

In 2017, Samoa made a minimal advancement in efforts to eliminate the worst forms of child labor. The government released a report on child labor focused on street vending and progressed toward finalizing a list of hazardous labor for children. However, children in Samoa perform dangerous tasks in street vending. The government lacks a mechanism to coordinate interagency efforts to address child labor, and Samoan laws do not comprehensively specify the types of hazardous work prohibited for children.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Samoa perform dangerous tasks in street vending. (1; 2; 3; 4; 5; 6) 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

Source for primary completion rate: Data from 2016, published by UNESCO Institute for Statistics, 2018. (7)

Data were unavailable from Understanding Children's Work Project's analysis, 2018. (8)

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 (9)
	Tending domestic animals (9)
Services	Domestic work (9; 10)
	Street vending, including selling food, garlands, and other products (1; 2; 3; 4; 10; 5; 6; 11; 12)
	Garbage scavenging (10)

Although the Samoa School Fee Relief Grant Scheme provides 11 years of free education, hidden school-related costs, such as registration fees, uniforms, meals, and transportation, make it challenging for some children to access education. (13; 14)

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	

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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: Yes/No	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 (15; 16)
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; 17; 18)
Prohibition of Child Trafficking	Yes		Sections 155–157 of the Crimes Act (18)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 73, 74, 82, and 157 of the Crimes Act (18)
Prohibition of Using Children in Illicit Activities	No		
Prohibition of Military Recruitment			
State Compulsory	N/A†		
State Voluntary	N/A†		
Non-state	No	15	Article 8 of the International Criminal Court Act (19)
Compulsory Education Age	No	14‡	Article 4 of the Education Act (20)
Free Public Education	No		

† No standing military (19)

‡ Age calculated based on available information

Samoa law prohibits certain hazardous activities for children, such as operating heavy machinery; however, street vending, an activity in which children are known to work long hours and into the night, is not prohibited for children under age 18. (21) In addition, the law allows children between the ages of 12 and 14 to engage in light work for a limited number of hours, but it does not specify the conditions under which light work may be undertaken, nor does it define the activities that are permitted, as called for under international standards. In 2017, the Ministry of Commerce, Industry, and Labor continued finalizing a more comprehensive list of hazardous work and a list of allowable forms of light work, but this legislation was not approved during the reporting period. (22) 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. Although the International Criminal Court Act prohibits recruiting children ages 14 and under into non-state armed groups, the law does not apply to children ages 15 to 18. (19)

The Education Act requires that children attend school from ages 5 to 14 or until they have completed the work of year eight. (20) This standard 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. (23) Although Samoan laws do not mandate free public education, the Samoa School Fee Relief Grant Scheme seeks to provide this service. (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 Ministry of Commerce, Industry, and Labor 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)	Investigate complaints of child labor law violations. Refer cases to the Ministry of Police and the Office of the Attorney General for enforcement. (9)

Table 5. Agencies Responsible for Child Labor Law Enforcement (cont)

Organization/Agency	Role
Ministry of Police	Enforce criminal laws related to child labor. (9)
Office of the Attorney General	Prosecute criminal cases of the worst forms of child labor. (9)
Ministry for Women, Community, and Social Development	Assist in MCIL investigations as needed. Mandated to protect children, including those working on the street. (9; 25)
Ministry of Education, Sports, and Culture	Assist in MCIL investigations as needed. (9; 26)

Labor Law Enforcement

Research did not find information on whether labor law enforcement agencies in Samoa took actions to combat child labor (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2016	2017
Labor Inspectorate Funding	Unknown (27)	None (28)
Number of Labor Inspectors	4 (29)	4 (11; 29)
Inspectorate Authorized to Assess Penalties	No (27)	No (11; 27)
Training for Labor Inspectors		
Initial Training for New Employees	No (27)	No (28)
Training on New Laws Related to Child Labor	N/A	N/A (28)
Refresher Courses Provided	Yes (27)	Yes (28)
Number of Labor Inspections Conducted	125 (29)	69 (28)
Number Conducted at Worksites	125 (29)	69 (28)
Number of Child Labor Violations Found	0 (29)	0 (28)
Number of Child Labor Violations for Which Penalties were Imposed	0 (29)	0 (28)
Number of Child Labor Penalties Imposed that were Collected	0 (29)	0 (28)
Routine Inspections Conducted	Yes (27)	Yes (28)
Routine Inspections Targeted	Yes (27)	Yes (28)
Unannounced Inspections Permitted	Yes (27)	Yes (28)
Unannounced Inspections Conducted	Yes (27)	Yes (28)
Complaint Mechanism Exists	Yes (27)	Yes (11; 27)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (27)	No (11; 27)

