

In 2018, Samoa made a moderate advancement in efforts to eliminate the worst forms of child labor. The government issued a public notice clarifying the list of hazardous work prohibited for children. In addition, the government established the Government Grant to Mission and Public Schools to provide financial assistance to low-income students as a continuation of the current School Fee Grant Scheme. However, children in Samoa engage in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. Children also perform dangerous tasks in street vending. Research found no evidence of laws that ban using, procuring, or offering children for illicit activities, including for the production and trafficking of drugs. The government also lacks a mechanism to coordinate interagency efforts to address child labor.



### I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Samoa engage in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. (1) Children also perform dangerous tasks in street vending. (2,3) Table 1 provides key indicators on children's work and education in Samoa. Data on some of these indicators are not available from the sources used in this report.

**Table 1. Statistics on Children's Work and Education**

Children	Age	Percent
Working (% and population)	5 to 14	Unavailable
Attending School (%)	5 to 14	Unavailable
Combining Work and School (%)	7 to 14	Unavailable
Primary Completion Rate (%)		104.6

Primary completion rate was unavailable from UNESCO Institute for Statistics, 2019. (4)

Data were unavailable from International Labor Organization's analysis, 2019. (5)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

**Table 2. Overview of Children's Work by Sector and Activity**

Sector/Industry	Activity
Agriculture	Gathering coconuts, fruit, and nuts (6)
	Tending to domestic animals (6)
Services	Domestic work (1,6)
	Street vending, including selling food, garlands, and other products (1-3,7-12)
	Garbage scavenging (1)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking (1)
	Use in the production and trafficking of drugs (1)

‡ Child labor understood as the worst forms of child labor per se under Article 3(a)–(c) of ILO C. 182.







Children in Samoa engage in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. Children also perform dangerous tasks in street vending, including working late at night, and they are exposed to exhaust fumes and have an increased risk of being hit by passing traffic. (1,2,9) The Samoa School Fee Grant Scheme and Government Grant to Mission and Public Schools both provide financial assistance to families to help alleviate the burden of school fees, such as registration, uniforms, and transportation fees. (13,14)

## MODERATE ADVANCEMENT

### II. LEGAL FRAMEWORK FOR CHILD LABOR

Samoa has ratified most key international conventions concerning child labor (Table 3).

**Table 3. Ratification of International Conventions on Child Labor**

Convention	Ratification
 ILO C. 138, Minimum Age	✓
 ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
 UN CRC Optional Protocol on Armed Conflict	✓
 UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	

The government has established laws and regulations related to child labor (Table 4). However, gaps exist in Samoa's legal framework to adequately protect children from the worst forms of child labor, including the prohibition of using children in illicit activities.

**Table 4. Laws and Regulations on Child Labor**

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	15	Article 51 of the Labour and Employment Relations Act (15)
Minimum Age for Hazardous Work	Yes	18	Article 51 of the Labour and Employment Relations Act (15)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Article 51 of the Labour and Employment Relations Act; Article 21 of the Labour and Employment Relations Regulations; Government of Samoa Public Notice on Hazardous Work for Children (15-17)
Prohibition of Forced Labor	Yes		Article 8 of the Constitution; Article 18 of the Labour and Employment Relations Act; Sections 155–157 of the Crimes Act (15, 18, 19)
Prohibition of Child Trafficking	Yes		Sections 155–157 of the Crimes Act (19)
Prohibition of Commercial Sexual Exploitation of Children	No		Sections 73–74, 82, and 157 of the Crimes Act (19)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Voluntary State Military Recruitment	N/A†		
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A†		
Prohibition of Military Recruitment by Non-state Armed Groups	No		Article 8 of the International Criminal Court Act (20)
Compulsory Education Age	No	14‡	Article 4 (Part II) of the Education Act (21)
Free Public Education	No		

† No standing military (20)

