’o atu ai i le lē līpotiina o sāuāga i totonu o ‘āiga, talu ai le manatu o tagata āfāina, e lē mafai ona fa’ailoa atu ia mea i tagata mātutua o o latou ‘āiga. E mana’omia le ātīna’eina o ‘auala e mafai ona talanoaina ai sāuāga i totonu o ‘āiga, ‘ae tūmau pea le fa’aaloalo.
- Fa’alumaina o le ‘āiga: ‘Olo’o tutupu sāuāga i totonu o nu’u uma i Sāmoa, i so’o se ‘āiga lautele. Ua leva ona te’a le taimi e fa’apea ai e lē tatau ona talanoaina ona o se luma lea o le ‘āiga. Ua fa’alumaina le atunu’u ātoa, ma ua lē tatau ona toe lafi i tua o lenei pupuni o le lē talanoaina. Ua tatau i matai ona tūla’i mai e ta’imua i le ‘avatu i le fa’amasinoga, ma tete’e atu i ni fa’asalaga o tagata ‘olo’o taumafai e fa’ailoa atu nei sāuāga. O se tasi lenei matā’upu e mana’omia ai ta’ita’i e tūla’i mai e fa’asinoala mo le atunu’u.

O se fa’ata’ita’iga lelei tele o le ‘auala e ‘ausia ai nei fa’amoemoega e mafai ona maua i le tala ‘iā Lote ma le tinā o lona to’alua.[22] Na maliu le tinā o le to’alua o Lote ma o’o i le aso na ‘avea ai Lote o le sui tama’ita’i o le nu’u. O ia galuega, na i’u ai ina matai Lote ma ‘avea o le fai fa’ai’uga ‘autū i le ‘āiga sa māfua ai lona sāuāina. Ua fa’amati’e i le tala iā Lote, o manatu ma uiga fa’aalia o tagata, e māfua ai ona lē talisapaia tagata ‘ese’ese ma talia tagata i se ‘āiga lautele. E fa’aali mai ai fo’i, o le talia o ia tagata, e manuia ai le

[22] Case Study 18.

‘āiga i aso o i luma, e pei fo’i ona fa’amanuiaina i tomai ma manatu fa’aopoopo latou te ‘aumaia i le ‘āiga, ‘ae lē o le titina i lalo e ala i sāuāga.

E ‘ese’ese ‘auala e mafai ona fa’atalanoaina ma fa’aaogā lelei ai itū o le Fa’asāmoa ua tā’ua i luga, e aofia ai a’oa’oga, si’itia o le silafia ma le mālamalama, fa’aleleia o ta’ita’iga, le fetāla’i o māfaufauga ma le tōfā mamao a tagata uma, e pei ona iai i le tala iā Lote. E mafai fo’i ona ‘ausia mai le isi itū – toe fa’avaeina ‘auala o le puipuiga sa iai i le Fa’asāmoa, a ua ‘āia ma tafea atu i le gāsologa o aso.

I’UGA 18 O LE SĀ’ILI’ILIGA: Ua tele ina lē o toe amana’ia le vā tapuia ma le Fa’asāmoa e pei ona sa iai, ma ua ‘ave’esea ai ‘auala mana’omia o le tāofiga o sāuāga i totonu o ‘āiga e maua i totonu o le Fa’asāmoa.

I’UGA 19 O LE SĀ’ILI’ILIGA: Ua fa’alētonu feso’ota’iga i Sāmoa ma ua lē toe iai ni feso’ota’iga i le vā o ni itū se lua, ma ua fa’aopoopoina ai le ta’atele ma si’itia le lamatiaga mai sāuāga i totonu o ‘āiga.

Na maua e le Sā’ili’iliga ua ōia le vā tapuia, ‘aemaise le feagaiga. ‘Āfai e mafai ona toe fa’afo’i le mālosi o nei so’otaga, ‘ole’ā fa’apea ona maua ai se vaega o le puipuiga ‘olo’o mana’omia, e tāofia ai le tutupu o sāuāga i totonu o ‘āiga. Ua lē maua i aso nei le uiga o le feagaiga e pei ona sa iai, peita’i, e leai se māfua’aga e lē mafai ai ona toe fa’afo’i i lona tulaga sa iai, e ala i a’oa’oga, le fa’atupuina o le silafia, ma fa’apea fo’i ona faia i isi vaega o le vā tapuia. O le faia o lea galuega, o le fa’aaogāina lava lea o le Fa’asāmoa e toe fa’amautū ai ‘auala tāua o le puipuiga mai sāuāga i totonu o ‘āiga, fa’afetaia’i le lē tulaga tutusa o itūpā, ma fa’ao’o mai ai agatausili fa’aleganu’u a Sāmoa i le Senituri 21.

O se ‘auala fa’avae e mana’omia i le toe fa’afo’isia o le vā tapuia, o le tulituliloa lea o le fa’aleleia o feso’ota’iga.

> “O le toe fo’i i le vā tapuia, e mana’omia ai le tatalaina o le faitoto’a e mafai ai ona fa’alogo atu ma lagona leo o tagata ua āfāina i sāuāga i totonu o ‘āiga.”
>
> *Tagaloatele Professor Peggy Dunlop, Komesina o le Sā’ili’iliga*

Na maua e le Sā’ili’iliga o le fa’aaogā sesē o le fa’aaloalo ma le malepe o feso’ota’iga i le vā o le tāne ma le āvā ma le vā o mātua ma fānau, e o’o atu ai i se si’osi’omaga e ono tūla’i mai ai sāuāga, ma la’iitiiti ai le avanoa e aliali a’e i luga, ma maua ai le avanoa e sa’oloto ai le fa’atino sāuāga.

> “O le tatala o feso’ota’iga i totonu o ‘āiga, e tāofia ai le māsani o le lē gaganaina o sāuāga e tutupu. E matuā tāua lā le talepe o lenei māsani o le gūgū […], a ia fa’amāsani tagata i le talanoaina o matā’upu tau saogalēmū ma sāuāga. E mafai ona o’o atu ai i le solia o le tapu e feso’ota’i ma le tagata e tautala ma lona taimi e tautala ai.”
>
> *Samoan people’s understanding of primary prevention of violence against women’, Pepa o le Sā’ili’iliga 91*

E ui ina ‘ole’ā pa’ū atu i Fono a Nu’u, matai o ‘āiga ma tagata o ‘āiga le filifiliga o ‘auala aupito sili e ātīna’e ai feso’ota’iga aogā lelei e tāofia ai sāuāga i totonu o ‘āiga, e fautuaina e le Sā’ili’iliga le fa’amamafaina o avanoa e mafai ai ona līpoti atu sāuāga i totonu o ‘āiga, fa’avaeina o feso’ota’iga ma talanoaga faifaipea i totonu o ‘āiga, ina ia tāofia le fa’aputuputu i loto o mea e lē fiafia pe popole ai.

O le vaega mulimuli o ia fautuaga, o se mea ‘olo’o ta’ui i le Fa’asāmoa, a ua seāseā toe faia i nei aso. O talatalanoaga ia a ‘āiga. Mo ‘āiga ‘olo’o tau’aveina pea lea māsani, e mafai ona ta’i masina pe fa’asoso’o atu fo’i ma ia aofia ai e lē gata i mātua ma fānau, a o le ‘āiga lautele. Peita’i, o sāuāga i totonu o ‘āiga e lē se matā’upu e talanoaina, ma o le i’uga, e lē talanoaina ai lava lagona, fa’afītāuli ma mea mamafa ‘olo’o teufatu e tagata, o ni itū ua va’aia e le Sā’ili’iliga, e o’o atu ai i sāuāga i totonu o ‘āiga.

O le talatalanoaga lā o se avanoa aupito sili lea mo le tu’uina atu o le avanoa i tagata ta’ito’atasi o le ‘āiga e fa’aleo ai o latou popōlega, ma fa’apea ona fai i ai se fa’ai’uga a le matai, ina ua māe’a ona soālaupule ma lona ‘āiga. E to’atele tagata na fa’aalia i le Sā’ili’iliga, o talanoaga ma lotu afiafi o ni avanoa aupito sili lea e fa’amālosi’au ai i talatalanoaga fa’apea, peita’i e lē o fa’aaogāina ‘āto’atoa lelei. O talanoaga fo’i nei e maua ai le avanoa o le matai o le ‘āiga e tete’e atu ai i so’o se itū’āiga o sāuāga ma fa’amālosi’au atu i tagata e molimauina ia fa’atinoga ina ia fa’ailoa. ‘Ole’ā fa’apea ona tapu’e ma mālosi ai le Fa’asāmoa ma Talitonuga Fa’alefa’atuatua i le toe fa’aolaolaina ma le aogā o nei fa’atasiga, ma fa’apea ona fa’atino ai se sao iloga i le tāofiga o sāuāga i totonu o ‘āiga.

E lē gata ina maua ai se avanoa o feso’ota’iga e iai le sao i le tāofiga o sāuāga i totonu o ‘āiga, e fa’apea fo’i ona aogā se ‘auala fa’apea i le puipuiga o tagata āfāina i sāuāga i totonu o ‘āiga. O tapu māsani ‘olo’o iai e mafai ona tāofia ‘āto’atoa ai le līpotia on sāuāga i totonu o ‘āiga, ‘aemaise lava sāuāga tau faigā ‘āiga, ona o le Fa’asāmoa ma le talitonuga o le luma lea o se ‘āiga. Peita’i, o le talia o le meamoni ua sili atu le fa’alumaina o le atunu’u ‘ātoa ona o le lē fa’ailoa atu e tagata ua āfāina i sāuāga i totonu o ‘āiga, ua tatau lā ona tu’u le avanoa i tagata āfāina e fa’ailoa atu ai, pe ‘āfai ua tutupu ni sāuāga. Fa’ato’ā mafai lea tulaga i le ta’ita’iga maumaututū a matai, ma se mālamalamaga manino o fa’atinoga e ta’u o sāuāga i totonu o ‘āiga, ma le taimi ua tatau ai loa ona tautala atu le tagata ua āfāina.

O se tulaga mana’omia fa’ai’u e lē o iai i le taimi nei i le mafai ona tautala atu o se tagata, ma le līpotia o sāuāga tau faigā ‘āiga ma isi itū’āiga sāuāga, o le gagana lea e mana’omia, e mafai ona fa’aleo atu ai. O le tele o taimi, e lagolagoina ma fa’amālosia e le gagana le fa’atūlagaga ‘olo’o fa’avae ai sāuāga i totonu o ‘āiga.

> “E matuā lē lava upu o le gagana a Sāmoa e fa’amatala ai ma maua ai le uiga ‘āto’atoa o sāuāga.”
>
> *Tagaloatele Professor Peggy Dunlop, Komesina o le Sā’ili’iliga*

O le fa’agāsologa ‘ātoa o le Sā’ili’iliga, na manino mai ai, o se tasi o pā pupuni fa’avae i le līpoti atu e tagata āfāina i sāuāga, ‘aemaise lava sāuāga tau faigā ‘āiga, o le leai lea o ni upu e fa’amatala ai mea na tutupu ‘iā latou, ma lē mafai ai fo’i ona fa’amālamalama ‘iā i latou lava, ta’atia ia le taumafai e fa’amatala manino atu i se isi tagata.

E manino ‘olo’o iai se mana’oga mo le ātīna’ega o ni upu ma fa’a’upuga fou i le gagana Sāmoa e fō’ia ai lenei fa’afītāuli, ma e tatau ona aofia ai tagata uma, e aofia ai tagata āfāina ma tagata fa’atino sāuāga, tamaiti, tagata e iai mana’oga fa’apitoa, tagata ua matua le soifua, fa’afāfine, ma vaega uma o tagata i totonu o le atunu’u. O se avanoa fo’i lea e fa’ama’oti ai alagā’upu ma fuaitau a Sāmoa e mafai ona fa’aaogā e fa’ama’oti, līpoti atu ma tāofia ai sāuāga i totonu o ‘āiga. O le tala, “Pei ā oe e leai sou tuafafine?” sa māsani ona ‘avea o se fa’a’upuga aogā i Sāmoa i le tāofiga o se fa’atinoga. E tatau ona tu’ufa’atasi se lisi o nei alagā’upu ma fuaitau e a’oa’o atu i tamaiti ma tagata uma, ina ia toe fa’avae le saogalēmū o nu’u ma afio’aga i le Fa’asāmoa, ‘ae lē o le lamatia ai.

FAUTUAGA 9: Fa’afetaia’i le fa’auiga sesē o le Fa’asāmoa ‘olo’o fa’ateleina ai le lē tutusa o tulaga o itūpā ma iai le sao i sāuāga i totonu o ‘āiga, ma fa’ama’oti ma fa’atino ni ‘auala e mafai ai e le Fa’asāmoa ona tāofi ma puipui mai sāuāga i totonu o ‘āiga.

- Polokalame fa’atupu silafia mo le atunu’u ma a’oa’oga i totonu o ā’oga i ‘auala ‘olo’o fa’aaogā ai le Fa’asāmoa e fa’atupu le lē tutusa o tulaga o itūpā ma i’u atu ai i sāuāga i totonu o ‘āiga. Ia fa’apea fo’i ona fa’ailoa atu e ta’ita’i o upufai o mālō, ta’ita’i i nu’u ma afio’aga, ma ta’ita’i fa’alelotu.
- A’oa’oga mo tagata lautele ma a’oa’oga i totonu o ā’oga i feso’ota’iga aogā lelei ma le fō’ia o fe’ese’esea’iga, e fa’aaogā ai agatausili fa’aleaganu’u.
- Ātīna’e le gagana o upu Sāmoa e fa’aaogā i le talanoaina o matā’upu e feso’ota’i ma itū’āiga sāuāga uma i totonu o ‘āiga, e ala i fefa’asoaa’iga ma vaega uma o tagata i totonu o Sāmoa.
- Polokalame fa’atupu silafia mo le atunu’u ma a’oa’oga i totonu o ā’oga i le vā tapuia ma le tāua o ia so’otaga i le tāofiga ma le puipuiga mai sāuāga i totonu o ‘āiga.

16.4 Talitonuga Fa’alefa’atuatua

I’UGA 20 O LE SĀ’ILI’ILIGA: Ua fa’aaogā sesē le Tusi Pa’ia e lagolago ai sāuāga fa’asaga i tama’ita’i ma tamaiti, ma ua fa’aauau ai le sosaiete e pūlea e ali’i, o se si’osi’omaga e fanafānau ai sāuāga.

E pei ona iai i le Fa’asāmoa, ua fa’aaogā sesē fo’i le Tusi Pa’ia ma fa’auiga e ni vaega o tagata, e lagolago ai le lē tutusa o tulaga o itūpā, lea ‘olo’o fa’avae ai sāuāga i totonu o ‘āiga. Na maua e le Sā’ili’iliga i le **Vaega IV,** o le ‘ave o le fa’amamafa i ia fa’auigaga o le Tusi Pa’ia, ua fa’alēaogāina ai a’oa’oga fa’avae a le Tusi Pa’ia o le tūlaga tutusa, leai ni sāuāga, alofa ma le tīgā alofa.

> “E mana’omia le toe sa’ili ma maua agatausili o le Fa’asāmoa ma le Fa’akerisiano o le fa’aaloalo, alofa, tautua, āmiotonu ma le soālaupule.”
>
> *Mercy Ah Siu-Maliko, ‘A Public Theology Response to Domestic Violence in Samoa’, Pepa o le Sā’ili’iliga 39*

O le talia o fa’auigaga o le Tusi Pa’ia i aso ua alu sa tele ina fa’amalieina ai le manuia o i latou o ‘ūmia le pule, ‘ole’ā fa’apea ona maua ai le avanoa e fa’asusulu ai se mālamalama fou i a’oa’oga fa’alelotu ma toe iloa ai le so’otaga femulumulua’i o le lotu ma le Fa’asāmoa.

> “E mana’omia le mānatunatu i lo tatou talitonuga fa’alefa’atuatua, ina ia fa’asa’o le fa’auiga sesēina o le ‘au’aunaga e lē fa’atilotilo i se taui, ua āfāina ai nei tama’ita’i Kerisiano.”
>
> *Mercy Ah Siu-Maliko, ‘A Public Theology Response to Domestic Violence in Samoa’, Pepa o le Sā’ili’iliga 39*

‘Olo’o iai nei lā se mana’oga i Sāmoa o le ātīna’ega o se fa’auigaga fa’alefa’atuatua mo tagata lautele, e sa’ili i le ‘ave’esea o le fa’aitū’au i itūpā o le fa’auigaga o le Tusi Pa’ia, ma sā’ili’ili i ‘auala ‘olo’o lagolagoina ai ma feso’ota’i ma le Fa’asāmoa. O se fa’ata’ita’iga, o le fa’aaloalo, ‘olo’o fa’afetaia’i ai fo’i se tasi o matā’upu i le matā’upu o le līpoti ua mavae atu:

> “E ui i fa’atūlagaga ‘olo’o iai i le aganu’u a Sāmoa, e mafai fo’i e le fa’aaloalo ona fausia tulaga tutusa i totonu o so’otaga, pe ‘āfai e fa’aaogā lona uiga lelei, o le “alo mai, alo atu”, po o le “fefa’aaloaloa’i”. O le uiga o le fa’aaloalo o se uiga e maua i le Tusi Pa’ia, ‘auā e mana’omia ai le tagata e fa’atino atu i le tasi le mea e mana’o e fa’atino mai e le isi iā te ia. O le itū feso’ota’i ma sāuāga i totonu o ‘āiga, e tatau ona tino mai le fa’aaloalo i le amana’ia o le vā o tagata, e pei ona i ai i le vā o le tagata ma le Atua. E tatau ona tapu’e ma lagolagoina le tāua o lenei vā i totonu o le ‘āiga, nu’u, lotu, le atunu’u lautele, ma isi nofoaga faitele i totonu o Sāmoa.”
>
> *Mercy Ah Siu-Maliko, ‘A Public Theology Response to Domestic Violence in Samoa’, Pepa o le Sā’ili’iliga 39*

Ua ‘aumai e Mercy i le Sā’ili’iliga se fa’ata’ita’iga o ‘auala e mafai ona faia ai fa’auigaga o le Tusi Pa’ia e galulue fa’atasi ma le mālamalamaga i le Fa’asāmoa ma fa’apea ona tapu’e ma fa’amālosia ai e le tasi le isi. E lē gata i lea, o lenei fa’auigaga o le fa’aaloalo e feso’ota’i lelei ma le talitonuga fa’avae o aiā tatau a tagata soifua o le tulaga tutusa, ma fa’ailoa mai ai fo’i le feso’ota’iga ma le fa’amālosia e le tasi o isi i nei talitonuga e tolu.

> “E fa’apēfea ona ofi se talitonuga fa’alefa’atuatua mo le manuia o tagata lautele i lenei matā’upu? O sāuāga fa’alotoifale o se avanoa tāua lea mo i tatou e toe sa’ili ma maua ai a tatou agatausili. Ua tatou feagai nei ma se fa’afītāuli ogaoga i a tatou agatausili. O se fa’afītāuli e mana’omia ai se fofō e aogā mo tagata uma, e fa’avae i o tatou lagona o le amana’ia ma agatausili e mafai ona fefa’asoaa’i ai i so’o so tatou si’osi’omaga. O se va’aiga lea e mafai ona toe fa’afo’i mai ai le to’afīlēmū.”
>
> *Mercy Ah Siu-Maliko, Family Violence Workshop, Apia, November 2017*

O le **Vaega IV**, ua ‘aumai ai e le Sā’ili’iliga fa’auigaga o le Tusi Pa’ia ‘olo’o ōgatasi ma le Fa’asāmoa, aiā tatau a tagata soifua, ma talitonuga aoao fa’alelotu, ‘ae lē o se sosaiete e pūlea e ali’i ma sāuāga.

“E tatau ona iai se talitonuga fa’alefa’atuatua e lautele fefa’asoaa’iga ma amana’ia manatu o tagata ua iai tomai fa’apitoa i vaega ‘ese’ese o su’esu’ega, ma fefa’asoaa’i ma tagata lautele i nu’u ma afio’aga. O talitonuga fa’alefa’atuatua mo le manuia o tagata lautele, e lē na’o le si’i mai o fuaitau mai le Tusi Pa’ia. E mana’omia le vā’ili’iliga ma le mālamalamaga loloto.”

Mercy Ah Siu-Maliko, ‘A Public Theology Response to Domestic Violence in Samoa’, Inquiry document 39

O le vala’au, ia ātīna’e se mālamalamaga o le Tusi Pa’ia, mai le si’osi’omaga o Sāmoa, ma fa’aaogā o tatou mālamalamaga o sāuāga i totonu o ‘āiga, o ona māfua’aga ma ona taunu’uga.

FAUTUAGA 10: Ātīna’e se talitonuga fa’alefa’atuatua mo le manuia o tagata lautele e uiga i sāuāga i totonu o ‘āiga, e fa’afetaia’i ai le fa’auiga sesē o le Tusi Pa’ia ‘olo’o lagolagoina le lē tutusa o itūpā ma sāuāga.

- Taumafaiga e ta’ita’i e Lotu e lautele fefa’asoaa’iga ma tagata ua iai tomai i matā’upu tau sāuāga i totonu o ‘āiga, tagata āfāina, tagata fa’atino sāuāga, tupulaga talavou, ma vaega tetele uma o tagata i totonu o Sāmoa, ‘aemaise lava tagata lautele i nu’u ma afio’aga.
- Fa’amamafa le fa’ama’otiina o ‘auala e mafai ona fa’aaogā ai a’oa’oga a le Tusi Pa’ia e mafai ona ‘ave’ese ai le pupuni o le lē gaganaina o sāuāga i totonu o ‘āiga.

16.5 ‘Auai i faigā fa’ai’uga

I’UGA 21 O LE SĀ’ILI’ILIGA: E iai tulaga i le atunu’u ‘olo’o tāofiofia ai pea le ‘auai o tama’ita’i (ma isi vaega patino) i Fono a Nu’u, Palemene ma le Lotu, ua ātili fa’amausalī ai le sosaiete e pūlea e ali’i ma lamatia ai le fa’amanuiaina o ni taumafaiga e fa’afetaia’i sāuāga i totonu o ‘āiga, e ala i le lē fa’atāuaina o manatu o i latou e aupito a’afia.

E lē gata ina fa’ailoga tagata ma solia aiā tatau a tagata soifua i le to’aitiiti o tama’ita’i e ‘auai i faigā filifiliga i vaega e tolu e aupito tāua i Sāmoa, e fete’ena’i fo’i ma le agaga o le Fa’asāmoa.

16.5.1 Fono a Nu’u

E tele taimi na fa’ao’o mai ai i le Sā’ili’iliga e lē mafai ona saofafa’i tama’ita’i i fono a nu’u ona e soli ai le feagaiga. Peita’i, e fōliga mai e pau lava lea o le taimi e tapa ai matai i le tausisia o le vā tapuia.

Ua maua e le Sā'ili'iliga ua fa'aitiitia le tāua o le feagaiga ma ua mana'omia le toe fa'afo'isia i le tulaga sa iai. Ua lē aogā le faiga 'olo'o iai nei i le tausiga o le feagaiga, ma ua tatau ona tatala faitoto'a mo le toe 'auai o tama'ita'i i faigā fa'ai'uga a nu'u ma afio'aga. E to'atele lava tagata na lagolagoina le toefuata'iga i lenei vaega, e aofia ai ali'i, ma tagata fa'atino sāuāga.

> "E fa'agutugutulua la tatou aganu'u. O le māfua'aga e fai atu ai e lē saofafa'i tama'ita'i i Fono a Nu'u, e fa'apea ona o le feagaiga ma talasuaga a ali'i e fai i le fono. Ou te lagolagoina le 'auai o tama'ita'i i le fono. Ua tatau ona lāfoa'i lea manatu, o le fono e fai ai tausuaga a ali'i e lē mānana'o e fa'alogo i ai o latou tuafāfine. E lē tatau ona 'avea le Fono a le Nu'u e fai ai ni talasuaga. E tatau ona 'avea o se avanoa mo fofō o fa'afītāuli ma le talanoaga o matā'upu."
>
> *O se tagata sa fa'atino sāuāga, Avanoa fa'alaua'itele e fa'aleo ai manatu*

> "E le'i mafai ona maua e la matou sā'ili'iliga ni tala tu'ufofoga po o ni isi molimau i le talafa'asolopito e lagolagoina ai le fa'asāina o matai tama'ita'i."
>
> *'Political representation and women's empowerment in Samoa', National University of Samoa, Pepa o le Sā'ili'iliga 63*

O le sā lā 'olo'o iai nei i nu'u e lē fa'atagaina ai matai tama'ita'i, e lē gata ina soli ai le fa'avae, 'ae fa'ailoga tagata ma ua solia ai aiā tatau a tagata soifua, ma e fete'ena'i fo'i ma le Fa'asāmoa. O le tūmau ai o ia sā, o le āfāina fo'i lenā o le ātīna'e o 'āiga ta'itasi ma nu'u ma afio'aga. O lenei i'uga e lagolagoina i'uga a le Komisi o le Toefuata'iga o Tulafono a Sāmoa, i lana iloiloga o le tausisia e tulafono a Sāmoa o ana matāfaioi i lalo o le *CEDAW*.[23] E lagolagoina e le Sā'ili'iliga fautuaga mai lea līpoti ma ua toe 'ioeina e le Sā'ili'iliga. O nei fautuaga 'olo'o fa'avae i le Fa'asāmoa ma talitonuga fa'avae o aiā tatau a tagata soifua o le tūlaga tutusa, fefa'asoaa'i ma soālaupule, ma e fōliga mai ua āga'i atu i le fa'aopoopoina pea o vaega o tagata i Sāmoa e lagolagoina, ua fa'aali mai ai, ua iai nei le māfua'aga fa'avae mo suiga.

> "O le tele o folasaga na lagolagoina le fa'atagaina o tama'ita'i e saofafa'i ma 'auai i fono a nu'u. O le manatu, e mana'omia le 'auai o tama'ita'i i pūlega, 'auā e maua mai ai se va'aiga e 'ese mai va'aiga māsani, ma e mautinoa ai fa'ai'uga […] e tonu ma lē mafuli pito tasi."
>
> *Komisi o le Toefuataiga o Tulafono a Samoa, CEDAW Legislative Compliance Review, Pepa o le Sā'ili'iliga 89*

16.5.2 Palemene

E ui ina ua iai le vaevaega mo sui o le Palemene e pei ona fa'ata'atia i le *Tulafono o Teuteuga o le Fa'avae Act 2015*, e le'i tāitai ona o'o i se tulaga tutusa o itūpā. O lenei tulaga e āfāina ai faigā fa'ai'uga, le aotelega o le gāsologa o le 'ātīna'e, ma le fa'aauauina o le fa'atūlagaga o itūpā, o se itū 'olo'o fesoasoani i le

[23] See Samoa Law Reform Commission. *Convention on the Elimination of All Forms of Discrimination Against Women Legislative Compliance Review Final Report*. (2016). Document 89 Inquiry anthology.

fa'atinoina o sāuāga i totonu o 'āiga. Ua 'ioeina e le Mālō le to'aitiiti o sui tama'ita'i i le palemene ma ona taunu'uga.

> "Na mātauina e le Mālō o Sāmoa e mafai ona tōsina e tama'ita'i lagona e lē mafuli pito tasi ai felafolafoa'iga o matā'upu tau itūpā, fa'apea le fa'aosofia o le āga'i i luma i se māopoopoga o faiga māsani ma fa'atinoga fa'aleaganu'u ma tulafono a le atunu'u e uiga i le 'auai o tama'ita'i i upufai o mālō ma le tulaga lautele o le 'ave'esea o pā 'olo'o tāofiofia ai lo latou 'auai 'āto'atoa."
>
> *Outcome document to Samoa's 2nd Universal Periodic Review, Pepa o le Sā'ili'iliga 66*

E ui ina sa tele taumafaiga e fa'amālosi'au ia to'atele sui tama'ita'i tauvā i le āga'i atu i faigā pālota o le 2016, ma na iai ni suiga la'iitiiti, 'olo'o fa'ailoa mai lava i fuainumera, na'o le 10% o le Palemene o tama'ita'i. O se vaega o le māfua'aga o le to'aitiiti o sui, e feso'ota'i ma le fa'asāina o matai tama'ita'i, ua tāofia ai tama'ita'i mai ia nu'u mai le 'avea o ni sui tauvā mo le Palemene. O se pā pupuni faigatā atu, o manatu ta'atele ia 'olo'o iai nei, o ali'i, o i latou ia e faia fa'ai'uga. E mana'omia taumafaiga fa'aauau e fa'amālosi'āu ai ia fa'aopoopoina tama'ita'i e tauvā, fa'apea fo'i le fa'afetaia'iga o pā pupuni fa'aleaganu'u ma manatu māsani 'olo'o fa'aauauina ai le tāofiofi maualalo o sui tama'ita'i.

16.5.3 Lotu

O māfua'aga o le tu'u'esea o tama'ita'i mai fa'agā fa'ai'uga i lotu e mafuli i talitonuga fa'alelotu 'ae lē o ni māfua'aga fa'aleaganu'u.[24] E tāua le taga'i i ni māfua'aga lē fa'avaea 'olo'o tāofia ai le tau'aveina e tama'ita'i o ni tiute tau faigā fa'ai'uga. E lē gata i lea, e tatau ona fa'atino e le lotu ni la'asaga 'āga'i i luma e fa'amautinoa ai le 'auai o vaega o tagata e 'ese'ese tulaga o le tamāo'āiga, i faigā filifiliga, ina ia fa'amautinoa e lē fa'aopoopoina le 'avega tautupe, ona o le fai e i latou e maualuga le tulaga o le tamāo'āiga fa'ai'uga, ma saga āfāina ai lava isi tagata.

16.5.4 Isi Vaega Patino

E lē na'o tama'ita'i 'olo'o **fai ma māsani le fa'alavelaveina** o le 'auai i faigā fa'ai'uga; ma o faigā fa'ai'uga ua fa'apito o se mea e faia e al'i'i, e lē taulia ai isi vaega uma. E tutusa a'afiaga o nei vaega uma e pei ona iai i tama'ita'i. E 'ave'esea ai lo latou manuia mai le fa'agāsologa ma o lona uiga, e lē aofia o latou mana'oga po o mea e tutupu iā i latou i matā'upu tau sāuāga i totonu o 'āiga ma o latou lē maua ai se puipuiga po o le tāofiga o ia fa'atinoga. I so'o se la'asaga o le taga'i i le si'itia o le 'auai o tama'ita'i i Fono a Nu'u, le Palemene ma Lotu, e tatau fo'i ona taga'i i le 'auai (pe 'ā itiiti ifo, ia amana'ia manatu) o isi vaega o tagata e aofia ai, 'ae lē gata i:

- Tamaiti;
- Tagata e iai mana'oga fa'apitoa;
- Fa'afāfine;

[24] National University of Samoa. (2015). "Political representation and women's empowerment in Samoa." *Final Report* 1. Retrieved from http://samoanstudies.ws/wp-content/uploads/2015/07/Centre-for-Samoan-Studies_Final-Report-Volume-1-English.pdf. Document 63 Inquiry anthology.

- Tagata ua matua le soifua;
- Tagata e ‘ese o latou lagona tau itūpā ma fa’atūlagaga māsani.

FAUTUAGA 11: Fa’atino ‘auala mana’omia e ‘ave’esea ai pā pupuni ‘olo’o a’afia ai le ‘auai o tama’ita’i ma isi vaega o tagata i Fono a Nu’u, le Palemene ma Lotu.

- Ia aofia i tulafono a Fono a Nu’u tulafono e:[25]
  a) Aiaia ai fefa’asoaa’iga aloa’ia a Fono a Nu’u ma Sui Tama’ita’i o Nu’u ma Faletua ma Tausi, i le fausaga ma aiaiga o tulafono ma faiga fa’avae a Fono a Nu’u;
  b) Aiaiga ia mafai ai ona fa’ao’o sa’o atu i Fono a Nu’u e le peresetene o le komiti a tinā ma/po o sui tama’ita’i o nu’u, matā’upu ma ni popōlega o komiti a tinā, ‘ae lē o le fa’aui atu i le sui o le nu’u.
- Fa’aauau polokalame o ta’ita’iga a tinā ma tulituliloa taunu’uga.
- Fesoasoani i le mafai ona ‘auai ma fai se sao aogā o tama’ita’i, ‘āiga e maualalo le tulaga o le tamāo’āiga, ma isi vaega o tagata i faigā fa’ai’uga a lotu.
- Tatau i le Palemene ona silasia ma fa’atino faanatinati fautuaga i totonu o lipoti o Aiā Tatau a Tagata Soifua a le Ofisa 2015 ma le 2016 aemaise mataupu patino i le auai o tagata e iai mana’oga fa’apitoa i fa’aiuga fai.
- Fai se fa’atatau talafeagai a Fono a Nu’u, le Palemene ma Lotu mo le auai (po’o le fa’asoaina o manatu foi) o tagata e ‘ese o latou lagona tau itūpā mai fa’atulagaga māsani o itūpā, tamaiti, autalavou ma tagata matutua.

17. Ta’iala o le Tāofiga

17.1 A’oa’oga ma le Silafia

17.1.1 A’oa’oga

I’UGA 22 O LE SĀ’ILI’ILIGA: O le leai o se a’oa’oga i faigā ‘āiga ma so’otaga lelei i matā’upu a’oa’oina i ā’oga, ma fa’asinoala e tu’uina atu i faiā’oga e uiga i itūpā ma sāuāga tau faigā ‘āiga, ua fa’amālosia ma tapu’e ai manatu māsani i itūpā, ma fa’ateleina ai le a’afiagōfie o tamaiti i sāuāga tau faigā ‘āiga.

[25] A similar recommendation was made by the Samoa Law Reform Commission in its submission to the Inquiry. See Document 38 Inquiry anthology.

Na maua e le Sā'ili'iliga o se tasi o itū 'olo'o iai le sao i sāuāga i totonu o 'āiga i Sāmoa, o le leai lea o ni a'oa'oga tau faigā 'āiga ma so'otaga lelei i ā'oga. Ua iloa i atunu'u 'ese'ese o le lalolagi o taunu'uga lelei e mafai ona maua mai ia a'oa'oga ma a'oa'oga mo tamaiti lāiti i tomai mo le ōlaga, e aofia ai le:[26]

- Fa'aitiitia o le āfāina mai sāuāga o le tino ma le āfāina i faiga fa'atāutala tau faigā 'āiga ma le fa'atinoga o ia faiga;
- Fa'a'āu'upegaina o tama ma teine ia iloa ma puipuia i latou lava mai sāuāga i totonu o 'āiga;
- Fa'aitiitia o āmioga fa'amisa ma sāuāga;
- Fa'aitiitia le fa'aaogāina o vailā'au ma le so'ona fa'aaogā o le 'ava mālosi;
- Fa'aitiitia o āmioga taufa'amata'u.

E lē mafai ona fa'aitiitia le tāua o le a'oa'oina o tamaiti i le iloa ola a'e i se ōlaga e leai ni sāuāga ma tu'uina atu i ai meafaigaluega e mafai ai ona iloa ma fa'afetaia'i āmioga o sāuāga e mafai ona o latou feagai. Ua fa'aali mai i luga, o a'oa'oga sa'o, e mafai ona tāofia sa'o ai sāuāga, 'ae fa'aitiitia ai fo'i āmioga e fa'ateleina ai lamatiaga o sāuāga, e pei o le fa'aaogā fa'atāutala o le 'ava mālosi. Ua taga'i le Sā'ili'iliga i le matāfaioi a mātua ma o latou manatu ma uiga fa'aalia āga'i i tamaiti, ma e fa'apea fo'i ona tutusa le tāua o le fa'amautinoaina e maua e tamaiti tomai ma iloa mana'omia e ala atu i a'oa'oga taualoa.

Na fa'ailoa so'o i le Sā'ili'iliga le mana'omia o a'oa'oga lautele ma au'ili'ili e uiga i faigā 'āiga ma so'otaga lelei i matā'upu a'oa'oina i ā'oga i Sāmoa.

"O le manatu o le Fa'amasinoga o Matā'upu Fa'atatau i 'Āiga, e aogā lelei atu a'oa'oga e tāofia ai, nai se 'auala e toe fa'asa'o ai."

Family Violence Court, Pepa o le Sā'ili'iliga 40

"E tatau ona aofia i a'oa'oga se a'oa'oga lautele ma au'ili'ili i le soifua mālōlōina tau faigā 'āiga ma le soifuaga fānau manuia, ma ātīna'e tomai ma agava'a […] e feso'ota'i ma so'o se itū'āiga sāuāga, ma 'au'aunaga 'olo'o iai."

Samoa National Youth Council, Folasaga i le Sā'ili'iliga, Pepa o le Sā'ili'iliga 27

"E tatau ona aofia i matā'upu a'oa'oina i ā'oga aiā tatau a tagata soifua, "so'otaga lelei", le Fa'avae, 'auala e 'avea ai o se tagatānu'u lelei, ma a'oa'oga i agatausili. O le toe fa'aofi mai o fa'asalaga sasa i ā'oga, o se la'asaga lea āga'i i tua."

