

*In 2020, Samoa made minimal advancement in efforts to eliminate the worst forms of child labor. The government submitted two pieces of draft legislation, the Labour and Employment Relations Amendment Act 2020 and the Child Protection Bill 2020, to be considered during the next session of parliament. Children in Samoa are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. Children also engage in dangerous tasks in street vending. Research found no evidence of laws that prohibit using, procuring, or offering children for illicit activities, including for the production and trafficking of drugs. In addition, the government did not publicly release information on its labor law enforcement or criminal law enforcements efforts.*



## I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Samoa are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. (1) Children also engage in dangerous tasks in street vending. (1-3) 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 (%)		108.9

Source for primary completion rate: Data from 2019, published by UNESCO Institute for Statistics, 2021. (4)  
Data were unavailable from International Labor Organization's analysis, 2021. (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	Farming and animal husbandry, activities unknown (1)
Services	Domestic work (1)
	Street vending, including selling food, garlands, and other products (1-3,6-10)
	Garbage scavenging (1)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking (1,11)
	Use in illicit activities, including selling drugs (1)

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

Children who participate in street vending may work long hours, late at night, be exposed to exhaust fumes, and have an increased risk of being hit by passing traffic. In addition, street vending, including selling of food, garlands, and other products by children is not prohibited for children under age 18. (1,7,10)

Children must present birth certificates to attend school. In 2020, the government established an additional requirement for school attendance mandating that parents provide vaccination records of students following a countrywide vaccination campaign during the measles epidemic in late 2019. (10) To attend school, the vaccination records must show that the child has not only completed all vaccinations, but also that they were vaccinated during the mass vaccination campaign in 2019. Parents who decided against vaccination are faced with a fine and children are not allowed to attend school unless a vaccination certificate is provided. (10) The burden of school fees, such as registration, uniforms, and transportation fees, may prevent some children from attending school. (12,13)




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### 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 Labor and Employment Relations Act (14)
Minimum Age for Hazardous Work	Yes	18	Article 51 of the Labor and Employment Relations Act (14)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Article 51 of the Labor and Employment Relations Act; Article 21 of the Labor and Employment Relations Regulations; Government of Samoa Public Notice on Hazardous Work for Children (14-16)
Prohibition of Forced Labor	Yes		Article 8 of the Constitution; Article 18 of the Labor and Employment Relations Act; Sections 155–157 of the Crimes Act (14, 17, 18)
Prohibition of Child Trafficking	Yes		Sections 155–157 of the Crimes Act (18)
Prohibition of Commercial Sexual Exploitation of Children	No		Sections 73–74, 82, and 157 of the Crimes Act (18)
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 (19)
Compulsory Education Age	Yes	16	Article 2 (Section 2) of the Education Amendment Act (20)
Free Public Education	No		

† No standing military (19)

The Labour and Employment Relations Regulations permit children between ages 12 and 14 to engage in light work for a limited number of hours. However, they neither specify the conditions under which light work may be undertaken nor define the activities that are permitted. (15)

Research 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 ages 15 to 18. (19) 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 ages 16 to 18. (18) As the minimum age for work is lower than the compulsory education age, children may be encouraged to leave school before the completion of compulsory education. (14,20) The Government of Samoa passed the Education Amendment Act 2019, which raised the compulsory education age to 16. (20)

During the reporting period, the government submitted two pieces of draft legislation, the Labour and Employment Relations Amendment Act 2020 and the Child Protection Bill 2020, to be considered during the next session of parliament when the new government is formed. (21)

### 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 operations of enforcement agencies 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)	Enforces the Labor and Employment Relations Act, which includes investigating complaints of child labor law violations. (22,23) Refers cases to the Ministry of Police and the Office of the Attorney General for enforcement. (23)
Ministry of Police	Enforces criminal laws related to child labor. (23)
Office of the Attorney General	Prosecutes criminal cases of the worst forms of child labor. (23)
Ministry for Women, Community, and Social Development	Assists in MCIL investigations as needed. Mandated to protect children, including those working on the street. (24,25) Once a child is identified as being in a situation of child labor, his or her family is located and a home visit scheduled, during which the Child Protection teams educate families on the importance of attending school and on the risks and hazards of street vending. (26)
Ministry of Education, Sports, and Culture	Assists in MCIL investigations, as needed. (27)

### Labor Law Enforcement

In 2020, labor law enforcement agencies in Samoa took actions to combat child labor (Table 6). However, gaps exist within the authority of the Ministry of Commerce, Industry, and Labor that may hinder adequate labor law enforcement, including lack of labor inspectors' ability to assess penalties.

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

Overview of Labor Law Enforcement	2019	2020
Labor Inspectorate Funding	\$48,422 (28)	Unknown (10)
Number of Labor Inspectors	3 (28)	Unknown (10)
Inspectorate Authorized to Assess Penalties	No (14)	No (14)
Initial Training for New Labor Inspectors	N/A (28)	Unknown (10)
Training on New Laws Related to Child Labor	N/A (28)	Unknown (10)
Refresher Courses Provided	Yes (28)	Unknown (10)
Number of Labor Inspections Conducted	32 (23)	Unknown (10)
Number Conducted at Worksite	32 (23)	Unknown (10)
Number of Child Labor Violations Found	0 (28)	Unknown (10)
Number of Child Labor Violations for Which Penalties Were Imposed	N/A (28)	Unknown (10)
Number of Child Labor Penalties Imposed that Were Collected	N/A (28)	Unknown (10)
Routine Inspections Conducted	Yes (28)	Unknown (10)
Routine Inspections Targeted	Yes (28)	Unknown (10)

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

Overview of Labor Law Enforcement	2019	2020
Unannounced Inspections Permitted	Yes (14)	Yes (14)
Unannounced Inspections Conducted	Yes (23)	Unknown (10)
Complaint Mechanism Exists	Yes (28)	Unknown (10)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (28)	Unknown (10)

In 2020, the Government of Samoa continued, when conducting inspections, to distribute its Letter of Intent for the Employment of Children, which reiterates restrictions on child labor in street vending. (23,29) The government did not provide any additional information on its labor law enforcement efforts for inclusion in this report.