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	2016	2017
Training for Investigators		
Initial Training for New Employees	Unknown	Unknown
Training on New Laws Related to the Worst Forms of Child Labor	Unknown	Unknown
Refresher Courses Provided	Unknown	Unknown
Number of Investigations	0 (30)	Unknown
Number of Violations Found	0 (30)	Unknown
Number of Prosecutions Initiated	0 (30)	Unknown
Number of Convictions	0 (30)	Unknown
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Unknown	Unknown

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IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

Research found no evidence that the government has established mechanisms to coordinate its efforts to address child labor. (31)

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 8). However, policy gaps exist that hinder efforts to address child labor, including integrating elimination and prevention strategies into policies relevant to child labor.

Table 8. Key Policies Related to Child Labor

Policy	Description
Samoa School Fee Relief Grant Scheme	Provides free public primary and secondary education. (24; 32) In 2017, the government allocated an additional \$2.9 million to fully fund the policy. (11)

The government has not integrated child labor elimination and prevention strategies in the Strategy for the Development of Samoa, the Education Sector Plan, or the UNDAF Pacific, which concluded in 2017. (33; 34; 35)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2017, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 9). However, gaps exist in these social programs, including the adequacy of programs to address the full scope of the problem.

Table 9. 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. (36; 37)
Pacific Sub-Regional Child Labor and Trafficking Program	In 2017, released the Samoa Rapid Assessment on Children Working on the Streets, which was submitted to the Samoa National Tri-Partite Committee and endorsed by the MCIL. (10)

† Program is funded by the Government of Samoa.

The government signed a memorandum of understanding to continue the Samoa Decent Work Country Program from 2017 to 2020. (37) In January 2017, the Ministry of Women, Community, and Social Development, in conjunction with the Small Business Enterprise Centre, conducted a weeklong training for 11 families with children who work as street vendors. The training exposed these families to other business opportunities that would prevent their children from working as street vendors. (38)

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 10).

Table 10. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify the Palermo Protocol on Trafficking in Persons.	2017
	Ensure that the types of hazardous work prohibited for children are comprehensive.	2011 – 2017
	Ensure that the law's light work provisions are specific enough to prevent children from involvement in child labor, including street vending.	2013 – 2017
	Ensure that the law criminally prohibits using, procuring, or offering a child for illicit activities, including for the production and trafficking of drugs.	2014 – 2017
	Ensure that the law establishes a compulsory education age that is at least equal to the minimum age for admission to employment.	2014 – 2017
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2017

Area	Suggested Action	Year(s) Suggested
Enforcement	Publish information on labor law enforcement efforts related to child labor, including number of child labor violations found, and penalties imposed and collected, as well as the number of criminal investigations, violations, prosecutions, and convictions. Publish information on law enforcement efforts related to child labor, including the amount of funding for the labor inspectorate and training for criminal investigators.	2013 – 2017
	Institutionalize training for labor inspectors, including by training new labor inspectors.	2015 – 2017
	Authorize the Labor Inspectorate to assess penalties.	2015 – 2017
	Establish a referral mechanism between labor enforcement authorities and social services providers.	2014 – 2017
	Coordination	Establish coordinating mechanisms to combat child labor.
Government Policies	Integrate child labor elimination and prevention strategies into relevant policies.	2012 – 2017
Social Programs	Collect and publish data on the extent and nature of child labor to inform policies and programs.	2017
	Enhance efforts to make education accessible for all children by fully eliminating school-related costs.	2016 – 2017
	Institute programs to address child labor in street vending.	2009 – 2017