Young Women's Christian Association, Inquiry submission, Pepa o le Sā'ili'iliga 28

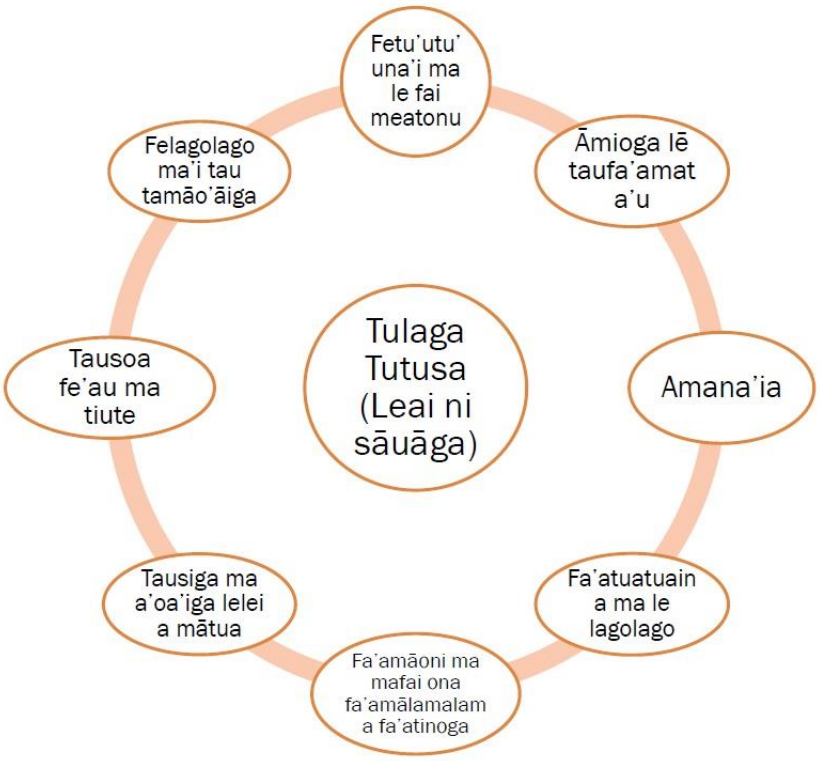
"E lē mafai ona lava le fa'amamafaina o le tāua o a'oa'oga taualoa i le ātīna'ega o āmioga lelei i tamaiti."

Samoa Family Safety Study, 2017, Pepa o le Sā'ili'iliga 46

[26] World Health Organisation. (2016). *INSPIRE: Seven Strategies for Ending Violence Against Children*. Document 48 Inquiry anthology.

O le ‘āmataga lava, na fa’amati’e ai e le Sā’ili’iliga le li’o o le mālosi ma le pule, ‘olo’o taumafai e fa’aali mai itū ‘ese’ese o sāuāga i totonu o ‘āiga ma fesuia’iga i ia itū. O le fa’afeagai o lea fa’atusa, o le li’o lea o le tutusa ma le leai o ni sāuāga. O talitonuga fa’avae o lea fa’atusa, e tatau ona teu i manatu o tamaiti, mai a’oa’oga a o latou mātua ma faiā’oga. E lē gata i lea, e tatau ona ‘avea o se tulaga e ‘āmata ai fa’atalanoaga i se matā’upu a’oa’oina fou.

Fa’amatalaga Fa’amālamalama 20 o le Sā’ili’iliga: O le Li’o o le Tutusa



Fetu’una’i mai: *The Domestic Abuse Intervention Project*

E tele fa’ata’ita’iga mai atunu’u ‘ese’ese o le lalolagi o fa’atinoga aupito lelei e mafai ona fa’aaogā e Sāmoa. Peita’i, e tāua i le fa’agāsologa o le ātīna’ega o se matā’upu a’oa’oina le sao o tagata o le atunu’u, ma amana’ia le si’osi’omaga i Sāmoa, e pei ona fa’amati’e i le su’esu’ega a le Matāgaluega o Tinā ma Tama’ita’i na fa’atino talu ai nei:

> “E tatau ona ātīna’e e le Matāgaluega o Ā’oga, Ta’aloga ma Aganu’u se matā’upu a’oa’oina e galulue fa’atasi ai ma le Matāgaluega o Tinā ma Tama’ita’i ma isi tagata o le atunu’u, mai le va’aiga o aiā tatau a tagata soifua ma fa’avae i agatausili o le talitonuga Kerisiano ma le Fa’asāmoa.”
>
> *Samoa Family Safety Study, 2017, Pepa o le Sā’ili’iliga 46*

‘Ātonu lava ‘ole’ā iai se tete’e i ni a’oa’oga mo tagata uma i matā’upu tau faigā ‘āiga ma so’otaga lelei, i se atunu’u e tele ina manatu o nei matā’upu e tapu. Ua maua e le Sā’ili’iliga o lenei ‘augatā ma le lē fia ‘auai, ‘olo’o telē lona sao i le fa’atūmauina o le pupuni o le lē gaganaina ‘olo’o fa’aauau ma lauolaola ai sāuāga i totonu o ‘āiga. Peita’i, o felafolafoa’iga i se matā’upu tāua fa’apēnei, e lē gata ina lelei, a o se tulaga mana’omia, ma o le ātīna’ega o se matā’upu a’oa’oina, e tatau ona vala’aulia tagata uma ia fai so latou sao i fa’atalanoaga, ma o se itū tāua, e tatau ona aofia ai ma tamaiti. O se su’esu’ega na fa’atino lata mai nei e le *Samoa Planet* na fōliga mai ai ua iai se suiga i manatu o tagata, talu ai e to’atele, 81%, na manatu e tatau ona maua fua pepa o fa’amatalaga ma pa’u faiusuga i ā’oga maualuluga.[27] E ui ina ‘ātonu e lē o se ata tonu lea i le ‘ātoaga o tagata i Sāmoa, ua fa’aali mai i lenei su’esu’ega, e iai vaega o tagata i le atunu’u ‘olo’o lagolagoina se suiga i manatu ma faiga fa’avae a le Mālō.

E fautuaina mālosi e le Sā’ili’iliga i latou e aofia i lenei fa’agāsologa ina ia fa’amautinoa e fa’avae fa’ai’uga i molimau. Mai i’uga o lenei fa’agāsologa, e leai se molimau o fa’apea mai o a’oa’oga lautele tau faigā ‘āiga ma so’otaga lelei ua i’u atu i le fa’ateleina o le so’ona fai o faigā ‘āiga, po ua āfāina ai fo’i le talitonuga Kerisiano. Peita’i, e iai molimau ‘olo’o fōliga mai ai e mafai ona fa’aitiitia ai lamatiaga o sāuāga tau faigā ‘āiga, isi itū’āiga sāuāga ma e si’itia ai lagona o le aogā ma le tāua o le tagata, ua fa’aitiitia ai faigā ‘āiga lē fa’atuā’oia. E tatau ona lautele ma au’ili’ili atu le fa’agāsologa nai lo le mafai e o’o i ai le Sā’ili’iliga. Peita’i, e tatau ona fa’aaogā i’uga ma sā’ili’iliga a le Sā’ili’iliga, o se ‘āmataga o fa’atalanoaga mo se matā’upu a’oa’oina fou. E lē gata i lea, e tatau fo’i ona taga’i i ni a’oa’oga mo mātua i ‘auala e lagolago ai tamaiti ma ‘āiga i le ātīna’ega ma le fa’atūmauina o so’otaga saogalēmū.[28]

E maoa’e taunu’uga e mafai ona maua i se matā’upu a’oa’oina e lautele ma au’ili’ili, pe ‘āfai e lelei ona fa’atino. O fa’ata’ita’iga mai atunu’u ‘ese’ese o le lalolagi ua fa’aali mai ai taunu’uga o polokalame o le fa’a’āu’upegaina mo teine, ua si’itia ai lagona o lo latou aogā ma le tāua, o le a’oa’oina o tomai e puipuia ai e le tagata ia lava, ua fa’aitiitia ai lamatiaga mai sāuāga tau faigā ‘āiga ma fa’aitiitia ai le fua fa’atatau i le tausaga, o le fa’ao’olima tau faigā ‘āiga.[29]

FAUTUAGA 12: Fa’aaogā se fa’agāsologa o fefa’asoaa’iga e ātīna’e ai se matā’upu a’oa’oina tau saogalēmū o ‘āiga, e a’oa’oina ai tamaiti uma.

- Fa’avae le matā’upu a’oa’oina o le saogalēmū o ‘āiga i aiā tatau a tagata soifua, le Fa’asāmoa ma le Talitonuga Fa’alefa’atuatua ma ia aofia ai:
  a) **Aiā tatau tau faigā ‘āiga ma le soifuaga fānau manuia;**
  b) **Itū’āiga ma māfua’aga o sāuāga i totonu o ‘āiga;**
  c) **So’otaga lelei (ātīna’e e fa’aaogā ai le matā’upu a’oa’oina ‘olo’o iai nei);**

[27] Samoa Planet. “Readers say ‘yes’ to condoms in Samoa’s schools.” (2 March 2018). Retrieved from http://www.samoaplanet.com/readers-say-yes-condoms-samoas-schools/.
[28] Emma Heard and Professor Sina Va’ai. “Primary Prevention of Intimate Partner Violence with Young People in Samoa.” Document 38 Inquiry anthology.
[29] World Health Organisation. (2016). *INSPIRE: Seven Strategies for Ending Violence Against Children*. Document 48 Inquiry anthology.

d) **Fa'atautaiga o le ita ma feso'ota'iga aogā lelei;**
e) **A'oa'oga mo mātua.**

- Māta'itūina ma iloiloga o le matā'upu a'oa'oina ma ona taunu'uga.

17.1.2 Fa'asalaga Sasa i Ā'oga

I'UGA 23 O LE SĀ'ILI'ILIGA: 'Olo'o fesoasoani fa'asalaga sasa i ā'oga, i le ta'atele o sāuāga i totonu o 'āiga ma isi taunu'uga lē lelei mo le atunu'u lautele. E mana'omia le fa'asā taputapu, ona fa'ato'ā taunu'u manuia lea o ni taumafaiga e fō'ia ai sāuāga i totonu o 'āiga. Peita'i, e lē o 'āto'atoa le fa'atinoina o le sā 'olo'o iai nei i Sāmoa, ma fa'apea ai ona fa'ateleina le lamatiaga ma le ta'atele o sāuāga i totonu o 'āiga.

E ui ina lē aofia sa'o i tu'utu'uga o galuega a le Sā'ili'iliga, e mafai ona iai le sao o fa'asalaga sasa i totonu o ā'oga i le ta'atele o sāuāga i totonu o 'āiga. Talu ai le feuluuluta'i o uiga o sāuāga, ma le tāua o le nafa o faiā'oga i le ātīna'ega o tamaiti, o le fa'atagaina o fa'asalaga sasa i ā'oga, e fa'ateleina ai le lamatiaga mai taunu'uga lē manuia 'ese'ese mo tagata o le atunu'u, e 'āmata atu i le faateteleina o sāuāga i totonu o 'āiga, i le si'itia o le fasioti tagata, fa'aitiitia le tulaga o le soifua mālōlōina lelei, fa'ateleina o tagata i falepuipui ma isi taunu'uga.

O se fa'aosoosoga le toe fo'i i fa'asalaga sasa pe 'ā feagai ma se tulaga e fōliga mai ua fa'ateteleina le lē usita'i o tamaiti. Peita'i, ua fa'auiga sesē ai taunu'uga o ia fa'atinoga. E lē *tāofia* ai āmioga fa'apea, a 'ole'ā *si'itia ai le ta'atele* o ia itū'āiga āmioga, fa'atasi ai ma isi taunu'uga lē manuia, e aofia ai sāuāga i totonu o 'āiga. O lea lā e matuā tāuā le lē toe fo'i i tua o Sāmoa i lea tulaga, 'auā 'ole'ā 'avea lea o se la'asaga āga'i i tua, i le fa'afetaia'iga o le ta'atele o sāuāga i totonu o 'āiga. E lē gata i lea, e fōliga mai 'olo'o iai pea galuega e mana'omia le fa'atino, ina ia 'āto'atoa le fa'amamaluina o le sā 'olo'o iai nei.

O le iai o le 'a'ano talafeagai i se matā'upu a'oa'oina fou, ua na'o le 'afa lea o le taua i le a'oa'oina o tamaiti ia mafai ona ola i ni ōlaga to'afīlēmū, e leai ni sāuāga. O le isi 'afa o le taua, o le iai lea o faiā'oga talafeagai e a'oa'oina lea matā'upu.

> "O se popōlega i le 'āmataina o se matā'upu talafeagai fou o le saogalēmū o 'āiga e fa'aopoopo i matā'upu a'oa'oina i ā'oga, o tomai ai o faiā'oga latou te a'oa'o atu ai."
>
> *Samoa Family Safety Study, 2017, Pepa o le Sā'ili'iliga 46*

Ua maua e le Sā'ili'iliga e ui ina ua fa'asā fa'asalaga sasa, ua iai lava tala i 'auala o fa'asalalauga o faiā'oga 'olo'o fa'aaogāina fa'asalaga sasa ma upu mālolosi ua fa'apea e fa'atonu ai tamaiti.[30] Tusa lava po o le ā le

[30] Samoa Observer. "Judge Alalatoa warns teachers." (10 November 2017). Retrieved from http://www.samoaobserver.ws/en/10_11_2017/local/26516/Judge-Alalatoa-warns-teachers.htm. See also, Radio NZ. "Teacher in Samoa beaten on response to alleged corporal punishment." (1 August 2006). Retrieved from https://www.radionz.co.nz/international/pacific-news/309889/teacher-in-samoa-beaten-in-response-to-alleged-corporal-punishment.

lelei o se matā'upu a'oa'oina i ā'oga i le saogalēmū o 'āiga, e lē aogā i le 'ausia o fa'anaunauga mana'omia pe 'āfai 'olo'o fa'ata'ita'i atu e faiā'oga, e lelei sāuāga.

E lē fesiligia le a'afia o le ātīna'ega o le tamaitiiti i le fa'aaogāina o fa'asalaga sasa. 'Olo'o a'oa'o atu ai i tamaiti, o sāuāga le tali. E fa'ateleina ai fo'i le lamatiaga mai itū'āiga āmioga e o'o atu ai i sāuāga i totonu o 'āiga, po o le 'avea fo'i o se tasi e āfāina i ia fa'atinoga. E talia 'āto'atoa e le Sā'ili'iliga lagona na fa'aali i le gāsologa o le Sā'ili'iliga, "o le toe fa'aofi mai o fa'asalaga sasa i ā'oga, o se la'asaga lea āga'i i tua[31] ma, "e lē se va'aiga lelei mo tatou mai le va'aiga fa'avāomālō".[32]

O lea lā, e telē le galuega e fa'atino ina ia mafai e faiā'oga ona fa'ataunu'u o latou tiute i se 'auala e lē fa'aaogāina ai le sasa po o sāuāga i upu e lafo i tamaiti. 'Āfai e leai ni faiā'oga e mafai ona a'oa'o tamaiti i se 'āuala to'afīlēmū e leai ni sāuāga, e lē mafai lā ona aogā lelei se matā'upu a'oa'oina o le saogalēmū o 'āiga, a o se tasi lenei o vaega 'autū o le 'auala atu i le tāofiga o sāuāga i totonu o 'āiga. O le toe fo'i i fa'asalaga sasa po o le lē tu'uina atu i faiā'oga o tomai ma agava'a e tāofia ai le sasa ma upu mamafa, 'ole'ā o'o ai Sāmoa i se fa'asalaga o le pologa i tausaga e tele i le fa'ama'i o sāuāga i totonu o 'āiga.

FAUTUAGA 13: Fa'amālosia le sā o fa'asalaga sasa i totonu o ā'oga e ala i le a'oa'oina o tagata uma o le atunu'u i ona taunu'uga lē manuia ma 'auala 'olo'o solia ai le Fa'asāmoa ma aiā tatau a tagata soifua.

- Ia aofia a'oa'oga i taunu'uga lē manuia o fa'asalaga sasa i totonu o 'āoga, i polokalame o tausiga ma a'oa'iga lelei a mātua ma fa'asalalau atu e ala i sui o nu'u.
- Māta'itū manatu ma uiga fa'aalia i fa'asalaga sasa i totonu o ā'oga.
- Fa'atino a'oa'oga o tomai mo faiā'oga i 'auala e lē sāuā e fa'atonu ai tamaiti ma māta'itū manatu o tamaiti e uiga i sāuāga e fa'atino e faiā'oga, ina ia mautinoa le fa'amamaluina 'āto'atoa.

17.1.3 Silafia e le Atunu'u

I'UGA 24 O LE SĀ'ILI'ILIGA: O se tasi o itū 'olo'o fa'aauau ai pea sāuāga i totonu o 'āiga, o le leai lea o se lagolago i lona tafi'esea mai ta'ita'i o upufai o mālō, tagata faigaluega a le mālō, ta'ita'i fa'aleaganu'u ma ta'ita'i fa'alelotu, ma lo latou 'auai, o ni tagata fa'atino sāuāga.

[31] Young Women's Christian Association, Inquiry Submission. Document 27 Inquiry anthology.
[32] Justice Vui Clarence Nelson, testimony delivered during Inquiry public hearings.

I'UGA 25 O LE SĀ'ILI'ILIGA: E to'atele tagata e lē iloa pe mālamalama fo'i i tulafono 'autu ma 'au'aunaga 'olo'o iai. O lona uiga, e mafai ona to'atele tagata āfāina e lē mauaina lea fesoasoani latou te mana'omia, ma lē mafai ai ona 'ausia le tāofiga o sāuāga i le lumana'i, ma tu'uavanoa ai pea i le fa'aauauina o sāuāga.

E matuā tāua le a'oa'oga o tamaiti i le tūla'i mai o se augā tupulaga e manino lelei i talitonuga fa'avae o le leai o ni sāuāga, nai lō le tulaga 'olo'o iai nei, 'olo'o 'avea ai sāuāga o le tali ma le māsani. Peita'i, e tāua fo'i le silafia e le atunu'u lautele e ui ina ua fa'alogoina e le Sā'ili'iliga manatu fa'aalia e pei o le:

"E leai se aogā e a'oa'oina ai tagata mātutua pei o matou, ua māsani i a matou lava 'auala. E mana'omia le fa'amuamua o a tatou fānau […] 'ātonu 'ole'ā mālamalama lelei atu, ma fa'aleleia ai lo latou lumana'i".

Inquiry consultations participant, Pepa o le Sā'ili'iliga 58

E moni e faigōfie atu ona a'oa'oina tamaiti, e la'iitiiti o latou manatu māsani e sesē, ma talitonuga lē fa'avaea. Peita'i, e mafai fo'i ona suia manatu o tagata mātutua. O ia suiga 'ole'ā mafai ai ona 'avea i latou o ni fa'ata'ita'iga lelei mo isi tagata ma mafai ona tautala atu mai le tulaga o se tagata ua mālamalama i itū uma e lua.

O lea lā e tāua ai le silafia e tagata lautele, e galulue fa'atasi ma le a'oa'oina o tamaiti ma tupulaga talavou, e fesoasoani ia fai ni suiga i manatu ma uiga fa'aalia ma māfaufauga ua maumaututū, 'olo'o fesoasoani nei i le ta'atele o sāuāga i totonu o 'āiga, e pei ona fa'ata'atia i le **Vaega IV**. 'Olo'o iai fo'i le mana'oga ua fa'ama'oti, o le fa'atupuina lea o le silafia i tulafono ma 'au'aunaga 'autū.

O le leai o ni tagata e fai ma fa'ata'ita'iga lelei o se mea lea e fa'alavelaveina ai so'o se taumafaiga e fa'afetaia'i sāuāga i totonu o 'āiga ma ua māe'a ona fa'amauina e le Sā'ili'iliga le nōfoa'i o tagata e 'ūmia tofiga maualuluga i le Mālō, 'aufaigaluega a le Mālō, ta'ita'i o nu'u ma afio'aga ma ta'ita'i fa'alelotu i le fa'afetaia'iga o sāuāga i totonu o 'āiga.

FAUTUAGA 14: Fa'atino se polokalame o a'oa'oga a le atunu'u ma polokalame fa'apitoa e fa'atupu silafia, e fa'a'autū i manatu ma uiga fa'aalia ma fa'atinoga e āfāina ai tagata, ma le mālamalamaga i tulafono ma 'au'aunaga 'autū.

- Fa'ama'oti tagata e fai ma fa'ata'ita'iga 'autū mai le atunu'u 'ātoa, e aofia ai le Mālō, 'aufaigaluega a le Mālō, ta'ita'i o nu'u ma afio'aga, ma ta'ita'i fa'alelotu e 'avea ma siamupini.
- Māta'itū ma iloilo taunu'uga o polokalame.

17.1.4 ‘Auala o fa’asalalauga

E lua vaega ‘autu e tulimata’i i ‘auala o fa’asalalauga ina ia mautinoa e iai ona taunu’uga lelei i le tāofiga o sāuāga i totonu o ‘āiga ma ia ‘aua ne’i iai sona sao i le fa’atupuina o ni isi āfāina po o le pagātia. O le vaega muamua, e feso’ota’i ma le līpotiina o sāuāga i totonu o ‘āiga o se matā’upu lautele, ma le līpotiina o ni mata’upu patino i se tasi. O le vaega lonalua, o le ūna’iga o manatu ma uiga fa’aalia i itū’āiga o fa’asalalauga uma ma pe iai so latou sao lē lelei po se sao lelei i le tāofiga o sāuāga i totonu o ‘āiga.

I’UGA 26 O LE SĀ’ILI’ILIGA: O tusitala, o ni pā’aga ‘autū i le fa’afetaia’iga o sāuāga i totonu o ‘āiga ma e mana’omia a’oa’oga i tomai i ‘auala o le tusiga o līpoti ma fa’alauiloa, i se ala e lē fa’aopoopo ai le lagolagoina o manatu ma uiga ‘olo’o i’u i sāuāga i totonu o ‘āiga, pe tula’i mai ai fo’i ni isi lamatiaga mo tagata ua āfāina.

O le itū i le līpotiina o sāuāga i totonu o ‘āiga, na maua e le Sā’ili’iliga o se vaega ma’ale’ale e mana’omia ai tomai fa’apitoa o tusitusiga, ma e mafai ona tupu ai le toe āfāina tele o le tagata āfāina, e ala i tu’ua’iga, sesē ona līpoti, ma le sopo atu i mea e tatau ona tōtino i se tagata. E mafai ona ‘avea fa’ai’uga lē lelei ma āmioga lē tonu e tūta’ia ai le tūla’i mai o isi tagata āfāina i le lumana’i ona ua va’ai i le tali atu a ‘auala o fa’asalalauga i matā’upu fa’apea, ma sao ai lava tagata fa’atino sāuāga, e lē tau’aveina taunu’uga o a latou fa’atinoga.

Na fa’aalia le taumafai o tusitala na tu’uina mai molimau i le Sā’ili’iliga e tōmānatu i le āmiotonu ma ‘ioeina e mana’omia le si’itia o le tulaga o tusitusiga a le ‘au tusitala ina ia ‘ausia tulaga maualuga e mana’omia, e lē toe fa’aopoopo ai se isi āfāina. E lē gata i lea, o le fa’alaua’iteleina o matā’upu tau sāuāga i totonu o ‘āiga, e mana’omia le fa’atino i se ‘auala e amana’ia ai le tagata āfāina, ma fesoasoani e si’itia le silafia o tagata i māfua’aga ma taunu’uga.

FAUTUAGA 15: Ia fa’amautinoa e mafai e tusitala ona līpoti matā’upu tau sāuāga i totonu o ‘āiga i se ‘auala e puipuia ai tagata āfāina, ma si’itia ātili le mālamalamaga o le atunu’u i uiga ma māfua’aga.

- Tulaga mana’omia a le Atunu’u mo le līpotiina o sāuāga i totonu o ‘āiga.
- A’oa’oga faifaipea i tomai o galuega tusitala ma māta’itū ma iloilo taunu’uga.

I’UGA 27 O LE SĀ’ILI’ILIGA: E mafai ona fa’ateleina ma ‘olo’o fa’ateleina e ‘auala o fa’asalalauga le lamatiaga mai sāuāga i totonu o ‘āiga, e ala i le lagolagoina o manatu māsani e uiga i itūpā ma isi manatu lē manuia e māfua ai sāuāga i totonu o ‘āiga.

E latalata mai nei le iai o manatu fa'aalia i 'auala o fa'asalalauga e tatau ona fa'asā ata tīfaga e mamafa i le itū tau faigā 'āiga,[33] ma popōlega i fa'alauiloa i totonu o le atunu'u e fa'aali ai sāuāga.[34] O le sa'olotoga e fa'aali ai manatu o se vaega tāua o temokarasi sa'oloto, ma o se itū e tatau ona puipuia, 'aemaise lava pe 'āfai e fa'atino ni suiga ona o se vaega itiiti e tete'e i ai. E tē'ena e le Sā'ili'iliga le vala'au o se sā lautele, ma e lagolagoina a'oa'oga 'ae lē o le fa'asā po o le 'ave'ese o ni vaega, ina ia 'alofia ai le malifa māse'ese'e e āga'i atu ai i le 'āia o le sa'olotoga o le fa'aaliga o manatu, e pei ona ua iai i isi atunu'u.

> "E tatau ona fa'aeteete i le fa'atinoga o ni tapula'a i vaega e pei o ala o fa'asalalauga ma 'auala o feso'ota'iga a tagata. O le filifiliga faigōfie o le fa'atapula'a. O a'oa'oga, o le filifiliga faigatā atu ona fa'atino."
>
> *Justice Vui Clarence Nelson, Family Violence Workshop, Apia, November 2017*

E 'auai 'āto'atoa le Sā'ili'iliga i le manatu o Justice Vui, e lē se 'auala talafeagai le fa'atapula'a o 'auala o fa'asalalauga i lenei matā'upu. O le itū muamua, e tele lava ina leai se aogā ma e maua lava e tagata 'auala e ta'amilo ai mai nei tapula'a. O lonalua, e lē fa'afetaia'ia ai le fatu o le matā'upu, fa'ato'ā iai le 'aumātamata i nei itū'āiga ala o fa'asalalauga ma ni taunu'uga, ina ua lē lava a'oa'oga.

O se fa'ata'ita'iga lelei o lōmiga fa'asalalau mātagā i Sāmoa, o se mea ua faigōfie ona maua e so'o se tasi i telefoni fe'āvea'i ma le initaneti, ma 'olo'o fa'ateleina pea le pasene o tupulaga talavou e mafai ona maua ia feso'ota'iga. Ua fa'ateleina lea 'auala ua 'avea o se ulua'i taimi e va'ai ai le to'atele o tama talavou i fa'amatalaga tau faigā 'āiga, talu ai le leai o ni a'oa'oga tau faigā 'āiga i ā'oga, ma le lē talanoaina i 'āiga ma nu'u. E tele fa'amatalaga na tu'uina mai i le Sā'ili'iliga e i latou e faigaluega i le Matāgaluega o Leoleo, fa'amasinoga, falepuipui ma 'auala o fa'asalalauga i mea ua tutupu na mātamata ai ni tama talavou i ata mātagā i se telefoni, ona taumafai ai lea e fa'atino mea na mātamata ai, ma o le tele o taimi e fa'atino i se tagata talavou o le 'āiga lava, e le'i mana'o i ia fa'atinoga. E lē mafai ona fa'amautinoa le fa'asāina 'āto'atoa o lōmiga fa'asalalau mātagā, ma e lē o se tali fo'i lea i le māfua'aga fa'avae, o le **leai lea o se mālamalamaga o so'otaga lelei ma le mea e sa'o pe sesē tau faigā 'āiga**. O le lē fa'atinoina o nei talatalanoaga ma tamaiti o Sāmoa i le 'āiga po o totonu o potuā'oga, o le fa'ateleina fo'i lenā o lamatiaga o le si'itia o sāuāga tau faigā 'āiga ma e pau le 'auala e mafai ona fa'atino e fa'afetaia'i ai lenei tulaga, o le 'ave'esea lea o le lē gaganaina o matā'upu tau faigā 'āiga i si'osi'omaga nei e lua.

E fa'apēnā fo'i i 'auala o fa'asalalauga. E lua 'auala i le fa'aitiitiga o lamatiaga ona o le nātura o lōmiga fa'asalalau e tagai i ai ma faitau ai tagata. Muamua, e pei ona fa'amatalaina, e ala atu lea i le fa'atupuina o se mālamalamaga o le atunu'u o so'otaga lelei, ina ia 'ave'esea ai le lamatiaga mai ni fa'asalalauga lē lelei. O lonalua, o a'oa'oga mo 'auala o fa'asalalauga i Sāmoa ma le fa'ata'atitia o tulaga mana'omia a le atunu'u e lagolagoina ai le tulaga tutusa o itūpā ma si'itia le silafia e le 'au fa'asalalau, tagata e fai a latou fa'alauiloa ma fa'aaliga fa'apēnā, o a'afiaga lē manuia o le lagolagoina o sāuāga ma manatu māsani e uiga i nafa o itūpā.

[33] Samoa Observer. "Call for 'Fifty Shades Freed' to be banned." (18 February 2017). Retrieved from www.sobserver.ws/en/10_02_2018/local/29840/Call-for-'Fifty-Shades-Freed'-to-be-banned.htm.
[34] MJCA Family Violence Workshop Report. Document 70 Inquiry anthology.

FAUTUAGA 16: Fa'aitiitia a'afiaga e āfāina ai i 'auala o fa'asalalauga, e ala i a'oa'oga ma le fa'ata'atitia o tulaga mana'omia i 'auala o fa'asalalauga.

- Fa'atino le Fautuaga 10 o le Sā'ili'iliga i a'oa'oga tau faigā 'āiga i ā'oga.
- Tu'uina atu a'oa'oga i mātua, e ala atu i feso'ota'iga 'olo'o iai nei ma nu'u ma afio'aga, i 'auala e talatalanoa ai mātua i a latou fānau e uiga i so'otaga lelei.
- Tu'uina atu a'oa'oga i tomai o galuega i 'auala uma o fa'asalalauga i Sāmoa i uiga, māfua'aga ma taunu'uga o sāuāga i totonu o 'āiga, ma le sao e mafai ona o latou fa'atinoina i le lagolagoina o le tulaga tutusa o itūpā ma le 'alofia o manatu māsani 'ae lē sa'o, fa'apea sāuāga.

17.2 Fuafuaga a le Mālō, Fa'amāopoopoina ma Polokalame

I'UGA 28 O LE SĀ'ILI'ILIGA: O le lē lava o le fa'amāoni o le Mālō ma ana fa'atinoga, e ala i le lē lava o puna'oa, lagolago ma le lē māopoopo o taumafaiga, e 'avatu ai i tagata se fe'au, e talia le tulaga lē tutusa o itūpā, ma e talia sāuāga i totonu o 'āiga.

Ua fa'ama'oti e le Sā'ili'iliga le mana'oga mo se Ta'iala a le Atunu'u mo le Tāofiga o Sāuāga i Totonu o 'Āiga, e tu'ufa'atasia ai fuafuaga ua iai nei a vaega ma matāgaluega, ātīna'ega o se ta'iala o le māta'itūina ma iloiloga, ma 'avea lea o se tasi o matāfaioi fa'atulafonoina a le Ofisa o le Tāofiga o Sāuāga i Totonu o 'Āiga.

17.2.1 Fa'amāopoopoina ma lagolago va'aia

O le taimi nei, toeitiiti lava leai se ta'ita'iga a le Mālō e fa'amāopoopo ai vaega 'ese'ese 'olo'o galulue i lenei vaega. Mo se fa'ata'ita'iga, 'āfai e taunu'u atu se tagata āfāina i le falema'i, e leai se fa'agāsologa mautū e 'auina atu ai lea tagata i se ofisa talafeagai, pe leai fo'i se 'au'aunaga mana'omia 'olo'o iai. O le māfua'aga fo'i lea 'olo'o mafai ai ona fa'atino e 'au'aunaga to'aitiiti 'olo'o iai nei, galuega 'olo'o fa'atino e le isi fa'alāpotopotoga, e pei ona iai i faufautuaga mo le tāofiga o le pule i le ola, ua fa'atino nei e le To'omaga, a o le galuega lenā 'olo'o fa'atino e le FLO.

O le fa'avaeina o se Ofisa mo le Tāofiga o Sāuāga i Totonu o 'Āiga, o se la'asaga lea i le itūlagi sa'o, 'aemaise lava i le fa'amāopoopoina o 'au'aunaga uma e feso'ota'i ma sāuāga i totonu o 'āiga. Peita'i, e iai fo'i le aogā o se Nofoaga Tūtotonu mo Fa'alavelave tau 'Āiga, e maua ai tagata faufautua ma e mafai ona o latou 'auina atu tagata i isi 'au'aunaga uma 'olo'o maua i totonu o Sāmoa. E mafai, ma e tatau ona iai se ta'avale e iai meafaigaluega mana'omia e mafai ona o'o atu i vaega uma o le atunu'u e fa'ao'o atu 'au'aunaga e pei o le va'aiga ma le tausiga o tamaiti, lagolago tau a'oa'oga ma fa'atalanoaga ma tagata ua sao mai sāuāga.

"E matuā tāua mo le saogalēmū o se tama'ita'i po o se teine ua āfāina pe 'olo'o feagai ma sāuāga i le tino, faigā 'āiga, po o se isi lava itū'āiga sāuāga, le mauaina o fa'amatalaga sa'o, po o fea lava le nofoaga 'olo'o iai, po o le ā le taimi o le ao po o le pō, ina ia ona maua 'au'aunaga e fesoasoani ia maua lona saogalēmū".

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E mafai fo'i ona 'avea o se nofoaga e o'o atu i ai tagata fa'atino sāuāga mo se fesoasoani ina ia suia a latou āmio. O se tasi o itū matuā fa'anoanoa o le Sā'ili'iliga, o molimau ia a tagata fa'atino sāuāga, ua lē mānana'o e fa'atino sāuāga, a ua latou lē iloa lava se isi 'auala.

O le taimi nei, e matuā lē lava le fa'atupega a le Mālō mo le fa'afetaia'iga o sāuāga i totonu o 'āiga. E lē mailoa po o lenei tulaga e māfua mai i le lē lava o le mālamalamaga i le tulaga fa'atāma'ia o le soifuaga ma le tamāo'āiga o le atunu'u, po o le itū e sili ona popole ai, o le mana'o lea ia fa'atūmau le sosaiete e pūlea e ali'i. Po o le ā lava le māfua'aga, o le lē lava o le lagolago va'aia ma le leo o ta'ita'i o le atunu'u, fa'atasi ai ma le lē lava o le fa'atupega, ua tatau nei ona tu'uina mai se tali i i'uga o le Sā'ili'iliga, – o sāuāga i totonu o 'āiga e taugatā, e āfāina ai le ātīna'e o le atunu'u, 'olo'o solia ai le Fa'avae, le Fa'asāmoa, ma Talitonuga Fa'alefa'atuatua. 'Āfai e leai se manatu fa'asāla'ese e tu'uina mai, e manatu lā le Sā'ili'iliga, 'ole'ā vave le tali mai, ma fa'atatauina tupeteu fa'afaigaluega e fa'afetaia'i ai sāuāga i totonu o 'āiga, ma 'avea ta'ita'i o upufai o ni tagata ua iai le tomai i māfua'aga ma fofō, ma tūla'i mai e 'avea o siamupini i lenei taumafaiga, e lē gata i totonu o le maota, a o o latou nu'u ma afio'aga.

FAUTUAGA 17: Fa'avaeina se Nofoaga Tūtotonu a le Atunu'u mo Fa'alavelave tau Sāuāga i Totonu o 'Āiga, e iai faufautua fa'amāonia taualoa.

- Fa'avaeina fa'ailoga ma tusipasi taualoa mo faufautua.
- Fa'avaeina se Nofoaga Tūtotonu a le Atunu'u, e tu'uina atu ai 'au'aunaga 'ese'ese e mafai ona maua i Apia ma isi vaega uma o le atunu'u.

FAUTUAGA 18: Lagolagoina e le Palemene 'ātoa le fa'afetaia'iga o sāuāga i totonu o 'āiga.

- Lagolagoina e sui uma, talia, ma fa'amāonia fautuaga o le Sā'ili'iliga e Sui uma o le Palemene.

17.2.2 Polokalame

O le lē lava o le lagolago i le taimi nei, 'olo'o matuā mātilatila i polokalame 'olo'o tu'uina atu nei e Matāgaluega a le Mālō, 'olo'o matuā āfāina i le la'iitiiti o tupe fa'amatu'u atu mo fa'atinoga. E lē gata i lea, o 'auala 'olo'o fa'atino nei, e lē o mafai ona aoina ai fa'amaumauga mana'omia ina ai aogā lelei le māta'itūina ma iloiloga o se āga'i i luma o taunu'uga o fa'atinoga. E fa'aopoopo atu i ai matāfaioi fa'atulafonoina a le Matāgaluega o Tinā ma Tama'ita'i, 'olo'o fa'amālosia ai manatu māsani e uiga i itūpā,

a ua lē sa'ili i le 'ave'eseina o nei manatu, ma fa'apea ai ona fa'afetaia'i māfua'aga 'olo'o i le ta'ele o sāuāga i totonu o 'āiga.

Ua fa'aopoopoina i lenei lē tutusa o itūpā le lē mafai e le Mālō ona tu'uina atu totogi tutusa i sui o nu'u ma sui tama'ita'i o nu'u. 'Olo'o fa'atino lava lenei tulaga, e ui ina tele faitioga e uiga i le aogā o le to'atele o isi sui o nu'u, ma le lē mafai ona tu'uina mai ni molimau e fa'amāonia ai 'olo'o fa'atino a latou matāfaioi.

FAUTUAGA 19: Si'itia tupe fa'aaogā ma le mafai ona tu'uina mai molimau fa'amāonia o galuega o polokalame e fa'afetaia'i ai sāuāga i totonu o 'āiga, ma ia ta'imua le tulaga tutusa o itūpā.

