

In 2013, Samoa made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government enacted the Labor and Employment Relations Act, which raised the minimum age for hazardous work to 18. It also replaced the criminal code with a new law that strengthened protections against the sexual exploitation of children, and criminalized forced labor. In addition, an international donor-supported Government program to provide free public education was extended through the secondary grades.

Children in Samoa are engaged in street vending; and although evidence is limited and the extent of the problem

is unknown, children also engage in child labor in agriculture. However, the Government lacks a coordinating mechanism to combat child labor. There remains no definition of light work and no minimum age for this activity, which does not conform to international standards.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Samoa are engaged in child labor in street vending. Although data are limited and the extent of the problem is unknown, children also engage in child labor in agriculture. The Government did not collect information on exploitative child labor in 2013.(1) Research suggests that the last official study on child labor was conducted in 2005.(2) The lack of official data and other information does not allow for an accurate assessment of the full nature and extent of the worst forms of child labor in Samoa.

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 (%) | | 102.4 |

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2014.(3)

Source for all other data: Understanding Children's Work Project's analysis, 2014.(4)

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, gathering coconuts,* other unspecified fruit,* and unspecified nuts* (5-7) |
| | Tending domestic animals* (5, 8) |
| Services | Domestic service* (5, 6, 8) |
| | Street vending (1, 5-9) |
| | Garbage scavenging* (10) |

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

Traditional Samoan culture includes the practice of *aiga*, under which a village elder (*matai*) may compel others to perform work in service to the family or the community.(7) Limited evidence indicates that in some villages it is

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common to require children to work on village farms.(5, 7) Research did not identify the nature of this work, nor whether children perform it willingly. Children at the age of primary-schooling have been observed selling goods and food during school hours and into the night.(1, 9) Child street vendors work in Apia, Samoa's capital, and a few other locations, including the international airport.(1, 8)

II. LEGAL FRAMEWORK ON 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 relevant laws and regulations related to child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations on Child Labor

| Standard | Yes/No | Age | Related Legislation |
|---|--------|-----|--|
| Minimum Age for Work | | 15 | Labor and Employment Relations Act (1, 11) |
| Minimum Age for Hazardous Work | | 18 | Labor and Employment Relations Act (1, 11) |
| List of Hazardous Occupations Prohibited for Children | No | | |
| Prohibition of Forced Labor | Yes | | Constitution of the Independent State of Western Samoa, Labor and Employment Relations Act, Crimes Act (1, 12) |
| Prohibition of Child Trafficking | Yes | | Crimes Act (1, 13) |
| Prohibition of Commercial Sexual Exploitation of Children | Yes | | Crimes Act (1, 13) |
| 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 | | 15 | Education Act 2009 (14) |
| Free Public Education | No | | |

* No conscription or no standing military

In 2013, the Government replaced two major pieces of legislation that govern employment and define crime and punishment in Samoa.(1) In each case, the new law strengthens protections against child labor, including its worst forms. The new Labor and Employment Relations Act (LERA) raises the minimum age for hazardous work from 15 to 18. Children under 18 are prohibited from working at any job or worksite that is or is likely to be physically or morally “injurious,” and are forbidden to operate dangerous machinery.(11, 15) The Government has not yet codified a list of activities defined as “injurious” and therefore prohibited to children, but sources indicate it was finalizing the draft during the reporting period.(1, 16) The LERA only applies to work in a place of employment, which may leave some working children—such as street vendors—vulnerable to the worst forms of child labor.(11) There remains no minimum age nor definition for light work, which the ILO has noted as inconsistent with international standards.(17)

The Crimes Ordinance (1961) was repealed and replaced with the Crimes Act.⁽¹⁾ The new law specifies that the forced labor or sexual exploitation of a person under 18 is punishable by a 14-year prison sentence.⁽¹³⁾ The previous law did not criminalize forced labor.^(16, 18) Trafficking in persons into or out of Samoa is now a criminal offense, and in the case of a conviction, a victim under 18 is to be considered as an aggravating factor when determining punishment.⁽¹³⁾ However, the law does not cover trafficking within Samoa.

Under the new Crimes Act, 7 years imprisonment may be imposed on a person who publishes, distributes, or exhibits indecent material featuring a child; this improves upon the Crimes Ordinance, which did not have a specific penalty for child pornography.^(13, 18) The Crimes Act also criminalizes the procurement of a girl for sexual intercourse, though it has no similar provision for boys. The maximum prison term for a person found guilty of profiting from the prostitution of another person was raised from 3 to 10 years.^(13, 18) Research found no evidence of laws against the use of children in illicit activities such as drug trafficking.

The Education Act stipulates that a child under age 15 cannot be involved in work of any kind at any time during which this work would interfere with the child's school attendance, participation in school activities, or educational development.⁽¹⁴⁾ While free public education through the secondary level is being implemented through an international donor-funded Government program, this right is not enshrined in law.