While the number of labor inspectors is unknown, according to the ILO's technical advice of a ratio approaching 1 inspector for every 40,000 workers in less developed countries, Samoa would need to employ 2 labor inspectors as its workforce consists of over 50,700 workers.

### **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	2019	2020
Initial Training for New Criminal Investigators	Unknown (3)	Unknown (10)
Training on New Laws Related to the Worst Forms of Child Labor	Unknown (3)	Unknown (10)
Refresher Courses Provided	Unknown (3)	Unknown (10)
Number of Investigations	Unknown (3)	Unknown (10)
Number of Violations Found	Unknown (3)	Unknown (10)
Number of Prosecutions Initiated	Unknown (3)	Unknown (10)
Number of Convictions	Unknown (3)	Unknown (10)
Imposed Penalties for Violations Related to the Worst Forms of Child Labor	Unknown (3)	Unknown (10)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Unknown (3)	Unknown (10)

The government did not provide information on its criminal law enforcement efforts for inclusion in this report.

## **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. (30,31) Active in 2020. (27)
Child Vendor Taskforce	A multi-agency taskforce that comprises the MCIL; Ministry of Police; Ministry of Women, Community, and Social Development; and Ministry of Education, Sports, and Culture to reduce the prevalence of child vendors in towns and cities through patrol sweeps and conducting outreach activities. (23) Active in 2020. (27)

Although the Child Vendor Taskforce exists, research found no evidence that the task force functions as a coordinating mechanism to address 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 mainstreaming child labor issues into relevant policies.

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

Policy	Description
UN Pacific Strategy (2018–2022)	A multi-national 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. (32) Research was unable to determine whether activities were undertaken to implement the UN Pacific Strategy 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, which detail the Government of Samoa's goals and key outcomes regarding education and development priorities. (10,33,34)

In May 2020, the National Policy Coordination Committee approved the National Child Care and Protection Policy. (27) In addition, the Samoa Inter Agency Essential Services Guide for Responding to Gender-Based Violence and Child Protection was released in January 2021. The Guide was developed by the Ministry of Women, Community and Social Development, with technical support from UN Women, UNICEF, and UN Populations Fund (UNFPA). (27)

## VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2020, 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) <sup>†</sup>	ILO and government-funded program that promoted decent work in Samoa. Supported legal reform and improved implementation of laws related to child labor; promoted access to information and employment services for youth, and aimed to increase the youth employment rate. (35,36) 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 <sup>†</sup>	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. (10,13)
One Government Grant <sup>†</sup>	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. (38,39) Research was unable to determine whether activities were undertaken to implement the One Government Grant program during the reporting period.

<sup>†</sup> Program is funded by the Government of Samoa.

Although the government has implemented educational support programs, research 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).

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**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 – 2020
	Ensure that the law's light work provisions are specific enough to prevent children from involvement in child labor, including street vending.	2013 – 2020
	Ensure that the law criminally prohibits commercial sexual exploitation of children between ages 16 to 18.	2018 – 2020
	Ensure that the law criminally prohibits using, procuring, or offering a child for illicit activities, including for the production and trafficking of drugs.	2014 – 2020
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2020
	Raise the minimum age for work to the age up to which education is compulsory.	2019 – 2020
	Ensure access to free public education.	2020
Enforcement	Publish enforcement data for child labor law violations, penalties imposed, and penalties collected for all provinces. In addition, publish information about labor inspectorate funding, the number of labor inspectors, the number of labor inspections conducted at the worksite, whether routine inspections were targeted, whether unannounced inspections were conducted, whether training on new laws related to child labor were conducted, whether refresher training courses were provided, whether complaint mechanisms exist, whether reciprocal referral mechanisms exist between labor authorities and social services for all provinces.	2020
	Publish information on the number of criminal law enforcement efforts undertaken, including the number of investigations conducted, violations found; prosecutions initiated; convictions made, and penalties imposed.	2013 – 2020
	Authorize the labor inspectorate to assess penalties.	2015 – 2020
	Establish a referral mechanism between labor enforcement authorities and social services providers.	2014 – 2020
	Ensure the number of labor inspectors in Samoa meets the ILO's technical guidance.	2020
Coordination	Ensure the Child Vendor Taskforce meets regularly and effectively carries out its mandate.	2019 – 2020
Government Policies	Integrate child labor elimination and prevention strategies into the Strategy for the Development of Samoa and the Education Sector Plan.	2012 – 2020
	Publish activities undertaken to implement the UN Pacific Strategy during the reporting period.	2019 – 2020
Social Programs	Enhance efforts to make education accessible for all children by fully eliminating school-related costs, including registration fees, uniforms, transportation fees.	2016 – 2020
	Institute programs to address child labor, including in street vending and commercial sexual exploitation of children.	2009 – 2020
	Collect and publish data on the extent and nature of child labor to inform policies and programs.	2017 – 2020
	Publish activities undertaken to implement the Samoa Decent Work Country Program during the reporting period.	2018 – 2020
	Publish activities undertaken to implement the One Government Grant social program during the reporting period.	2019 – 2020

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