- Iloiloga tūto'atasi o tupe fa'aaogā a polokalame 'olo'o iai nei e fa'alagolago i mana'oga ma tupe fa'atatauina ua fa'amatu'u atu, ma le fa'aaogāina o tupe fa'atatauina ua fautuaina.
- Tutusa totogi mo sui tama'ita'i o nu'u ma sui o nu'u, ma ia fa'avae le tu'uina atu i se faiga e fa'avae i le fa'atinoga o galuega e mafai ona aogā lelei ai le māta'itūina ma iloiloga.
- Fa'alautele matāfaioi fa'atūlagaina a le Matāgaluega o Tinā ma Tama'ita'i, Ātīna'e o Nu'u ma Afio'aga ma Agafeso'ota'i, ia aofia ai fa'atinoga e lē fa'apito i se itūpā ma fa'atinoga e fa'afetaia'i ai le lē tutusa o tulaga o itūpā, e pei o le 'auai o tama'ita'i i ta'ita'iga.

17.3 Fono a Nu'u

I'UGA 29 O LE SĀ'ILI'ILIGA: O le lē fa'avaeina o ni faiga aloa'ia e tali atu ai i sāuāga i totonu o 'āiga, o le 'auai lava lea o le tele o Fono a Nu'u i le ta'atele o sāuāga i totonu o 'āiga.

I'UGA 30 O LE SĀ'ILI'ILIGA: E lē o mafai e matai ona puipuia tu'usa'o tagata e āfāina i sāuāga i totonu o 'āiga ma lē o fa'atinoina sa latou galuega o so latou tiute i nei matā'upu. O lona uiga, 'olo'o gata i totonu o 'āiga, ma leai ni taunu'uga manuia. E lē lava galuega a matai 'olo'o fai i le taimi nei e tāofia ai sāuāga i totonu o 'āiga, e ala i fa'ata'ita'iga lelei ma le fa'atupuina o le to'afīlēmū i le vā o tagata o o latou 'āiga.

E tāua tele le nafa o Fono a Nu'u i le tāofiga o sāuāga 'ae le'i tutupu, 'auā o la latou matāfaioi le "uunaia le felagolagomai ma le feoeoeai o tagata".[35] Peita'i, e itiiti lava pe leai fo'i ni molimau na maua e le

[35] Section 5, *Village Fono Amendment Act 2017.*

Sā'ili'iliga o ni taumafaiga tāulagalaga e tāofia ai sāuāga i totonu o 'āiga, ma o le ta'atele o matai fa'atino sāuāga, o se tasi lea o pā pupuni iloga i ia taumafaiga.

Talu ai ana so'otaga tu'usa'o i le fa'atinoga o sāuāga i totonu o 'āiga, e lē mafai lā ona fa'a'āu'upegaina Fono a Nu'u i le tāofiga ma le puipuiga o tagata mai sāuāga i totonu o 'āiga, vaganā ua iai se vaitaimi mo lona toefuata'iga. Ina ia mafai ona fa'ataunu'u ana matāfaioi fa'atūlafonoina o le ūna'iga o le felagolagoma'i ma le fe'oe'oea'i o tagata, e tatau ona fa'avae e fono a nu'u se 'auala talitonuina e tāofia ai ma puipuia tagata mai sāuāga i totonu o 'āiga. O se manatu na fa'atū so'o mai i le Sā'ili'iliga, o le fa'avaeina lea o "Komiti mo le Saogalēmū o 'Āiga" (**KSA**) i totonu o nu'u ma afio'aga ta'itasi, e feagai ma matā'upu uma e feso'ota'i ma le tāofiga o sāuāga i totonu o 'āiga ma le puipuiga.

O le lamatiaga e tatau ona 'alofia, o le tōfia lea na'o tama'ta'i i sea komiti ma fa'aaogā ai o se isi 'auala e fa'a'esea ai le mātā'upu. Ina ia mafai ona aogā lelei, e **tatau ona aofia** i sui faife'au o lotu, Sui Tama'ita'i o Nu'u, Sui o Nu'u, tapa'au ma fa'auluuluga o Fono a Nu'u ma sui o Komiti a Tinā ma Tama'ita'i. E tatau ona fa'amalieina e sui uma tulaga aupito maualalo e mana'omia mo le fa'atinoga o 'auala e lē ni sāuāga. 'Ole'ā 'avea lea komiti o se nofoaga tūtotonu mo matā'upu e feso'ota'i ma sāuāga i totonu o 'āiga ma i'u atu ai i le lagolagoina i totonu o le nu'u. Ona pau lea o le 'auala e 'ausia ai e Fono a Nu'u i so'o se nu'u ma afio'aga, le talitonuina na te mana'omia, e fa'atino ai se galuega e fa'amautinoa ai e lē toe āfāina tagata ua a'afia, ma fesoasoani e maua fa'amasinoga tonu.

E lagolagoina 'āto'atoa e le Sā'ili'iliga le fa'avaeina o Komiti mo le Saogalēmū o 'Āiga (KSA), ma o se vaega mana'omia mo le 'auai o nu'u i le Polokalame o Nu'u Sa'oloto mai Sāuāga (PNSS).

O le fa'avaeina lā o se Komiti mo le Saogalēmū o 'Āiga, 'ole'ā tali ai Fono a Nu'u i se tasi o popōlega o le Sā'ili'iliga, o le leai o se ta'ita'iga i matā'upu tau sāuāga i totonu o 'āiga. O se 'āmataga lelei, o le tē'ena lea e ta'ita'i o nu'u ma afio'aga ma lo latou fa'amāoni e mālamalama ma fa'afetaia'i māfua'aga fa'avae o sāuāga i totonu o 'āiga i o latou nu'u ma afio'aga. O le 84% o ali'i, ma le 76% o tama'ita'i na tali mai i le su'esu'ega, na manatu e tatau ona ta'ita'i e Fono a Nu'u taumafaiga e lagolagoina le tāofia o sāuāga i totonu o 'āiga.[36] Peita'i, o le tulaga 'olo'o iai nei, o Fono a Nu'u ia e tele ina iai lo latou sao i le fa'aolaolaina o sāuāga i totonu o 'āiga. O le fa'avaeina o se Komiti mo le Saogalēmū o 'Āiga, o se fa'ailo manino lea i tagata, e moni le naunau o le nu'u e fa'afetaia'i sāuāga i totonu o 'āiga. Peita'i e lē na'o le pau lea o le fua mana'omia, ma e fa'amālosi'au atu i Fono a Nu'u, ia leotele ma ia lagona i so'o se avanoa e maua, lo latou tē'ena o sāuāga i totonu o 'āiga.

E tatau ona tūla'i mai Fono a Nu'u/Komiti mo le Saogalēmū o 'Āiga, e tali atu i le "mō'omo'oga fa'ananau 'olo'o iai nei, inā se'i tūla'i maia Fono a Nu'u e ta'ita'i"[37] ma ātīna'e lo latou mafai, e 'avea ai o ta'ita'i i le fa'afetaia'iga o sāuāga i totonu o 'āiga. Mo le fa'atuatuaina ma le talafeagai pea o Fono a Nu'u i le Sāmoa o le Seneturi 21, e tatau ona tūla'i mai e tau'ave lenei matāfaioi i le agaga moni o le tagofia o matā'upu ma'ale'ale i le fa'amāoni e pei ona mana'omia.

[36] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.
[37] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

E lē fa'apea 'ole'ā lāfoa'i atu e faitalia i latou ma faatino. E tatau ona tu'uina atu e le Mālō fesoasoani mana'omia, ina ia mafai ona fa'ataunu'u e Fono a Nu'u nei galuega tau'ave fou.

O le nafa o Fono a Nu'u/ KSA, o le a'oa'oina lea o o latou tagata i māfua'aga ma taunu'uga o sāuāga i totonu o 'āiga, fa'atupu le silafia o 'au'aunaga ma tulafono, ma ia iai lo latou sao tu'usa'o, i le puipuiga o tagata ta'ito'atasi. E mafai ona maua se fa'ata'ita'iga mai le matā'upu i le Kolisi o Avele na tā'ua i luga, na i'u ai i le fa'amālōlō lē tūmau o le pule lua ma se faiā'oga. O le matā'upu lenei, o le fa'atinoga o le 'auai atu o le Fono a le Nu'u ina ua logoina i sāuāga na feagai ma tamaitiā'oga, na i'u ai i le fa'ai'uga na faia i faiā'oga. Ana leai le galuega a le Fono a le Nu'u, 'ailoga e fa'asalaina faiā'oga. O se fa'ata'ita'iga sili ona lelei lea o le fa'aaogāina e le Fono a le Nu'u o lona tulaga e fesoasoani i le puipuiga ma le tāofiga o sāuāga i totonu o 'āiga. Na fa'alogo fo'i le Sā'ili'iliga i isi taumafaiga lautele atu 'olo'o fa'atinoina nei.

Su'esu'ega Fa'apitoa 25: O le Nu'u o Judge Tusipa e Tete'e atu i Sāuāga

E saofa'i Judge Tusipa i le Fono a lo latou Nu'u i Lefaga ma o se taunu'uga o galuega fa'atupu silafia na fa'ataunu'uina, ua 'āmata nei la'asaga āga'i atu i luma e tāofia ai sāuāga i totonu o 'āiga i lo latou nu'u. O ulua'i taumafaiga ua fa'atinoina e aofia ai le:

- Fa'apotopotoina o ali'i uma o le nu'u e fa'alua i le masina, e fa'amanatu i ai o latou tiute i a latou āvā ma a latou fānau;
- Asiasiga i 'āiga ia vave iloa le ono tutupu mai o sāuāga i totonu o 'āiga ma faufautua ia 'alo 'ese mai āmioga e i'u i sāuāga, e pei o le fa'aaogā fa'atāutala o le 'ava mālosi;
- Polokalame o galuega a le nu'u e tāofia ai le paiē ma le lē galulue ma fa'aleleia le tulaga o le tamāo'āiga o le nu'u.

"'Olo'o matou taumafai mālosi e ūna'i a matou matai ia 'avea o ni ta'ita'i lelei. 'Auā e iai taimi, o matai, o fa'atino sāuāga ia e aupito sili ona leaga. Pau lenā o le 'auala e fa'ata'ita'i i ai le 'aumaga. 'Āfai e fa'alua i le masina ona talanoa i le 'aumaga e 'aua le fasia le āvā ma le fānau, 'ae va'ai atu o lā e fai e matai, e fa'afefea lā ona iai ni suiga?"

Tusipa Masinalupe Tusipa, Matai 'auai ma Fa'amasino o le Fa'amasinoga o Fanua ma Suafa, Avanoa fa'alaua'itele e fa'aleo ai manatu

Ua fa'aali mai i le nu'u o Judge Tusipa mea e mafai ona 'ausia ina ua iai le mālamalamaga i sāuāga i totonu o 'āiga ma ta'ita'iga lelei. E ui ina iai ni fa'atinoga ma 'auala e mafai ona fa'aaogā e so'o se nu'u, e tele pea avanoa e ātīna'e ai e nu'u a latou lava tali atu i le tāofiga o sāuāga i totonu o 'āiga. O le fa'ata'ita'iga lenei, na mātauina e matai e tutupu so'o sāuāga pe 'āfai e nofonofo ali'i e leai ni fe'au aogā e faia. O la latou polokalame o 'au'aunaga i le nu'u e lē gata ina fa'afetaia'i ai se tasi o u'una'i o sāuāga i totonu o 'āiga, a ua fesoasoani fo'i i le ātīna'ega o le tamāo'āiga o le nu'u, ma fa'apea ona iai taunu'uga lelei o le mālōlōina lelei o māfaufau o tagata e 'auai.

O le itū'āiga ta'ita'iga lenei e mana'omia i le fa'ato'ilaloina o sāuāga i totonu o 'āiga. O se popōlega o le Sā'ili'iliga, e tele atu molimau o matai fa'atino sāuāga ma le pa'ū o le tulaga o ta'ita'i fa'aleaganu'u, i lō fa'ata'ita'iga lelei e pei ona iai i le su'esu'ega fa'apitoa 'olo'o i luga. Ua maua i le Sā'ili'iliga se avanoa aupito sili ona lelei, e feliua'i ai lenei gāsologa ua tūla'i mai i le tulaga lelei o matai. O lea suiga, e mana'omia ai lo latou fa'atino o ni la'asaga e tāofia ai sāuāga i totonu o 'āiga. O le ulua'i la'asaga, o le 'ave'esea lea o ni sā 'olo'o iai, i le 'avea o tama'ita'i ma matai, ma le tapu'eina ma fa'amālosia o polokalame o ta'ita'iga a tama'ita'i. O se taunu'uga, 'ole'ā fa'amālosia le tauvāga mo suafa matai ma fa'apea ona si'itia ai tulaga mana'omia ina ia fa'ae'e ai se suafa matai.

O lonalua, e tatau ona toe taga'i i aiaiga o tofiga ma le 'ave'esea o suafa matai, ina ia fa'aofi i ai talitonuga fa'avae o le leai o ni sāuāga. O se tasi o pā pupuni i le fa'afetaia'iga o sāuāga i totonu o 'āiga, o le to'atele o tagata fa'atino sāuāga e 'ūmia suafa matai. O le fuai'upu 20A(1)(b) o le *Tulafono o Fanua ma Suafa 1981* 'olo'o fa'ata'atia ai aiaiga mo le 'avea o se tasi o se matai, ma 'olo'o mana'omia ai le lava sāunia e tautua i lona 'āiga, nu'u ma le afio'aga e tusa ai ma tulaga fa'aleaganu'u ma le aga'ifanua a o latou nu'u. E lē gata i lea, 'olo'o iai fo'i aiaiga mo le 'ave'esea o le suafa mai se matai pe 'āfai ua tula'i mai ai se māasiasi, ta'uleagaina po ua fa'alumaina ai se 'āiga.[38]

Mai i'uga o le Sā'ili'iliga, e aogā se teuteuga o nei aiaiga; muamua, e tatau ona aofia se aiaiga i le sāunia o se matai e tautua i se 'auala e leai ni sāuāga, e fa'aopoopo i le aiaiga o le tautua e tusa ma tulaga fa'aleaganu'u ma le agaifanua; o lonalua, ia aofia ai le fa'amāonia o se solitulafono mamafa (e mafai ona o'o atu se fa'asalaga i le 5 tausaga pe sili atu i le falepuipui), o se māfua'aga fa'aopoopo mo le 'ave'esea o se suafa matai mai se tasi.[39]

Peita'i, e lē lava le na'o na fa'atino o suiga i le tulafono. E iai le matāfaioi a le 'āiga o se matai i le māta'itūina o le fa'atinoga o le tautua a lo latou matai, ma e tatau ona fa'ataunu'u lea matāfaioi. 'Āfai e fa'atino i sāuāga se ta'ita'iga a se matai, e tatau i le 'āiga ona fa'atino aiaiga ua iai ma aiaiga ua fautuaina ina ia tali mai le matai i ana fa'atinoga, ma tu'uina atu se talosaga mo le 'ave'esea o le suafa pe 'āfai ua tatau. E iai fo'i le nafa o le Sa'o o le 'āiga e lagolagoina ma fa'ailoa atu le matuā lē talia o sāuāga, ma le fa'atinoga o tiute o 'āiga e māta'itū nei fa'atinoga. 'Āfai fo'i 'olo'o fa'atino e Sa'o o 'āiga ni sāuāga, e tatau i nu'u ma afio'aga ta'itasi ona fa'avae se 'auala e mafai ona līpoti atu ai e sui o se 'āiga nei matā'upu i le Komiti mo le Saogalēmū o 'Āiga.

Vaganā ua mafai ona fa'atino e matai fa'ata'ita'iga lelei, e lē mafai ona fa'ataunu'u la latou matāfaioi o le fa'atupuina o le feālofani ma le māopoopoga o le nu'u, ma fa'aitiitia ai le ta'atele o sāuāga i totonu o 'āiga, fa'apea le lautele o sāuāga i totonu o Sāmoa.

> "E lē tatau ona 'avea Fono a Nu'u na'o se potopotoga o matai e taliē ma fai tala mālie […], o se meafaigaluega tāua lea e tatau ona fa'aaogā lelei mo le manuia o le nu'u."
>
> *Inquiry consultations participant, Pepa o le Sā'ili'iliga 58*

[38] See section 20B of the *Lands and Titles Act 1981*.
[39] Refer to 20A *Land and Titles Act 1981*.

FAUTUAGA 20: Ia ta'ita'i ma taulāmua Fono a Nu'u i fa'atinoga e tāofia ai sāuāga i totonu o 'āiga.

- A'oa'oga lautele ma au'ili'ili mo sui o nu'u i uiga, māfua'aga ma taunu'uga o sāuāga i totonu o 'āiga, ma fa'asalalauina atu i matai uma o le nu'u, ma ia māta'itū taunu'uga.
- Fa'avave le fa'avaeina o se Komiti a Nu'u mo le Saogalēmū o 'Āiga ma mautinoa le tulaga tutusa o itūpā i le filifiliga o le Komiti.
- Fa'atino teuteuga o le Tulafono o Fanua *ma Suafa 1981* ina ia mana'omia se tala'aga e le'i fa'atinoina ni sāuāga, o se tasi lea aiaiga mo le 'ūmia o se suafa matai, ma ni aiaiga e 'ave'esea ai se suafa matai pe 'āfai e fa'amāonia e le Fa'amasinoga se solitulafono tau sāuāga i totonu o 'āiga.
- Fa'atinoga o polokalame a nu'u e a'oa'oina ai tagata i uiga, māfua'aga ma taunu'uga o sāuāga i totonu o 'āiga, ma fa'aitiitia lamatiaga e tutupu ai sāuāga i totonu o 'āiga.

17.4 Lotu

I'UGA 31 O LE SĀ'ILI'ILIGA: Ua tele ina lē fa'atinoina le nafa o le lotu i le tāofiga o sāuāga i totonu o 'āiga ma 'olo'o tapu'eina le sosaiete e pūlea e ali'i, 'olo'o lalago ai sāuāga i totonu o 'āiga. 'Olo'o iai le sao o le lotu i le sa'oloto o fa'atino sāuāga e leai ni fa'asalaga ma 'olo'o talia tagata fa'atino sāuāga i lana 'aufaigaluega.

"Fautuaga: Fa'amālosia le nafa o le lotu i le fa'atupuina o le saogalēmū o 'āiga. E vala'auina le lotu ina ia aliali tele mai lona 'auai i le taumafaiga […] e ala i le ta'ita'iina o polokalame mo le saogalēmū o 'āiga ma le fa'amālosi'au i le 'auai o tagata."

Samoa Family Safety Study, 2017, Pepa o le Sā'ili'iliga 46

E maualalo tēisi i le pasene o Fono a Nu'u le pasene o tagata na tali mai e tatau ona ta'imua le lotu, 64% i taumafaiga e fa'afetaia'i sāuāga i totonu o 'āiga, e tusa ma fa'amaumauga a le SFSS 2017.[40] Peita'i, e pei ona iai i Fono a Nu'u, o le taimi nei, e tele atu le sao o le lotu i le fa'atupuina o manatu e i'u atu i sāuāga i totonu o 'āiga, nai lō manatu e tāofia ai.

E iai 'auala 'ese'ese e mafai, ma e tatau ona feliua'i ai e le lotu lona sao i sāuāga i totonu o 'āiga ma 'avea o se ta'ita'i i le fa'aitiitia o le ta'atele o sāuāga i totonu o 'āiga i Sāmoa. E aupito tāua le 'auai o faife'au i Komiti a Nu'u mo le Saogalēmū o 'Āiga e pei ona fa'ata'atia atu i le matā'upu na se'i mavae atu. O le

[40] Ministry of Women, Community and Social Development. (2017). *Samoa Family Safety Study*. Document 46 in Inquiry anthology, accessible at www.ombudsman.gov.ws.

fa'amāoni i le tau'aveina o lea galuega, 'ole'ā 'avea ai i latou o ni poutū o ia komiti ma fa'atino ai so latou sao tāua i galuega uma a le Komiti, e lē gata i le tāofiga a o le puipuiga mai sāuāga i totonu o 'āiga.

17.4.1 Faufautuaga mo Ulugāli'i

E lē gata i lea matāfaioi lautele, e iai fa'atinoga patino e tatau ona fa'ataunu'u e le lotu ina ia tele sona sao i le tāofiga o sāuāga i totonu o 'āiga. Muamua, o le fa'atino lea o le ta'ita'iga e pei ona faia e le lotu o le *Harvest Centre,* ua fa'aali mai ai, e mafai ona fa'atino fesoasoani mo so'otaga lelei i le vā o ni pā'aga vāvālalata, e ala i ni polokalame faufautua pupu'u.[41] O le tu'uina atu o 'au'aunaga fa'apea i ulugāli'i uma i totonu o se 'aulotu ma le toe fa'atinoina o asiasiga faifaipea i totonu o le nu'u, 'ole'ā toe mafai ai e le lotu ona fa'atino se sao aogā i le tāofiga o sāuāga i totonu o 'āiga. O se avanoa fo'i lea mo le faife'au o le 'aulotu e fa'amautū so'otaga e mafai ai ona toe asiasi atu, ma le mafai ona fa'atino ni fa'aleleiga, ma 'alofia ai le o'o atu i ni sāuāga.

E tele tagata na tu'uina mai molimau i le Sā'ili'iliga na fa'aleo lo latou fa'anoanoa i le to'atele o faife'au o lotu ua lē toe asiasi ma iloa lelei tagata o a latou 'aulotu.

> "E iai taimi e lē o lava ai galuega fa'atino a faife'au o lotu. E iai taimi latou te lē fa'atāuaina ai pe manatu mamafa i a latou galuega ma o se tasi lea o māfua'aga ua latou lē iloa ai ona tali atu i sāuāga i totonu o 'āiga. O le tāua o le galuega a le faife'au o le iloa lelei lea o tagata o lana 'aulotu 'auā o le 'auala lea e faigōfie ai ona ia iloa e iai se fa'alētonu o tupu. E tāua le toe ō e asiasi, e pei ona sa faia i aso ua tuana'i".
>
> *Samoa Family Safety Study, 2017, Pepa o le Sā'ili'iliga 46*

Ua maua e le Sā'ili'iliga o le mea lea ua 'ave'esea ai se 'auala tāua o le tāofiga o sāuāga i totonu o 'āiga, ona ua lē mafai e faife'au ona mātauina fa'ailoga lapata'i o sāuāga i totonu o 'āiga ma fa'atino ni gāoioiga e tāofia ai. E lua ni māfua'aga na fa'atūina mai ua fa'aitiitia ai fa'apea le tāua o le galuega a faife'au. Muamua, e to'atele faife'au ua tau leai se taimi i totonu o a latou 'aulotu ma fa'apea ai ona lē mānana'o e fa'aalu o latou taimi e asiasi. O lonalua, o le manatu i le ulagia e tagata e ala ona asiasi o le aoina mai o tupe.

O le vāvālalata o feso'ota'iga a faife'au ma a latou 'aulotu, e mafai ai ona o latou faia ni fa'atinoga patino e fa'aitiitia ai āmioga e feso'ota'i ma sāuāga i totonu o 'āiga.

17.4.2 Fa'atapula'aina o tupe mo matāfaioi fa'alelotu

E mafai fo'i e lotu ona fai se galuega e tāofia ai sāuāga i totonu o 'āiga, i le talia lea o lona sao i le ta'atele o sāuāga, ona o le fa'aopoopoina o popōlega tautupe ona o mana'oga fa'alelotu, ma fai se galuega e fa'afetaia'i ai lenei fa'afītāuli. E manino lava ua o'o atu le ta'aviliga o tupe fa'alelotu i se tulaga ua lē mafai ona fa'atonutonu ma o le tiute o lotu, o le fai lea o se fa'atatau ma se galuega i lenei fa'afītāuli, ma 'āfai e leai, e tatau ona tūla'i mai le Mālō e fai se fa'ai'uga. O le taulaga 'olo'o fa'atonuina i le Tusi Pa'ia, 'olo'o

[41] Whilst the Inquiry commends the Harvest Centre for its marriage course and the impact it has already had on the lives of many it should be a consideration for all future courses run by this church and all other churches to carefully gender and avoid gender stereotypes at all times.

tā'ua ai le tu'uina atu o le 10% o mea uma e maua e le tagata i ana galuega, o lana taulaga lea.[42] O se fa'ata'ita'iga, lea e fa'atino nei e le Ekalesia a Iesu Keriso o le 'Au Pa'ia o Aso e Gata ai. E mafai ona taga'i i se itū'āiga saofaga fa'apea ma fa'atino i Sāmoa. Ua lē tatau ona toe fa'amāasiasiina tagata i le la'iitiiti o a latou tupe e lafo, ma ua lē tatau ona fa'ateteleina pea le 'ese'esega o tamāo'āiga o 'āiga ona o le lotu, ma i'u sa'o atu i le si'itia o lamatiaga o sāuāga i totonu o 'āiga.

17.4.3 'Avea ma leo e tete'e atu i sāuāga i totonu o 'āiga

O le tulaga lautele, e mana'omia le fa'aleleia o ta'ita'iga a lotu, ma o le gūgū i le taimi nei, po o le 'augatā e fa'afetaia'i sāuāga i totonu o 'āiga, o se ata lava lea o le tulaga 'olo'o iai Fono a Nu'u, 'olo'o 'avea ai se sosaiete e pūlea e ali'i, o se māfua'aga ua lē mafai ai ona va'ai e leai se fa'aitū'au i le fa'afītāuli. E tatau lava i lotu ona fa'aaoga se 'auala e matuā tē'ena ai, ma lē talia se sāuāga, e o'o lava i faife'au.

Na fa'ailoa ane i le Sā'ili'iliga ni līpoti i 'auala o fa'asalalauga ma molimau o ni faife'au o le lotu na fa'atinoina osofa'iga tau faigā 'āiga i tagata o o latou lava 'āiga po o tagata o le 'aulotu, po o le fautuaina foi o tama'ita'i e toe fo'i i o latou ta'ito'alua fa'atino sāuāga. 'Āfai o āmioga nei a faife'au 'olo'o laugaina le afioga a le Atua, e lē o se tūlaga lā e fa'ate'ia ai se tasi le sasao fa'aafi lē matineia o sāuāga i totonu o 'āiga. E tatau la i lotu ta'itasi ona fa'atino ni 'auala aogā lelei e māta'itū ma līpoti ai faife'au o lotu e solia le tē'ena o so'o se itū'āiga sāuāga ma fa'atino ni fa'asalaga talafeagai.

E lē fa'apea lā e leai ni faife'au lelei o iai. E to'atele faife'au ta'uleleia ma fa'amāoni 'olo'o galulue ma e mafai ona tele lo latou sao i le tafi'esea o sāuāga i totonu o 'āiga. Toe lava o le fesoasoani e fa'aopoopo o latou iloa o le matā'upu ma la latou matāfaioi, ona tino mai lea o lo latou agava'a i lenei taumafaiga.

O le māe'a tāpena o se talitonuga fa'alefa'atuatua mo le manuia o tagata lautele, ua tatau loa i faife'au o lotu ona a'oa'o atu i a latou 'aulotu, ma fa'aaogā a'oa'oga mai le Tusi Pa'ia, le Fa'asāmoa ma aiā tatau a tagata soifua, e lagolago ai āmioga e lē o ni sāuāga. E lē gata i lea, e tatau ona a'oa'oina le to'afīlēmū, ma so'otaga lelei i Ā'oga Aso Sa, e tapu'e ma fa'amālosia ai matā'upu fa'alauteleina ua fa'atūina atu i lenei Līpoti. O galuega a le Ofisa mo le Tāofia o Sāuāga i Totonu o 'Āiga, 'ole'ā fa'amautinoa ai e tutusa le fe'au e 'auina atu.

Su'esu'ega Fa'apitoa 26: O se Faife'au Agaalofa

O Reverend Niu o se faife'au ua 20 tausaga o galue i lana 'aulotu. E lē talitonu Rev. Niu i le sasaina o tamaiti, ma na te le'i sasaina fo'i lava se tamaitiiti. O tausaga tau 'āmata o lana galuega, e fasi lava e mātua a latou fānau o fa'asasaga atu Niu ma lona faletua. E tele tausaga o galulue Niu ma lana 'aulotu ia sui o latou māfaufau, ma fa'aaogā Aso Sa e talatalanoa ai ma fautuaina isi 'auala o le tausiga ma le a'oa'iga a mātua o tamaiti. Na o'o lava i faiā'oga o le Ā'oga Aso Sa, na galue fo'i i ai Niu e fa'aaogā isi 'auala 'ae 'aua le sasaina tamaiti.

Na gāsolo aso ma i'u ina mātauina e Niu, ua 'āmata ona iai suiga, ma na fesoasoani i ai lana 'auala o le lē talia o se sāuāga – 'āfai e va'aia e Niu se matua o sasa lana

[42] Leviticus 27:30-33; Numbers 18:21-28; Deuteronomy 26:12-13.

fānau, ua latou iloa lava ‘ole’ā līpoti e le faife’au i leoleo. E faigatā. Peita’i, na iloa e Niu, fa’ato’ā mafai ona lauga atu i le to’afīlēmū e leai ni sāuāga, pe ‘āfai e tausolomua ia i le fa’atinoga.

“E iai ‘aulotu, e faigatā ona tāofia sāuāga, pe ‘āfai ‘olo’o fa’atino fo’i e le lotu. E tatau ona ‘āmata mai luga i tagata ‘olo’o laugaina, le fa’atinoga o mea ‘olo’o lauga atu ai.”

Ua mātauina fo’i e Niu le sao o nafa o itūpā i le fa’atupuina ma le fa’aauauina o sāuāga, ma ua taumafai fo’i ia e fa’atino la’asaga i lona lava ōlaga, e ‘avea ma fa’ata’ita’iga lelei.

“O nei sāuāga ‘olo’o fa’amālosia e nafa o itūpā – e fai e tinā le kuka ma fa’amamā le fale ma le fanua, ‘ae fai e ali’i fa’ai’uga ma isi mea e mānana’o i ai. O a’u ua na’o se to’atasi o le to’aitiiti o ali’i i lo matou nu’u e faia tāgāmea ma le kuka, ma ou te lē mā fo’i e fa’ailoa atu. ‘Ana fa’apea e taumafai tēisi lava ali’i uma, taumafai i se suiga o nafa o itūpā, ‘ātonu ‘ole’ā maua ai lo tatou avanoa e fa’afetaia’i ai nei fa’afītāuli.”

O Reverend Niu o se fa’ata’ita’iga sili ona lelei o le tāofiga o sāuāga i totonu o ‘āiga, e mafai ona tupu, ona o ta’ita’iga lelei a le lotu, ma se mālamalamaga o uiga ma māfua’aga o sāuāga i totonu o ‘āiga. O le ‘auala lenei lea ua fa’aaogāina e le Pule’aga a le Lotu Egelani o Polenisia e fa’a’ogātotonu i Fiti, ua fa’alauiloa aloa’ia le talia o le ‘auala o le “Lē Taliaina o Sāuāga”. O se ‘auala fa’apea e mafai ona aofia ai vaega ‘ese’ese mai le tāofia o tagata ua fa’amāonia solitulafono o sāuāga i totonu o ‘āiga mai le ‘ūmia o tofiga ta’ita’i i le lotu, e o’o atu i asiasiga i ‘āiga ua manatu ua lamatia i sāuāga i totonu o ‘āiga. E ta’atia i lotu e fausia la latou lava ‘auala, a ia fa’avae i se mālamalamaga lautele ma au’ili’ili o sāuāga i totonu o ‘āiga, ma ia ‘alofia fa’auigaga o le Tusi Pa’ia e āfāina ai.

FAUTUAGA 21: Ia tāofia e lotu le ūna’iga ma le lagolagoina o manatu ma uiga fa’aalia e fanafānau ai sāuāga i totonu o ‘āiga ma ia ‘avea o se ta’ita’i i le tāofiga o sāuāga i totonu o ‘āiga.

- ‘Auai faife’ai i Komiti a Nu’u mo le Saogalēmū o ‘Āiga.
- A’oa’oga lautele ma au’ili’ili mo faife’au i uiga, māfua’aga ma taunu’uga o sāuāga i totonu o ‘āiga, ma māta’itūina taunu’uga o ia a’oa’oga.
- ‘Auai lotu i le ātīna’ega o se talitonuga fa’alefa’atuatua mo le manuia o tagata lautele ma le saogalēmū o ‘āiga.
- Fautuaga mo faife’au o lotu i ‘auala e ūna’i ma lagolagoina ai le leai o ni sāuāga, ma le laugaina o se talitonuga fa’alefa’atuatua mo le manuia o tagata lautele, e lē iai ni sāuāga.
- Fa’atino faufautuaga mo ulugāli’i i a latou ‘aulotu, e pei o le polokalame ‘olo’o fa’atino nei e le lotu o le *Harvest Centre*.

- Toe fa'atino asiasiga fa'aauau i tagata o 'aulotu ina ia ātīna'e so'otaga lelei, si'itia ta'ita'iga fa'aleagaga, ma 'avea o se 'auala o ulua'i lapata'iga ma le tāofiga o sāuāga i totonu o 'āiga.
- Fa'avae tapula'a o saofaga fa'alelotu, ia feso'ota'i ma tupe e gafatia e 'āiga.

17.5 Aoina o Fa'amaumauga

I'UGA 32 O LE SĀ'ILI'ILIGA: E lē o 'ausia tulaga lelei i le aoina o fa'amaumauga tau sāuāga i totonu o 'āiga ma faifaipea le sesē ona līpotiina le tulaga tonu o le lautele o le fa'afītāuli, ma fa'aitiitia ai le aogā o nai taumafaiga 'olo'o iai e fa'afetaia'i ai.

"'Āfai e fua ma līpotiina fa'atinoga o galuega, ua saoasaoa fo'i le fua fa'atatau o le lelei o fa'atinoga." – Pearson's Law

Vaipou Fetuliai Lagaaia, Lawyer, Sui 'auai i le Sā'ili'iliga

'Olo'o fa'aitiitia le aogā o nai 'auala o le tāofiga ma le puipuiga, polokalame ma faiga fa'avae, Māta'itūina ma Iloiloga 'olo'o iai nei, talu ai le lē lava o fa'amaumauga fa'atuatuaina. O le faiga o fa'ai'uga i le taimi nei e lē o fa'avaeina i tulaga moni 'olo'o ai, ma e le'i mautinoa tonu le lautele o le fa'afītāuli. O fofō lā ua fa'atūina atu i le Līpoti lenei, 'olo'o fa'avae i le mautinoa 'ole'ā iai se faiga mautū o le Māta'itūina ma Iloiloga, ina ia mafai ona fua le āga'i i luma o fa'atinoga ma tulituliloa lamatiaga, ma fa'aleleia le mālamalamaga i taunu'uga o sāuāga i totonu o 'āiga.

'Olo'o fa'amanuiaina Sāmoa i le iai o se tasi o ofisa aupito lelei, pe 'āfai e lē o le ofisa aupito sili lea ona lelei i atunu'u o motu uma o le Pasefika, lana Matāgaluega o Fuainumera Fa'amauina. O tomai 'olo'o iai i lenei ofisa o le atunu'u, o se meatōtino 'autū lea i le tauiviga e fa'afetaia'i ai sāuāga i totonu o 'āiga. Peita'i, e lē o 'āto'atoa lona fa'aaogāina. E tatau ona 'avea le Matāgaluega o Fuainumera Fa'amauina o se ta'ita'i i le ātīna'ega o se ta'iala o le Māta'itūina ma Iloiloga mo le Ta'iala o le Puiuiga o Sāuāga i Totonu o 'Āiga, ma ona galuega fa'atino e feso'ota'i.

E manino ta'iala 'olo'o tu'una mai e le Komiti a Mālō Aufa'atasi o le *CEDAW,* i tulaga e mana'omia i le aoina o fa'amaumauga ina ia aogā lelei le fa'afetaia'iga o sāuāga, ma e aofia ai:[43]

- Iloiloga o tulafono, faiga fa'avae ma polokalame e fefa'asoaa'i ai ma fa'alāpotopotoga i totonu o le atunu'u ('aemaise fa'alāpotopotoga a tinā ma tama'ita'i)
- Fa'avae se faiga faifaipea mo le aoina, vā'ili'iliga ma le lolomiina fa'asalalau o fuainumera fa'amauina o sāuāga ua tu'uvaega, e aofia ai fa'amaumauga e patino i:

[43] Refer to UN CEDAW Committee (2017). General Recommendation No.35 on gender-based violence, updating General Recommendation 19. CEDAW/C/GC/35. Document 103 Inquiry anthology, accessible at www.ombudsman.gov.ws.

    - Fuainumera o poloa'iga tau puipuiga e tu'uina atu;
    - Fua fa'atatau o talosaga e fa'alēaogāina pe toe fa'aui i tua;
    - Fua fa'atatau o mōliaga ma solitulafono fa'amāonia;
- E tatau ona tu'uvaega fa'amaumauga uma i vaega o itū'āiga sāuāga, so'otaga i le vā o le tagata āfāina ma le tagata fa'atino sāuāga, isi fa'amatalaga e aofia ai tausaga o le matua, vaega o tupe maua ma fa'amatalaga e uiga i ni isi itū'āiga fa'ailoga tagata e feso'ota'i;
- Vā'ili'iliga o fa'amaumauga ia fa'ailoa manino vaega ua lē fa'amanuiaina ai puipuiga ma vaega fa'amanuiaina;
- Fa'atino su'esu'ega ma sā'ili'iliga e fa'aauau ai pea ona fua le ta'atele ma māfua'aga o sāuāga.