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 labor law violations in response to complaints, including those relevant to child labor. Refer cases to the Samoan Ministry of Police (SMP) and the Attorney General for enforcement. Assigned 11 inspectors to carry out inspections in 2013. ⁽¹⁾ |
| Ministry of Women, Community, and Social Development | Assist MCIL investigations when called upon. ⁽¹⁾ |
| Ministry of Education | Assist MCIL investigations when called upon. ⁽¹⁾ |
| Samoan Ministry of Police (SMP) | Enforce criminal laws with respect to the worst forms of child labor. ⁽¹⁾ |
| Office of the Attorney General | Prosecute criminal cases of the worst forms of child labor. ⁽¹⁾ |

Research found no evidence that law enforcement agencies in Samoa took actions to combat child labor, including its worst forms, during the reporting period. No child labor complaints were registered with the MCIL, and no child labor cases or trafficking cases were investigated or prosecuted.⁽¹⁾ Research found no evidence of other relevant data, such as the number of criminal investigators charged with child labor law enforcement, training for law enforcement, or the funding level of the relevant agencies.

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

Research found no evidence of a mechanism to coordinate government efforts to address child labor, including all its worst forms. The Samoa Interpol and Transnational Crime Unit monitors transnational crimes, including human trafficking.⁽¹⁹⁾ Member agencies include the SMP, Samoa Immigration, Prime Minister's Office, Central Bank of Samoa, Ministry of Foreign Affairs and Trade, Customs Services, Attorney General's Office, and Ministry of Finance.^(1, 19)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government has established policies related to child labor, including its worst forms (Table 7).

Table 6. Policies Related to Child Labor

| Policy | Description |
|---|--|
| National Policy for Children of Samoa, 2010–2015 | Aim to address the needs of disadvantaged children, to provide child protection, and to combat poverty. The Government has stated that the policy covers issues relevant to the protection of child street vendors.(17) |
| Strategy for the Development of Samoa, 2012–2016* | Seek 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.(20) As part of the strategy, the Government has committed to developing a Medium Term Expenditure Framework to ensure that education access programs currently funded by international donors are sustained.(20) |

*The impact of this policy on child labor does not appear to have been studied.

Research could not determine the status of the Medium Term Expenditure Framework, nor identify any other policy efforts during the reporting period.

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the Government of Samoa participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 7).

Table 7. Social Programs to Address Child Labor

| Program | Description |
|--|---|
| Samoa School Fee Grant Scheme (SSFGS)* | Government program that provides free education to all primary school children enrolled in government schools and mission (church-run) schools. Approximately 99 percent of Samoan primary school students are enrolled in schools covered by the SSFGS Program, while remainder enrolled in private schools.(1) Aims to make school enrollment and attendance affordable to parents who are otherwise unable to pay school fees.(21) During the reporting period, program was extended to offer free education at the secondary level for students in government schools, and reduced fees for secondary level students in mission schools.(1) |
| Education Sector Program II* | Creates a more equitable and effective education system by improving curriculum, learning materials, the national assessment system, teacher training, and educational facilities.(22, 23) Program II implemented with help from the Asian Development Bank, and the Governments of Australia and New Zealand. Will run through December 2014.(1, 22, 23) |

*The impact of this program on child labor does not appear to have been studied.

Research has not uncovered evidence of any government programs specifically intended to address child labor in agriculture and 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 8).

Table 8. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

| Area | Suggested Action | Year(s) Suggested |
|------|--|-------------------|
| Laws | Complete and adopt a list of hazardous occupations for children. | 2011 – 2013 |
| | Ensure protections for working children who do not have a place of employment, such as street vendors. | 2013 |
| | Establish a minimum age for light work, to conform to international standards. | 2013 |
| | Provide complete protection against domestic human trafficking. | 2011 – 2013 |
| | Amend the Crimes Act 2013 to criminalize the procurement of boys for sexual intercourse. | 2013 |
| | Ensure that primary education is free by law. | 2010 – 2013 |

Table 8. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms (cont)

| Area | Suggested Action | Year(s) Suggested |
|---------------------|--|-------------------|
| Enforcement | Collect, and make publicly accessible, data on the number of criminal investigators charged with child labor law enforcement; training for law enforcement; and funding related to the worst forms of child labor. | 2013 |
| Coordination | Establish coordinating mechanisms to combat child labor, including in all of its worst forms. | 2009 – 2013 |
| Government Policies | Establish policies to specifically address child labor in street vending and agriculture. | 2009 – 2013 |
| | Assess the impact that the Strategy for Development of Samoa 2012–2016 may have on addressing child labor. | 2012 – 2013 |
| Social Programs | Conduct comprehensive research to better understand the extent and nature of the dangers contributing to the worst forms of child labor in sectors such as agriculture and street vending. | 2010 – 2013 |
| | Develop and implement programs to protect children from engaging in street vending. | 2009 – 2013 |

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