

In 2015, Samoa made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government adopted the Labor and Employment Relations Regulations which strengthen prohibitions on the engagement of children in hazardous work. Through Samoa's Decent Work Country Program, labor inspectors participated in a training to strengthen the inspectorate's capacity to enforce laws related to the worst forms of child labor. However, children in Samoa are engaged in child labor, including in street vending.

The Government does not have a mechanism to coordinate interagency efforts to address child labor and lacks data on the prevalence and nature of child labor in the country.

There is no referral mechanism between labor authorities and social service providers to ensure that children identified in situations of child labor receive appropriate support. Additionally, the Government did not implement programs to specifically address child labor in the sectors in which it is prevalent.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Samoa are engaged in child labor, including in street vending. (1-4) 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)	5-14 yrs.	Unavailable
Attending School (%)	5-14 yrs.	Unavailable
Combining Work and School (%)	7-14 yrs.	Unavailable
Primary Completion Rate (%)		100.5

Source for primary completion rate: Data from 2014, published by UNESCO Institute for Statistics, 2015.(5)

Data were unavailable from Understanding Children's Work Project's analysis, 2015.(6)

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	Planting, harvesting, and gathering coconuts,* other unspecified fruit,* and unspecified nuts* (7-9)
	Tending domestic animals* (7-9)
Services	Domestic work* (7-9)
	Street vending (1-4)
	Garbage scavenging* (10)

* Evidence of this activity is limited and/or the extent of the problem is unknown.




Traditional Samoan culture includes a system of service through which a village elder (*matai*) may compel others to perform work in service to the family or to the community.(9) Limited evidence indicates that under this system, some children are required to work on village farms.(7, 9)

The Government of Samoa lacks data to determine the nature and extent of child labor in all relevant sectors.(11) A survey on child labor in street vending was conducted in 2014, but during the reporting period the Government did not make the results of this study publicly available.(12)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Samoa has ratified some 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, including its worst forms (Table 4).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	15	Article 51 of the Labour and Employment Relations Act; Article 20 of the Education Act (13, 14)
Minimum Age for Hazardous Work	Yes	18	Article 51 of the Labour and Employment Relations Act; Article 21 of the Labour and Employment Relations Regulations (13, 15)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Article 51 of the Labour and Employment Relations Act (13)
Prohibition of Forced Labor	Yes		Article 8 of the Constitution of the Independent State of Western Samoa; Article 18 of the Labour and Employment Relations Act; Sections 155–157 of the Crimes Act (13, 16, 17)
Prohibition of Child Trafficking	Yes		Sections 155–157 of the Crimes Act (17)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 73–74, 82, and 157 of the Crimes Act (8, 17)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Compulsory Military Recruitment	N/A†		
Minimum Age for Voluntary Military Service	N/A†		
Compulsory Education Age	Yes	14‡	Article 4 of the Education Act (14)
Free Public Education	No		

† No standing military (18)

‡ Age calculated based on available information

In July 2015, the Government of Samoa adopted the Labour and Employment Relations Regulations, which contains a new provision to regulate the conditions of employment for children under age 18 and stipulates a penalty for employers who violate the law.(12, 15) The Regulation prohibits the involvement of children in work that is hazardous to a child's health, mental, spiritual, or social development; work in direct hostilities; work in environments that may subject a child to harm; and any work for which a child does not have adequate capacity.(15) Samoan law prohibits certain hazardous activities, 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 18. The Ministry of Commerce, Industry, and Labor has drafted a list to more comprehensively define the types of hazardous work unsuitable for children, but this list remained in draft form during the reporting period.(12)

In addition, the law allows children ages 12 through 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.(15)

Section 82 of the Crimes Act prescribes a penalty of up to 7 years of imprisonment for certain crimes related to child pornography; however, this section of the law defines a child as a person who is 16 years old or younger.⁽¹⁷⁾ As a result of this definition, the law does not sufficiently prohibit commercial sexual exploitation, as the possession of pornography featuring 17-year-old children is not criminally prohibited.⁽¹⁹⁾ Research also found no evidence of laws banning the use, procurement, or offering of a child for illicit activities, including the production and trafficking of drugs.