E lē na'o Sāmoa 'olo'o maua i le tulaga o le lē lava o le aoina o fa'amaumauga ma le Māta'itūina ma Iloiloga o fa'agāsologa e feso'ota'i ma sāuāga i totonu o 'āiga. E iloga le lē lava o su'esu'ega i atunu'u e maualalo ma atunu'u e feoloolo le tulaga o le tamāo'āiga, na'o le 6% o su'esu'ega i sāuāga fa'asaga i tamaiti, i le lalolagi 'ātoa, na fa'atinoina i nei atunu'u mai le 2007-2013.[44] O se avanoa lelei tele lenei mo Sāmoa e tōsina mai ai fa'atupega mo polokalame tau sāuāga i totonu o 'āiga, e iai se vaega e fa'a'autū i le aoina o fa'amaumauga ma le Māta'itūina ma Iloiloga. O se avanoa ua tatau ona fa'aaogā nei loa, pe 'āfai e taga'i i le "avanoa sili ona lelei lea i le fa'aitiitiga o fua fa'atatau o sāuāga, fa'afetaia'iga o tulaga lē tutusa, fa'aleleia o le fa'a'āupegaina tau tamāo'āiga, ma le tuputupu pea o se tamāo'āiga mausalī."[45] E le gata lā ina mafai e Sāmoa ona fa'afetaia'i ona ia lava fa'afītāuli o le ta'atele o sāuāga i totonu o 'āiga, 'ae mafai ai fo'i ona 'avea o se fa'ata'ita'iga lelei mo le lalolagi 'ātoa.

FAUTUAGA 22: Fa'a'ogātotonu i taumafaiga o le tāofiga o sāuāga i totonu o 'āiga i Sāmoa le aoina o fa'amaumauga ma le Māta'itūina ma Iloiloga

- Tu'ufa'atasia le aoina o fa'amaumauga a matāgaluega uma ma Fa'alāpotopotoga Tūma'oti 'olo'o tu'uina atu 'au'aunaga.
- Fa'avasega fa'amaumauga ma faamatalaga tau sāuāga i itupa, ituaiga, tausaga, manaoga faapitoa, nofoaga, ituaiga sāuāga aafia, tulaga o le tamaoaiga ma isi.
- Matāfaioi a le Matāgaluega o Fuainumera Fa'amauina i le fa'amāoniga o fa'amaumauga ma a'oa'oga i tomai o le aoina o fa'amaumauga mo matāgaluega ma ofisa 'autū.
- Ta'iala a le Atunu'u o le Māta'itūina ma Iloiloga o le Tāofiga o Sāuāga i Totonu o 'Āiga.

[44] World Health Organisation. (2016). *INSPIRE: Seven Strategies for Ending Violence Against Children*. Document 48 Inquiry anthology.
[45] World Health Organisation. (2016). *INSPIRE: Seven Strategies for Ending Violence Against Children*. Document 48 Inquiry anthology.

18. Ta'iala o le Puipuiga

18.1 Ta'iala fa'aletulafono

I'UGA 33 O LE SĀ'ILI'ILIGA: Ua mālosi atu le ta'iala fa'aletulafono a Sāmoa i matā'upu tau sāuāga i totonu o 'āiga, nai le tulaga sa iai. Peita'i, e vāivai pe leai fo'i se fa'atinoga ma le māta'itūina o le aogā lelei.

O ana ta'iala fa'aletulafono tau sāuāga i totonu o 'āiga, o se tasi lea o nai vaega e mafai ona mitamita ai Sāmoa i atunu'u uma o le Pasefika. Peita'i, e ui ina mautinoa ua fa'amanuiaina ni suiga fa'aletulafono, 'olo'o tuai lava le fa'atinoga, ma 'olo'o iai pea ni teuteuga mana'omia mo le fa'aleleia ātili.

Ua māua o le fa'atuai o fa'atinoga, e māfua mai i le lē lava o le mālamalamaga i suiga lata mai o le tulafono, e lē gata i ofisa fa'atino, 'ae fa'apea le atunu'u lautele. E lē se tulaga lea e fa'ate'ia ai pe 'ā taga'i i le tulaga o tupe 'olo'o fa'aalu, ma le naunau o le mālō i le vaega tau sāuāga i totonu o 'āiga. 'Olo'o iai fo'i lava toefuata'iga o tulafono 'olo'o mana'omia, fa'apea le ātīna'ega o se ta'iala o le Māta'itūina ma Iloiloga, ina ia mafai ona fua taunu'uga ua iai o tulafono 'autū.

Tulafono Taufa'aofi o le Tausiga ma le Puipuiga o Tamaiti – O le mālosi'aga e 'ave'ese ai tamaiti mai 'āiga o iai sāuāga, 'ole'ā mafai ai ona puipuia nei tamaiti ma tele atu se avanoa e ola ai i se ōlaga e leai ni sāuāga, ma motusia ai le ta'amilosaga o sāuāga tu'ufa'asolo i augā tupulaga i lea 'āiga. O le matā'upu 'autū 'olo'o fai ai pea fefīnaua'iga e o'o mai i le taimi nei, o le tau lea o lea aiaiga. Peita'i, o lea ua fa'ailoa e le Sā'ili'iliga tupe fa'asaoina e mafai ona 'ausia, e ala i le fa'aitiitia o sāuāga i totonu o 'āiga. O lona uiga, e tatau ona tele atu le tamāo'āiga e maua i le 'āga'i atu i le lumana'i, pe 'āfai e lelei le fa'atinoga. 'Olo'o lagolagoina mālosi e le vaega o fa'amasinoga le pāsia o le *Tulafono Taufa'aofi o le Tausiga ma le Puipuiga o Tamaiti*.

Tulafono o le Saogalemu o Aiga 2013 – Teuteuina ia aofia ai sāuāga tautupe po o sāuāga tau tamāo'āiga i le fa'amatalaina. O le fa'atinoga o le pule tautupe i se pā'aga vāvālalata o se vaega ua lava le fa'amaumauina, o se itū'āiga o sāuāga i totonu o 'āiga, ma o le lē aofia o lenei vaega i le *Tulafono o le Saogalemu o Aiga 2013,* o le leai fo'i lea o se puipuiga fa'aletulafono mo i latou 'olo'o āfāina i ia itū'āiga sāuāga. E mana'omia fo'i se isi teuteuga o le Tulafono ina ia iai se taimi fa'atulafonoina mo le fa'ao'oina atu o poloa'iga tau puipuiga, ina ia fa'amautinoa e leai ni isi lamatiaga mo le tagata āfāina, ona o le fa'atuai o le fa'ao'oina atu o poloa'iga. O nei fautuaga e lua na ulua'i fautuaina e le Komisi o le Toefuata'iga o Tulafono a Sāmoa[46] ma e lagolagoina e le Sā'ili'iliga. O ni teuteuga o le *Tulafono o le Saogalemu o Aiga 2013,* e tatau fo'i ona taga'i ai i le maua o se puipuiga mo tagata e līpotia atu sāuāga i totonu o 'āiga (e puipuia ai mai ni tu'ua'iga fa'asaga i le tagata na līpotia), ma se aiaiga e fesoasoani Fono a Nu'u e fa'amālosia poloa'iga tau puipuiga.

[46] Samoa Law Reform Commission submission to the Inquiry. Document 38 Inquiry anthology.

FAUTUAGA 23: Fa'amālosia le ta'iala fa'aletulafono ma ātīna'e se ta'iala lautele ma au'ili'ili o le māta'itūina ma iloiloga.

- Pāsia le *Tulafono Taufa'aofi o le Tausiga ma le Puipuiga o Tamaiti.*
- Teuteu le *Tulafono o le Saogalemu o Aiga 2013* ina ia:
    a) Aofia ai sāuāga tautupe po o sāuāga tau tamāo'āiga i le fa'amatalaina;
    b) Aofia ai se aiaiga o le taimi fa'atapula'aina mo le fa'ao'oina atu o poloa'iga tau puipuiga;
    c) Maua le puipuiga e tagata e līpotiina sāuāga i totonu o 'āiga; ma
    d) Mana'omia ai Fono a Nu'u e fesoasoani i le fa'amālosia ma le māta'itūina o poloa'iga tau puipuiga.
- Ātīna'e se ta'iala lautele ma au'ili'ili o le māta'itūina ma iloiloga o tulafono uma tau saogalēmū o 'āiga.

18.2 'Au'aunaga

I'UGA 34 O LE SĀ'ILI'ILIGA: O le lē tu'uina atu o 'au'aunaga talafeagai ma le lagolago i tagata āfāina fa'apea le tāofiga o sāuāga i totonu o 'āiga, e tu'ua'ia ai le Mālō i le salalau o le soliga o aiā tatau a tagata soifua ma fa'aali mai ai lona lagolagoina o sāuāga i totonu o 'āiga.

O le matāfaioi a le Mālō le tu'uina atu i a i latou e āfāina i sāuāga fa'asaga i tama'ita'i, "'au'aunaga e pei o feso'ota'iga i taimi uma i telefoni, tausiga tau soifua mālōlōina, nofoaga e maua ai faufautuaga, fesoasoani fa'aletulafono, nofoaga e malu ai, poloa'iga tau tāofiga ma fesoasoani tautupe".[47] Peita'i o Sāmoa, na'o poloa'iga tau puipuiga lea e maua, ma e lē maua fo'i e tagata uma ona o le lē iloa, po o le lē gafatia fo'i o totogi o 'au'aunaga a lōia.

Ua tele tausaga e lē o fa'atinoina e le Mālō ana matāfaioi o le tu'uina atu o nei 'au'aunaga matuā tāua, a ua fa'alagolago i le agalelei o nu'u ma afio'aga ma Fa'alāpotopotoga Tūma'oti e lē o lava ni a latou tupe ma puna'oa e fa'afetaia'i ai le telē o le fa'afītāuli. O se iloiloga lata mai nei a le Mālō lava ia o ona fa'alētonu, na ta'utino ai ni itū 'olo'o iai le sao i le maualuga o le ta'atele o sāuāga i totonu o 'āiga i Sāmoa, e aofia ai:

"(i) le lē aogā lelei o ta'iala 'olo'o iai nei mo le lagolagoina ma le ūna'iga o le saogalēmū o 'āiga;
(ii) le itiiti o avanoa e maua ai 'au'aunaga fesoasoani mo le saogalēmū o 'āiga, i taimi e mana'omia ai."

MWCSD, Family Safety Study, 2017, Pepa o le Sā'ili'iliga 46

[47] Yakın Ertürk. "Report of the Special Rapporteur on violence against women, its causes and consequences." E/CN.4/2006/61. Retrieved from https://documents-dds-ny.un.org/doc/UNDOC/GEN/G06/103/50/PDF/G0610350.pdf?OpenElement.

O lea lā, ‘olo’o silafia lava e le Mālō ‘olo’o iai le faitau selau, po o le faitau afe fo’i o tagata ua āfāina i sāuāga, a ua tu’u ai pea e talia le tulaga ua o’o i ai, ma le talitonuga o le to’atele, o i latou lava ua māfua ai. E manatu le Sā’ili’iliga o lenei tulaga, ua lē gata ina solia ai le Fa’avae, aiā tatau a tagata soifua, le Fa’asāmoa ma le Talitonuga Fa’alefa’atuatua, a ‘olo’o totogi ai fo’i e le tamāo’āiga o Sāmoa se tau e faitau selau miliona tālā.

E leai se ‘auala i nei ‘au’aunaga ma polokalame e pei o se ‘ofu e fetaui mo itū’āiga lāpopo’a uma, ma e tatau ona taga’i i ‘au’aunaga mana’omia e lē o maua nei i Sāmoa, a ‘olo’o mana’omia i le taimi nei. Peita’i, e iai ‘au’aunaga matuā mana’omia e tatau lava ona maua.

Muamua, o le fausia lea o ni fale o sulufa’iga e fa’atupe e le Mālō, ua fa’amati’eina fo’i e le To’omaga e mana’omia.[48] E ui ina ua maua i fale o sulufa’iga ua iai nei le tausiga ma le puipuiga mo le to’atele o tagata āfāina i sāuāga i totonu o ‘āiga, e lē o lava ia avanoa. ‘Olo’o iai fo’i fa’afītāuli tau tali atu i fa’atinoga o galuega ma tulaga mana’omia o faufautuaga e pei ona talia e fa’alāpotopotoga tūma’oti ma fafo atu.

E lua filifiliga e mafai ona fai e le Mālō i lenei itū – e mafai ona filifili e lagolagoina le tu’uina atu o fale o sulufa’iga e fa’atino e fa’alāpotopotoga tūma’oti, ‘ae tu’uina ai i ai le fesoasoani tautupe e ala i tauofoga fa’alaua’itele, pe filifili fo’i e fa’atino e le Mālō nei ‘au’aunaga. Po o le ā lava le filifiliga, e mana’omia muamua se iloiloga tūto’atasi o mana’oga mo ‘au’aunaga i le atunu’u ‘ātoa, ina ia mautinoa e maua e tagata uma o Sāmoa ia ‘au’aunaga, ‘ae lē fa’apito i tagata e lata mai i Apia.

E lē gata i lea, e iai isi ‘au’aunaga fa’aopoopo ‘olo’o mana’omia vave le tali atu i ai o le Mālō. O le vaega muamua e iai ona taunu’uga i le tele o itū o sāuāga i totonu o ‘āiga, o le fa’avaeina lea o tulaga mana’omia o galuega faufautua, se fa’ailoga taualoa mo faufautua, ma le toe fa’avaeina o le fa’alāpotopotoga mo tagata faufautua. Na fa’ailoa mai i le Sā’ili’iliga a’afiaga ma āfāina e o’o i ai tagata āfāina i sāuāga i totonu o ‘āiga, ona o le tu’uina atu i ai o fautuaga e faufautua e leai ni tomai ma fa’ailoga taualoa i lea galuega. E maualuga le lamatiaga mai isi āfāina ma e lē tatau ona talia ia tulaga. E tatau ona fa’amautinoa ‘au’aunaga a faufautua e ‘ausia fua fa’ata’atitia aloa’ia o ‘au’aunaga, ma e tatau ona mafai ona maua e tagata uma ma maua i le taimi lava e mana’omia ai e tagata āfāina.

> “E matuā tāua le maua o faufautuga i taimi faigatā, ina ia maua e tama’ita’i ma teine le saogalēmū i le taimi lava e tutupu ai fa’alavelave, e mafai ai ona fa’avasega mea ua tutupu i a i latou, toe fa’amausalī a latou aiā tatau, ma fa’aitiitia lagona o i latou e sesē.”
>
> *Essential Services for Women and Girls Subject to Violence, Partners for Prevention, Pepa o le Sā’ili’iliga 65*

E lagolagoina e Leoleo[49], le tu’uina atu o ‘au’aunaga faufautua fa’apea, ‘auā o i latou ia e tele ina maua i le tulaga e mana’omia ai le fa’atino o lea tiute, e leai ni a’oa’oga i tomai e fa’atino ai, ma o le taimi lava e tasi, ‘olo’o taumafai e tausisia le faiga fa’avae o le “lē tu’u’esea”.

[48] Ramona Boodoosingh and Penelope Schoeffel. (2015). “Addressing Violence against Women in Developing Countries: The Case of Samoa.” Document 82 Inquiry anthology.
[49] Police outpost officer, Inquiry public hearings.

‘Olo’o iai fo’i le mana’oga e fa’amālosia ‘au’aunaga tau tulaga mālōlōina o le māfaufau i Sāmoa, ‘auā o le taimi nei, e lē o gafatia le mafai e talafeagai ai se tali atu i mana’oga o tagata e iai fa’afītāuli i le tulaga mālōlōina o le māfaufau ma fa’apea ona si’itia ai o latou lamatiaga mai sāuāga i totonu o ‘āiga.

E mana’omia le māopoopoga o le tu’uina atu o nei ‘au’aunaga ina ia mafai e se tagata āfāina ua maua le toa e līpoti atu ai sāuāga, ona maua ‘au’aunaga sa’o i lo latou fa’atuatuaina ma le tu’uina atu o o latou mana’oga i le ‘ogātotonu e maua mai ai le tali. O le Fonotaga Fa’aa’oa’oga i Sāuāga i Totonu o ‘Āiga, na mātauina, e tele tagata āfāina na līpoti ane, o mea na tutupu mulimuli ane, na sili atu ona leaga mo i latou, talu ai le lē talitonuina o i latou, le tu’ua’ia o i latou lava ua māfua ai, ma le toe saga fai atu e toe fa’amatala mea na tutupu i sāuāga. O isi āfāina e mafai ona tutupu mai i lenei itū’āiga tali atu, e lē gata o le toe solia lava lea o le Fa’asāmoa, aiā tatau a tagata soifua ma le Talitonuga Fa’alefa’atuatua, a o taunu’uga, e mafai ona toe āfāina ai lea tagata i sāuāga i le lumana’i. O taunu’uga e mafai ona i’u i ai le maua o ‘au’aunaga a ofisa faufautua, fofō ma isi ‘au’aunaga lagolago o le fa’agāsologa o taualumaga tau solitulafono, e aofia ai le:[50]

- Fa’aitiitia o le toe tupu i se taimi lata mai o lea lava itū’āiga solitulafono;
- Fa’aitiitia o fa’ailoga o manu’aga ma le āfāina;
- Fa’aitiitia o ma’i e fe’avea’i i faigā ‘āiga ma taunu’uga lē lelei i le soifuaga fānau manuia; ma le
- Fa’aitiitia o le āfāina i faiga fa’atāutala po o le fa’atinoga o sāuāga, e lē gata i se taimi lata mai, a o se taimi o i luma o le ōlaga.

O lenei mana’oga i se māopoopoga ‘ole’ā fa’ataunu’uina i le fa’avaeina o se Ofisa Tūtotonu mo Fa’alavelave tau ‘Āiga, e pei ona fautuaina i luga.

O le taimi o le Fonotaga Fa’aa’oa’oga i Sāuāga i Totonu o ‘Āiga, na talanoaina ai e le Kapeneta a Fiti mo le fa’amāonia le Faiga Fa’avae a le Atunu’u mo le Tu’uina atu o ‘Au’aunaga, ina ia fa’amautinoa e ‘ausia le tulaga mana’omia o le māopoopoga o i latou uma e tu’uina atu ‘au’aunaga.[51] Ua ‘āmata ona ala mai le itūlagi i le meamoni, ua lē toe taulia, talia pe talafeagai ma le tamāo’āiga le lē amana’ia o sāuāga i totonu o ‘āiga. O fautuaga ua tu’uina atu i lenei Līpoti, e maua ai e Sāmoa se avanoa e ‘avea ai o se mōlī fa’ailoilo e lē gata i le Pasefika, a o le lalolagi ‘ātoa, i fa’atinoga aupito sili ona lelei i le fa’afetaia’iga o sāuāga i totonu o ‘āiga.

FAUTUAGA 24: Fa’amautinoa le maua e tagata uma o nofoaga e sulufa’i i ai, e fa’avae i mana’oga ‘olo’o iai.

- Fa’atino iloiloga tūto’atasi o mana’oga ma tu’uina atu fautuaga pe fa’atino ‘au’aunaga i le ta’ita’iga a Fa’alāpotopotoga Tūma’oti, pe ta’ita’i e le Mālō, po se tu’ufa’atasiga.
- Tu’uina atu o nofoaga o sulufa’iga ia fa’amalieina le mana’oga ua fa’ama’otiina.

[50] World Health Organisation. (2016). *INSPIRE: Seven Strategies for Ending Violence Against Children*. Document 48 Inquiry anthology.
[51] Fiji News. “National Gender based violence service delivery protocol launched.” (10 March 2008). Retrieved from http://www.fbc.com.fj/fiji/60891/national-gender-based-violence-service-delivery-protocol-launched.

- Ia iai le mālosi'aga i le Ofisa mo Aiā Tatau a Tagata Soifua e māta'itū tulaga mana'omia i nofoaga o sulufa'iga.
- Si'itia le tulaga o 'au'aunaga a le vaega o le mālōlōina o le māfaufau ia mafai ona tali atu i mana'oga o le atunu'u (e pei ona maua mai i le iloiloga o mana'oga ua tā'ua i luga).

18.2.1 Leoleo

I'UGA 35 O LE SĀ'ILI'ILIGA: E lē o lava a'oa'oga talafeagai mo Leoleo i tomai e fa'afoe ai matā'upu tau sāuāga fa'alotoifale. E leai se molimau e fa'ailoa mai ai fua o a'oa'oga ua maua e le lautele o leoleo, ma 'olo'o laualuga pea manatu e āfāina ai tagata, ma fa'atinoga tuai, 'olo'o tāofia ai tagata mai le līpoti atu o sāuāga i totonu o 'āiga.

O le maua o 'au'aunaga faufautua, nofoaga e sulufa'i i ai, ma isi 'au'aunaga mo tagata āfāina i sāuāga i totonu o 'āiga, 'ole'ā matuā telē le fesoasoani i leoleo e aogā lelei ai le puipuiga o tagata e sulu mai i la latou tausiga. Peita'i, 'olo'o iai pea manatu ma uiga fa'aalia o leoleo e āfāina ai tagata, ma lē 'āto'atoa ai le aogā o ni itū e fa'aleleia, po o le matuā lē aogā fo'i lava, se'i vaganā ua mafai ona fa'afetaia'i nei uiga. O se mana'oga matuā tāua lea e tatau ona tali atu i ai, ma na tūla'i mai lea mea i Sāmoa nei, i le vaiaso a o lumana'i avanoa fa'alaua'itele e fa'aleo ai manatu o le Sā'ili'iliga. Na fa'alogo le su'esu'ega i se matā'upu o se tama'ita'i na toso e se ali'i na lā fetaui i se pā pia. E alu atu le tama'ita'i e līpoti i leoleo, 'ae fa'afetaui i uiga o le lē fa'atāuaina ma le tē'ena ma le fa'apea ane o se ali'i ofisa, e tala pepelo.

> "E tele taimi i lenā po na o'o mai ai lagona 'iā te a'u, e tu'u ia 'ae ou alu i le fale. O le faiga o a'u e leoleo na ātili fa'aopoopo i lo'u māasiasi, lagona o lo'u sesē, ma lo'u tu'ua'ia o a'u lava ia ua tutupu ai ia mea. E lē se mea faigōfie lo'u alu atu e līpoti lea tosoteine. Na o'o ifo i lo'u māfaufau e tia'i ia. Alu i le fale ma 'aua le ta'ua i lo matou 'āiga le mea na tupu. O le mea lenā e nanā, ou te lē ta'ua i se tasi."
>
> *Anonymous rape survivor, Avanoa e le'i tatalaina fa'alaua'itele*

O le 'auga, o manatu ma uiga fa'aalia nei o leoleo 'olo'o tumau ai le pupuni o le lē gaganaina o sāuāga i totonu o 'āiga, maua ai e fa'atino sāuāga le sa'olotoga e lē fa'asalaina, ma saga lauolaola ai pea. O le 'auala 'olo'o fa'aaogā nei e leoleo, ua āfāina ai le Fa'asāmoa ma iai lona sao i le soliga o aiā tatau a tagata ta'ito'atasi i lalo o le Fa'avae o Sāmoa, ma ana matāfaioi tau aiā tatau a tagata soifua. E mana'omia vave se fofō o lenei fa'afītāuli, ma e mafai ona 'ausia i le; (1) Fa'amālosia ātili o le ta'ita'iga i le fa'afetaia'iga o sāuāga i totonu o 'āiga; (2) a'oa'oga i tomai o le saogalēmū o 'āiga, mo leoleo uma; (3) Si'itia leoleoga i nu'u ma afio'aga.

E matuā mana'omia le mālosi atu o le ta'ita'iga a ofisa o leoleo i matā'upu tau sāuāga i totonu o 'āiga, ma e tatau ona va'aia o ni tagata e faia fa'ata'ita'iga lelei. E fōliga mai o le tulaga 'olo'o iai nei, o le lagolagoina lea o manatu fa'aanamua e tu'ua'ia ai tagata āfāina ma i'u atu ai i le fa'aauauina ma le fa'ateteleina o

sāuāga i totonu o ‘āiga. E mana’omia le fa’alautele o le mālamalamaga o leoleo e uiga i sāuāga i totonu o ‘āiga ma ia matuā lē talia lava ni sāuāga.

E lē gata i lea, na maua e le Sā’ili’iliga e tele ina lē o’o atu i leoleo uma taumafaiga o le fa’afetaia’iga o sāuāga i totonu o ‘āiga ma e lē māta’itūina taunu’uga ina ia aogā lelei. Talu ai le salalau ma le ta’atele o manatu ma uiga fa’aalia o tagata i sāuāga i totonu o ‘āiga, o se tulaga lē ma’alofia le maua o nei manatu ma uiga fa’aalia i totonu o le ‘au’aunaga a leoleo. E mana’omia lā a’oa’oga faifaipea mo tagata ofisa leoleo i taunu’uga o nei manatu ma uiga fa’aalia, ma i’u atu ai i sāuāga i totonu o ‘āiga e pei ona fa’amauina i vaega ua tuana’i atu o le Līpoti. E lē gata i lea, e tatau ona fa’atulafonoina ma fa’atinoina a’oa’oga e iloilo ai nafa o itūpā e feso’ota’i ma sāuāga i totonu o ‘āiga, uiga ma māfua’aga o sāuāga i totonu o ‘āiga i Sāmoa, ma ‘auala e tali atu ai i tagata āfāina i sāuāga ma tagata fa’atino sāuāga. O le tāua o nei a’oa’oga ma le fa’atupuina o le silafia, e tatau ai ona māta’itū ma tulituliloa i le ‘aufaigaluega i se faiga e fa’aauau pea i ni taimi fa’atūlagaina.

E matuā tāua fo’i le maua e ofisa o leoleo i nu’u i tua o le tomai ma agava’a e mafai ai ona tali atu i matā’upu tau sāuāga i totonu o ‘āiga, ‘auā o le to’atele o le atunu’u e nonofo i nu’u i tua atu o le taulaga. Na fa’ailoa mai i le Sā’ili’iliga, o Vanuatu, e tofu ofisa ta’itasi o leoleo ma le vaega tau sāuāga i totonu o ‘āiga, e ui ina tele atu a latou ofisa o leoleo i lō Sāmoa.[52] O se faiga fa’apea e tulimata’i ai sāuāga i totonu o ‘āiga i ofisa o leoleo i nu’u i tua, o se la’asaga lelei lea āga’i i luma i le aogā lelei o puipuiga mo tagata āfāina i sāuāga i totonu o ‘āiga, ma fa’amālosia ai le fa’atuatuaina o leoleo e tagata lautele.

O le vaega fa’ai’u e ‘ātoa ai le galuega a leoleo ina ia aogā lelei i le tāofiga ma le puipuiga mai sāuāga i totonu o ‘āiga, o le fa’aopoopoina lea o leoleoga i nu’u ma afio’aga. Na maua e le Sā’ili’iliga e lē o tele ni puna’oa teu fa’afaigaluega e ala i le tōfia o ni leoleo fou, ma ‘olo’o ai fo’i le manatu, ua leiloa atu i nai tausaga ua tuana’i leoleoga a leoleo i nu’u ma afio’aga. E lē fa’apea ua fai atu ua lē toe iai, ma na līpoti mai e le ofisa i Faleolo a latou polokalame olo’o fa’atino e ātīna’e ai so’otaga lelei ma nu’u ma afio’aga, e aofia ai talanoaga i ni matā’upu patino ma maua ai le felagolagoma’i e mafai ai ona tu’uina atu tagata i le fa’amasinoga. O itū’āiga leoleoga ia e tatau ona fa’alautele atu ma ‘avea o se vaega māsani o galuega a leoleo. E mana’omia le va’aia o le iai o leoleo i nu’u ma afio’aga, ma lo latou fa’aaogāina o se ‘auala e toe fa’avae i le talatalanoa. E maua loa e leoleo le fa’atuatuaga o nu’u ma afio’aga, ‘ole’ā fa’apea fo’i ona mafai ona tūla’i mai tagata āfāina e līpoti atu solitulafono ua fa’atino ‘iā i latou, ma ‘ole’ā lagona e leoleo se fa’amanuiaina i fefa’asoaa’iga e maua mai ai.

FAUTUAGA 25: Fa’aopoopoina tomai ma agava’a e mafai ai e ‘au’aunaga a Leoleo ona fa’atino la latou matāfaioi o le ofisa ‘autū e maua ai le puipuiga mo tagata āfāina i sāuāga i totonu o ‘āiga.

- Lē talia sāuāga e le ‘ātoaga o ‘au’aunaga a leoleo.
- Fa’aopoopoina leoleoga i nu’u ma afio’aga.
- A’oa’oga i le Saogalēmū o ‘Āiga mo i latou uma fa’ato’ā ulufale ma a’oa’oga fa’aauau toe fa’amanatu mo leoleo uma, ia aofia ai:

[52] Justice Clarence Nelson’s testimony, Inquiry public hearings.

a) Manatu māsani i itūpā, fa'aitū'au ma le sao i sāuāga i totonu o 'āiga;
b) O nafa o le mālosi ma le pule i le ta'amilosaga o sāuāga;
c) Māfua'aga ma taunu'uga o sāuāga i totonu o 'āiga i Sāmoa;
d) Tali atu i tagata āfāina ma tagata fa'atino sāuāga i totonu o 'āiga;
e) 'Au'aunaga ma faiga e 'auina atu ai tagata āfāina ma tagata fa'atino sāuāga mo isi fesoasoani;
f) Ta'iala fa'aletulafono;
g) Tulaga mana'omia fa'avāomālō tau aiā tatau a tagata soifua;
h) Fa'amaumauina o matā'upu tau sāuāga i totonu o 'āiga.

18.2.2 Soifua Mālōlōina

I'UGA 36 O LE SĀ'ILI'ILIGA: E lē lava puna'oa a 'Au'aunaga Fa'asoifua Mālōlōina ma le iloa e fa'atino ai su'esu'ega aogā lelei o tagata āfāina i sāuāga i totonu o 'āiga, ma e leai fo'i se faiga tau 'au'aunaga lagolago fa'asoifua mālōlōina e 'auina atu i ai tagata āfāina. E lē līpotiina matā'upu tau sāuāga i totonu o 'āiga ona o manatu ma uiga fa'aalia o le 'aufaigaluega, ma e iai fo'i tagata fa'atino sāuāga i le 'aufaigaluega, ma fa'aauau ai pea lava sāuāga i totonu o 'āiga.

E faigōfie ona iloa itū e tutusa ai 'au'aunaga a leoleo ma 'au'aunaga a le soifua mālōlōina. E tutusa le leai o se va'aiga e tulimata'i ai, o sāuāga i totonu o 'āiga o le matāupu tau soifua mālōlōina o le atunu'u lautele, ma e lē lava fo'i a'oa'oga o le 'aufaigaluega i tomai fa'apitoa mo a latou galuega. O le tulaga lea e maua ai manatu ma uiga fa'aalia e āfāina tagata ma iai le avanoa e toe āfāina ai, ma fa'amālosia ātili ai le pupuni 'olo'o gūgū ai tagata ma lē līpotiina atu sāuāga. O le lē tulimata'ia o sāuāga i totonu o 'āiga ma le lē lava o a'oa'oga i tomai, ua i'u atu ai i le leai o se fa'agāsologa o su'esu'ega, lē lava 'au'aunaga lagolago fa'asoifua mālōlōina e 'auina atu i ai tagata ma le mana'oga mo 'auala mo le fa'amaumauina o matā'upu tau sāuāga i totonu o 'āiga.

"E tatau ona taga'i i sāuāga i totonu o 'āiga, o se matā'upu tau soifua mālōlōina, ma ia saga fa'ama'oti, o se matā'upu tau soifua mālōlōina o le ATUNU'U LAUTELE. Ua amana'ia lea tulaga e atunu'u ua lelei le ātīna'e ma ua tāpena ai polokalame i le vaega o le soifua mālōlōina ma isi vaega feso'ota'i, e fa'afetaia'i ai, e ala i su'esu'ega ma le iai o puna'oa e fa'afetaia'i ai taunu'uga tu'usa'o ma taunu'uga feso'ota'i. Ua tatau i le Matāgaluega o le Soifua Mālōlōina ona talia, o le matā'upu lenei, o se matā'upu tau le soifua mālōlōina o le atunu'u lautele."

Dr. Malama Tafunai, Avanoa fa'alaua'itele e fa'aleo ai manatu

O se vaega o le naunau o le Mālō e fa'afetaia'i sāuāga i totonu o 'āiga, e tatau ona talia le matā'upu lenei, o se matā'upu tau "soifua mālōlōina o tagata lautele" ma ia aofia i fuafuaga uma a 'Au'aunaga Fa'asoifua Mālōlōina ma le Matāgaluega o le Soifua Mālōlōina ma 'au'aunaga uma e tu'uina atu. O lea 'auala 'ole'ā

maua ai le ta'iala ma le fa'atupega mana'omia e fa'avae ai se fa'agāsologa o su'esu'ega mo sāuāga i totonu o 'āiga, tulaga mana'omia mo 'au'aunaga lagolago fa'asoifua mālōlōina ma fa'amautinoa ai a'oa'oga o tomai mana'omia o le 'aufaigaluega uma tau soifua mālōlōina, e feagai ma tagata āfāina.

"O se tasi o mea aupito lelei e mafai ona o tatou fa'atinoina e puipui ai sāuāga, o su'esu'ega lea i ofisa soifua mālōlōina, o se 'auala e vave fa'ailo ai."

UN Women, Family Violence Workshop, Apia, November 2017

O le 'ave'esea o le pupuni o le lē gaganaina o sāuāga i totonu o 'āiga ma le fesoasoani atu i tagata āfāina i le līpotiina atu o solitulafono ua fa'atino 'iā i latou, o se tasi lea o 'auala 'autū i le fa'afetaia'iga o lenei fa'afītāuli i le āga'i atu i le lumana'i. O lea lā e matuā tāua ai tagata tomai fa'apitoa tau soifua mālōlōina i lenei galuega. E tāua 'auā o i latou ia o se vaega to'aitiiti e ono feiloa'i ma feagai ma tagata āfāina, ma 'āfai ua iā i latou le tomai, taimi ma le fa'agāsologa o ia galuega, 'ole'ā mafai ona o latou fa'ama'otiina ma lagolagoina tagata āfāina e līpoti atu nei mea tutupu, ma maua 'au'aunaga mana'omia mo le toe fa'afo'isia o lo latou mālōlōina. Peita'i, o ni sā'ili'iliga i le falema'i i Moto'otua na maua ai, o le 63% o le 'aufaigaluega e tō'ai i ai tagata,[53] e leai se mālamalamaga i sāuāga fa'avae i itūpā, o se mea e tatau ona mālamalama i ai, pe 'āfai e iai se fa'amoemoe e aogā so latou sao i le tāofiga o sāuāga.

E lē gata i lea, ua maua fo'i, o se tasi o pā pupuni i le līpotiina o sāuāga, o le leai lea o ni ofisa e mafai ona ō i ai tagata āfāina, talu ai, o le manatu o le to'atele, o sāuāga o se matā'upu tau lotoifale, fa'apea le tu'ua'iga e mafai ona o'o i le līpotiina o nei matā'upu. O le fesoasoani mai o se tasi mai fafo ua iloa o se 'auala lea e 'alofia ai lea tulaga e ala i le lē tu'ua'ia ai o le tagata āfāina, ma e fōliga mai o se 'auala e lagolagoina i Sāmoa.[54] Talu ai le aogā e mafai ona o'o atu i ai fesoasoani a 'au'aunaga fa'a tausi soifua, o se mea talafeagai le fa'avaeina o se fa'agāsologa aloa'ia o su'esu'ega, o se mea ua fa'aalia e si'itia ai le fa'ama'otiina o sāuāga mai le 5% i le 30% o ma'i.[55]

E matuā tāua le fa'avaeina o se fa'agāsologa o su'esu'ega, ina ia 'alofia le toe āfāina o tagata e fa'atino i ai sāuāga, o se tulaga e faigōfie ona tupu pe 'āfai o lea fa'agāsologa e fa'atulafonoina ai le līpotiina, mo se fa'ata'ita'iga, ma i'u ai i le toe āfāina ni isi sāuāga mai le tagata fa'atino sāuāga, po o le 'āiga o le tagata āfāina. O lea lā e tatau ai ona matuā fuafua lelei sea fa'agāsologa ia talafeagai ma le si'osi'omaga i Sāmoa, e faigatā ai ona 'ausia ni tūlaga fa'alilolilo o ni matā'upu. O se manatu lelei na fa'aali mai i le Su'esu'ega o le fa'aaogā lea o ni auala e tali ai fesili i le vaega o le falema'i fou e taunu'u atu i ai ma'i, e mafai ai ona tali fesili o le su'esu'ega 'ae lē lagona mai e tagata o le 'āiga po o le tagata fa'atino sāuāga.

O se tasi o itū mana'omia mo se fa'agāsologa o le su'esu'ega o se ma'i, ma le togafitiga o tagata āfāina i sāuāga i totonu o 'āiga, o le fa'atino lea o a'oa'oga lautele ma au'ili'ili i 'auala e togafiti ai tagata āfāina i sāuāga, ma tagata fa'atino sāuāga. Ua fa'ama'otiina e le Komisi o le Toefuata'iga o Tulafono a Sāmoa,[56]

[53] Dr. Malama Tafunai, Primary Care Physician written submission to Inquiry. Document 5 Inquiry anthology.
[54] Ramona Boodoosingh and Penelope Schoeffel. (2015). "Addressing Violence against Women in Developing Countries: The Case of Samoa." Document 82 Inquiry anthology.
[55] Ramona Boodoosingh and Penelope Schoeffel. (2015). "Addressing Violence against Women in Developing Countries: The Case of Samoa." Document 82 Inquiry anthology.
[56] Samoa Law Reform Commission. *Convention on the Elimination of All Forms of Discrimination Against Women Legislative Compliance Review Final Report*. (2016). Document 89 Inquiry anthology.

ma isi sui na ‘auai i le Sā’ili’iliga, o se tasi lea o vaega ‘autū e mana’omia le fa’aleleia. O se tulaga lea na aliali manino mai i līpoti o manatu ma uiga fa’aalia o foma’i ma tausi soifua, i le tu’ua’ia o tagata āfāina ma le manatu e leai sa latou aiā i matā’upu tau sāuāga i totonu o ‘āiga, o se fa’afītāuli e pei fo’i ona iai i le matāgaluega o leoleo. E tutusa fo’i lā le fofō. O le tu’uina atu lea i tagata tomai fa’apitoa tau soifua mālōlōina o a’oa’oga lautele ma au’ili’ili i matā’upu e pei ona fautuaina mo leoleo uma. O nei a’oa’oga ‘olo’o fa’avae i le manatu, ua māe’a fa’avae fa’agāsologa mo le fa’amaumauina o matā’upu tau sāuāga i totonu o ‘āiga ma ‘ole’ā aofia ai le ātīna’ega o tomai o le ‘aufaigaluega e mafai ai ona fa’atino nei mana’oga.