‡ Age calculated based on available information

In 2018, the Ministry of Commerce, Industry, and Labor (MCIL) drafted a Child Care and Protection Bill prohibiting children under age 14 to engage in street vending. Although the draft bill does not meet the international standard of age 15 as for the minimum age for work, it does prohibit children younger than the compulsory education age from engaging in street vending after 7 p.m. (22,23) In August 2017, the Government of Samoa issued a Public Notice clarifying the hazardous work occupations prohibited for children under age 18, including working long hours and with dangerous chemicals and heavy machinery. (17) The current law permits

children between ages 12 and 14 to engage in light work for a limited number of hours; however, it does not specify the conditions under which light work may be undertaken, nor does it define the activities that are permitted. (16) Research also found no evidence of laws that ban using, procuring, or offering children for illicit activities, including for the production and trafficking of drugs. Samoa does not meet the international standard for prohibiting non-state military recruitment because its International Criminal Court Act does not apply to children between ages 15 to 18. (20) Samoa also does not meet the international standard for the prohibition of child commercial sexual exploitation because the Government of Samoa's Crimes Act does not protect children between ages 16 to 18. (19)

The government created the Government Grant to Mission and Public Schools as a continuation of the School Fee Grant Scheme, which was supported by the Governments of Australia and New Zealand. (14) The Education Act requires that children attend school from ages 5 to 14 or until they have completed year eight of school. (21) This leaves children who have completed their education requirement but are not yet legally permitted to work vulnerable to involvement in the worst forms of child labor. (24)

### III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the authority of the MCIL that may hinder adequate enforcement of their child labor laws.

**Table 5. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
Ministry of Commerce, Industry, and Labor (MCIL)	Investigates complaints of child labor law violations. Refers cases to the Ministry of Police and the Office of the Attorney General for enforcement. (6)
Ministry of Police	Enforces criminal laws related to child labor. (6)
Office of the Attorney General	Prosecutes criminal cases of the worst forms of child labor. (6)
Ministry for Women, Community, and Social Development	Assists in MCIL investigations as needed. Mandated to protect children, including those working on the street. (6,25)
Ministry of Education, Sports, and Culture	Assists in MCIL investigations as needed. (6,26)

#### Labor Law Enforcement

In 2018, labor law enforcement agencies in Samoa took actions to combat child labor (Table 6). However, gaps exist within the authority of the MCIL that may hinder adequate labor law enforcement, including penalty assessment authorization.

**Table 6. Labor Law Enforcement Efforts Related to Child Labor**

Overview of Labor Law Enforcement	2017	2018
Labor Inspectorate Funding	\$0 (27)	\$0 (28)
Number of Labor Inspectors	4 (10,29)	4 (28)
Inspectorate Authorized to Assess Penalties	No (10,30)	No (28)
Initial Training for New Labor Inspectors	No (27)	N/A (28)
Training on New Laws Related to Child Labor	N/A (27)	N/A (28)
Refresher Courses Provided	Yes (27)	Yes (28)
Number of Labor Inspections Conducted	69 (27)	7 (28)
Number Conducted at Worksite	69 (27)	7 (28)
Number of Child Labor Violations Found	0 (27)	0 (28)
Number of Child Labor Violations for Which Penalties Were Imposed	0 (27)	0 (28)
Number of Child Labor Penalties Imposed that Were Collected	0 (27)	0 (28)
Routine Inspections Conducted	Yes (27)	Yes (28)
Routine Inspections Targeted	Yes (27)	Yes (28)

## MODERATE ADVANCEMENT

**Table 6. Labor Law Enforcement Efforts Related to Child Labor (Cont.)**

Overview of Labor Law Enforcement	2017	2018
Unannounced Inspections Permitted	Yes (27)	Yes (28)
Unannounced Inspections Conducted	Yes (27)	Yes (28)
Complaint Mechanism Exists	Yes (10,30)	Yes (28)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (10,30)	No (28)

### Criminal Law Enforcement

Research did not find information on whether criminal law enforcement agencies in Samoa took actions to combat child labor (Table 7).

**Table 7. Criminal Law Enforcement Efforts Related to Child Labor**

Overview of Criminal Law Enforcement	2017	2018
Initial Training for New Criminal Investigators	Unknown	Unknown (31)
Training on New Laws Related to the Worst Forms of Child Labor	Unknown	Unknown (31)
Refresher Courses Provided	Unknown	Unknown (31)
Number of Investigations	Unknown	Unknown (31)
Number of Violations Found	Unknown	Unknown (31)
Number of Prosecutions Initiated	Unknown	Unknown (31)
Number of Convictions	Unknown	Unknown (31)
Imposed Penalties for Violations Related to The Worst Forms of Child Labor	Unknown	Unknown (31)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Unknown	Unknown (31)

The Government of Samoa did not respond to requests for information related to criminal law enforcement efforts related to child labor.

## IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including efforts to address all forms of child labor.

**Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor**

Coordinating Body	Role & Description
Transnational Crime Unit	A multi-agency unit that comprises the Ministry of Police, the Ministry for Revenue–Customs, and the Ministry of the Prime Minister’s Immigration Unit to investigate and enforce laws against human trafficking, including possible commercial child exploitation. (32,33) In 2018, the Transnational Crime Unit was active and reported regular policing activity. (31)

Research was unable to determine whether Samoa implemented any coordinating mechanism to eliminate child labor, including the worst forms of child labor.

## V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including integrating elimination and prevention strategies into policies relevant to child labor.

**Table 9. Key Policies Related to Child Labor**

Policy	Description
United Nations Pacific Strategy (2018–2022)†	A multinational strategic framework program consisting of 14 South Pacific nations to address, develop, and implement strategic economic development priorities in the South Pacific, including eliminating child labor and the worst forms of child labor. (36)

† Policy was approved during the reporting period.

The government has not integrated child labor elimination and prevention strategies into the Strategy for the Development of Samoa or the Education Sector Plan. (37,38)

## VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2018, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including the adequacy of programs to address the full scope of the problem.

**Table 10. Key Social Programs to Address Child Labor**

Program	Description
Samoa Decent Work Country Program (2017–2020)†	ILO and government program that promotes decent work in Samoa. Supports legal reform and improved implementation of laws related to child labor, and promotes access to information and employment services for youth. (39,40) Research was unable to determine whether activities were undertaken to implement the Samoa Decent Work Country Program during the reporting period.
Government Grant to Mission and Public Schools†	A government-sponsored program that provides financial support to families to assist with ancillary school fees, supplies, and equipment that their child may need during the school year. In 2018, the Government of Samoa allocated \$5.4 million to this grant. (14)
One Government Grant†	Provides direct financial support to Samoan primary and secondary public schools, mission and private schools, and primary schools for students with disabilities and special needs to offset fees normally charged to students. (31) In 2018, the Government of Samoa provided \$5.6 million in funding to the grant program. (41)

† Program is funded by the Government of Samoa.

Although the government has implemented educational support programs, research also found no evidence that it has carried out programs specifically designed to assist children engaged in commercial sexual exploitation or street vending.

## VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in Samoa (Table 11).

**Table 11. Suggested Government Actions to Eliminate Child Labor**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify the Palermo Protocol on Trafficking in Persons.	2017 – 2018
	Ensure that the draft Child Care and Protection Bill amendment meets the international standard for the Minimum Age for Work.	2018
	Ensure that the law's light work provisions are specific enough to prevent children from involvement in child labor, including street vending.	2013 – 2018
	Ensure that the law criminally prohibits commercial sexual exploitation of children between ages 16 to 18.	2018
	Ensure that the law criminally prohibits using, procuring, or offering a child for illicit activities, including for the production and trafficking of drugs.	2014 – 2018
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2018
	Ensure that the law establishes a compulsory education age that is at least equal to the minimum age for employment.	2014 – 2018
Enforcement	Institutionalize training for labor inspectors, including training new labor inspectors.	2015 – 2018
	Authorize the labor inspectorate to assess penalties.	2015 – 2018
	Establish a referral mechanism between labor enforcement authorities and social services providers.	2014 – 2018
	Publish information on the number criminal law enforcement efforts undertaken, including the number of child labor investigations initiated, the number of child labor penalties imposed, and the number of criminal law enforcement convictions secured.	2013 – 2018
Coordination	Establish and fully fund coordinating mechanisms to combat child labor, including the worst forms of child labor.	2009 – 2018
Government Policies	Integrate child labor elimination and prevention strategies into relevant policies.	2012 – 2018

## MODERATE ADVANCEMENT

**Table 11. Suggested Government Actions to Eliminate Child Labor (Cont.)**

Area	Suggested Action	Year(s) Suggested
Social Programs	Collect and publish data on the extent and nature of child labor to inform policies and programs.	2017 – 2018
	Institute programs to address the commercial sexual exploitation of children.	2018
	Enhance efforts to make education accessible for all children by fully eliminating school-related costs.	2016 – 2018
	Institute programs to address child labor in street vending.	2009 – 2018
	Publish information regarding the activities carried out by the Samoa Decent Work Country Program.	2018

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