The Education Act requires that children attend school from ages 5 to 14 or until they have completed the work of Year 8, whichever occurs sooner.⁽¹⁴⁾ Because children start school at either age 5 or age 6, children could complete compulsory education at age 13. Children ages 13 through 14 who are no longer required to attend school but are not yet legally permitted to work are vulnerable to involvement in the worst forms of child labor.⁽²⁰⁾

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Commerce, Industry, and Labor (MCIL)	Investigate potential child labor law violations in response to complaints. Refer cases to the Ministry of Police and the Office of the Attorney General for enforcement. ⁽⁸⁾
Ministry of Police	Enforce criminal laws related to child labor. ⁽⁸⁾
Office of the Attorney General	Prosecute criminal cases of the worst forms of child labor. ⁽⁸⁾
Ministry for Women, Community, and Social Development	Assist in MCIL investigations as needed. Mandated to protect children, including those working on the street. ^(8, 21, 22)
Ministry of Education, Sports, and Culture	Assist in MCIL investigations as needed. ^(8, 22)

Labor Law Enforcement

In 2015, labor law enforcement agencies in Samoa took actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2014	2015
Labor Inspectorate Funding	Unknown (12)	Unknown (12)
Number of Labor Inspectors	11 (12)	11 (12)
Inspectorate Authorized to Assess Penalties	No (12)	No (12)
Training for Labor Inspectors		
■ Initial Training for New Employees	No (12)	No (12)
■ Training on New Laws Related to Child Labor	No (12)	No (12)
■ Refresher Courses Provided	Yes (12)	Yes (12)
Number of Labor Inspections	838 (12)	361 (12)
■ Number Conducted at Worksite	685 (12)	194 (12)
■ Number Conducted by Desk Reviews	153 (12)	167 (12)
Number of Child Labor Violations Found	0 (12)	2 (23)
Number of Child Labor Violations for Which Penalties Were Imposed	N/A	2 (23)
■ Number of Penalties Imposed That Were Collected	N/A	0 (23)
Routine Inspections Conducted	Yes (12)	Yes (12)
■ Routine Inspections Targeted	Yes (12)	Yes (12)
Unannounced Inspections Permitted	Yes (13)	Yes (12)
Unannounced Inspections Conducted	Yes (12)	Yes (12)
Complaint Mechanism Exists	Yes (12)	Yes (12)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (12)	No (12)

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MINIMAL ADVANCEMENT

In 2015, labor inspectors participated in a foundational skills course on conducting labor inspections, facilitated by the ILO.(24) Also during the reporting period, the Ministry of Education, Sports, and Culture and the Ministry of Police strengthened efforts to enforce provisions in the Education Act that mandate a child's school attendance through age 14. Research indicates that teams of officials monitored areas in the Apia township and surrounding villages in which child street vending is known to occur.(3) Police officers found two child labor violations involving children selling goods during school hours.(23)

Criminal Law Enforcement

In 2015, criminal law enforcement agencies in Samoa took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2014	2015
Training for Investigators		
■ Initial Training for New Employees	Yes (23)	Yes (23)
■ Training on New Laws Related to the Worst Forms of Child Labor	N/A	N/A
■ Refresher Courses Provided	Yes (23)	Yes (23)
Number of Investigations	Unknown	17 (23)
Number of Violations Found	0 (8, 25)	Unknown
Number of Prosecutions Initiated	N/A	Unknown
Number of Convictions	N/A	Unknown
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Unknown	Unknown

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

Research found no evidence that the Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms. Although Samoa does not have a documented child trafficking problem, the Samoa Interpol and Transnational Crime Unit monitors transnational crimes, including human trafficking.(26) Member agencies include the Ministry of Police, Samoa Immigration, the Prime Minister's Office, the Central Bank of Samoa, the Ministry of Foreign Affairs and Trade, the Customs Services, the Office of the Attorney General, and the Ministry of Finance.(8, 26)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Samoa has established policies related to child labor, including its worst forms (Table 8).