O se matā’upu lautele atu ‘ole’ā umi se taimi e fa’atino ai i ai se galuega, o le leai lea o ni ‘au’aunaga lagolago fa’asoifua mālōlōina, o se ‘au’aunaga matuā tāua e fesoasoani ina ia motusia le ta’amilosaga o sāuāga. O le 63% o tama’ita’i na ‘auai i le SFSS 2017 na fa’ailoa mai o faufautuaga o le fesoasoani aupito mana’omia lea e tagata āfāina i lō isi tali na fai mai ai le filifiliga. Ua māe’a fo’i ona fa’amauina i le Līpoti nei le mana’oga mo faufautuaga. Peita’i, e mana’omia le lautele atu o ‘au’aunaga lagolago fa’asoifua mālōlōina ma maua ai fesoasoani uma e mana’omia.

E maua se va’aiga i le aogā o ‘au’aunaga fa’apea pe ‘ā taga’i i le polokalame mo tamaiti o le “*Moving on Art as Therapy”* na fa’atino i le 2010 i le mavae atu o le sunami i Sāmoai le 2009. Na mātauina le telē o le a’afiaga o tamaiti na molimauina lea fa’alavelave mata’utia, e pei fo’i ona iai tamaiti e molimauina sāuāga i totonu o ‘āiga. O le i’uga o le polokalame na iloa ai na fesoasoani lea polokalame i tamaiti ma nu’u ma afio’aga, e lagolagoina le fa’aalia o o latou manatu ma lagona ma fa’apea ona fa’afaigōfie ai fetu’una’iga o o latou iloa, āmio ma lagona.[57]

O le taimi nei, e leai se fa’atatau o faia i tamaiti e molimauina sāuāga i totonu o ‘āiga, peita’i, ua maua e le Sā’ili’iliga e telē le lamatiaga e ‘avea ai nei tamaiti o ni tagata e fa’atino i ai sāuāga, pe ‘avea o ni tagata fa’atino sāuāga i le lumana’i. O ‘au’aunaga lagolago fa’asoifua mālōlōina fa’apea, e mafai ona fa’aaogāina e le fa’amasinoga, leoleo ma tagata tomai fa’apitoa i tausiga fa’asoifua mālōlōina, e momotu ai le ta’amilosaga o sāuāga e tu’ufa’asolo i augā tupulaga. Ua na’o se tasi lenei o fa’ata’ita’iga o le aogā o se faiga o ‘au’aunaga lagolago fa’asoifua mālōlōina, ‘ae lautele ona aogā. E lē gata ina maua ai le lagolago mana’omia mo tagata āfāina ma tagata fa’atino sāuāga, ‘ae tele ai le avanoa e toe fa’afo’i le mālōlōina, mafai ona galulue mo le tamāo’āiga, ma fa’apea ona toe fa’aola ai tupe a le atunu’u e fa’aalu mo ia ‘au’aunaga. E tatau ona fa’atino se iloiloga ‘āto’atoa o mana’oga o le atunu’u tau ‘au’aunaga lagolago fa’asoifua mālōlōna, ma ātīna’e se fuafuaga e fa’avae ai sea faiga.

O le fa’avaeina o se faiga tau ‘au’aunaga lagolago fa’asoifua mālōlōina, e tatau loa ona fa’ata’atia se ‘auala aloa’ia e uia, e fa’a’ogātotonu i tausiga fa’asoifua mālōlōina, e galulue fa’atasi ma leoleo, i le ‘auina atu o tagata i isi ‘au’aunaga, ‘auā o i latou ia e tele ina o’o atu i ai tagata āfāina. O le fa’amoemoega ‘autū, ia fa’aitiitia taimi e mana’omia ai le toe fa’amatala atu e le tagata āfāina lana tala, ‘ae le’i tu’uina atu i ai le

[57] S Kehaolani Manoa-Slade. “Making emotions visible – expressive arts as therapy in Samoa.”(1 December 2017). *Samoa Planet*. Retrieved from http://www.samoaplanet.com/making-emotions-visible-expressive-arts-therapy. Document 67 Inquiry anthology.

fesoasoani ma le lagolago, ina ia mafai ona vave toe fa'afo'isia le tulaga mālōlōina 'āto'atoa, ma 'avea ai o se tagata ua sao mai sāuāga, ma ua fa'a'āu'upegaina e fa'afetaia'i taunu'uga o mea na tutupu iā i latou.

FAUTUAGA 26: Tapu'e ātili ma fa'aleleia le sao ma le gafatia e 'au'aunaga fa'asoifua mālōlōina, e mafai ai ona talafeagai la latou puipuiga fa'asaga i sāuāga i totonu o 'āiga, ma fa'atino so latou sao i le fa'amutaina o le ta'amilosaga o sāuāga.

- Talia e le Matāgaluega o le Soifua Mālōlōina, o sāuāga i totonu o 'āiga, o se matā'upu tau soifua mālōlōina o tagata lautele, ma ia ātīna'e se fuafuaga lautele ma au'ili'ili o lana tali atu e fa'afetaia'i lea matā'upu, e aofia ai;
- Fa'avaeina o se fa'agāsologa o su'esu'ega o ma'i mo sāuāga i totonu o 'āiga, e 'ogātotonu ai le manuia o le tagata āfāina, ma ia mautinoa e lē toe tula'i mai ai le fa'aopoopoina o se isi āfāina;
- A'oa'oga faifaipea i taimi fa'atulagaina, mo tagata tomai fa'apitoa tau soifua mālōlōina i le saogalēmū o 'āiga, ia aofia ai matā'upu 'olo'o mulimuli mai:
    a) Manatu māsani i itūpā, fa'aitū'au, ma le sao i sāuāga i totonu o 'āiga;
    b) Nafa o le mālosi ma le pule, ma le ta'amilosaga o sāuāga i totonu o 'āiga;
    c) Māfua'aga ma taunu'uga o sāuāga i totonu o 'āiga i Sāmoa;
    d) Tali atu i tagata āfāina ma tagata fa'atino sāuāga i totonu o 'āiga;
    e) 'Au'aunaga ma faiga e 'auina atu ai tagata āfāina ma tagata fa'atino sāuāga mo isi fesoasoani;
    f) Ta'iala fa'aletulafono;
    g) Tulaga mana'omia fa'avāomālō tau aiā tatau a tagata soifua;
    h) Fa'amaumauina o matā'upu tau sāuāga i totonu o 'āiga.
- Fa'aleleia le aoina o fa'amaumauga ma le fa'amaumauina o matā'upu.
- Fa'atino se faiga aloa'ia mo le 'auina atu o tagata āfāina ma tagata fa'atino sāuāga mo isi fesoasoani.

FAUTUAGA 27: Ātīna'e se 'au'aunaga lagolago fa'asoifua mālōlōina mo Sāmoa.

- Su'esu'ega 'āmata tūto'atasi e fa'amanino ai mana'oga ma le ātina'ega o fuafuaga.
- Maua mai fa'atupega 'āmata ma lagolago tau tomai fa'apitoa mai pā'aga fa'avāomālō.

18.2.3 Fa'amasinoga

I'UGA 37 O LE SĀ'ILI'ILIGA: E iai galuega mo le āga'i i luma ua fa'atinoina e le vaega o fa'amasinoga ua tatau ma onomea ai le fa'amālō. Peita'i, 'olo'o iai isi itū e mana'omia le taga'i i ai, e aofia ai le mauaina e tagata o avanoa i le fa'amasinoga, le iloa ma le mālamalama o tagata i tulafono, ma le fa'aaogāina o fa'atinoga fa'aleaganu'u i le faiga o i'uga o fa'asalaga.

Na maua e le Sā'ili'iliga 'olo'o feoloolo le Vaega o Fa'amasinoga i la latou tali atu i sāuāga i totonu o 'āiga ma e to'atele tagata tomai fa'apitoa i galuega fa'aletulafono ua 'āto'atoa le mālamalamaga i uiga, māfua'aga ma taunu'uga o sāuāga i totonu o 'āiga, ma le naunauta'i e fa'afetaia'i lea fa'afītāuli. O se meatōtino iloga lea mo Sāmoa. E iai ni itū ua fa'ama'otiina mo le fa'aleleia: (1) fa'aleleia le mafai ona mauaina e tagata fa'amasinoga tonu, e ala i le fa'avaeina o le Ofisa 'Autū o Matā'upu Fa'aletulafono mo Tagata Lautele; (2) fa'avae fua o tulaga mana'omia ma ofisa e galulue fa'atasi; (3) toe iloilo le fa'aaogāina o fautuaga i matā'upu tau sāuāga i totonu o 'āiga; (4) fai se fa'atatau i le aogā o le fa'aaogāina o ifoga ma tusi molimau o āmio, i fa'agāsologa a le fa'amasinoga.

18.2.3.1 Ofisa 'Autū o Matā'upu Fa'aletulafono mo Tagata Lautele

E tutusa lelei lava 'auala fa'atino a le Fa'asāmoa ma aiā tatau a tagata soifua i le mauaina o fa'amasinoga tonu. E tatau ona maua e tagata uma ma fa'atino. 'Āfai e lē 'ausia le āmiotonu, ua ōia le Fa'asāmoa. Peita'i, na maua e le Sā'ili'iliga, e lē o maua e tagata uma fa'amasinoga tonu pe 'ā o'o i sāuāga i totonu o 'āiga, 'aemaise lava tagata 'olo'o i nu'u i tua atu o taulaga ma tagata e maualalo le tulaga o tupe maua. E lē gata ina lē gafatia e tagata e maualalo le tulaga o tupe maua le tau o se lōia, o le tele o taimi, latou te lē iloa puipuiga 'olo'o mafai ona latou maua i lalo o le tulafono.

E manatu Komesina o le fofō o lenei tulaga 'olo'o iai, o lea ua māe'a ona fa'atulafonoina i le –*Tulafono o le Ofisa Autu o Mataupu Faaletulafono mo Tagata Lautele 2015*. O lenei Tulafono 'olo'o aiaia ai le fa'avaeina o 'au'aunaga o se fesoasoani fa'aletulafono, peita'i, e le'i fa'atinoina. 'Āfai e lava puna'oa e fa'atino ai, 'ole'ā mafai e sea Ofisa ona tu'uina atu le fesoasoani fa'aletulafono e mana'omia e tagata e lē gafatia le tau o se lōia. E mafai fo'i ona fesoasoani i le fa'atupuina o le silafia i puipuiga fa'aletulafono e mafai ona maua e tagata āfāina i sāuāga i totonu o 'āiga, ma e ono mafai ona maua atu i feso'ota'iga ma sui o nu'u.

18.2.3.2 Fa'aaogāina o 'auala o Fautuaga i Matā'upu tau Sāuāga i Totonu o 'Āiga

E matuā tele fefīnaua'iga i le fa'aaogāina o le 'auala o fautuaga i matā'upu tau sāuāga i totonu o 'āiga, ona o le uiga lē matō'esea o le mafuli itūtasi o le mālosi i le tele o ia matā'upu. E lē mafai ai lā ona fa'atino nei talanoaga i se tulaga tutusa, ma e mafai ona toe fa'aopoopo ai le lamatiaga o le toe āfāina o le tagata ua fa'atino i ai sāuāga. E māsani ona 'auina atu e le fa'amasinoga i Sāmoa tagata āfāina, tagata fa'atino sāuāga ma o latou 'āiga i 'au'aunaga faufautua i lalo o le *Tulafono o Isi Iuga a le Faamasinoga e Foia ai ni Feeseeseaiga 2007.* Peta'i, o le leai o se māta'itūina o taunu'uga o tulafono, ua lē iloa ai po o tūla'i mai se fa'aopoopoga o le āfāina ona o le fa'aaogāina o fautuaga i matā'upu tau sāuāga i totonu o 'āiga, i le

si'osi'omaga o Sāmoa. E ui ina e lē o se mana'o o le Sā'ili'iliga le tāofia o le la'asaga o fautuaga i matā'upu i le lumana'i, e manatu e matuā mana'omia se iloiloga e fua ai a'afiaga, ina ia mautinoa le saogalēmū ma le ola manuia o tagata āfāina, ma mautinoa latou te maua i le fa'agāsologa fa'amasinoga tonu mo i latou.

18.2.3.3 Ofisa e mafai ona Tu'uina atu i ai Matā'upu

O 'au'aunaga faufautua 'olo'o tu'uina atu e Fa'alāpotopotoga Tūma'oti, ma e fa'alagolago tele le fa'amasinoga i ia polokalame mo tagata fa'atino sāuāga ma tagata āfāina, e pei o le polokalame o le *Teen Challenge* a le *Harvest Centre,* polokalame 'ese'ese a le To'omaga, e aofia ai le fa'atautaiga o le ita ma le so'ona fa'aaogā fa'atāutala o vailā'au ma le 'ava mālosi. E leai se āfāina o lea tulaga. Peita'i, e lē o iai se māta'itūina o tulaga mana'omia i 'au'aunaga 'olo'o tu'uina atu. E iai lā se lamatiaga o le toe fa'aopoopo o le āfāina i tagata āfāina ona o fautuaga lē lelei, po o polokalame e leai se aogā mo tagata fa'atino sāuāga, ua na'o na fa'aitiitia ai fa'asalaga, 'ae leai se taunu'uga lelei i āmioga. 'Āfai e fa'alagolago le Mālō i ofisa i fafo atu mo le tu'uina atu o 'au'aunaga 'autū e feso'ota'i ma sāuāga i totonu o 'āiga, e tatau ona ia tau'aveina le matāfaioi o le fa'amautinoa e 'ausia e ia 'au'aunaga tulaga mana'omia.

18.2.3.4 Ifoga ma Tusi molimau o Āmio

Na maua e le Sā'ili'iliga o se fa'afītāuli tele le fa'aaogāina o ifoga ma tusi molimau o āmio i le fa'atatauga o fa'asalaga, ona o le lamatiaga o le sao ai o tagata fa'atino sāuāga mai ni isi sāuāga ua tuana'i e le'i aliali a'e pe 'ole'ā solia ai aiā tatau a le tagata āfāina. Na iloa o le ifoga, o le tū Fa'asāmoa mo le nofo feālofani ma le māopoopoga o nu'u, ma e tatau ona tumau ai fa'apea. E lē gata i lea, o le fa'aaogāina o tusi molimau o āmio, e tele ina lē fa'ailoa ai ni āmioga i aso ua tuana'i, pe na fa'atino ona o lagona o se tiute, pe na tu'uina atu fo'i e se tagata e lagolagoina le fa'atūmauina o se sosaiete e pūlea e ali'i.

> "O 'au se tasi o tagata ua tu'uina atu molimau o āmio mo tagata fa'atino sāuāga i totonu o 'āiga. Ua fai fo'i e le faife'au. E lē mafai ona ou fai atu i ai e leai."
>
> *Matai 'auai, Avanoa fa'alaua'itele e fa'aleo ai manatu*

O lamatiaga lē matō'esea na maua e le Sā'ili'iliga i le fa'aaogāina o ifoga ma tusi molimau o āmio i le fa'atatauina o fa'asalaga, ua manino mai ai le tatau lava ona fa'amautinoa e lē sē 'ese ai le sāmala o le fa'amasinoga tonu, mai le pa'ū tonu i luga o le tagata fa'atino sāuāga.

FAUTUAGA 28: Fa'amālosia le fa'amasinoga ina ia mautinoa e tutusa le mauaina o fa'amasinoga tonu, talafeagai tulaga mana'omia o 'au'aunaga ma taga'i toto'a fa'amasino i lamatiaga mo tagata ua āfāina i sāuāga i totonu o 'āiga, ona o le fa'aaogāina o ifoga ma tusi molimau o āmio.

- Fa'avaeina le Ofisa 'Autū o Matā'upu Fa'aletulafono mo Tagata Lautele e lava puna'oa mana'omia e tali atu ai i mana'oga o le atunu'u tau fesoasoani fa'aletulafono, ma le fa'atupuina o le silafia.

- Fa'atino se iloiloga e fua ai le aogā o faufautuaga i matā'upu tau sāuāga i totonu o 'āiga, ma le tāofia pe 'āfai e aliali mai e ono o'o i le fa'aopoopoina o le āfāina o tagata ua āfāina.
- Fa'avae fua o tulaga mana'omia mo 'au'aunaga e 'auina atu i ai tagata, ma ia faifaipea le māta'itūina.

18.3 Fono a Nu'u

I'UGA 38 O LE SĀ'ILI'ILIGA: E lē o tā'ua manino sāuāga i totonu o 'āiga, o se tasi o matāfaioi a Fono a Nu'u, i le *Tulafono o Fono a Nuu 1990*.

I'UGA 39 O LE SĀ'ILI'ILIGA: E lē o puipuia e Fono a Nu'u tagata āfāina i sāuāga i totonu o 'āiga ma o isi taimi 'olo'o o latou tāofia le o'o atu o tagata āfāina i le fa'amasinoga, ma fa'ateleina ai le si'osi'omaga 'olo'o olaola ai sāuāga i totonu o 'āiga, e ala i fa'asalaga e lē lelei le fa'avaeina, ma le tāofia o le līpotiina atu o matā'upu i leoleo.

Ua taga'i le Līpoti i le nafa o Fono a Nu'u i le tāofiga o sāuāga i totonu o 'āiga e ala i taumafaiga e lagolago le tāofiga, ma le 'avatu o fa'ata'ita'iga lelei i a latou lava āmioga. Peita'i, e lavelave atu le fesili o la latou matāfaioi, fa'atatau i le puipuiga o tagata i matā'upu ta'itasi tau sāuāga i totonu o 'āiga. E le'i fa'alogo le Sā'ili'iliga i ni matā'upu ta'itasi e māsani ona tu'uina i luma o Fono a Nu'u, ma e iai Fono a Nu'u e mana'omia le fa'ao'o muamua atu o matā'upu fa'apea e tagata ua āfāina, 'ae līpotiina atu i leoleo. O lona uiga, e tele matā'upu e lē līpotiina, ma o se fa'ailoga lea o le tē'ena o le o'o atu i Fono a Nu'u ona o le fefe i le māasiasi po o isi mea e tutupu ona ua līpoti atu. E tatau lā ona taga'i i lenei matā'upu mai le si'osi'omaga o le tulaga 'olo'o iai, le matāfaioi aupito talafeagai mo Fono a Nu'u, ma se 'auala o suiga mālie mai le tulaga 'olo'o iai nei, se'ia o'o atu i le tūlaga ua lē toe lamatia ai tagata āfāina mai isi a'afiaga fa'aopoopo.

O le itū muamua e tatau ona taga'i i ai, o sāuāga i totonu o'āiga o se matā'upu tau solitulafono, ma e tatau ona tagofia e le fa'amasinoga i lalo o tulafono o solitulafono. O lea lā, e tatau i Fono a Nu'u ona lagolagoina le fa'agāsologa lenei i taimi uma e mafai ai. Peita'i, 'olo'o iai lava le sao o Fono a Nu'u i matā'upu tau sāuāga i totonu o 'āiga, ma fa'atupuina le māopoopo ma le nofo feālofani o tagata o le nu'u, e ala i le fesoasoani e motusia le ta'amilosaga o sāuāga i totonu o 'āiga.

18.3.1 Nafa o Fono a Nu'u i le lagolagoina o le fa'amasinoga tau solitulafono

"E tatau lava ona o tatou manatua, o le mālosi'aga o le fa'amālosia o tulafono, o le matāfaioi lea a leoleo ma fa'afoe mōliaga, ma e lua māfua'aga: muamua, o le mautinoa lea o faiga tutusa, ma lonalua, o lo'u popōlega lea i taumafai le Fono e faufautua i se ulugāli'i."

Lemalu Hermann Retzlaff, Attorney General of Samoa, Avanoa fa'alaua'itele e fa'aleo ai manatu

E tāua lā le mautinoa, e lē suitūlaga le Fono a le Nu'u i le matāfaioi fa'aletulafono a le fa'amasinoga o solitulafono e pei ona tā'ua i luga e le Lōia Sili, ma e mautinoa lava e iai taimi 'ole'ā tūla'i mai ai se fete'ena'iga o mana'oga i faiga o fa'ai'uga o matā'upu tau 'āiga i totonu o nu'u, 'auā e vāvālalata so'otaga a tagata o le nu'u.

O le nafa e tatau ona ātīna'e e Fono a Nu'u, o le fesoasoani lea e fa'afaigōfie ona līpoti atu matā'upu tau 'āiga i leoleo. O le taimi nei, e lē o fa'atinoina, ma e iai Fono a Nu'u 'olo'o tāofia le līpoti atu o matā'upu i leoleo. E tele 'auala e mafai ona tāofia ai le līpoti atu o matā'upu i leoleo ma e to'atele tagata e mumusu e līpoti atu i Fono a Nu'u talu ai le mamafa o fa'asalaga e mafai ona o'o mai ai.

> "E tele Fono a Nu'u e mana'omia le fa'ao'oina atu i le Fono o matā'upu 'ae le'i o'o atu i leoleo. O lenei faiga e mafai ona tāofia ai le fa'ao'o atu o ni matā'upu, 'aemaise lava pe 'āfai o le fa'atino sāuāga o se sui i le Fono a le Nu'u, ma e mafai ona i'u ai lava i le lē līpotia i leoleo."
>
> *Samoa Law Reform Commission, CEDAW Legislative Compliance Review, Pepa o le Sa'ili'iliga 89*

Mo i latou e nonofo i nu'u o iai le tulaga lea, o se pā pupuni lea i le līpoti atu o matā'upu i leoleo ma le mafai ona maua fa'amasinoga tonu. E o'o fo'i lava i nu'u e lē o iai sea tulafono, e tele fo'i lava ina iai 'auala e tāofia ai tagata āfāina mai le līpoti atu i Fono a Nu'u talu ai le mamafa o fa'asalaga e tau'ave e o latou 'āiga, ma le manatu e ono iai fo'i ni tagata fa'atino sāuāga 'olo'o i le saofa'iga a le Fono, ma 'ailoga e mafai ona taga'i lē fa'aitū'au i a latou matā'upu.

E tatau ona galulue Fono a Nu'u e feliua'i lenei tulaga, ma taumafai e fesoasoani e fa'afaigōfie ona līpoti atu nei matā'upu i leoleo. O Fono a Nu'u o se vaega o le Mālō, ma e tatau ona o latou fa'atinoina le faiga fa'avae o le "lē tu'u'esea", lea ua fa'ama'oti o se mea e lelei mo Sāmoa, pe 'āfai ua aliali mai se matā'upu tau sāuāga i totonu o 'āiga. E lē gata ina tatau ona fa'atulafonoina le līpoti atu i leoleo o so'o se matāupu tau sāuāga i totonu o 'āiga e fa'ao'o atu i le Fono a le Nu'u, e tatau fo'i ona taumafai le Fono a le Nu'u ia līpoti atu i le Fono e so'o se tagata o le nu'u ua molimauina ni sāuāga i totonu o se 'āiga i le nu'u.

E iai fo'i le nafa tāua o Fono a Nu'u i matā'upu ua o'o atu i le fa'amasinoga, pe na 'auala atu i le Fono a le Nu'u pe leai. E faigatā mo leoleo le fa'amamaluina o poloa'iga tau puipuiga ona o fa'afītāuli tau puna'oa ma fa'atinoga o fuafuaga, e pei o feoa'iga. 'Olo'o i se tulaga talafeagai Fono a Nu'u e lagolagoina le fa'atinoina o nei poloa'iga. Peita'i, o le meamoni 'olo'o tupu, e tele matai i le saofa'iga a Fono a Nu'u, o tagata fa'atino sāuāga. O le fautuaga lā a le Sā'ili'iliga, ia tu'uina atu lenei matāfaioi i Komiti mo le Saogalēmū o 'Āiga, lea 'ole'ā fa'avae i se fa'agāsologa e fa'amautinoa ai o sui uma, e lē ni tagata fa'atino sāuāga i totonu o 'āiga. E mafai fo'i ona fa'atino lea matāfaioi i le tulaga o tagata 'olo'o palola.

FAUTUAGA 29: Teuteu le *Tulafono o Fono a Nuu 1990* ia fa'ama'oti o se tasi o matā'upu e taga'i i ai Fono a Nu'u, o sāuāga i totonu o 'āiga.

FAUTUAGA 30: Tu'uina atu le mālosi'aga i Fono a Nu'u ma Komiti mo le Saogalēmū o 'Āiga, e fa'atino se sao i le tu'uina atu o tagata fa'atino sāuāga i totonu o 'āiga i le fa'amasinoga.

- Fa'alēaogāina tulafono 'olo'o iai a Fono a Nu'u e līpoti muamua atu i le Fono matā'upu tau sāuāga i totonu o 'āiga 'ae le'i o'o atu i leoleo.
- Fai ni tulafono e fa'amālosi'au ai e līpoti atu matā'upu tau sāuāga i totonu o 'āiga i Fono a Nu'u.
- Fa'atulafonoina le līpoti atu o Fono a Nu'u ma/po o Komiti mo le Saogalēmū o 'Āiga i Leoleo.
- Tu'uina atu le mālosi'aga i Komiti mo le Saogalēmū o 'Āiga e māta'itū ai poloa'iga tau puipuiga ma tagata palola i matā'upu tau sāuāga i totonu o 'āiga.

18.3.2 Matā'upu ta'itasi

E fa'amanuiaina Sāmoa ona o le iai o Fono a Nu'u, ma o lea faiga e mafai ona fesoasoani i le fa'amālosia o le faigāmālō fa'aperetānia. E 'ese'ese matāfaioi a Fono a Nu'u ma le fa'agāsologa o galuega a le fa'amasinoga o solitulafono. O Fono a Nu'u latou te fa'amautinoa le māopoopoga, feālofani ma le ātina'ega o le nu'u. O lea lā, e tatau ai ona tulimata'i lea nafa i le tagofia o matā'upu ta'itasi tau sāuāga i totonu o 'āiga.

E tatau ona toe fa'amamafa atu, so'o se fa'atinoga mo matā'upu tau sāuāga i totonu o 'āiga, e tatau ona faia lea e le Komiti mo le Saogalēmū o 'Āiga i le taimi nei, talu ai le to'atele o matai fa'atino sāuāga i le taimi nei, ma isi matā'upu e tūla'i mai ai. E fa'avae loa sea Komiti, o se matāfaioi e mafai ona o latou fa'atinoina, o le tu'uina atu lea o se nofoaga e malu ai le tagata āfāina i ona taimi o le puapuagātia, i le taimi e līpoti atu ai. Mo le to'atele o tagata āfāina, e matuā tāua se nofoaga malu mo i latou (ma a latou fānau), ina ia 'alofia le toe sāuāina. O se vaega iloga lenei o le Fa'asāmoa, 'olo'o ta'ui i le fa'a'upuga o le malupuipuia. O taimi ua lē maua lea i o latou nofoaga māsani, e tatau ona 'avea ma matāfaioi a le Komiti mo le Saogalēmū o 'Āiga le sa'ili o se nofoaga malu. O se tala fa'afiafia loto le fa'alogo atu o le Sā'ili'iliga, e iai nu'u ua fa'atino ai lenei galuega.

"O lo matou nu'u, 'āfai ua iai se misa ma ua fasi se tasi, e mafai ona sulu atu i le fale o le faife'au, o le fale lenā e tele ina sulu atu i ai tagata o le nu'u. E sā ona ulu atu le fa'atino sāuāga i lea fale. E lē gata i le fale o le faife'au, a o fale fo'i o tapa'au po o matai o 'āiga ma matai o le nu'u, o nofoaga uma nā e mafai ona sulu atu i ai se tasi."

Matai, Samoa people's understanding of primary prevention of violence against women, Pepa o le Sā'ili'iliga 91

O le matāfaioi lonalua e mafai ona fa'atino e le Komiti, o le fai lea o se fa'ai'uga i matā'upu tau sāuāga i totonu o 'āiga, ma tu'uina atu mo le fa'amāoniga a le Fono a le Nu'u. O le fa'amasinoga o solitulafono e fa'apito le va'ai i le tagata e to'atasi ma lana solitulafono. O le faiga i nu'u ma afio'aga, e mafai ona taga'i i le manuia o le nu'u, i le faia o fa'asalaga ma ni fofō.

'Āfai e manatu se nu'u e fa'atino sona sa'o tu'usa'o i matā'upu tau sāuāga i totonu o 'āiga, e tatau lā ona taga'i i le fa'avaeina o ni ana tulafono e fa'ata'atia ai fa'asalaga, ina ia 'alofia le fa'aopoopo o se āfāina ma ia fa'amautinoa e lē fesuisuia'i fa'asalaga.

O fa'asalaga 'olo'o faia nei e Fono a Nu'u e fa'avae i le tupe ma e tetelē fa'asalaga. O tulaga aupito ogaoga, o le fa'atūla'i 'ese ma le nu'u. O nei 'auala uma e si'itia ai le lamatiaga o le toe tutupu o isi sāuāga i totonu o 'āiga – muamua, e ala i le 'avega tautupe e tūla'i mai ai, ma lonalua, o le si'i atu o sāuāga mai le tasi nu'u i se isi nu'u, 'ole'ā fa'aauau ai pea sāuāga e lē iloa mai e isi tagata.

E talia e le Sā'ili'iliga le aogā lelei o le faiga 'olo'o iai nei, i le tāofiga ma le fa'afetaia'iga o fevesia'iga ma tulaga lē taupulea i totonu o nu'u. Peita'i, e fai si 'ese tēisi o matā'upu tau sāuāga i totonu o 'āiga, ma e fautuaina se isi 'auala. O le itū tau fa'asalaga, e lua 'auala ua fa'atūina atu e fa'atino ai fa'asalaga tupe. O le 'auala muamua, o le tolopō lea o le fa'asalaga mo se taimi fa'atūlagaina, ma 'āfai e māe'a ane le taimi ua lē toe faia lea āmio e le fa'atino sāuāga, ona fa'amāgalo lea o le sala. Peita'i, 'āfai e toe solitulafono, ua tatau lona ona totogi e lona 'āiga le fa'asalaga na iai muamua, fa'aopoopo i ai ma se fa'asalaga mo le isi sāuāga ua toe fa'atino.

O lenei 'auala ua amana'ia ai le uiga faifaipea o sāuāga i totonu o 'āiga ma ūna'i ai le tāofiga, 'ae lē fa'aopoopoina ai se isi 'avega tautupe. O se isi 'auala e mafai fo'i ona fa'aaogā, o le fa'atino lea o ni galuega mo le manuia o le nu'u, 'ae lē ni fa'asalaga tupe. E lē gata ina 'alofia ai le 'avega tautupe, a 'ole'ā fa'amanuiaina fo'i le nu'u i galuega e fa'atino i fa'asalaga. E mafai fo'i ona aogā lelei se 'auala e tu'ufa'atasi ai ia itū'āiga fa'asalaga e lua.

O le itū i le fa'atūla'i 'ese ma le nu'u ona o matā'upu tau sāuāga i totonu o 'āiga, e fautuaina mālosi le tāofia, ona o le lamatiaga o le toe tutupu o isi sāuāga ma le āfāina o tagata āfāina. O lenei manatu na lagolagoina e le to'atele i le fa'agāsologa o le Sā'ili'iliga, ma le manatu pe le'i tatau i Fono a Nu'u ona toe taga'i i se toefuata'iga o lenei vaega. E iai Fono a Nu'u ua 'āmata ona fai suiga e lē gata i le fa'atūla'i 'ese ma le nu'u, a o fa'asalaga tupe.

"O se tasi o mea 'olo'o o'u taumafai e fa'atino i lo matou nu'u, o le fa'atapula'a lea o fa'asalaga tupe, ma le taumafaiga e fa'afetaia'i māfua'aga fa'avae ma āmioga ua o'o ai i ia fa'atinoga. 'Olo'o o'u taumafai fo'i e galue i le 'ave'eseina o le fa'asalaga o le fa'atūla'i 'ese ma le nu'u. 'Āfai e fa'atūla'i 'ese tagata, pau le mea e tupu o le ō atu i se isi nu'u."

Lualua Tautu, matai 'auai, Avanoa fa'alaua'itele e fa'aleo ai manatu

FAUTUAGA 31: Tu'u atu le mālosi'aga i Fono a Nu'u / Komiti mo le Saogalēmū o 'Āiga, e fa'atino so latou sao tu'usa'o i le puipuiga i matā'upu ta'itasi o sāuāga i totonu o 'āiga, e ala i le tu'uina atu o nofoaga e malu ai tagata āfāina, ma fa'asalaga talafeagai mo tagata fa'atino sāuāga.

- 'Atofaina e le Komiti mo le Saogalēmū o nofoaga e malu ai tagata āfāina mai sāuāga i totonu o 'āiga
- Fai tulafono a nu'u e fa'ata'atia ai fa'asalaga i matā'upu tau sāuāga i totonu o 'āiga, e fa'avae i fa'asalaga tupe tolopōina ma/po o fa'asalaga e fa'atino ai galuega mo le manuia o le nu'u.
- Taga'i i le 'ave'eseina o le fa'asalaga o le fa'atūla'i 'ese ma le nu'u ona o sāuāga i totonu o 'āiga, vaganā ua matuā manino lona talafeagai.

18.4 Lotu

I'UGA 40 O LE SĀ'ILI'ILIGA: E tele ina lē o ofoina atu e lotu i Sāmoa se puipuiga i tagata āfāina i sāuāga i totonu o 'āiga, ma e tele taimi e fautuaina ai tagata āfāina e toe fo'i atu i le so'otaga ma lea pā'aga, ma fa'aopoopoina ai o latou lamatiaga mai isi sāuāga.

O le manatu o le Sā'ili'iliga, o le nafa 'autū o le Lotu i le fa'afetaia'iga o sāuāga i totonu o 'āiga e ala atu lea i lona 'auai i Komiti mo le Saogalēmū o 'Āiga, e tatau ona 'avea ai le faife'au o se poutū. E tatau fo'i ona fa'amālosia e le lotu lona nafa o le tu'uina atu o le puipuiga i matā'upu tau sāuāga i totonu o 'āiga.

Ua māe'a fa'ama'oti e le Sā'ili'iliga, toeitiiti tasi mai se to'asefulu o tama'ita'i na talitonu o faife'au o se 'auala aupito talafeagai lea e maua ai le puipuiga pe 'āfai ua o'o i ai ni sāuāga. Peita'i, na manino fo'i e lē o fa'atinoina lelei lenei galuega, ma e tele taimi ua fa'ateteleina ai ona o fautuaga lē lelei. Ina ia mafai e le lotu ona fa'atino se galuega aogā lelei i le puipuiga o tagata āfāina i sāuāga i totonu o 'āiga, e tatau ona fa'avae ni ta'iala a le atunu'u, ma ātīna'e agava'a o faife'au o lotu, ina ia mafai ona tagofia matā'upu tau sāuāga i totonu o 'āiga i se 'auala e puipuia ai le tagata.

"E mana'omia le tu'uina atu i faife'au o a'oa'oga talafeagai, pe 'āfai e iai so latou nafa fa'atino."

Family Violence Workshop participant, Apia, November 2017

O ta'iala a le atunu'u o 'auala e mafai ai ona fa'atino se sao aogā lelei o faife'au o lotu i le puipuiga mai sāuāga i totonu o 'āiga, e tatau ona tulimata'i ni vaega se tolu:

1. A'oa'oga mo faife'au uma o lotu i uiga, māfua'aga ma taunu'uga o sāuāga i totonu o 'āiga i Sāmoa;
2. Tulafono ma 'au'aunaga 'olo'o mafai ona maua e tagata āfāina,e mafai ona 'auina atu i ai; ma
3. Tu'uina atu o se nofoaga e malu ai tagata 'olo'o lamatia i le toe āfāina.

O le vaega aupito popole i ai i le ‘auala ‘olo’o fa’aaogā nei e le to’atele o faife’au, o le fautuaina lea o tagata āfāina e toe fo’i atu i se so’otaga o sāuāga ma o’o atu ai i le lamatia mai isi sāuāga. E tatau ona manino i ta’iala mo faife’au le fa’asāina o lenei māsani, ma fesoasoani i a’oa’oga mo faife’au e fa’amālamalama ai uiga, māfua’aga ma taunu’uga o sāuāga i totonu o ‘āiga i Sāmoa. O lea ‘auala ‘ole’ā lautele ai lo latou mālamalamaga e mana’omia i le talafeagai o la latou tali atu i tagata āfāina.

E leai se manatu ‘ole’ā maua e faife’au uma se fa’ailoga taualoa tau faufautua ma mafai ai ona tu’uina atu fautuaga tu’usa’o ma aogā lelei i tagata āfāina. Peita’i, o le iai o se mālamalamaga lautele i sāuāga i totonu o ‘āiga, ‘ole’ā mafai ai ona tali atu i tagata āfāina i se ‘auala e lē fa’asinosino lima, ma o le iai o le iloa i ‘au’aunaga ma tulafono a Sāmoa, ‘ole’ā mafai ai ona ‘auina atu tagata āfāina i ofisa talafeagai.