1. **Government of Samoa, Ministry of Women, Community and Social Development.** Country Report on the Status on the Rights of the Child in Samoa - Consolidated Second, Third and Fourth Periodic Report on the Implementation of the Convention on the Rights of the Child. 2013. <http://www.mwcsd.gov.ws/images/stories/PUBLICATIONS%20WEBSITE/2014/CRC%20Report%202013/1.CRC%20Second%20periodic%20report%20FINAL.pdf>.
2. **ILO Committee of Experts.** Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Samoa (Ratification: 2008) Published: 2018. Accessed March 2, 2015. http://www.ilo.org/dyn/normlex/en/?p=1000:13100:0:NO:13100:P13100_COMMENT_ID:3143694:NO.
3. **Netzler, J.** Samoa gov't cracks down on child labor. January 24, 2015. <http://www.samoanews.com/samoa-govt-cracks-down-child-labor>.
4. **Radio New Zealand International.** Samoa Union: Child Labor Laws Need Revamping. Pacific Islands Report. July 21, 2015. <http://www.pireport.org/articles/2015/07/22/samoa-union-child-labor-laws-need-revamping>.
5. **Samoa Observer.** Ministry Investigates vendors' activities. November 12, 2017. http://www.samoaoobserver.ws/en/12_01_2017/local/15760/Ministry-investigates-vendors%E2%80%99-activities.htm.
6. **Radio New Zealand.** Samoa launches ILO report on child street vendors. March 10, 2017. <https://www.radionz.co.nz/international/programmes/datalinepacific/audio/201836195/samoa-launches-ilo-report-on-child-street-vendors>.
7. **UNESCO Institute for Statistics.** Gross intake ratio to the last grade of primary education, both sexes (%). Accessed: March 3, 2018. <http://data.uis.unesco.org/>. For more information, please see "Children's Work and Education Statistics: Sources and Definitions" in the Reference Materials section of this report.
8. **UCW.** Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys. Analysis received January 12, 2018. Please see "Children's Work and Education Statistics: Sources and Definitions" in the Reference Materials section of this report.
9. **U.S. Embassy- Apia.** Reporting, February 21, 2014.
10. **ILO.** Report of the Rapid Assessment of Children Working on the Streets of Apia, Samoa: A Pilot Study. 2017. http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-suva/documents/publication/wcms_546199.pdf.
11. **U.S. Embassy- Apia.** Reporting, January 23, 2018.
12. **UN Committee on the Rights of the Child.** Concluding observations on the combined second to fourth periodic reports of Samoa. July 12, 2016: CRC/C/WSM/CO/2-4. http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2FCO%2FWWSM%2FCO%2F2-4&Lang=en.

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31. **Ministry of the Prime Minister and Cabinet.** Transnational Crime Unit. Accessed: March 3, 2015. <http://www.mpmc.gov.ws/divisions/transnational-crime-unit/>.
32. **Samoa Observer.** Strengthening the Foundations, Building for Tomorrow. June 1, 2016. http://www.samoaoobserver.ws/en/01_06_2016/local/6894/%E2%80%98Strengthening-the-foundations-building-for-tomorrow%E2%80%99.htm.
33. **Government of Samoa.** Samoa Education Sector Plan July 2013 - June 2018. Enacted: December 2013. http://planipolis.iiep.unesco.org/sites/planipolis/files/ressources/samoa_education_sector_plan_2013-2018.pdf.
34. **Government of Samoa, Ministry of Finance.** Strategy for the Development of Samoa 2016/17-2019/20. December 2016. https://www.mof.gov.ws/Portals/195/EPPD/SDS%201617-1920_Eng.pdf.
35. **UN Pacific.** United Nations Development Assistance Framework (UNDAF) for the Pacific Region 2013-2017. 2013. http://www.undp.org/content/dam/samoa/docs/UNDP_WS_UNDAF_Summary_Report_2013-17.pdf.
36. **ILO.** Samoa Decent Work Country Programme: 2013-2016. January 2014. http://www.ilo.org/suva/countries-covered/samoa/WCMS_446093/lang-en/index.htm.
37. **Samoa Observer.** ILO Signs Key Document With Samoa. May 29, 2017. http://www.samoaoobserver.ws/en/30_05_2017/local/20532/ILO-signs-key-document-with-Samoa.htm.
38. —. Govt. takes first step to address child vendors. January 28, 2017. http://www.samoaoobserver.ws/en/28_01_2017/local/16284/Govt-takes-first-step-to-address-child-vendors.htm.