Table 8. Policies Related to Child Labor

Policy	Description
National Policy for Children of Samoa (2010–2015)	Aims to address the needs of disadvantaged children, to provide child protection, and to combat poverty. Prioritizes the protection of child street vendors through awareness raising and increased enforcement of compulsory education laws.(2, 27)
Strategy for the Development of Samoa (2012–2016)*	Seeks to improve the quality of life for all Samoans through economic growth, social policies, improved infrastructure, and environmental protection. Access to education and training at all levels is targeted as a key outcome.(28) As part of the strategy, the Government has committed to developing a Medium-Term Expenditure Framework to ensure that education programs currently funded by international donors are sustainable.(28)
Samoa School Fee Relief Grant Scheme*	Aims to make school enrollment and attendance possible for children who are unable to pay school fees.(29) Provides free education to all primary school children enrolled in government schools and mission (church-run) schools. Also offers free education at the secondary level for students in government schools and reduced fees for secondary-level students in mission schools.(8) Covers approximately 99 percent of Samoan primary school students. Jointly funded by the Governments of Samoa, New Zealand, and Australia.(8)
Education Sector Plan (2013–2018)*	Calls for improved access to education for all children in early childhood, primary, and secondary schools. Monitors the Samoa School Fee Relief Grant Scheme to ensure that children do not face financial barriers that prevent them from attending school.(30)
UNDAF Pacific (2013–2017)*	Promotes sustainable development and economic growth for vulnerable groups in 14 Pacific Island countries and territories: Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Palau, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, and Vanuatu.(31) In Samoa, the policy aims to strengthen implementation of policies related to children and improve mechanisms to protect children from violence and exploitation.(31)

* Child labor elimination and prevention strategies do not appear to have been integrated into this policy.

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2015, the Government of Samoa funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 9).

Table 9. Social Programs to Address Child Labor

Program	Description
Samoa Decent Work Country Program (2013–2016) [†]	ILO and Government program that promotes decent work in Samoa by focusing on three priority areas: (1) legal reform and improved implementation of labor laws, including those related to child labor; (2) increased access to information and employment services for youth; and (3) strengthened capacity of trade unions. Includes an activity to assess potential challenges in extending the application of labor laws to the informal sector.(32) In 2015, conducted a 5-day training focused on strengthening the skills of labor inspectors to perform their duties in line with the Labour and Employment Relations Act and the Occupational Safety and Health Act.(33)
Pacific Sub-Regional Child Labor and Trafficking Program	ILO-supported program that expands the work and lessons learned from its Tackling Child Labor through Education program in Fiji to Kiribati, Samoa, and Solomon Islands.(34, 35) Activities include facilitating meetings, conducting research, raising awareness, providing trainings, and building government capacity to address child labor.(36) In April 2015, representatives from Samoa participated in the Sub-Regional Child Labor and Trafficking Program forum, which brought together national policy makers from five countries to discuss best practices for addressing child labor and human trafficking issues.(34, 35)

[†] Program is funded by the Government of Samoa.

In July 2015, Samoa participated in the ILO Sub-Regional Skills and Livelihood Training for Older Out-Of-School Children in Child Labor or At Risk in the Pacific. The training focused on highlighting opportunities for skill development for children under age 18 who are at risk for child labor, as well as identifying opportunities for mainstreaming skill development initiatives into existing social programs.(37)

Research found no evidence of programs to specifically address child labor in the service sector, especially in street vending.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Samoa (Table 10).