‘Ole’ā iai fo’i taimi e lamatia le tagata āfāina i le toe sāuāina e le tagata fa’atino sāuāga i le taimi lava lea, ma e lē gata ina mana’omia le iloa e le faife’au o lea lamatiaga, a ia mafai ona ia sā’ilia se nofoaga e saogalēmū ai le tagata āfāina ma le fānau pe ‘āfai e iai ni tamaiti. **O lea galuega o se sao fa’atino lea e mafai e le lotu ona fa’ataunu’u, i le puipuiga o tagata āfāina i sāuāga i totonu o ‘āiga, i le ‘auala lava e tasi e pei ona faia e Fono a Nu’u.**

O isi itū e lua e mana’omia mo le aogā lelei o ni fa’atinoga a le lotu i le puipuiga o tagata āfāina, o le fa’avaeina lea o so’otaga e fa’atuatuaina ai e tagata āfāina le faife’au, ina ia mafai ona fa’asoa atu i ai i mea ua tutupu. Ua māe’a ona talanoaina e le Līpoti le itū muamua, e uiga i le ātīna’ega ma le fa’atinoga o se talitonuga fa’alefa’atuatua mo le manuia o tagata lautele e feso’ota’i ma sāuāga i totonu o ‘āiga, e lē lagolagoina ai se fa’atūlagaga o itūpā, le maualalo ifo ma le tatau ona ‘au’auna tama’ita’i i o latou ta’ito’alua, po o le sāuāina o tamaiti. O lonalua, o le fa’afetaia’iga lea o tagata fa’atino sāuāga i totonu lava o le lotu. Na fa’amauina e le Sā’ili’iliga ni matā’upu o sāuāga tau faigā ‘āiga na fa’atino e faife’au ma na fa’alogo fo’i i tala o molimau, o se fa’afītauli lea ua ta’atele. E lē fa’apito ‘iā Sāmoa lenei fa’afītāuli ma o se fa’afītāuli ‘olo’o taumafai le lotu i vaega uma o le lalolagi, e fa’afetaia’i lenei fa’afītāuli ua soli ai e faife’au le fa’atuatuaga ua tu’uina atu i ai, o lo latou tiute o le tausiga o tagata. ‘Āfai e leai se ‘auala aogā lelei e mafai ai ona fa’ailoa ma fa’asala faife’au fa’atino sāuāga, e lē mafai lā ona fa’amoemoe tagata āfāina i sāuāga i totonu o ‘āiga, e sulu atu i le lotu mo se puipuiga.

E lē tatau ona gata le nafa o le lotu i le puipuiga mai sāuāga i totonu o ‘āiga, e ala i le fesoasoani atu i tagata āfāina. E mana’omia fo’i se lagolago ma fesoasoani fa’atino mo tagata e ono ‘avea o ni tagata fa’atino sāuāga.

> “E tatau ona fa’amālosi’au ia lagona e tagata fa’atino sāuāga, e mafai ona sa’ili se fesoasoani mai le faife’au o lana ‘aulotu, e mafai ona fa’asoa atu i ai lona fa’afītāuli, talatalanoa i le matā’upu ‘ātoa, ma lagona ai, e mafai ona sa’ili se fofō”.
>
> *Father Lui Sanele, Avanoa fa’alaua’itele e fa’aleo ai manatu*

FAUTUAGA 32: Si’itia le mafai e le lotu ona puipui tagata mai sāuāga i totonu o ‘āiga ma tāofia fa’atinoga e mafai ona o’o ai tagata āfāina i se tulaga e lamatia ai mai isi āfāina.

- Fa'avaeina ta'iala a le atunu'u mo faife'au i le feagai ai ma tagata āfāina ma tagata fa'atino sāuāga i totonu o 'āiga, ia aofia ai:
    a) Uiga, māfua'aga ma taunu'uga o sāuāga i totonu o 'āiga i Sāmoa;
    b) 'Auala e feagai ai ma tagata āfāina ma tagata fa'atino sāuāga i totonu o 'āiga;
    c) Tulafono ma 'au'aunaga;
    d) Fautuaina o ulugāli'i ua aliali mai fa'ailoga po o lamatiaga o sāuāga i totonu o 'āiga
    e) Fa'asāina o le fautuaina o se tasi e toe fo'i i se so'otaga o iai sāuāga.
- Fa'avaeina o se faiga o nofoaga e malu ai tagata āfāina i sāuāga i totonu o 'āiga.
- Fa'avaeina o 'auala mo fa'aseā ma 'auala e līpoti ai (ma fa'agāsologa o fa'asalaga feso'ota'i) mo tagata o le lotu e fa'atino sāuāga.

18.5 Fa'alāpotopotoga tūma'oti

I'UGA 41 O LE SĀ'ILII'ILIGA: 'Olo'o fa'atino e Fa'alāpotopotoga Tūma'oti se galuega tele e tatau ona 'ave i ai le fa'amālō, e tali atu ai i le mana'oga e lē o fa'amalieina e le Mālō. Peita'i, e mana'omia le mafai ona fa'amālamalama fa'atinoga, le fa'amāopoopoina, a'oa'oga i tomai o galuega, ma e mana'omia le aoina o fa'amaumauga ina ia si'itia le aogā lelei o fa'atinoga, ma ia fa'amautinoa e maua e tagata āfāina i sāuāga i totonu o 'āiga tausiga talafeagai, i tulaga mana'omia o 'au'aunaga ua fa'ata'atitia.

E tau'ave e le Vaega o Fa'alāpotopotoga Tūma'oti le tele o matāfaioi e tatau ona tau'ave e le Mālō, ma e tatau ona fa'asa'o lea tulaga e ala i le tau'aveina e le Mālō, po o le tu'uina atu o fesoasoani tautupe ma isi 'auala e lagolago ai 'au'aunaga 'olo'o iai nei, po o se tu'ufa'atasiga o fa'atinoga ia e lua. O le fa'avaeina o le Ofisa mo le Tāofiga o Sāuāga i Totonu o 'Āiga ma le Ta'iala mo le Tāofiga o Sāuāga i Totonu o 'Āiga, 'ole'ā maua ai se ta'iala mo lea fesoasoani, ma e tatau ona fa'amautinoa e aogā lelei le fa'amāopoopoga o le galulue fa'atasi o ofisa, a'oa'oga o le vaega, fa'aleleia ma tutusa faiga o le aoina o fa'amaumauga e tusa ma tulaga fa'ata'atitia, ma le fa'amālosia o le māta'itūina o tulaga aupito maualalo e mana'omia.

E tatau ona amana'ia e le Mālō galuega ua fa'atino i lenei vaega e fai mona sui i tausaga na te le'i fa'atinoina ai lenei ana matāfaioi. O lea e tatau ai ona fa'amautūina fa'atinoga aupito sili ona lelei 'olo'o iai nei i le vaega o Fa'alāpotopotoga Tūma'oti, e ala i le lagolago ma le fesoasoani a le Mālō, ma fa'ama'oti itū e lē o fa'atinoina i le taimi nei, ma itū e mafai ona fa'aopoopoina i ai fesoasoani ina ia aogā lelei.

FAUTUAGA 33: Fa'ama'ite e le Mālō le fa'amālosia ma le fa'amāopoopoina o Fa'alāpotopotoga Tūma'oti, i la latou tali atu i sāuāga i totonu o 'āiga.

- Fa'avaeina 'auala o le fa'amāopoopoina.
- Fa'avaeina fua o tulaga mana'omia a le atunu'u o 'au'aunaga a Fa'alāpotopotoga Tūma'oti e feso'ota'i ma le tāofiga ma le puipuiga o sāuāga i totonu o 'āiga, ma le māta'itūina o ia tulaga mana'omia.
- A'oa'oga ma le ātīna'ega o tomai ma le mafai ona fa'atino o galuega a le vaega o Fa'alāpotopotoga Tūma'oti.
- Ātīna'ega o se faiga e fa'ata'atia ai 'auala o le aoina o fa'amaumauga.
- Lagolago tautupe ma tomai fa'apitoa.

19. U'una'i o fa'atinoga

19.1 'Ava mālosi

I'UGA 42 O LE SĀ'ILII'ILIGA: O le manatu sesē o le 'ava mālosi o se "māfua'aga" 'ae lē se u'una'i, 'olo'o iai le sao i le māsani o le lē fa'asalaina ma maua ai pea le avanoa e tagata fa'atino sāuāga e "tu'ua'i le 'ava mālosi" 'ae lē feagai ma taunu'uga o a latou fa'atinoga. O lenei manatu sesē ua seu 'ese ai le va'ai mai māfua'aga tonu o sāuāga i totonu o 'āiga – o le lē tutusa o tulaga o itūpā, ma le mālosi ma le pule.

I'UGA 43 O LE SĀ'ILII'ILIGA: O le fa'aaogā fa'atāutala o le 'ava mālosi o se u'una'i o le fa'atinoga o sāuāga i totonu o 'āiga ma, o le fa'afetaia'iga o le so'ona fa'aaogā fa'atāutala ma le fa'aaogā sesē o le 'ava mālosi, e mafai ona fa'aitiitia ai itū'āiga sāuāga uma i totonu o le atunu'u.

E mafai ona fa'afetaia'i le so'ona fa'aaogā fa'atāutala o le 'ava mālosi e ala i le aogā lelei o 'auala e fa'atonutonu ai le maua, ma le maua e tagata uma o polokalame o le toefuata'iga. E mafai ona fa'aleleia ātili 'auala 'olo'o iai nei, ma mafai ai ona fa'aitiitia le ta'atele o sāuāga i totonu o 'āiga pe 'āfai e fa'atino se isi galuega i nei itū.

E tele ma lautele fautuaga a le Komisi o le Toefuata'iga o Tulafono a Sāmoa i le 2016, i le ta'iala fa'aletulafono mo le 'ava mālosi, ma e lagolagoina e le Sā'ili'iliga ia fautuaga, ma talosagaina le Mālō e fa'atinoina loa, 'ae 'aua le toe fa'atuai.[58] O fautuaga 'autū e aofia ai le:

[58] Samoa Law Reform Commission. (2016). *Alcohol Reform Final Report*. Document 117 Inquiry anthology.

- Si'itia le tau o 'ava mālosi taugōfie;
- Fa'afaigōfie mālosi'aga o le fa'amamaluina, e aofia ai le tu'uina atu o fa'asalaga i le taimi lava e maua ai, e aofia ai ma le fa'atauina atu o le 'ava mālosi i tagata ua iloa atu lava ua 'ōnanā; ma le
- Māta'itūina o faiga o tau aupito maualalo i atunu'u i fafo, ma fa'atino i Sāmoa pe 'āfai e aogā lelei (ua iai tulafono a le atunu'u e fa'afaigōfie ai lenei galuega).

O se tasi lenei vaega e mafai ona iai le sao tu'usa'o o Fono a Nu'u, e ala i le faia o tulafono e tulituliloa ai le inu 'ava mālosi ma le faiga o fa'asalaga mo le so'ona fa'aaogā fa'atāutala o le 'ava mālosi (fa'asalaga tau galuega fa'atino mo le manuia o le afio'aga, 'ae lē o ni fa'asaga e alu ai tupe, ina ia 'alofia le fa'ateleina o lamatiaga o sāuāga ona o le 'avega tautupe).

E 'ese ai ma le ta'iala fa'aletulafono, e mana'omia le maua e tagata o fesoasoani mo i latou ua lē mafai ona pūlea le mana'o, ma ua fa'alagolago i le 'ava mālosi, ma i latou ua lamatia i le fa'aaogā fa'atāutala o le 'ava mālosi. O su'esu'ega fa'apitoa na tu'uina mai i le Sā'ili'iliga i taimi o avanoa fa'alaua'itele e fa'aleo ai manatu, na fa'amati'e ai, e mafai ona motusia le ta'amilosaga o sāuāga, e ala atu i polokalame aogā lelei, e pei ona fa'atinoina i le taimi nei i 'au'aunaga a Fa'alāpotopotoga Tūma'oti.[59] E mana'omia se galuega fa'aopoopo e māta'itū ai le fa'amanuiaina o nei polokalame, ma fa'amautinoa e mafai ona maua e tagata uma.

FAUTUAGA 34: Fa'aitiitia fua fa'atatau o le fa'aaogā fa'atāutala o le 'ava mālosi.

- Fa'atino fautuaga a le Komisi o le Toefuata'iga o Tulafono a Sāmoa e uiga i toefuata'iga e feso'ota'i ma le 'ava mālosi ina ia tāofia le fa'aaogā fa'atāutala o le 'ava mālosi, ma fa'amautinoa le maua o puna'oa mana'omia mo le fa'atinoga ma le māta'itūina.
- Fa'avae ni tulafono a Fono a Nu'u e fa'ata'atia ai fa'asalaga e fa'avae i galuega fa'atino mo le manuia o afio'aga, mo matā'upu tau fa'aaogāina fa'atāutala o le 'ava mālosi.
- Iloilo ma māta'itū taunu'uga o polokalame o le fa'atautaiga o le 'ava mālosi ma fua mana'oga o iai o le atunu'u ma fa'amautinoa e mafai ona maua e tagata uma o le atunu'u ia polokalame.

19.2 'Avega Tautupe

I'UGA 44 O LE SĀ'ILI'ILIGA: Ua mōu atu le agaga sa iai i le faiga o fa'alavelave. O le taimi nei, ua fa'atino pei o se tauvāga, ma ua saga fa'aopoopo ai le 'avega tautupe i 'āiga, ma e mafai ona 'avea lea o se u'una'i o fa'atinoga o sāuāga i totonu o 'āiga, ma fa'ateteleina ai le salalau o sāuāga i le atunu'u. E fa'apea fo'i taunu'uga o fa'asalaga a Fono a Nu'u, o sala tupe ma le fa'atūla'i 'ese ma le nu'u.

[59] Moana Regina Solomona, Ministry of Justice and Court Administration clinical therapist, submission to the Inquiry. Document 13 Inquiry anthology.

I'UGA 45 O LE SĀ'ILII'ILIGA: Ua āga'i atu lava ina lē mafai ona pūlea le maoa'e o tupe o saofaga i le lotu ona ua fai fa'atauvāga ma le lē mafai e lotu ona pūlea aofa'i e tu'uina atu, ma ua o'o atu ai i le so'ona fa'aopoopoina o le 'avega tautupe, ma i'u atu ai i le u'una'iga o le ātili ta'atele o sāuāga i totonu o 'āiga.

E tele taunu'uga lelei o le fa'a'āu'upegaina o 'āiga i le itū tautupe, i le fa'afetaia'iga o sāuāga i totonu o 'āiga, ma e aofia ai le:[60]

- Fa'aitiitia o sāuāga i tamaiti, e fa'atino e mātua po o isi tagata e tausia tamaiti;
- Fa'aitiitia o sāuāga fa'asaga i se pā'aga vāvālalata;
- Fa'aitiitia o le molimauina e tamaiti o sāuāga fa'atino i se pā'aga vāvālalata i totonu o 'āiga;
- Fa'aitiitia le vave fa'aipoipo o teineiti;
- Si'itia manatu ma uiga fa'aalia e tē'ena ai sāuāga fa'asaga i se pā'aga vāvālalata.

E lē gata ina tāofia sāuāga i totonu o 'āiga e pei ona fa'amatalaina i luga pe 'ā mautū le tulaga tautupe, e puipuia ai fo'i tagata āfāina ma mafai ona sōsola 'ese mai se si'osi'omaga 'olo'o sāuāina ai. Se'i tōmānatu i le tala 'iā Destiny,[61] ma le matuā sāuā o lona to'alua, na tosoina ai Destiny a o fa'alālā le seleulu i lona fa'a'ī. Na lagolagoina Destiny e lona pule i le tu'uina atu o le fesoasoani tautupe na mafai ai ona alu 'ese, ma fa'ai'u ai lana tala fa'apea, "O ia na ou maua ai lo'u sa'olotoga".

O le iai o tupe e mafai ona tua i ai, e lē gata ina fa'aitiitia ai le ta'atele o sāuāga i totonu o 'āiga, 'ae fesoasoani fo'i e momotu le ta'amilosaga. E lua vaega na maua e le Sā'ili'iliga 'olo'o so'ona fa'atupuina le 'avega tautupe. O ia vaega, o fa'alavelave ma mea fa'alelotu.

O lea lā, 'olo'o iai le mālosi'aga o Fono a Nu'u ma le Lotu, e fai so latou sao tu'usa'o i le fa'aitiitia o lamatiaga ma sāuāga i totonu o 'āiga e tūla'i mai ona o le fa'ateleina o le 'avega tautupe, o se matā'upu ua tele i ai felafolafoa'iga, 'ae itiiti lava ni fa'atinoga.

Peita'i, o le fa'aauau ai i le tulaga 'olo'o iai nei, e aliali mai ai le lē amana'ia e nei vaega e lua o taunu'uga e pagātia ai tagata āfāina i sāuāga. Ua māe'a ona iai le fautuaga a le Sā'ili'iliga mo le fa'atapula'aina i le lumana'i o tiute fa'atino mo le lotu (**Fautuaga 28)** ma e tatau ona fa'apea ona fai mo fa'alavelave. O le matāfaioi a Fono a Nu'u le faia o ni tapula'a mo o latou lava afio'aga, e fa'avae i tulaga e manatu e talafeagai. Peita'i, e tatau ona iai se lagolago ma se ta'iala mai le Mālō. Ua iai taumafaiga a le Matāgaluega o Tinā ma Tama'ita'i, Ātīna'e o Nu'u ma Afio'aga ma Agafeso'ota'i i lenei vaega, ma ua mā'ea ona tāpena le Tusi Fa'amāmā'avega, 'olo'o taga'i ai i 'auala e mafai ai e tagata Sāmoa ona fa'ataunu'u o latou tiute fa'aleaganu'u, 'ae lē o'o atu ai i fa'afītāuli tautupe.[62]

[60] World Health Organisation. (2016). *INSPIRE: Seven Strategies for Ending Violence Against Children*. Document 48 Inquiry anthology.
[61] Case Study 13.
[62] Ramona Boodoosingh and Penelope Schoeffel. (2015). "Addressing Violence against Women in Developing Countries: The Case of Samoa." Document 82 Inquiry anthology.

O se naunauta'iga mātagōfie le mautū o le tulaga tautupe o 'āiga, ma e lē mafai ona 'ausia i se taimi vave, po o se 'auala e tasi. E mana'omia ni taumafaiga e tele, i ni vaega se tele, e aupito tāua ai Fono a Nu'u, i le ātīna'ega ma le fa'atinoga o tapula'a, ma le fesoasoani a le Mālō, i le fa'atinoga o polokalame aogā lelei e aofia ai le atunu'u 'ātoa.

FAUTUAGA 35: Fai se galuega i fa'atinoga fa'aleaganu'u ma fa'alelotu ia fa'aitiitia ai sāuāga i totonu o 'āiga, e tūla'i mai ona o 'avega tautupe, ma fa'aopoopo polokalame mo le fa'a'āu'upegaina tautupe mo 'āiga.

- Fa'avae ni tulafono a Fono a Nu'u e fa'atapula'a ai saofaga i fa'alavelave.
- Fa'avae ni ta'iala a le lotu e fa'atapula'a ai tupe mo tiute fa'alelotu, e fa'avae i tupe maua a 'āiga.
- Taga'i 'āiga i isi 'auala e fa'aitiitia ai a latou tupe e fa'aalu i tiute fa'aleaganu'u ma tiute fa'alelotu.
- Fa'alautele atu polokalame a le Mālō mo le fa'aāu'upegaina o 'āiga i le itū tautupe ma māta'itū taunu'uga.

19.3 Fa'atautaiga o le ita & Fuā

I'UGA 46 O LE SĀ'ILI'ILIGA: O le ita ma le fuā e mafai ona u'una'ia sāuāga i totonu o 'āiga, ma mafai ona fa'aaogāina e tagata fa'atino sāuāga, o se meafaigaluega; o le fa'afetaia'iga o ia fa'afītāuli e lua, e mafai ona fa'aitiitia ai sāuāga i totonu o 'āiga.

O le **Vaega IV,** na fa'ama'oti ai e le Sā'ili'iliga itū e lua 'olo'o fa'aaogā ai le ita, e lē gata o se 'auala e fa'atino ai le pule a le tagata fa'atino sāuāga e fa'afefe ai le tagata āfāina ina ia usita'i, ma i isi taimi, o se u'una'i o fa'atinoga o sāuāga. E mata'utia le fa'apea ane o le ita le māfua'aga, a o le meamoni, o le fa'aaliga o le pule le mea lea 'olo'o tupu. 'Āfai e tu'ua'i i le ita, ua sao ai le fa'atino sāuāga mai se tu'ua'iga o se sesē, 'auā ua tu'ua'i i le ita. Ina ia aogā lelei se tali atu i le sao o le ita i le ta'atele o sāuāga i totonu o 'āiga, e mana'omia le ātīna'ega o se mālamalamaga lautele ma au'ili'ili o tagata uma i le 'ese'esega o itū ia e lua.

O le fa'a'āu'upegaina i lea iloa, 'ole'ā mafai ai ona iloa pe o le fa'afītāuli o se tagata o se fa'atītāuli tau fa'atautaiga o le ita, po o se fa'afītāuli o le fa'aaogāina o le ita e pūlea ai le tagata āfāina. 'Āfai o le fa'afītāuli o le fa'ataugaiga o le ita, e tatau lā ona 'auina atu lea tagata i polokalame ua iloiloina ma māta'itūina e le Mālō mo le fa'atautaiga o le ita, mo le toefuata'iga.

O le sao o le fuā, e feso'ota'i sa'o ma manatu māsani i uiga o tama tāne e pei ona fa'ama'otiina i vaega muamua atu o le Līpoti, ma e tatau ona tagofia i le fa'agāsologa o le talatalaina 'ese o nei nafa, ma le a'oa'oina o tamaiti ma tagata mātutua i taunu'uga o se sosaiete e pūlea e ali'i. E tatau fo'i ona fa'afetaia'i le sao o le fuā i polokalame uma tau fa'atautaiga o le ita, 'auā e tele ina iai le feso'ota'iga tu'usa'o o nei mea e lua.

FAUTUAGA 36: Ātīna'e se mālamalamaga i le sao o le ita i sāuāga i totonu o 'āiga, fa'alautele atu polokalame o le fa'atautaiga o le ita, ma fa'afetaia'i le sao o le fuā, e ala i a'oa'oga ma polokalame fa'atupu silafia.

- Ātīna'e se fa'agāsologa e su'esu'e ai le sao o le fa'atautaiga o le ita i tagata ta'ito'atasi.
- Fua le aogā lelei o polokalame i se fa'atūlagaga faifaipea, fa'amautinoa 'olo'o iai agava'a e tali atu ai i mana'oga, ma ātīna'e se faiga e 'auina atu ai tagata i 'au'aunaga mana'omia (ia aofia ai Fono a Nu'u / Komiti mo le Saogalēmū o 'Āiga).
- Fa'afetaia'i le sao o le fuā i a'oa'oga, polokalame fa'atupu silafia, ma polokalame o le fa'atautaiga o le ita.

19.4 Tekonolosi ma Ātīna'e

I'UGA 47 O LE SĀ'ILI'ILIGA: O le o'o mai i Sāmoa o le soifuaga e fa'aaogā ai le tupe, ma le lē lava o le mālamalama i le fa'afoeina o tupe, ua tu'ufa'atasia ia e tūla'i mai ai 'avega tautupe, ma i'u ai ina si'itia le lamatiaga mai sāuāga i totonu o 'āiga.

Ua lava fa'amaumauga o taunu'uga o 'avega tautupe i vaega ua mavae atu o le Līpoti, ma le si'osi'omaga o le ātīna'e o Sāmoa i taimi lata mai. Ua fa'ateteleina nei tulaga i le ofi mai o le soifuaga e fa'aaogā ai le tupe, 'ae leai se ātīna'ega o le mālamalama i le fa'afoega o matā'upu tautupe, 'aemaise lava i nofoaga i tua atu o le taulaga. O le to'atele o tagata i Sāmoa e lē teuina ni a latou tupe; o tupe maua e fa'aaogā mo le tausiga i aso ta'itasi, e fesoasoani mai i ai tupe e maua mai 'āiga 'olo'o mau i atunu'u i fafo. O le taunu'uga, e fa'ateteleina le 'avega tautupe pe 'ā tula'i mai fa'alavelave e le'i māfaufauina, po o le lē mafai ai fo'i e tagata āfāina ona tu'ua se si'osi'omaga o sāuāina ai.

E tele taumafaiga ua fa'atino e a'oa'oina le mālamalama i itū tautupe i ni afio'aga, peita'i, e le'i fuaina le aogā o ni taunu'uga, ma e le'i maua e nu'u uma nei a'oa'oga. Ua o'o mai le taimi ua tatau lava ona talia ai, o le ātīna'ega o le ōlaga e fa'aaogā ai le tupe, e tatau ona ō fa'atasi ma le mālamalamaga o tagata i 'auala e 'alofia ai fa'afītāuli tautupe, e ala i le fuafua lelei ma le teuina po o le fa'asaoina o tupe. E mana'omia le a'oa'oina o nei mea mai le lāiti o tamaiti, ma le fa'amālosi'au a ta'ita'i fa'aleaganu'u, 'ae lē o le toe fa'aopoopo atu o le 'avega tautupe ona o le si'itaga o saofaga i fa'alavelave o 'āiga.

FAUTUAGA 37: Si'itia le mālamalamaga o le atunu'u i le fa'afoega o matā'upu tautupe.

- Fa'aofi a'oa'oga o mālamalamaga tautupe i matā'upu a'oa'oina i ā'oga.
- Fa'ateleina polokalame o mālamalamaga tautupe mo nu'u ma afio'aga e ala atu i feso'ota'iga ma sui o nu'u, ma māta'itū taunu'uga.

I'UGA 48 O LE SĀ'ILI'ILIGA: O suiga o le ōlaga mai tulaga sa māsani ona iai, ua si'itia ai le lē iloa atu e se tasi o mea e tutupu i se 'āiga, ua vāvāmamao tulaga o fale, ma fa'aitiitia ai le ono iai o se lavea'i i taimi o sāuāga i totonu o 'āiga, ma ua mōu atu fo'i le tūlaga mautū sa iai ali'i ma tama'ita'i i totonu o nu'u ma afio'aga.

E iai lava ātīna'e e lē mafai ona toe feliua'i. O se tasi o ia suiga o fa'atūlagaga o fale, 'auā 'ailoga e iai se tasi e toe fia fo'i i fale e iloa atu e tagata mea uma 'olo'o tutupu ai. O le leiloa atu ai o se tasi o 'auala o le tāofiga o sāuāga i totonu o 'āiga, fa'ato'ā mafai ona fai i ai se fa'atinoga e ala i le fa'avaeina o isi 'auala. E tele fautuaga ua tu'uina atu e le Sā'ili'iliga e uiga i 'auala e mafai ona fa'avae ai e nu'u ma afio'aga 'auala e motusi ai pā pupuni 'olo'o iai nei i le līpoti atu o matā'upu tau sāuāga i totonu o 'āiga.

O ia fautuaga e mafai ona maua ai fo'i se fofō mo lagona o le 'ave'esea o le tulaga mautū sa iai o ali'i ma tama'ita'i i nu'u ma afio'aga i tua i le vaitaimi lata mai nei o le ātīna'e o Sāmoa. Ua fa'ama'oti e le Sā'ili'iliga ni 'auala e mafai ona 'avea ai ali'i ma tama'ita'i o ni poutū i le māopoopoga ma le feālofani o nu'u ma afio'aga, e ala atu i Fono a Nu'u po o se Komiti mo le Saogalēmū o 'Āiga. O se avanoa lelei lenei e toe fa'afo'i ai le tulaga mautū i fa'atūlagaga māsani sa iai Sāmoa, i le si'osi'omaga o Sāmoa ma ana ātīna'e ua iai nei, ma fa'amālosia ātili ai le Fa'asāmoa, ma i le taimi lava lea e tasi, 'olo'o fa'afetaia'i ai fo'i sāuāga i totonu o 'āiga.

FAUTUAGA 38: Fa'aitiitia a'afiaga ona o le leiloa atu o puipuiga sa iai o le tāofiga o sāuāga, e ala i le fa'amālosia o isi 'auala o le puipuiga ma le fa'atinoga o fautuaga 'ese'ese ua tu'uina atu e le Sā'ili'iliga e fa'avae ai 'auala fou. O le fa'atinoina 'āto'atoa o fautuaga a le Sā'ili'iliga, e mafai fo'i ona fa'aaogāina e toe fa'afo'i ai le tulaga mautū sa iai, o ali'i ma tama'ita'i i totonu o nu'u ma afio'aga.

- Fa'atino 'āto'atoa ma māe'ae'a fautuaga a le Sā'ili'iliga.

I'UGA 49 O LE SĀ'ILII'ILIGA: O le si'itia o le fa'aaogāina o masini 'eletoroni e mafai ona o'o atu i le fa'ateleina o le lamatiaga o sāuāga i totonu o 'āiga.

'Olo'o fa'aauau pea le matuā fa'ateleina o tekonolosi i se saoasaoa lē mafa'atusalia, ma o lea fa'ato'ā tau iai se mālamalamaga i ona a'afiaga i isi atunu'u o le lalolagi. Ua aliali mai i sā'ili'iliga, o le fa'aauauina mo se taimi umi o le fa'aaogāina o tekonolosi e fa'ateleina ai lamatiaga o āmioga ma uiga lē manuia e lamatia ai i sāuāga i totonu o 'āiga, e pei o lagona o le leai o se aogā po o se tāua ma le fā'atu i tagata talavou. E lē mafai ona toe fa'afo'i i tua le uati i taimi o le mamā, e le'i maua ai e tamaiti nei mau tekonolosi. Peita'i, e pei ona iai i le tele o vaega tau sāuāga i totonu o 'āiga, o le tali, o a'oa'oga. E mana'omia le iloa e mātua o taunu'uga o le so'ona fa'aaogā e a latou fānau o tekonolosi, ma le uiga o le "so'ona fa'aaogā". E lē gata i lea, e tatau ona a'oa'oina tamaiti i lamatiaga o le fa'aaogā umi o masini tau tekonolosi, ma sā'ili'ili ni isi 'auala.

FAUTUAGA 39: Fa'atupu le silafia i taunu'uga o le so'ona fa'aaogā o tekonolosi ma ūna'i isi 'auala mālōlōina lelei e mafai ona fa'atino.

- A'oa'oga mo tamaiti ma mātua i a'afiaga e mafai ona taunu'u i ai le so'ona fa'aaogāina o tekonolosi ma e mafai ona fa'ateleina ai le lamatiaga o sāuāga i totonu o 'āiga.
- Ūna'i ma lagolago isi fa'atinoga mo tagata talavou, 'aemaise gāoioiga e fa'avae i fa'atinoga fa'aleaganu'u e pei o le siva, fa'atautaiga o fōlauga, fa'atufugaga fa'asāmoa m.m.f.

I'UGA

O le gāsologa ‘ātoa o lenei līpoti, ua matou tu’uina atu ai ni fa’aaliga e māofa ai le loto, e uiga i le ta’atele ma le mata’utia o le fa’afītāuli ‘olo’o o tatou feagai nei. Le ta’atele o faiga fa’atāutala tau faigā ‘āiga fa’asaga i a tatou fānau, ua fa’atino e tagata ua tu’uina atu i ai le fa’atuatuaga latou te tausia. Tamāloloa ua āu tausagā ‘olo’o fa’atinoina sāuāga ma faiga fa’atāugā i māfaufau ma tino o a latou āvā. Le tele o tagata ua pule i le ola ona o upu e alu atu mai o tatou gutu.

E lē o le Fa’asāmoa lea ou te iloa. E lē o le atunu’u Kerisiano lenei ua tatou ta’utino atu. O le soliga lenei o a tatou aiā tatau faitele ma a tatou aiā tatau a tagata ta’ito’atasi.

O le mea ua tupu nei i Sāmoa, ua māfua ona o le to’atele o i tatou ua na’o le tutū ma lalafi, ma tu’uina atu le avanoa e ola tālaulau ai sāuāga i totonu o ‘āiga. O i latou ‘olo’o i tulaga o le pule, ma tatau ona iloa le mea e tatau ona fai, ua leai se gagana mai. Ua leva tele ona sa’oloto tagata fa’atino sāuāga e leai se gāoioiga e fai i ai. E lē o lagonaina tele leo o tagata ‘olo’o tau’aveina le ‘avega o sāuāga.

O leo ua fa’alogo i ai le Sā’ili’iliga, ua fa’aalia mai ai, e matuā lē tatau ona talia a’afiaga o tagata ua āfāina i sāuāga i totonu o ‘āiga. ‘Olo’o o tatou ola nei i se atunu’u, o le to’atele o tama’ita’i ma tamaiti ‘olo’o feagai ma sāuāga mātuiā o le tino ma le māfaufau, fa’apea taunu’uga tūmau o ia sāuāga. Ua salalau le toso teine, ola a’e a tatou fānau i le sāuāina ma lagona o le lē alofaina, ua lē maua e tagata sāuāina fa’amanuiaga o lo latou fa’asinomaga, leai se fa’amoemoe mo se āmiotonu.

Ua matuā solipala le Fa’asāmoa ma ua o’o lava ina fa’aaogā e tu’ua’i i ai le fa’aauauina o sāuāga. Ua fa’apēnā fo’i i agatausili a lo tatou talitonuga fa’alefa’atuatua.

O lea ua vala’au atu ai Komesina o lenei Sā’ili’iliga i o tatou Sui uma i le Palemene, o tatou ta’ita’i uma fa’aleaganu’u ma ta’ita’i fa’alelotu, ina ia talia, ua salalau le tīgā ma le māfatiaga o o tatou tagata, ma ‘olo’o iai lo latou sao tu’usa’o. E lē pa’ū ‘āto’atoa i ta’ita’i le tu’ua’iga. E tofu tatou ma le tiute, ma o le fatu o sāuāga i totonu o ‘āiga, na totō mai augā tupulaga ua mavae. Peita’i, o le asō, e pa’ū i le faigā Mālō ma ta’ita’i o isi vaega ‘olo’o ‘ūmia tulaga o le pule, e tūla’i mai, ma fai se sao. Fa’aali mai lo latou fa’amāoni i le Fa’asāmoa ma agatausili o le talitonuga Kerisiano ‘olo’o fa’avae ai lenei atunu’u.

Ua fa’avae i le ta’iala o aiā tatau a tagata soifua se matāfaioi o le mātaala o tagata lautele, ‘olo’o taumamao le mālō mai le fa’ataunu’uina i le taimi nei. Matou te talosagaina le fa’atinoina o lenei ta’iala e tusa ma le

Fa'avae, le Fa'asāmoa ma le Tusi Pa'ia, ina ia aogā lelei le tāofiga ma le puipuiga mai sāuāga i totonu o 'āiga. O le lava ā o le lava. Ua o'o i le taimi ua tatau ona tatou ō mai fa'atasi mo le manuia o a tatou tupulaga o le lumana'i ma fa'apea atu:

"OU TE LĒ LAFI I LE ATA O LE LĀ'AU" .

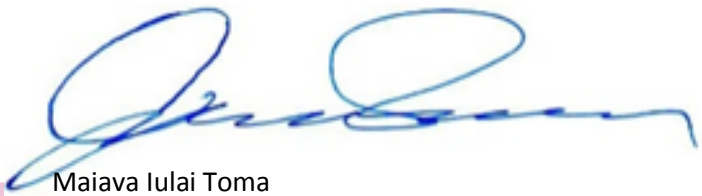
Ua fa'aalia fo'i ni itū e ofo ai le loto, e uiga i māfua'aga fa'avae, e lu'iina ai ni isi o tatou manatu ma a tatou tū ma aga māsani. O fofō lā ua fa'atūina atu, 'ātonu e fōliga matuā maoa'e. Peita'i, ua fuafuaina ma le fa'aeteete ina ia fa'atino se galuega i itū ta'itasi uma o māfua'aga ma u'una'i, ua fa'aaogā ai a tatou agatausili fa'aleaganu'u, talitonuga fa'alefa'atuatua ma aiā tatau a tagata soifua e 'avea ma fa'avae.

E lē 'avea le tau o se pā pupuni i le fa'atinoga o fautuaga i lenei līpoti. 'Ole'ā toe fa'aola lava i le fa'atinoga o fautuaga le tau i le gāsologa atu i le lumana'i. O le tupe lenā o lea e fa'aalu nei mai lo tatou tamāo'āiga ona o sāuāga i totonu o 'āiga. Ua lē na'o se tupe fa'aalu mai a tatou puna'oa, a o se mālosi'aga fo'i ua alu 'ese atu mai lo tatou tapasā o āmioga tonu ma a tatou agatausili. 'Ole'ā leiloa atu la tatou Fa'asāmoa ma a tatou agatausili fa'alelotu ona o sāuāga i totonu o 'āiga. E mana'omia lo tatou fa'atino o ni gāoioiga e iai se uiga, 'ae le'i o'o ina tuai.

O le tala fiafia, o lea e i o tatou lima le fofō. E mana'omia se suiga i o tatou manatu ua maua'a, ma le fa'amāoni o le atunu'u i le tē'ena ma le lē talia o se sāuāga nei, ma āga'i atu i le lumana'i. E umi le taimi o nei suiga ma e lē tutupu uma i se aso se tasi. Peita'i, o le fa'atinoga o fautuaga 'olo'o i lenei līpoti, e lē gata ina o tatou fa'atino ai la'asaga mana'omia e tafi'esea ai lenei mala, a 'ole'ā fa'apea ona toe fa'amausalī ai lo tatou Talitonuga Fa'alefa'atuatua ma le Fa'asāmoa.