Table 10. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the types of hazardous work prohibited for children are comprehensive.	2011 – 2015
	Ensure that the law's light work provisions are specific enough to prevent children from involvement in child labor.	2013 – 2015
	Ensure that the law fully criminalizes the commercial sexual exploitation of children, including the possession of pornography featuring 17-year-old children.	2014 – 2015
	Ensure that the law prohibits the use, procurement, or offering of a child for illicit activities, including for the production and trafficking of drugs.	2014 – 2015
	Ensure that the law establishes a compulsory education age that is at least equal to the minimum age for admission to employment.	2014 – 2015
Enforcement	Make information publicly available on law enforcement efforts related to child labor, including the amount of funding for the labor inspectorate, and the number of criminal investigations, violations, prosecutions, and convictions related to the worst forms of child labor.	2013 – 2015
	Institutionalize training for labor inspectors, including by training new labor inspectors at the beginning of their employment and providing training on new laws and regulations related to child labor.	2015
	Authorize the labor inspectorate to assess penalties.	2015
	Establish a mechanism to refer children identified as engaged in child labor, including its worst forms, to appropriate social services.	2014 – 2015
Coordination	Establish coordinating mechanisms to combat child labor, including in all of its worst forms.	2009 – 2015
Government Policies	Integrate child labor elimination and prevention strategies into existing policies.	2012 – 2015

Table 10. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms (cont)

Area	Suggested Action	Year(s) Suggested
Social Programs	Conduct comprehensive research to better understand the extent and nature of child labor in Samoa, including its worst forms, and make the results publicly available.	2010 – 2015
	Institute programs to specifically address child labor in street vending.	2009 – 2015