Ua umi tele le taimi, o fa'apeapea atu lava ona 'āia ma fa'aaogā sesē a tatou agatausili e aupito tāua ma pele iā i tatou. O le aogā lelei o le fa'afetaia'iga o sāuāga i totonu o 'āiga, 'ole'ā mafai ai ona o tatou toe maua ma fa'amālosia le ōlaga Fa'asāmoa ina ia mafai ona iloa, ola ai, ma fa'amanuiaina ai tupulaga o Sāmoa ā taeao. O le 'ausia o lea taunu'uga, 'ole'ā mafai ai ona o tatou fa'ailoa atu i le lalolagi, le mea e mafai ona o'o ai, i le galulue fa'atasi o agatausili fa'aleaganu'u ma fa'alefa'atuatua, ma fa'amālosia e le ta'iala o aiā tatau a tagata soifua.

O le taimi lenei Sāmoa. Tatou te tutū fa'atasi. Tatou te tutū fa'atasi ma Komesina o le Sā'ili'iliga, fa'apea fo'i la'u 'aufaigaluega. Se'i o tatou la'a ese fa'atasi atu ia mai lenei pōgisā, ma 'aua lava ne'i toe tepa i tua.



Maiava Iulai Toma

LISI O FAUTUAGA[63]

FAUTUAGA 1: Ia fa'avaeina i se tulafono, se Ofisa mo le Tāofiga o Sāuāga i Totonu o 'Āiga, Ta'iala a le Atunu'u mo le Tāofiga o Sāuāga i Totonu o 'Āiga ma se Ta'iala o Feso'ota'iga, Fono a le Atunu'u mo le Tāofiga o Sāuāga i Totonu o 'Āiga, ma se Komiti Fa'apitoa e fa'avae ma fa'a'autū i ai le tu'ufa'atasiga ma le māopoopo o le tali atu a ofisa uma i sāuāga i totonu o 'āiga.

FAUTUAGA 2: Tatau i le Palemene ona silasia ma fa'atino faanatinati fautuaga i totonu o lipoti o Aiā Tatau a Tagata Soifua a le Ofisa 2015 ma le 2016 aemaise mataupu patino i sauaga i tinā, tama'ita'i, tamaiti ma tagata e iai mana'oga fa'apitoa.

FAUTUAGA 3: Fai se su'esu'ega e fa'amauina ai le fa'atuputupulai'a o sāuāga o fa'afafine, tagata e 'ese o latou lagona tau itūpā mai fa'atulagaga māsani o itūpā ma tagata ua matua le soifua, aemaise foi le fa'atinoina o a'oa'oga e fa'atatau i isi aia tataou o lo'o a'afia ai lea vaega.

FAUTUAGA 4: Fa'avae se "Polokalame o Nu'u Sa'oloto mai Sāuāga", e tu'uina atu ai fa'atōsina tautupe mo le fa'atinoga o taumafaiga mo le Tāofiga o Sāuāga i Totonu o 'Āiga e fa'avae i fautuaga o le Sā'ili'iliga.

FAUTUAGA 5: Ia talia e le Mālō le 'ave'esea o le fuai'upu 14 o le *Tulafono o Tamaiti 1961* ma fa'atino fefa'asoaa'iga talafeagai. Āga'i mālie atu i le fa'asāina o fa'asalaga sasa ma upu mālolosi i totonu o 'āiga.

FAUTUAGA 6: Toe fa'amautū le māsani o le Fa'asāmoa o feso'ota'iga aogā lelei i le vā o mātua ma le tamaitiiti.

FAUTUAGA 7: Lagolagoina, fa'alauiloa ma fa'atino se 'auala e tutusa ai itūpā i le tausiga ma le a'oa'iga a mātua o tamaiti e fa'avae i le Fa'asāmoa ma aiā tatau a tagata soifua, e fa'afetaia'i ai le sosaiete e pūlea e ali'i, le 'au'auna atu ma usita'i o tama'ita'i i ali'i, ma aiā tau faigā 'āiga a ali'i.

FAUTUAGA 8: Fa'atulaga le tulaga tutusa o itūpā ia ta'imua i fa'amoemoega o le Ofisa mo le Tāofiga o Sāuāga i Totonu o 'Āiga ma ātīna'e galuega fa'atino ma 'auala e mafai ona fetu'una'i ai āmioga a ali'i ma tama'ita'i ina ia 'ave'esea manatu fa'a sosaiete e pūlea e ali'i, o le maualuga atu o ali'i, ma māta'itū taunu'uga i le va'aiga mamao āga'i atu i le lumana'i.

FAUTUAGA 9: Fa'afetaia'i le fa'auiga sesē o le Fa'asāmoa 'olo'o fa'ateleina ai le lē tulaga tutusa o itūpā ma iai le sao i sāuāga i totonu o 'āiga, ma fa'ama'oti ma fa'atino ni 'auala e mafai ai e le Fa'asāmoa ona tāofi ma puipui mai sāuāga i totonu o 'āiga.

FAUTUAGA 10: Ātīna'e se talitonuga fa'alefa'atuatua mo le manuia o tagata lautele e uiga i sāuāga i totonu o 'āiga, e fa'afetaia'i ai le fa'auiga sesē o le Tusi Pa'ia 'olo'o lagolagoina le lē tutusa o itūpā ma sāuāga.

FAUTUAGA 11: Fa'atino 'auala mana'omia e 'ave'esea ai pā pupuni 'olo'o a'afia ai le 'auai o tama'ita'i ma isi vaega o tagata i Fono a Nu'u, le Palemene ma Lotu.

FAUTUAGA 12: Fa'aaogā se fa'agāsologa o fefa'asoaa'iga e ātīna'e ai se matā'upu a'oa'oina tau saogalēmū o 'āiga, e a'oa'oina ai tamaiti uma.

FAUTUAGA 13: Fa'amālosia le sā o fa'asalaga sasa i totonu o ā'oga e ala i le a'oa'oina o tagata uma o le atunu'u i ona taunu'uga lē manuia ma 'auala 'olo'o solia ai le Fa'asāmoa ma aiā tatau a tagata soifua.

FAUTUAGA 14: Fa'atino se polokalame o a'oa'oga a le atunu'u ma polokalame fa'apitoa e fa'atupu silafia, e fa'a'autū i manatu ma uiga fa'aalia ma fa'atinoga e āfāina ai tagata, ma le mālamalamaga i tulafono ma 'au'aunaga 'autū.

FAUTUAGA 15: Ia fa'amautinoa e mafai e tusitala ona līpoti matā'upu tau sāuāga i totonu o 'āiga i se 'auala e puipuia ai tagata āfāina, ma si'itia ātili le mālamalamaga o le atunu'u i uiga ma māfua'aga.

FAUTUAGA 16: Fa'aitiitia a'afiaga e āfāina ai i 'auala o fa'asalalauga, e ala i a'oa'oga ma le fa'ata'atitia o tulaga mana'omia i 'auala o fa'asalalauga.

FAUTUAGA 17: Fa'avaeina se Nofoaga Tūtotonu a le Atunu'u mo Fa'alavelave tau Sāuāga i Totonu o 'Āiga, e iai faufautua fa'amāonia taualoa.

FAUTUAGA 18: Lagolagoina e le Palemene 'ātoa le fa'afetaia'iga o sāuāga i totonu o 'āiga.

FAUTUAGA 19: Si'itia tupe fa'aaogā ma le mafai ona tu'uina mai molimau fa'amāonia o galuega o polokalame e fa'afetaia'i ai sāuāga i totonu o 'āiga, ma ia ta'imua le tulaga tutusa o itūpā.

FAUTUAGA 20: Ia ta'ita'i ma taulāmua Fono a Nu'u i fa'atinoga e tāofia ai sāuāga i totonu o 'āiga.

FAUTUAGA 21: Ia tāofia e lotu le ūna'iga ma le lagolagoina o manatu ma uiga fa'aalia e fanafānau ai sāuāga i totonu o 'āiga ma ia 'avea o se ta'ita'i i le tāofiga o sāuāga i totonu o 'āiga.

FAUTUAGA 22: Fa'a'ogātotonu i taumafaiga o le tāofiga o sāuāga i totonu o 'āiga i Sāmoa le aoina o fa'amaumauga ma le Māta'itūina ma Iloiloga.

FAUTUAGA 23: Fa'amālosia le ta'iala fa'aletulafono ma ātīna'e se ta'iala lautele ma au'ili'ili o le māta'itūina ma iloiloga.

FAUTUAGA 24: Fa'amautinoa le maua e tagata uma o nofoaga e sulufa'i i ai, e fa'avae i mana'oga 'olo'o iai.

FAUTUAGA 25: Fa'aopoopoina tomai ma agava'a e mafai ai e 'au'aunaga a Leoleo ona fa'atino la latou matāfaioi o le ofisa 'autū e maua ai le puipuiga mo tagata āfāina i sāuāga i totonu o 'āiga.

FAUTUAGA 26: Tapu'e ātili ma fa'aleleia le sao ma le gafatia e 'au'aunaga fa'asoifua mālōlōina, e mafai ai ona talafeagai la latou puipuiga fa'asaga i sāuāga i totonu o 'āiga, ma fa'atino so latou sao i le fa'amutaina o le ta'amilosaga o sāuāga.

FAUTUAGA 27: Ātīna'e se 'au'aunaga lagolago fa'asoifua mālōlōina mo Sāmoa.

FAUTUAGA 28: Fa'amālosia le fa'amasinoga ina ia mautinoa e tutusa le mauaina o fa'amasinoga tonu, talafeagai tulaga mana'omia o 'au'aunaga ma taga'i toto'a fa'amasino i lamatiaga mo tagata ua āfāina i sāuāga i totonu o 'āiga, ona o le fa'aaogāina o ifoga ma tusi molimau o āmio.

FAUTUAGA 29: Teuteu le *Tulafono o Fono a Nuu 1990* ia fa'ama'oti, o sāuāga i totonu o 'āiga o se tasi lea o matā'upu e taga'i i ai Fono a Nu'u.

FAUTUAGA 30: Tu'uina atu le mālosi'aga i Fono a Nu'u ma Komiti mo le Saogalēmū o 'Āiga, e fa'atino se sao i le tu'uina atu o tagata fa'atino sāuāga i totonu o 'āiga i le fa'amasinoga.

FAUTUAGA 31: Tu'u atu le mālosi'aga i Fono a Nu'u / Komiti mo le Saogalēmū o 'Āiga, e fa'atino so latou sao tu'usa'o i le puipuiga i matā'upu ta'itasi o sāuāga i totonu o 'āiga, e ala i le tu'uina atu o nofoaga e malu ai tagata āfāina, ma fa'asalaga talafeagai mo tagata fa'atino sāuāga.

FAUTUAGA 32: Si'itia le mafai e le lotu ona puipui tagata mai sāuāga i totonu o 'āiga ma tāofia fa'atinoga e mafai ona o'o ai tagata āfāina i se tulaga e lamatia ai mai isi āfāina.

FAUTUAGA 33: Fa'ama'ite e le Mālō le fa'amālosia ma le fa'amāopoopoina o Fa'alāpotopotoga Tūma'oti, i la latou tali atu i sāuāga i totonu o 'āiga.

FAUTUAGA 34: Fa'aitiitia fua fa'atatau o le fa'aaogā fa'atāutala o le 'ava mālosi.

FAUTUAGA 35: Fai se galuega i fa'atinoga fa'aleaganu'u ma fa'alelotu ia fa'aitiitia ai sāuāga i totonu o 'āiga, e tūla'i mai ona o 'avega tautupe, ma fa'aopoopo polokalame mo le fa'a'āu'upegaina tautupe mo 'āiga.

FAUTUAGA 36: Ātīna'e se mālamalamaga i le sao o le ita i sāuāga i totonu o 'āiga, fa'alautele atu polokalame o le fa'atautaiga o le ita, ma fa'afetaia'i le sao o le fuā, e ala i a'oa'oga ma polokalame fa'atupu silafia.

FAUTUAGA 37: Si'itia le mālamalamaga o le atunu'u i le fa'afoega o matā'upu tautupe.

FAUTUAGA 38: Fa'aitiitia a'afiaga ona o le leiloa atu o puipuiga sa iai o le tāofiga o sāuāga, e ala i le fa'amālosia o isi 'auala o le puipuiga ma le fa'atinoga o fautuaga 'ese'ese ua tu'uina atu e le Sā'ili'iliga e fa'avae ai 'auala fou. O le fa'atinoina 'āto'atoa o fautuaga a le Sā'ili'iliga, e mafai fo'i ona fa'aaogāina le toe fa'afo'i ai le tulaga mautū sa iai, o ali'i ma tama'ita'i i totonu o nu'u ma afio'aga.

FAUTUAGA 39: Fa’atupu le silafia i taunu’uga o le so’ona fa’aaogā o tekonolosi ma ūna’i isi ‘auala mālōlōina lelei e mafai ona fa’atino.

PEPA FA'AOPOOPO

Appendix A

OMBUDSMAN
NHRI SAMOA

NATIONAL PUBLIC INQUIRY

ON

"FAMILY VIOLENCE"

BACKGROUND PAPER

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1. INTRODUCTION

National Human Rights Institutions

National Human Rights Institutions (NHRI) are independent bodies established by law to promote and protect human rights in their respective countries. They are the institutions which link the international human rights system to the domestic level, interpret human rights within the national context and take action to ensure the wide enjoyment of those rights.

The Samoa NHRI was established in the Office of the Ombudsman ("the Ombudsman Office") in December 2013 under the *Ombudsman Act 2013* ("the Ombudsman Act"). In 2016 the Ombudsman Office was awarded 'A' status by the international accrediting body, the Global Alliance for NHRIs. This accreditation at the highest level reflects international recognition of the independence of the Office and its record in effectively protecting and promoting human rights since establishment in 2013.

National Inquiry

The Ombudsman Act gives the Ombudsman wide-ranging duties and powers to promote and protect human rights in Samoa. One of its human rights functions is to inquire into widespread, systemic or entrenched situations or practices that violate human rights.[1] This can take the form of a 'National Inquiry' – one of the most powerful tools of any NHRI. A national inquiry enables a broad human rights approach and examination of a large and complex situation. It has both fact finding and educational roles and has been used to great success by NHRIs globally. Combined with the unique nature of NHRIs, the process has the potential to address and resolve wide-spread human rights issues, such as family violence, in a manner no other approach could achieve.

This background paper aims to provide an overview of the inquiry approach developed by the Ombudsman Office to investigate Family Violence in Samoa.

2. OVERVIEW OF THE SITUATION

Family and domestic violence is under-reported - the true scale of such human rights violations and crimes is never truly known in any country anywhere in the world. Cases go unreported for a variety of reasons – intimidation of victims, fear of reprisals, lack of effective redress, a sense that no crime has been committed.

[1] Ombudsman Act 2013 s. 34

It is estimated that anywhere between 50-90% of domestic and family violence incidents are not reported to the police - the following statistics are therefore a mere snapshot of the true situation in Samoa today.

In 2014-2015, the Office carried out the first ever comprehensive review of human rights in Samoa. As per the Ombudsman Act, an outcome report- the State of Human Rights Report 2015 (the "SHRR 2015") was subsequently produced and submitted to Parliament for scrutiny in June 2015. One of the areas highlighted in the SHRR 2015[2] was violence against women, girls and children.

Data collected by the Office for the purposes of the SHRR 2015 showed that a total of 39%[3] of participants in the Office Survey 2014-2015 reported seeing abuse against women and girls in their village in the previous year. Over one-third (34%) of Survey participants witnessed domestic abuse against a child in the past year within the family or village.[4] Disturbingly, although not asked directly, a number of School Survey 2014-2015 participants indicated that sexual abuse and incest are taking place. This was corroborated by the Ministry of Police and Court records indicating a relatively high number of offences of incest and sexual offences affecting children.[5] Also, since the establishment of the SVSG House of Hope, SVSG has housed over 100 children who have been victims of incest. The SHRR 2015 also confirmed data collected by the Samoa Family Health and Safety Study in 2007 indicating that 'almost half of women surveyed (46.6%) aged 15-49 reported experiencing physical and/or emotional and/or sexual violence by an intimate partner.[6] Although these acts of sexual abuse and incest are forbidden within Samoan laws and culture, this is an issue that persists and the Office is concerned that it is becoming increasingly common.

In 2005, the Committee on CEDAW in its concluding comments during Samoa's first CEDAW review recommended for Samoa to put in place without delay a comprehensive strategy to prevent and combat all forms of violence against women, including domestic violence. Such a strategy should include measures, including legislation, to prevent violence against women, provide protection, support and rehabilitation services to victims, and punish the offenders.[7] In 2006, the UN Committee on the Rights of the Child in its concluding observations noted that while Samoa has undertaken activities to prevent and combat child abuse, the Committee was

[2] Total number sampled-2515. Age group 10-88. State of Human Rights Report 2015.
[3] See Ibid above at pg 14.
[4] See Ibid above at pg 20.
[5] See Ibid above at pg 23.
[6] See Ibid above at pg 12.
[7] http://www.mwcsd.gov.ws/images/stories/PUBLICATIONS%20WEBSITE/New-update%202013/CEDAW%20&%20CRC%20Concluding%20Comments/CEDAW%20Concluding%20comments.pdf

concerned at the persistent occurrence of child abuse.[8] The Committee recommended to investigate cases of domestic violence, ill treatment and abuse of children and undertake studies on domestic violence in order to understand the scope and nature of these practices, adopt adequate measures and policies and contribute to changing attitudes. In 2011, similar recommendations were made by the United Nations Human Right's Council during Samoa's first UPR review to ensure steps were taken to address domestic violence (especially traditional attitudes towards domestic violence).[9]

There has been a great amount of support over the years amongst Government, NGOs, community and international partners to produce and implement effective measures to address this issue. Examples of these initiatives include the establishment of the Domestic Violence Unit, the Family Court, the *Family Safety Act 2013* and amendments to the *Crimes Ordinance 1961*.[10] The Ministry of Women, Community and Social Development and other organizations, implemented various community awareness and education programmes on domestic violence, which were publicized through, inter alia, television and radio talkback shows and in schools, youth groups and village communities. Those initiatives were aimed at disseminating information, educating, and enhancing public understanding at all levels of society on the scourge of domestic violence and gender discrimination. With assistance from the United Nations Population Fund (UNFPA), the Men against Violence Advocacy Group had been established to lead advocacy and to campaign, targeting men and village leaders to join forces to eliminate violence and gender discrimination.

Despite these initiatives and many efforts over the past years to address the issue of domestic violence against women and girls, still violence remains prevalent in Samoa and is increasing with serious cases resulting in the death of women. Data below from the Domestic Violence Unit of the Ministry of Police shows the increase of "**reported"** domestic violence cases of female victims between the ages of 17-33 between the years of 2007-2015. These numbers were cases reported only to the Police headquarters in Apia and does not include cases reported to police outposts.[11] This indicates that violence against women is endemic and widespread in Samoa.

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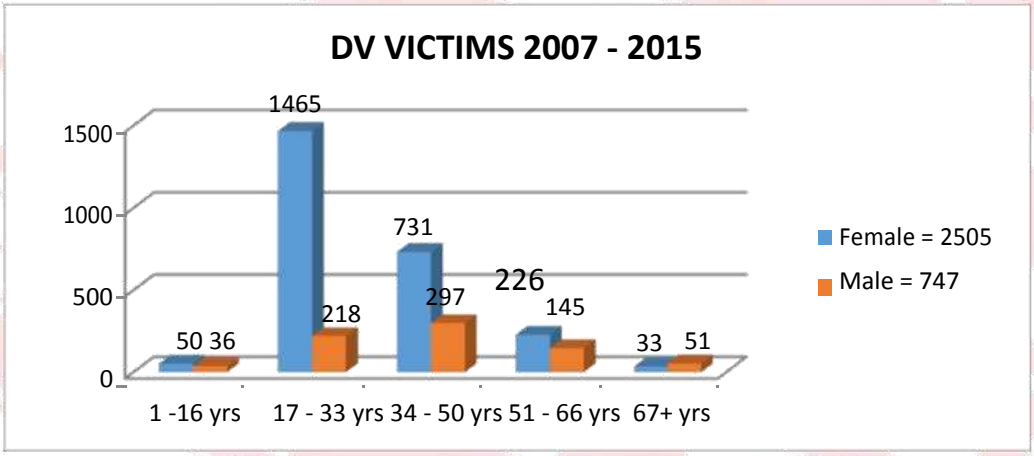
8 CRC/C/WSM/CO/1 29 September 2006, http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_WSM_CO_1.pdf

9 https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/146/32/PDF/G1114632.pdf?OpenElement, http://www.samoaobserver.ws/en/23_12_2015/local/613/Sex-predator-dad-jailed--Justice-Vui-revives-call.htm, http://www.samoaobserver.ws/en/31_08_2016/local/10651/Prison-for-rape-of-12-year-old.htm, http://www.samoaobserver.ws/en/03_03_2016/local/3186/%E2%80%98Silent-epidemic%E2%80%99-discussed-at-Magiagi.htm

10 The Crimes Act 2013 has increased the maximum penalties for most sexual offences e.g attempted rape increased from 10 to 14 years, sex with a minor under 12 years old increased from 7 years to life. Sexual violation now includes rape and unlawful sexual connections. The amendments also removes exemption of martial rape.

11 Data shown is only on cases reported to the main Police Station in Apia, it does not include reported cases in police outposts and unreported cases.



There is concern and international pressure to address domestic violence especially with regards to women, girls and children. This was evident in Samoa's second UPR review earlier this year when the UN Human Rights Council recommended to Samoa to continue to take active steps to implement measures aimed at combating and preventing domestic violence.[12]

The media has been flooded with reports of court cases on domestic violence particularly with physical and sexual abuse of women and sexual abuse or incest involving young girls and children. At the same time there is strong concern from the public on the severity and increase of domestic violence.[13]

The concerning increase and widespread pattern of domestic violence in Samoa has prompted the Ombudsman Office to make Family Violence the focus of its first national inquiry.

3. INTERNATIONAL HUMAN RIGHTS LAW AND DOMESTIC LAW

The human rights treaties that Samoa has ratified that are relevant to the situation include CEDAW, CRC and ICCPR. By accepting CEDAW, State parties are committed to condemn and take all appropriate measures to eliminate all forms of discrimination against women. Article 5 obliges State parties to take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. The CRC provides that children have the right to be protected from being hurt and mistreated, physically or mentally. State Parties are to ensure that children are properly cared for and protect them from violence and abuse (Article 19).

In addition to Samoa's international obligations, Samoa also has in place constitutional provisions and domestic laws that provide direct and indirect protection against family violence which may include:

[12] Draft Report of the Working Group on the UPR, A/HRC/WG.6/25/L.3, 9 May 2016

[13] http://www.samoaobserver.ws/en/06_08_2016/local/9652/Father--slammed--for-sex-betrayal.htm; http://www.radionz.co.nz/international/pacific-news/280464/samoan-brothers-jailed-for-incest; http://www.samoaobserver.ws/en/16_08_2016/local/10040/Sexual-crimes-continue-to-rise.htm

- Constitution of the Independent State of Samoa 1960 (Art 5 Right to Life, Art 6 Right to personal Liberty, Art 15 Freedom from discriminatory legislation, Art 9 & 10 Right to a fair trial)
- Family Safety Act 2013
- Crimes Act 2013
- Village Fono Act 1990
- Infants Ordinance 1961
- Ombudsman Act 2013
- Family Court Act 2014

4. MATTERS TO BE INVESTIGATED

In reviewing the available research, data and work by the Office on the broad issue of domestic violence, the Office considers it appropriate for the special perspective of the Inquiry to be the Samoan aiga (family), be it communal or small unit. The primary focus will be on women and girls with attention also on the impact of violence on the upbringing of children in Samoa and on the lines of marginalized individuals.

The definition of **"family"** may include all members of a Samoan aiga living in a typical communal or small unit setting.

The definition of **"violence"** may include:

- *sexual violence/abuse* (includes rape, unwanted sexual connection, incest, indecent assault or carnal knowledge);
- *physical abuse* (includes punching or hitting or slapping or kicking any part of the body throwing or struck with a stick, rocks or other objects, cut, hair pulled, burnt choked, killed, stabbed);
- *verbal abuse* (includes threaten to be killed, swearing, belittling); and
- *any other controlling or abuse behaviour where such conduct harms or may cause imminent harm to the safety, health or wellbeing of a person.*

The following are some of the matters that the inquiry will focus its investigation on. They will include but not limited to:

- ✓ Identify who are the victims of family violence
- ✓ Who are the most vulnerable to violence within a family context
- ✓ The nature of violence experienced by the victims
- ✓ The severity and level of impact of family violence
- ✓ The root causes and contributing factors to the occurrence of family violence
- ✓ Who are the first responses to family violence complaints and how effective are their responses (examining their roles and responses to complaints)
- ✓ Measures and initiatives established to combat the issue and how successful or effective have they been implemented
- ✓ What services are available to victims after the violence
- ✓ What legal methods are in place and how effective are they in protecting victims of family violence

- ✓ Availability and consistence of data on reported cases of family violence
- ✓ The causes and barriers to unreported complaints /cases of family violence
- ✓ Samoan culture and family violence
- ✓ The level of understanding of the community on family violence
- ✓ Existing structures and institutions with potential to contribute to solutions or effective action to curb family violence.

A finalised Terms of Reference and Objectives of the Inquiry will be produced soon after the completion of the consultations with all stakeholders.

5. METHODOLOGY

It is envisioned that the Inquiry will utilize different methods of collecting information/evidence. Possible methods may include:

i. Consultations:
   a. Relevant stakeholders that have done or are doing related work on domestic violence (e.g Government Ministries, SOEs, NGOs and developing partners)
   b. Village Focus Groups consultations- selected villages in Upolu, Savaii, Manono and Apolima to discuss the extent and nature of domestic violence and obtain their views on the issue

ii. Research: Collecting and analysing data/statistics, reports, activities/programs etc on domestic violence.

iii. Public Hearings: Hearing of evidence/stories from survivors, perpetrators and any interested party on the issue

iv. Submission of written submissions by interested parties on their views on the issue.

The full details of this plan will be outlined in the Inquiry Plan.

6. POSSIBLE RESULTS OF THE INQUIRY

The inquiry will only make findings and form recommendations when it has heard and considered all of the evidence it receives. However, it is helpful to consider some of the possible findings at the outset to inform the broad direction and framework of the inquiry, and for this to be considered throughout.

It is clear from the findings of the SHRR 2015 that there is a view held among a notable percentage of the population that family violence is an acceptable cultural norm. If the national inquiry uncovers supporting evidence this will constitute a substantial finding. The inquiry will then look into why this has occurred and make recommendations to the relevant stakeholders to address this belief. The inquiry in itself will foster a national conversation on family violence, with every person invited to participate. Once the true scale and nature of family violence is established through the inquiry, only then can we decide as a nation whether we are happy to continue with the status quo or whether reform is necessary. The ultimate solutions will therefore be formed by consensus and nationally owned.

A further key area for potential findings arising from the national inquiry is in relation to the services and support available to survivors of family violence. The under-reporting of cases of

family violence is likely to be a significant issue and the inquiry must look into the causes and barriers that exist.

The Inquiry may also expose existing institutional capacities and opportunities in village governance and social organisation that could properly be utilized to combat family violence itself or educate against it.

Responsibility for implementing the inquiry recommendations is likely to be spread among the Government, village councils and the churches. All will be given the opportunity to present their views and evidence to the inquiry.

It is hoped that the national inquiry will reveal the full dimensions of the situation in terms of the severity and extent of our family violence problem, human rights law and provide a human rights analysis and human rights recommendations. No issue will be ignored by the Inquiry and submissions will be welcomed on all forms of family violence. The final report will, however, focus on women and girls and other priority issues that come to light.

The public process of the inquiry will ensure that the issue itself becomes better known and that its dimensions are better understood. The media can raise the profile of little known and little understood issues. That in turn encourages greater political attention to the issue and promotes pressure for an adequate response and for changes in public policy and practice.

7. INQUIRY COMMISSIONERS

Inquiry Commissioners are the internal drivers and external face of the Inquiry. They are ultimately responsible, on behalf of the NHRI, for the conduct of the Inquiry and for its report and recommendations. They collectively lead the whole inquiry team, with the chairperson of the inquiry individually leading the inquiry member. Each inquiry commissioner is a person with the required qualities:[14]

- Recognized integrity
- Political independence
- Existing expertise and experience in at least one area to be covered in the inquiry
- Commitment to the inquiry process
- The ability to allocate the necessary time and energy to the conduct of the inquiry and its completion on time and within budget
- The ability to work collaboratively in a team

For the purposes of this inquiry, 3 external persons are selected as inquiry commissioners to assist the Ombudsman, who is the chairperson. We anticipate the agreement of a former Parliamentarian and two academics, all distinguished individuals with relevant experience and expertise, to serve on the Inquiry Commission.

[14] Manual on Conducting a National Inquiry into Systemic Patterns of Human Rights Violation, APF & Raoul Wallenberg Institution of Human Rights and Humanitarian Law, Sept 2012, See pages 35-36

8. HUMAN RIGHTS EDUCATION THROUGH THE INQUIRY

One of the principal objectives of any national inquiry conducted by an NHRI is human rights education and raising awareness of the issues involved. This is especially true of the topic of family violence where attitudes and beliefs may be contributing to the prevalence of the violations. This national inquiry will therefore have a significant human rights educational and awareness raising component and seek to be as visible as possible throughout the inquiry process and in the implantation phase following its conclusion.

The Office of the Ombudsman has strong links with the media in Samoa and these will be utilised throughout the inquiry as part of the awareness raising component, including but not limited to:

- A national inquiry launch event to be covered by all media and publicised internationally through Office of the Ombudsman networks and partner networks;
- Regular (at least monthly) press releases on the progress of the inquiry;
- TV, radio and written media coverage of all public hearings;
- Radio talkback shows and TV discussions at key points during the inquiry with the inquiry Commissioners to discuss progress and findings;
- Weekly facebook updates;
- Final inquiry report, published in full and in summary in English and Samoan;
- National Inquiry video produced and broadcast on national TV.

In terms of human rights education the Office of the Ombudsman has identified the following key target groups and conducted an audience analysis and draft plan for each sector.

Audience Group	Knowledge, attitude and understanding of family violence	Desired change in attitude and behaviour	Methods
Government Ministries	Concerned about family violence and many efforts made tochange policies and legislation but with little impact. A strong focus on work in Apia and consequently a lack of involvement at the grass root levels.	To fully understand the root causes of family violence, expand work undertaken in the village communities and work more in partnership with village councils and churches.	Public hearings and national inquiry recommendations
NGOs	Little focus on family violence. There are no dedicated women's rights NGOs. SVSG is the main NGO dealing with domestic violence, dealing directly with survivors.	Empower not just women and young girls but also the community to engage in dedicated women's rights NGOs.	Public hearings Supportingthe establishment of a women's rights NGO

Village Councils	Varies from village to village but overall there is a lack of responsibility taken for issues of family violence. It is seen to be an issue to be resolved within a family and may not therefore be addressed by the village chiefs.	Greater responsibility for issues of family violence to be taken by village councils.	Public hearings. Village consultations.
Churches	Family violence is often excused as being condoned by the Bible. Some church leaders are reluctant to address this issue.	Church leaders to take responsibility for dispelling the myth that family violence is acceptable within the teachings of the bible and to consistently promote the message that it is unacceptable. To provide support for survivors of family violence.	Public hearings.
Youth	Children are often brought up to accept family violence as a norm. They can sequentially be victims, perpetrators and eventually advocates of family violence later in life.	Establish a common understanding of the consequences of family violence and a generation of children dedicated to the elimination of family violence.	Public hearings. Private hearings and interviews. Human rights friendly school program.
Perpetrators	There is an instilled mentality and belief with men that they have the right to beat their wife.	Establish a common understanding of the marriage or a partnership and the consequences of family violence.	Public hearings. Private hearings and interviews. Outreach in collaboration with relevant stakeholders e.g Men Against Violence, SVSG, MWCSD
Women	Studies and work of the Office shows that many Samoan women accept domestic abuse as a	Educate and Empower women to dispel the belief that men has the right to abuse them.	Public hearings Outreach in collaboration

	man's right and as part of marriage. Many women stated that a man has the right to hit wife if she disobeys his orders or is disrespectfultohis parents.[15]		with relevant stakeholders e.g Young Women Christian Association, Youth, SVSG, MWCSD

9. TIMETABLE

The inquiry will be carried out over a span of twelve (12) months starting January to December 2017. The Report will however be finalised, published and provided to Parliament in June 2018. The Inquiry will be officially launched on Human Rights Day December 8 2016.

10. RESOURCE REQUIREMENTS

To successfully achieve the objectives of the National Inquiry and to ensure the greatest chance of success in addressing family violence in Samoa, the Office will require additional resourcing on top of its existing budget. The Office has determined the National Inquiry to be its priority activity for the years 2017-18 and will allocate the majority of its human rights staff to the project. In addition to these resources a principal report writer, financial resources for the public hearings and related activities and sitting allowances for the three external Commissioners who will join the Ombudsman to form the Inquiry Commission.

11. STAKEHOLDER VIEWS

Once funding has been obtained to make this project viable, this scoping paper will be circulated amongst key stakeholders for initial comments and views. These views will be incorporated into this document and will also be instrumental in developing the final Terms of Reference.

[15] State of Human Rights Report 2015, see page 13; The Samoa Family Health Safety Study 2006, see page 52.

Appendix B

Commissioners Profile

Chairman – Maiava Iulai Toma
Current Post: Ombudsman
Previous Work: Secretary to Government
CEO Department of Prime Minister, Foreign Affairs & Cabinet, Samoa Permanent
Representative to the United Nations, Ambassador to the USA, High Commission to Canada.

Commissioner Falenaoti Mulitalo Kolotita June Ailuai Oloialii
Current Post: President of Vavau Women's Committee, Active Village Women Representative, Member of the Law and Justice Sector
Previous Work: She actively plays a role in mobilizing women to participate and be involved in various community advocacy programs to address social issues such a family violence. She has represented Samoa on Study tour to promote healthy living for communities in New Zealand. She also represented the Village Women Representative of Samoa as Samoa's delegate to the 11th Commonwealth Women's Affairs Ministerial Meeting in 2016. Falenaoti strongly believes that the centre of every Samoan family plays a great role in nurturing a child, and an invidual's whole being. It is that centre that we need to focus on to provide solutions to the issue of family violence.

Commissioner Tagaloatele Professor Peggy Fairbairn-Dunlop
Current Post: Professor of Pacific Studies, Institute of Public Policy AUT, Researcher. A wellknown author in Samoa and the Pacific. She has written and part of a number of research on the subject area such as;
Fairbairn-Dunlop P, K Savali & E Puni (2016) What makes for a good Samoan family relationship MSD New Zealand
Fairbairn-Dunlop, P., & Lievore, D. (2007). *Samoa Report: Preventing Domestic Violence* (NZAID/ PPDVP). p.69.
Kingi, V., Jordan, J., Moeake-Maxwell, T., & **Fairbairn-Dunlop, P**. (2009). *Pathways from crisis to recovery for adult victims/survivors of sexual violence. Ministry of Women's Affairs (NZ).* [Commissioned by Ministry of Women's Affairs]. Retrieved from http://www.mwa.govt.nz/news-andpubs/ publications/ pathways-part-one
Fairbairn-Dunlop (2001) Tetee Atu le sasa ma le upu malosi: hold back your hands and your harsh words *Pacific Health Dialogue* Vol 8 No 1, March 2001 (etc.)

Commissioner Meleisea Leasiolagi Professor Malama Meleisea
Current Post: Director, Centre for Samoan Studies, National University of Samoa
A wellknown author and historian in Samoa and the Pacific. He has been a member of a number of recent research, survey projects which looked at participation of women in decision making positions, roles and traditional villages and new urban settlements. In previous work with UNESCO he oversaw and participated in UNESCO sponsored projects against domestic violence. He is a matai and sits in his village council. In his view family based violence (like all other forms of violence) should be eliminated completely from Samoan society through law reform and an intense and on-going national community education programme.

Commissioner Tolofuaivalelei Falemoe Leiataua-Lesa
Previous Work: Member of Parliament for Aana Alofi No.2, Former Minister of Women Community and Social Development, Speaker of Parliament, Former Minister of Post & Telecommunications and has held prominent positions in various Government Ministries in the past.
He is the secretary for EFKS Leulumoega since 1989. He is a serving member of his church holding various important positions. He strongly believes that this modern era and changes to our lifestyles plays a huge impact on the social issues we have today. We need to work extra hard for our young people before they fall further away. Everyone needs to do their part to end violence particularly parents and those most influential people such as church ministers and village leaders.

Appendix C

NATIONAL PUBLIC INQUIRY INTO FAMILY VIOLENCE

TIMELINE

2016

SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
• Draft Inquiry background paper • Prepare Inquiry budget • Prepare Inquiry timeline • Seek funding • Identify relevant individuals & key stakeholders to help identify witnesses and venues to hold hearings - Send out letters requesting meeting about inquiry • Identify possible staff, volunteers and commission members and their roles and responsibilities - Prepare brief description of roles and responsibilities especially the commission members	• Finalise background paper, timeline & budget • Hold meetings with key stakeholders to: - inform about the inquiry, - request how they can assist us, - obtain information about their work, - identify possible witnesses, and - target areas to hold hearing/consultations • Cont' to seek funding • Recruit staff, volunteers and commission members & allocate responsibilities/roles • Desktop Research • Prepare TOR & Objectives	• Cont' to seek funding if required • Cont' gather/receive information from stakeholders • Plan launch (venue, guests/invitees, program, media, speakers)	• Launch Inquiry (8 December) • Cont' to Seek funding if required

2017

JANUARY	FEBRUARY	MARCH	APRIL
• Finalise Plan for Community Consultations • Organize/arrange for Community consultations • Prepare presentations for the community bodies consultations and the community consultations • Prepare & organise for staff and media training • Desktop Research cont'	• Finalise details of meetings with community bodies • Consult with community bodies to assist in facilitating the community consultations **Community Body consultations BEGIN -** • Desktop Research cont' • Update Commissioners on timeline and progress of preparation	• **Community Body consultations COMPLETE** • Staff training and Media Training • **Community consultations BEGIN (Mid-March)** • Prepare public & private hearings timeline • Desktop Research cont' • Advertise Inquiry and call for written submissions and witnesses	• Community consultations cont • Advertise inquiry and call for written submissions and witnesses • Desktop Research cont • Prepare and organise for public & private hearings (e.g witnesses, venues)
MAY	**JUNE**	**JULY**	**AUGUST**
• **Community consultations COMPLETE (Mid May)** • Draft desktop Research • Draft consultation report for Inquiry Commission • Report writer to submit first draft outline of Inquiry Report	• **INQUIRY BREAK!!!** • Finalise consultation report and desktop research for Inquiry Commissioners • Cont' planning for public & private hearings • Press release/Public awareness about Inquiry and public hearing • Advertise - Call for written submissions • Report writer to submit revised Draft outline Inquiry Report	• Identify, contact and brief witnesses • Cont press release/public awareness about inquiry and public hearing • Advertise -call for written submissions and witnesses	• Cont' to identify, contact and brief witnesses • Identify venues for hearings • Advertise inquiry and call for written submissions and witnesses • Finalise witness list and venues

SEPTEMBER • Staff & Media refresher training • Briefing for Inquiry Commissioners • **Public & private Hearings COMMENCES -18th** • Submission of report of community consultation and desktop research to Inquiry Commissioners • Advertise inquiry and call for written submissions and witnesses	**OCTOBER** • **Public & private Hearings COMPLETE** (subject to changes) • Deadline for written submissions • Inquiry Commissioners discuss report with report writer (Commissioners debriefing- Tuesday 10-Friday 13 Oct)	**NOVEMBER** • **Report Writer to submit First Draft of Report**	**DECEMBER** • Inquiry Commissioners to review draft report and provide comments to Report Writer

2018

JANUARY • Writer to address Inquiry Commissioners' comments and finalise report • Refer finalised report to translator for translation of report	**FEBRUARY** • Translation of report	**MARCH** • Translation of report	**APRIL** • Translation due • Print/publish report
MAY	**JUNE** • Submit report to Parliament	**JULY** • **Launch Report** (tentative date)	**AUGUST** • **Launch Report** (latest-tentative date)

Appendix D

Public and Closed Hearing Schedule

Monday 18 September	Tuesday 19	Wednesday 20	Thursday 21	Friday 22
Hon Faimalotoa Iemaima Kika Stowers **Minister for MWCSD**	Lemalu Sina Retzlaff **Advocate**	Lani Wendt Young **Survivor & Advocate**	Fifita Tafilelea Fifita	Sei Sefo
Ame Sene **Survivor**	Dr. Malama Tafuna'i **Primary Care Physician**	Maumalii Mulipola **Matai, Lotofaga Safata**	Salū M Fiso **Matai (SN), Falevai**	Police outpost *Lalomanu & Poutasi*
Siliniu Lina Chang **President, SVSG**	Pastor Faafetai Fata **Chairman, Teen Challenge**	Vaitagutu Viliamu **Matai (SN)[1] Lepea**	Vou Kalauna **Survivor**	Faasi'i Siatu'u Fa'atiga **Matai, Saleaumua**
Hon Judge Talasa Saaga **Family Violence Court**	Leo'o Tautalatasi Dr. John Adams **Pediatrics Specialist**	Maulolo Tavita Amosa **Matai**	Ili Dalailama **Matai (SN), Nofoalii**	Pao Sagale **Matai (SN), Saleapaga**
Tofa Masinalupe Tusipa Masinalupe **Matai**	Afamasaga Faamatala Toleafoa **Matai/MAVA Advocate**	Father Lui Sanele **Ekalesia Katoliko Samoa**	Police outpost *Faleolo*	Lepau Faaifo **Matai, Saleapaga**
Det Sgt Tofilau Junior Tofilau **Ministry of Police- DVU**		Venerable Faamausili C Solomona **Ekalesia Egelani (Anglican) Samoa**		Leaugamata Tanielu **Matai (SN), Lotofaga**

[1] **SN – Sui o Nuu replacing the term Pulenuu**

SAVAII

Monday 25 September	Tuesday 26	Wednesday 27	Thursday 28	Friday 29
Hon Tofa Lio Foleni **Matai/Associate Minister for MWCSD**	Seuulu Manu **Matai, (SN) Tufutafoe**	Malaeulu Amoni **Matai, (SN) Lano**	Vaifale Mokoi **Matai, (SN) Saleaula**	Susuga Taumafai Komiti **Ekalesia Metotisi Samoa**
Police Outpost **Tuasivi/Fagamalo Police Station**	Moefaaope Siaosi **Matai, (SN) Auala**	Selesele Oto **Matai, Vaega**	Elisapeta Laulu **Sui Tamaitai Fogatuli**	Eric Poe **Teen Challenge**
Su'a Amani **Matai (SN), Falefia/Malaeta**	Masoe Selota **Alii Taua, Auala**	Fred Sefo **Faifeau EFKS**		Inu Amosa **Dean Bible Study, Harvest Centre**
Lualua Tautu **Matai (SN), Asaga**	Police Outpost **Asau**	Heta Sefo **Faletua EFKS**		Nua Palala Leuliaialii **Matai, (SN) Moataa**
Tugaga Tevesi **Matai (SN), Faletagaloa**	Rev Faauuga Pula **EFKS, Auala**	Police Outpost **Vaito'omuli**		
Seumanutafa So Ulufale **Matai, Palauli**				

Monday 2 October	Tuesday 3	Wednesday 4	Thursday 5	Friday 6	Thursday 12
Lemalu Si'omia Auvele **Chairman** ***National Spiritual Assembly of the Baha'is of Samoa***	Mataia Valasi Tuala **SVSG Village Rep, Lefaga**	**Samoa Law & Justice Sector**	1. Elder Meliula Fata **Area Seventy** 2. Elder Sapele Faalogo **National Public Affairs Director** ***Church of Jesus Christ of Latter Day Saints***	**CLOSED HEARINGS**	Hon Justice Vui Clarence Nelson **Supreme Court and Member of the United Nations Child's Rights Committee**
Rev Nuuausala Siaosi **Protestant Church**	Luagalau Foisagaasina Eteuati-Shon **Matai/Counsellor/Former CEO of MWCSD**	Papalii Tiumalu Carol Paul-Ah Chong **Faataua le OLA**	Lemalu Hermann Retzlaff **Attorney General**		
Faleafa Henry Taefu **Matai, (SN) Vaimoso**	Fialauia Toailoa Amituanai **Advocate (NZ)**	Rev Dr Siaosi Salesulu **Church/ Youth Mentor**	Krystle Leavai & Cecilia Lemisio **Samoa Prisons and Corrections Services**		
Mataeliga Sioa Pio **Newsline NewsPaper**	Taulapapa Faamanatu **President Nurses Association**	Rev Samoa Unoi **Peace Chapel**	Vanessa Barlow **Private Consultant**		
Mataafa Keni Lesa **Samoa Observor**	Faoliu Wendt **Advocate**	Rev Vavatau Taufao **EFKS Church Samoa**	Dr. Elia Taualapini **National Health Services**		
Mareva Betham-Annandale **Lawyer**	Maiava Visekota Peteru **President of YCWA/ Advocate**		Quondolita Enari **Ministry of Health**		
	1. Taimalelagi Kaisarina Salesa, **Program Coordinator** 2. Tuala Victor Vaauli **Members Services Executive**	Tauaaletoa Uesiliana Lokou **Matai, (SN) Vaitele uta**	John Papalii & Faagutu Samuelu **Ministry of Justice and Courts Administration**		

	Samoa National Youth Council				
	Andrew Mcarthy **Samoa National Council of Women**	Ramona Boodoosingh **Academic**	Fonoti Samagapea **TESFAC Research**		
	Fetu Sailele Leapai **Youth/Teen Challenge**	Vaipou Fetuliai Lagaaia **Govt Lawyer and Former Prosecutor at NPO/AGO**	Tavu'i Annie Laumea **Survivor/Advocate**		

Appendix E

Office of the Ombudsman/National Human Rights Institution

National Public Inquiry on Family Violence in Samoa Survey

*The results of this questionnaire will be kept completely **anonymous and confidential**. Your answers will not be shared with anyone. Please answer truthfully and to the best of your ability.*

1. DEMOGRAPHIC DETAILS

What is your gender?

- ☐ Male
- ☐ Female
- ☐ Other

What is your age?

- ☐ Younger than 18
- ☐ 18-24
- ☐ 25-34
- ☐ 35-44
- ☐ 45-54
- ☐ 55-64
- ☐ Older than 65

What village do you live in?

_____

Do you identify as a person with disabilities?

- ☐ Yes
- ☐ No

What is your marital status?

- ☐ Never married
- ☐ Married/de facto/living together
- ☐ Widowed, divorced or separated

What is your highest level of education?

- ☐ Primary School
- ☐ Secondary School/College
- ☐ University or higher
- ☐ None of the above

What is your religion?

- ☐ Congregational Christian Church
- ☐ Roman Catholic
- ☐ Methodist
- ☐ Assembly of God
- ☐ Seventh-Day Adventist
- ☐ Mormon
- ☐ Baha'i
- ☐ Other

_____

What is your occupation?

_____

2. AWARENESS LEVEL

Do you think family violence is a problem in Samoa?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Neither agree nor disagree
- ☐ Agree
- ☐ Strongly agree

Have you ever participated in an awareness/community outreach program about family violence?

- ☐ Yes, more than one
- ☐ Yes, one
- ☐ No, never

3. VULNERABLE GROUPS

Who do you think are the people most vulnerable to family violence? Please rank the following in order of vulnerability (1 is most vulnerable):

- ☐ Girls younger than 6
- ☐ Girls ages 7 to 12
- ☐ Teen girls ages 13 to 18
- ☐ Women 19 to 64
- ☐ People with disabilities
- ☐ Elderly women (65 and older)
- ☐ Young fa'afafine
- ☐ Adult fa'afafine
- ☐ Boys younger than 6
- ☐ Boys ages 7 to 12
- ☐ Teen boys ages 13 to 18
- ☐ Men 19 to 64
- ☐ Elderly men (65 and older)
- ☐ Other _____

4. EXPEREINCE

Have you experienced any of the following **in the past 6 months by a family member**? (Please mark all that apply.)

- ☐ Kicking, slapping or hitting with a body part or hard object
- ☐ Pushing, grabbing, shoving or hair pulling
- ☐ Choking
- ☐ Yelling or verbal aggression
- ☐ Namecalling/humiliation/insults
- ☐ Threats of physical violence
- ☐ Being forbidden from spending time with friends or family or from leaving the house
- ☐ Unwanted sexual attention or harassment
- ☐ Rape or sexual assault by a family member (not including a spouse)
- ☐ Rape or sexual assault by a spouse
- ☐ Rape or sexual assault by a stranger
- ☐ Being followed or repeatedly contacted against your will
- ☐ Being prevented from accessing your finances by a family member or spouse

- ☐ Kicking, slapping or hitting with a body part or hard object
- ☐ Pushing, grabbing, shoving or hair pulling
- ☐ Choking
- ☐ Yelling or verbal aggression
- ☐ Namecalling/humiliation/insults
- ☐ Threats of physical violence
- ☐ Being forbidden from spending time with friends or family or from leaving the house
- ☐ Unwanted sexual attention or
- ☐ Rape or sexual assault by a family member (not including a spouse)
- ☐ Rape or sexual assault by a spouse
- ☐ Rape or sexual assault by a stranger
- ☐ Being followed or repeatedly contacted against your will
- ☐ Being prevented from accessing your finances by a family member or spouse

harassment

Have you **ever** experienced any of the following by a family member **in your lifetime**? (Please mark all that apply.)

5. FOCUS GROUP QUESTIONS

1. What is your understanding of family violence?

2. What are the causes of violence that occur in the family?
- Do you believe that violence is ok to punish a family member? Why? Why not?
- Do you think violence in the family is acceptable? Why or why not?

3. What impact has violence had on the:
- Individual?
- Family?
- Village/community?

Note: Since the presentation includes the types of impacts, then probably the way to phrase the question is "Do you see these types of impacts in your community?"

4. What are the possible solutions to eliminating/reducing family violence?
- Who do you think should take responsibility for preventing family violence?
- Matai council
- Faifeau
- Police
- Women's committee

What do you think should be their roles in preventing family violence?

(i) If its the matai council, what should they do?

Appendix F

Consultations Schedule

PHASE	DATE	CONSULTATION	VENUE
Phase One	Sep 2016– February 2017	**NGOs, Government Ministries, Developing Partners, Media**	
	4 October 2016	**Ministry of Police (DVU, Tofilau, Michelle)**	Police HQ
	10 October 2016	**Samoa Prisons and Corrections Services**	Tafaigata
	12 October 2016	**National Health Services**	NHS
	13 October 2016	**Ministry of Justice, Courts and Administrations-Probation & Drugs/Alcohol Courts (Faagutu ..)**	MJCA
	14 October 2016	**National Prosecutions Office**	NPO
	14 October 2016	**Ministry of Women, Community and Social Development (**ACEO Division of Women and senior staff: Alana and Nathan**)**	MWCSD
	17 October 2016	**Samoa Victim Support Group (**President, Siliniu Lina Chang**)**	SVSG
	17 October 2016	**National University of Samoa (**Vice Chancellor and staff**)**	NUS
	17 October 2016	**Faataua le Ola (**President, Papalii Carol Ah Chong**)**	FLO
	24 October 2016	**Samoa Bureau of Statistics**	SBS Office
	23 October 2016	**Australia High Commission**	High Comm
	24 October 2016	**New Zealand High Commission (**High Commissioner**)**	High Comm
	25 October 2016	**UNWomen**	UN Compound
	25 October 2016	**UNDP**	UN Compound
	25 October 2016	**UNFPA**	UN Compound
	5 November 2016	**Newsline**	Nuu
	21 February 2018	**Australia Federal Police (**Peter Timson, Mission Commander**)**	Nourish Restaurant
Phase Two	February – March 2017	**Community Bodies**	
	Mon 20 Feb	Sui o Malo, SN & STN of Upolu	Tooa Salamasina
	Tues 21 Feb	Sui TupulagaTalavou of Upolu	Elisa Hotel
	Thurs 23 Feb	SN & STN of Savaii	Don Bosco Hall
	Fri 24 Feb	Sui TupulagaTalavou of Savaii	Don Bosco Hall
	Mon 27 Feb	SVSG Village Rep of Upolu	TATTE Conference Room
	Sat 4 March	Samoa Faafafine Association members	Elisa Hotel Conference, Room
	Tues 7 March	NCC church leaders (Savaii & Upolu)	NCC

			Compound Sogi
	Fri 10 March	SVSG Village Rep Savaii	Don Bosco Hall
	March 2017	**Staff & Media training prior to Village Consultations**	
	Wed 22 March	Staff Training	TATTE Conference Room
	Wed 29 March	Press Conference & Media Briefing on the National Public Inquiry into Family Violence	Elisa Hotel Conference Room
Phase Three	April – May 2017	**Villages**	
UPOLU			
	Mon 10 April	Siumu & Safata Districts	EFKS Saanapu
	Tue 11 April	Lefaga District	EFKS Savaia-uta
	Wed 12 April	Sapoe – Saleilua Villages	Poutasi Art Centre
	Wed 19 April	Lotofaga – Saleapaga Villages	EFKS Lepa
	Thurs 20 April	Lalomanu – Tiavea Villages	Katoliko Saleaumua
	Fri 21 April	Fagaloa District	EFKS, Taelefaga
	Mon 24 April	Saletele – Solosolo Villages	EFKS, Solosolo
	Tues 25 April	Manono tai Island	Metotisi, Faleu
	Wed 26 April	Matautu – Luatuanuu Villages	EFKS, Vailele
	Thur 27 April	Vaimoso – Leauvaa Villages	EFKS, Faleula
SAVAII			
	Mon 1 May	Faasaleleaga District	EFKS Sapapalii
	Tues 2 May	Gagaifomauga District	EFKS Fatuvalu
	Wed 3 May	Gagaemauga Districts	EFKS, Samalaeulu
	Thur 4 May	Vaisigano Districts	EFKS, Auala
	Fri 5 May	Satupaitea & Palauli Districts	EFKS Vailoa
UPOLU			
	Tues 9 May	Mulifanua – Falelatai Villages & Apolima Tai	EFKS, Apolima-uta
	Wed 10 May	Saleimoa – Satapuala Villages	AOG, Faleasiu

Appendix G

National Inquiry into Family Violence

Document Review Catalogue

#	Title	Author	Document Type
1	Submission to the National Public Inquiry into Family Violence	MWCSD	Written submission
2	Baha'I Faith Submission to the Commission of Inquiry into Family Violence in Samoa	Lemalu Si'omia Auvale, Chairman National Spiritual Assembly of the Baha'is of Samoa	Written submission
3	Untitled	Fa'asi'I Siatau'u Fa'atiga, matai, Saleaumua	Written submission
4	Untitled	Lualua Tautu, Pulenuu Faletogaloa	Written submission
5	Untitled	Dr. Malama Tafunai, Primary Care Physician	Written submission
6	Untitled	Afamasaga Faamatala Toleafoa, Matai/Advocate	Written submission
7	National Public Inquiry into Family Violence: Presentation by Tuiloma Sina Retzlaff	Tuiloma Sina Retzlaff	Written submission
8	Submissions by a Family Law Practitioner on Issues with Processes in Place to Respond to Family Violence	Savalenoa Mareva Betham-Annandale	Written submission
9	Submission Summary	Leautuliilagi Vanessa Barlow Schuster	Written submission
10	A Brief Study of Individual Reactions and Reporting of Domestic Violence	Vaipou A Fetuliai Lagaaia	Written submission
11	Testimony at Public Hearing on Family Violence	Luagalau Foisagaasina Eteuati-Shon	Written submission
12	Untitled	Fetu Sailele Leapai	Written submission
13	Untitled	Moana Regina Solomona	Written submission
14	What is Family/Domestic Violence?	Anonymous	Written submission

15	Untitled	Lani Wendt Young	Written submission
16	O le va ma lou siosiomaga	Tavu'I Anie Laumea	Written submission
17	Untitled	Anonymous	Written submission
18	Untitled	Anonymous	Written submission
19	Untitled	Anonymous	Written submission
20	Untitled	Anonymous	Written submission
21	Intimate Partner Violence	Anonymous	Written submission
22	Child Abuse	Anonymous	Written submission
23	Untitled	Anonymous	Written submission
24	Untitled	Anonymous	Written submission
25	Inquiry into Family Violence Submission	Sisilia	Written submission
26	Untitled	Unknown	Written submission
27	Position Statement re: the National Public Inquiry into Family Violence	Samoa National Youth Council, Faaofo Vincent Faaofo, President	Written submission
28	Submission for the National Inquiry into Family Violence in Samoa	Young Women's Christian Association of Samoa	Written submission
29	Family Violence in Samoa	Samoa Family Health Association, Lealaiauloto Liai Iosefa-Siitia	Written submission
30	The law, domestic violence and whether the law can actually fight 'social legitimization of domestic violence'	Office of the Attorney General, Lemalu Hermann P. Retzlaff, Attorney General	Written submission
31	Rehabilitation and reintegration of prisoners back into the Community (Family Violence related charges/offences)	Samoa Prisons and Corrections Services	Written submission
32	National Public Inquiry into Family Violence: Invitation to share and	Ministry of Justice & Courts Administration, Papalii John	Written submission

	discuss the Ministry's work relating to family violence	Taimalelagi Afele, CEO/Registrar	
33	Neighbourhood Watch Project 2011-2017	Samoa Police Service	Written submission
34	Crime Prevention Policy Presentation	Samoa Police Service	Written submission
35	Sauaga I Totonu o Aiga	Samoa Police Service	Written submission
36	Submission to the NHRI, Public Inquiry into Family Violence	Ramona Boodoosingh (NUS)	Written submission
37	Primary Prevention of Intimate Partner Violence with Young People in Samoa	Emma Heard (University of Queensland) and Professor Sina Va'ai (National University of Samoa)	Written Submission
38	Submission to the Family Violence National Public Inquiry	Samoa Law Reform Commission	Written Submission
39	A Public Theology Response to Domestic Violence in Samoa	Mercy Ah Siu-Maliko (Otago University, Dunedin, New Zealand), International Journal of Public Theology 10 (2016) 54-67)	Academic article
40	Community Initiative	Family Violence Court / UNICEF	Report
41	'Man speaks out against domestic violence'	Samoa Observer, Illa L Likou, 15.10.17	Media article
42	''You should have been more careful': when doctors shame rape survivors	The Guardian, Annalise Mabe, 15.10.17, found at https://www.theguardian.com/commentisfree/2017/oct/15/obgyn-doctors-shame-sexual-assault-survivors	Media article
43	Samoa National Policy for Gender Equality 2016-20	MWCSD	Policy
44	'Guilty Plea for Sex Offenses Against Two Young Children'	Shivani Sharma, Samoa Planet, 7/11/2017 http://www.samoaplanet.com/guilty-pleae-for-sex-offences-against-two-young-children	Media Article
45	'Does our culture contribute to family violence? Interview with victim advocate Matapuna Levenson'	Shivani Sharma, Samoa Planet, 21/10/2017, http://www.samoaplanet.com/what-aspects-of-our-culture-contribute-to-family-violence/	Media Article
46	2017 Samoa Family Safety Study	Ministry of Women,	Report

		Community and Social Development	
47	Pule a le Matai Sa'o	Samoa Law Reform Commission	Report
48	INSPIRE: Seven Strategies for Ending Violence Against Children	World Health Organisation, 2016	Report
49	"Judge Condemns Samoa's 'Epidemic of Violence'"	Samoa Planet, Shivani Sharma, 26.10.17	Media Article
50	"Horrendous tale of sexual assault"	Samoa Observer, Deidre Tautua-Fanene, 24.10.17	Media Article
51	Editorial	Samoa Observer, Keni Lesa, 24.10.17	Media Article
52	'Family Violence Court critical in fight against domestic violence'	Samoa Observer, Joyetter Luamanu, 26.10.17	Media Article
53	'Church minster admits rape of niece'	Samoa Observer, 27.10.17	Media Article
54	Harmful Connections: Examining the Relationship between violence against women and violence against children in the South Pacific	UNFPA, UNICEF, 2015	Report
55	'I didn't understand how widespread rape was. Then the penny dropped.'	The Guardian, David Graeber, 6.11.17, https://www.guardian.com/commentisfree/2017/nov/05/dsk-sexual-assault-feminism-weinstein-casting-couch	Media Article
56	'Samoa's Nofotane Women Assert Their Rights and Independence'	Samoa Planet, 6.11.17, http://www.samoaplanet.com/samoa-nofotane-women-assert-rights-independence	Media Article
57	National Public Inquiry into Family Violence: Background Paper	National Human Rights Institution of Samoa	Report
58	Report for the Inquiry Commissioners into Findings from Stakeholder Consultations	National Human Rights Institution of Samoa	Report
59	Beautiful Samoa	Tamaitai Talavou Kerisiano Samoa – YWCA of Samoa	Written submission
60	What is Domestic Violence	Tavui Anne Eti Eves	Written submission
61	Understanding Issues of Domestic Violence in Samoa	Tuiloma Sina Retzlaff	Written submission
62	Background research on root causes of family violence	Matthew Willner	Written submission

63	Political representation and women's empowerment in Samoa	Centre for Samoan Studies, National University of Samoa, July 2015	Report
64	Notes from Consultations	NHRI	Report
65	Essential Services for Women and Girls Subject to Violence	Partners for Prevention (UN Women, UNFPA, WHO, UNDP & UNODC), 2015	Report
66	Report of the Working Group on the Universal Periodic Review	Human Rights Council, 27.7.2017 (A/HRC/33/6)	Report
67	'Making emotions visible – expressive arts as therapy in Samoa'	SKehaolani Manoa-Slade, Samoa Planet, 1.12.17, http://www.samoaplanet.com/making-emotions-visible-expressive-arts-therapy	Media article
68	Promoting evidence-based policy making for gender equity in the Pacific	Bridget Crichton, Asian Development Bank	Written submission
69	'How Scotland reduced knife deaths among young people'	Gary Young and Caelainn Barr, The Guardian, 3.12.2017, https://theguardian.com/membership/2017/dec/03/how-scotland-reduced-knife-deaths-among-young-people	Media article
70	Report: 'Empowering the Youth & Empowering the Family Unit to stop Violence – Youth and Family Courts Workshop'	Ashley Bowe, NHRI, 29.11.2017	Report
71	Declaration on the Elimination of Violence Against Women	United Nations General Assembly, 20.12.1993 GARES 48/104	Report
72	General Recommendation 19, Violence against women	Committee on the Elimination of Discrimination against Women, A/47/38 at 1 (1993)	Report
73	Report on the fifty-seventh session	Commission on the Status of Women (4-15 March 2013)	Report
74	Beijing Declaration and Platform for Action	United Nations General Assembly, adopted 15 September 1995	Report
75	Why do some men use violence against women and how can we prevent it?	Partners for Prevention (UN Women, UNFPA, WHO, UNDP & UNODC), 2013	Report
76	Public Statement from the Commission	Ombudsman, NHRI, 30.9.17	Media article

77	Intimate Partner Violence: High Costs to Households and Communities	International Centre for Research on Women, 2009	Report
78	Disaster and Emergency Management Act 2007	Parliament of Samoa	Legislation
79	Newsletter, Volume 5, Issue 3	Disaster Management Office	Report
80	Samoa's National Disaster Management Plan 2011-2014	National Disaster Council	Report
81	The Cost of Violence against Women and their Children	The National Council to Reduce Violence against Women and their Children, Australia, March 2009	Report
82	Addressing Violence against Women in Developing Countries: The Case of Samoa	Ramona Boodoosingh and Penelope Schoeffel, 2015	Report
83	Samoa Family Health and Safety Study	Secretariat of the Pacific Community, United Nations Population Fund	Report
84	Correlation between high rates of corporal punishment in public schools and social pathologies	John Guthrow, 2002, accessed at http://www.nospank.net/correlationstudy.htm	Report
85	Has a decrease in spanking led to higher crime rates? Nope.	Annie Reneau, accessed at http://www.scarymommy.com/decrease-spanking-higher-crime-rates/	Report
86	Does outlawing spanking lower the crime rate years later?	Lisa Belkin, 2013, https://www.huffingtonpost.com/2013/07/17/outlawing-spanking_n_3606886.html	Report
87	First ban on smacking children	Carolina Romare, https://sweden.se/society/smacking-banned-since-1979/	Report
88	Spanking and crime rates	Charlemagne, 2013, https://www.economist.com/blogs/charlemagne/2013/07/spanking-and-crime-rates	Report
89	Samoa's Legislative Compliance with the Convention on the Elimination of all forms of Discrimination Against Women	Samoa Law Reform Commission, August 2016	Report
90	Sixth Periodic State Report to the Committee on the Elimination of Discrimination against Women	Government of Samoa, 2 August 2017, CEDAW/C/WSM/6	Report
91	Samoan people's understanding of	Ministry for Women New	Report

	primary prevention of violence against women	Zealand, December 2015	
92	Inquiry into Family Violence Submission	Sisilia Eteuati	Written submission
93	Presentation on key findings on family violence inquiry	Falenaoti June Suivai-Ailuai, September 2017	Report
94	General Responses to Enquiry presentations	Tagaloatele Peggy Dunlop, September 2017	Report
95	Analysis of Samoa's Legislative Framework – Laws Relating to Violence	Samoa Law Reform Commission, 2017	Report
96	Links between victims of child violence and perpetrators and the root causes of violence	Chris Rummery and Matt Willner, National Human Rights Institution, July 2017	Report
97	Human rights law and family violence	Chris Rummery, National Human Rights Institution, July 2017	Report
98	Research/Analysis on Ombudsman National Inquiry into Domestic Violence	Charles Dean, Law Reform Commission, July 2017	Report
99	A Public Theology Response to Domestic Violence in Samoa	Mercy Ah Siu-Maliko, Otago University, Dunedin, New Zealand, 2016	Report
100	Further information to assist national public inquiry	Fuimapoao Beth Onesemo-Tuilaepa, CEO MWDCSD, 17 November 2017	Report
101	Laughing Samoan confesses to his secret past as a wife-beater	Jared Nicoll, Stuff NZ, accessed at https://www.stuff.co.nz/national/98722131/laughing-samoan-confesses-to-his-secret-past-as-a-wifebeater , 21 November 2017	Media article
102	'Our words are killing our children' says Judge	Judge Talasa Sa'aga as reported by Tina Mata'afa-Tufele, Samoa Planet, accessed at http://www.samoaplanet.com/our-words-are-killing-our-children-says-judge , 30 November 2017	Media article
103	General recommendation No.35 on gender-based violence, updating general recommendation 19	Committee on the Elimination of Discrimination against Women, 14 July 2017, CEDAW/C/GC/35	Report

104	Report on Youth and Family Courts Workshop, 27-29 November 2017	Ashley Bowe, 30 November 2017	Report
105	General recommendation No. 19: Violence against women	Committee on the Elimination of Discrimination against Women, Eleventh session (1992)	Report
106	Samoa Law and Justice Sector Plan 2016-20	Samoa Law and Justice Sector	Report
107	Longitudinal links between fathers' and mothers' harsh verbal discipline and adolescents' conduct problems and depressive symptoms	Ming-Te Wang and Sarah Kenney, Child Development Journal, 2014 May; 85(3): 908 - 923	Report
108	Some parents call it a loving smack. I call it violence	Susanna Rustin, The Guardian, accessed at https://www.theguardian.com/commentisfree/2018/jan/09/parents-smack-children-violence-ban-corporal-punishment	Media article
109	Kenya's unique approach to rape prevention should have the rest of the world taking note	Parker Molloy, accessed at http://www.upworthy.com/kenyas-unique-approach-to-rape-prevention-should-have-the-rest-of-the-world-taking-note	Media article
110	Young teen testifies of uncle's rape	Shivani Sharma, accessed at http://www.samoaplanet.com/young-teen-testifies-of-uncles-rape/	Media article
111	Draft Samoa Crime Prevention Operating Strategy 2016-20	Samoa Law and Justice Sector	Report
112	Man stabs wife in public	Deidre Tautua-Fanene, 19 July 2017 accessed at http://www.samoaobserver.ws/en/20_07_2017/local/22387/Man-stabs-wife-in-public.htm	Media article
113	Stabbing horror in Apia	Deidre Tautua-Fanene, 12 January 2018, accessed at http://www.samoaobserver.ws/en/12_01_2018/local/28760/Stabbing-horror-in-Apia.htm	Media article
114	Granduncle guilty of raping niece	Joyetter Luamanu, Samoa Observer, 18 January 2018	Media article

115	Exploring violence against women and girls in Samoa	Fallen Lizard Films	Report
116	Domestic Violence Data	Domestic Violence Unit	Report
117	Data/Statistics of people held in prison as a result of committing a crime relating to domestic violence	Samoa Prisons and Corrections Services	Report
118	Samoa Family Court and Family Violence Court: Monitoring and Evaluation Update Report	Loretta Pupualii, December 2016	Report
119	Samoa cop criticized over domestic violence message	Radio New Zealand, 27 November 2015	Media article
120	Violence against women and children is worrying	Newsline, 17 January 2017	Media article
121	State obligations regarding domestic violence	Lee Hasselbacher, Northwestern Journal of International Human Rights, Spring 2010	Report
122	State of Human Rights Report 2015	Office of the Ombudsman & National Human Rights Institution	Report
122	Tracer Youth Employment Survey	Samoa National Youth Council, 2017	Report
123	Community Capacity Enhancement Gender Issues and family Health and Safety in Samoa: A handbook for Community Conversations	Unspecified	Report
124	Alcohol reform report	Samoa Law Reform Commission, April 2016	Report
125	When collecting evidence from survivors of family violence	Office of the Ombudsman/ NHRI Samoa	Guideline

Appendix H

Overall participation numbers in Inquiry

- 1,500 village consultations (45 % men & 54% women)
- 90 Sui Tamaitai ma Sui o Nuu (Upolu & Savaii)
- 40 pastors and their wives
- 20 Fa'afafine
- 50 youth
- 83 individuals at public hearings
- 8 indidviauls at private hearings
- 27[1] individual who provided written submissions

=**1,818** (overall number of those who took part in the inquiry)

[1] This includes church – 1; matai – 2; experts – 10; survivors and perpetrators – 11; NGOS – 3

'Ao'aoga mo le fa'atino'ina o Sā'ili'ilga Luatele - Iulai 2016

Tatala'ina aloa'ia o le Sā'ili'ilga luatele i sāuāga i totot nu o 'Āiga I Samoa - 10 Tesema 2016

Afioga I le Ali'I Palemia, Tuilaepa Sailele Malielegaoi I le taimi o lana saunoaga autu i le tatala'ina aloa'ia ai o le Sā'ili'ilga luatele i sāuāga i tototnu o 'Āiga I Samoa - 10 Tesema 2016

UNWOMEN Coordinator Afioga Papalii Mele Maualaivao, Annie Tavu'i, Komesina o Sulufaiga, Tagaloatele Peggy Dunlop ma sui auai i le tatala'ina aloa'ia o le Sā'ili'ilga luatele i sāuāga i tototnu o 'Āiga I Samoa - 10 Tesema 2016

Afioga Pip Dargan. mai le Asia Pacific Forum mo Ofisa mo ‘āia tatau o tagata soifua, Komesina o Sulufaiga ma le aufaigaluega I le tatala’ina aloa’ia o le Sā’ili’ilga luatele i sāuāga i totot nu o ‘Āiga I Samoa - 10 Tesema 201

Tinā I le taimi o le faasoa’ina ō manatu i fa’atalatalanoaga faalaua’itlele i Savaii – Aperila 2017

Vaega o Tinā lea sa faatalatalanoa'ina i fa'atalatalanoaga faalaua'itlele i Upolu – Mati 2017

Vaega o tupulaga talavou lea sa faatalatalanoa'ina i fa'atalatalanoaga faalaua'itlele i Upolu – Mati 2017

Vaega o taulele'a lea sa faatalatalanoa'ina i fa'atalatalanoaga faalaua'itlele i Upolu – Mati 2017

Minisita Lagolago o le Matagaluega o Tinā ma Tama'ita'i, Afioga Tofa Foleni Lio Tama Galu (ofu meamata) lea sa auai i fa'atalatalanoaga faalaua'itlele i Savaii i le itumālo Fa'asaleleaga – Aperila 2017

Tamaiti/ fanau lea sa faatalatalanoa'ina i fa'atalatalanoaga faalaua'itlele i Upolu – Me 2017

Tamaiti/ fanau lea sa faatalatalanoa'ina i fa'atalatalanoaga faalaua'itlele i Savaii – Aperila 2017

Vaega o Tinā i le taimi o le latou folsaga I fa'atalatalanoaga faalaua'itlele i Upolu – Mati 2017

Vaega o tupulaga talavou Fagaloa i le taimi o le latou folsaga i fa'atalatalanoaga faalaua'itlele i Upolu – Me 2017

Tinā lea sa auai i fa'atalatalanoaga faalaua'itlele i Manono-Tai – Me 2017

Sui auai i fa'atalatalanoaga faalaua'itlele – Vailele EFKS Hall, Upolu, Me 2017

Asosi o Fa'afafine Samoa fa'atalatalanoaga faalaua'itlele i Upolu – Me 2017

Tinā auai i fa'atalatalanoaga faalaua'itlele i Savaii – Aperila 2017

Ali'i ma tama'ita'i malu a le Mālo lea sa auai i fa'atalatalanoaga faalaua'itlele Upolu, Setema 2017

Sui o le Ofisa i le taimi o fa'alauiloa i luga o leitio

Susuga Taumafai Komiti i le taimi o lana molimau i luma o Komesina o le Sāili'iliga – Setema 2017

Sui auai mai le Vaega of tulafono ma faamasinoga i le taimi o fa'atalatalanoaga ma Komesina o le Sāili'iliga – Upolu, Oketopa 2017

Dr. Malama Tafunai – faatalatalanoaga lautele

Afioga Maulolo Tavita Amosa - faatalatalanoaga lautele

Afioga Falefa Taefu Matai - faatalatalanoaga lautele

Peresetene o le Faataua le Ola - faatalatalanoaga lautele

Afioga Mataafa Keni Lesa - faatalatalanoaga lautele

Luagalau Foisaga Eteuati-Shon - faatalatalanoaga lautele

Pastor Samoa Unoi - faatalatalanoaga lautele

Matai - faatalatalanoaga lautele

Fanau auai - faatalatalanoaga lautele Upolu

Tafiesea sāuāga e fa'asaga i tinā ma tama'ita'i

Commissioners during Consultations with representatives of Judiciary and Member of Convention on the Rights of the Child Committee, Justice Vui Clarence Nelson, October 2017

Rev. Vavatau Taufao & Rev Dr. Nuuausala Siaosi ma sui auai Ii faatalatalanoaga lautele

Sui auai i le tu'u'ina atu o ō latou molimau - faatalatalanoaga lautele, Upolu, Setema 2017

Sui auai i le tu'u'ina atu o ō latou molimau - faatalatalanoaga lautele, Upolu, Setema 2017

Sui auai i le tu'u'ina atu o ō latou molimau - faatalatalanoaga lautele, Upolu, Setema 2017

“Ia tafi ‘esea sāuāga”: Sui auai faatalatalanoaga lautele, Savaii Aperila 2017

Komesina o le Sā’ili’iliga i le tuufa’atasia ai o mau ma folasga (submissions) mai sui auai – Oketopa 2017

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