REFERENCES

- Government of Samoa. *Country Report on the Status of Child Rights in Samoa*. Apia; 2013. <http://www.mwscd.gov.ws/images/stories/PUBLICATIONS%20WEBSITE/2014/CRC%20Report%202013/1.CRC%20Second%20periodic%20report%20FINAL.pdf>.
- ILO Committee of Experts. *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 138) Samoa (ratification: 2008)* Published: 2014; accessed March 2, 2015; <http://www.ilo.org/dyn/normlex/en/f?p=1000:1:0::NO::>.
- Netzer, J. "Samoa Govt Cracks Down on Child Labor." *samoanews.com* [online] January 24, 2015 [cited November 11, 2015]; http://www.samoanews.com/content/en/samoa-govt-cracks-down-child-labor?quicktabs_1=0.
- Radio New Zealand International. "Samoa Union: Child Labor Laws Need Revamping." *pidp.eastwestcenter.org* [online] July 21, 2015 [cited November 11, 2015]; <http://pidp.eastwestcenter.org/pirereport/2015/July/07-22-13.htm>.
- UNESCO Institute for Statistics. *Gross intake ratio to the last grade of primary. Total*. [accessed December 16, 2015]; <http://data.uis.unesco.org/>. Data provided is the gross intake ratio to the last grade of primary school. This measure is a proxy measure for primary completion. This ratio is the total number of new entrants in the last grade of primary education, regardless of age, expressed as a percentage of the population at the theoretical entrance age to the last grade of primary. A high ratio indicates a high degree of current primary education completion. Because the calculation includes all new entrants to last grade (regardless of age), the ratio can exceed 100 percent, due to over-aged and under-aged children who enter primary school late/early and/or repeat grades. For more information, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.
- UCW. *Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys*. Analysis received December 18, 2015. Reliable statistical data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work in general are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.
- U.S. Department of State official. E-mail communication to USDOL official. June 18, 2012.
- U.S. Embassy- Apia. *reporting, February 21, 2014*.
- U.S. Department of State. "Samoa," in *Country Reports on Human Rights Practices-2014*. Washington, DC; June 25, 2015; <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dldid=252795>.
- U.S. Embassy- Apia. *reporting, February 9, 2011*.
- ILO Committee of Experts. *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Samoa (ratification: 2008)* Published: 2013; accessed December 16, 2014; <http://www.ilo.org/dyn/normlex/en/f?p=1000:1:0::NO::>.
- U.S. Embassy- Apia. *reporting, January 15, 2016*.
- Government of Samoa. *Labour and Employment Relations Act, No. 7, enacted 2013*. http://www.parliament.gov.ws/images/ACTS/Acts_2013/Labour_and_Employment_Relations_Act_2013_-_Eng.pdf.
- Government of Samoa. *Education Act 2009, No. 9, enacted 2009*. http://www.pacii.org/ws/legis/num_act/ea2009104/.
- Government of Samoa. *Labour and Employment Relations Regulations*, enacted 2015. [source on file].
- Government of Samoa. *Constitution of the Independent State of Western Samoa*, enacted 1960. http://www.wipo.int/wipolex/en/text.jsp?file_id=198467.
- Government of Samoa. *Crimes Act, No. 10, enacted 2013*. <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/93579/109447/F562462641/WSM93579%20Eng.pdf>.
- Child Soldiers International. *Louder Than Words: An agenda for action to end state use of child soldiers*. London; September 2012. http://www.child-soldiers.org/global_report_reader.php?id=562.
- ILO Committee of Experts. *Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Samoa (ratification: 2008)* Published: 2013; accessed March 2, 2015; <http://www.ilo.org/dyn/normlex/en/f?p=1000:1:0::NO::>.
- ILO Committee of Experts. *Observation concerning Minimum Age Convention, 1973 (No. 138) Samoa (ratification: 2008)* Published: 2014; accessed March 3, 2015; <http://www.ilo.org/dyn/normlex/en/f?p=1000:1:0::NO::>.
- U.S. Department of State official. E-mail communication to USDOL official. March 24, 2015.
- U.S. Department of State official. E-mail communication to USDOL official. May 8, 2015.
- U.S. Department of State official. E-mail communication to USDOL official. February 22, 2016.
- U.S. Department of State official. E-mail communication to USDOL official. February 15, 2016.
- U.S. Embassy- Apia. *reporting, January 17, 2015*.
- Government of Samoa. *Transnational Crime Unit - Ministry of the Prime Minister and Cabinet*, Ministry of the Prime Minister and Cabinet, [online] [cited March 3, 2015]; <http://www.mpmc.gov.ws/divisions/transnational-crime-unit/>.
- Government of Samoa. *National Policy of Children of Samoa 2010-2015*, enacted 2010. <http://www.mwscd.gov.ws/images/stories/PUBLICATIONS%20WEBSITE/New-update%202013/Ministry%20Policies/NATIONAL%20POLICY%20FOR%20CHILDREN%202010-2015.pdf>.
- Government of Samoa Ministry of Finance. *Strategy for the Development of Samoa 2012-2016*. Apia; July 20, 2012. http://www.samoaljs.ws/english/images/stories/uploads/Strategy_for_the_Development_of_Samoa_2012-2016_English.pdf.
- Government of Samoa. *Millennium Development Goals: Second Progress Report*. Apia; 2010. http://www.mof.gov.ws/Portals/195/Services/Aid%20Coordination/mdg_report.pdf.
- Government of Samoa. *Samoa Education Sector Plan*, enacted December 2013. http://planipolis.iiep.unesco.org/upload/Samoa/Samoa_Education_Sector_Plan_2013-2018.pdf.
- United Nations Pacific. *United Nations Development Assistance Framework (UNDAF) For the Pacific Region 2013-2017*. Suva; 2013. http://www.undp.org/content/dam/samoa/docs/UNDP_WS_UNDAF_Summary_Report_2013-17.pdf.
- ILO. *Samoa Decent Country Programme (2013-2016)*; January 2014. <http://www.ilo.org/public/english/bureau/program/dwcp/download/samoa1316.pdf>.
- ILO. *Labour inspectors trained on foundation skills in Samoa*; March 11, 2015. http://www.ilo.org/suva/public-information/press-releases/WCMS_357137/lang-en/index.htm.
- ILO. *ILO Social Partners sharing knowledge on Child Labour in the Pacific*. Press Release; April 16, 2015. http://www.ilo.org/suva/public-information/press-releases/WCMS_369989/lang-en/index.htm.
- ILO. *Sub-regional child labour and trafficking forum*. Nadi; April 2015. http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-suva/documents/publication/wcms_405960.pdf.
- ILO. *TACKLE Update - Newsletter*; April 14, 2015. http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-suva/documents/publication/wcms_360537.pdf.
- ILO. "Promoting decent work for older out-of-school children in or at risk of child labour." *ilo.org* [online] August 6, 2015 [cited November 17, 2015]; http://www.ilo.org/suva/public-information/WCMS_393365/lang-en/index.htm.