

In 2016, Samoa made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government ratified two United Nations optional protocols on child labor and increased funding for the Samoa School Fee Relief Grant Scheme to enhance access to basic education for all children. In addition, the Ministry of Commerce, Industry, and Labor endorsed the findings of a study that provides information on children working on the streets in Apia, Samoa. 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.(1-4) 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 to 14	Unavailable
Attending School (%)	5 to 14	Unavailable
Combining Work and School (%)	7 to 14	Unavailable
Primary Completion Rate (%)		103.5

Source for primary completion rate: Data from 2015, published by UNESCO Institute for Statistics, 2016.(5)
Data were unavailable from Understanding Children’s Work Project’s analysis, 2016.(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	Gathering coconuts, fruit, and nuts (7, 8)
	Tending domestic animals (7, 8)
Services	Domestic work (7, 8)
	Street vending, including selling food, garlands, and other products (1-4, 8, 9)
	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.(11, 12)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF 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	✓

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Table 3. Ratification of International Conventions on Child Labor (cont)

	Convention	Ratification
	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). However, gaps exist in Samoa's legal framework to adequately protect children from child labor.

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 (13)
Minimum Age for Hazardous Work	Yes	18	Article 51 of the Labour and Employment Relations Act (13)
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 (13, 14)
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 (13, 15, 16)
Prohibition of Child Trafficking	Yes		Sections 155-157 of the Crimes Act (16)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 73-74, 82, and 157 of the Crimes Act (16)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Military Recruitment			
State Compulsory	N/A†		
State Voluntary	N/A†		
Non-state Compulsory	No	15	Article 8 of the International Criminal Court Act (17)
Compulsory Education Age	No	14‡	Article 4 of the Education Act (18)
Free Public Education	No		

† No standing military (19)

‡ Age calculated based on available information

In 2016, Samoa acceded to the UN CRC Optional Protocol on Armed Conflict and the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.(20, 21)

Samoa 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 age 18.(22) 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. In 2016, 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.(23) Research also found no evidence of laws that ban the use, procuring, or offering of a child 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.(17)

The Education Act requires that children attend school from ages 5 to 14 or until they have completed the work of year eight.(18) 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.(24) Although Samoan laws do not mandate free public education, there is a policy that sufficiently provides this service.(25)

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). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

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.(7)
Ministry of Police	Enforce criminal laws related to child labor.(7)
Office of the Attorney General	Prosecute criminal cases of the worst forms of child labor.(7)
Ministry for Women, Community, and Social Development	Assist in MCIL investigations as needed. Mandated to protect children, including those working on the street.(7, 26)
Ministry of Education, Sports, and Culture	Assist in MCIL investigations as needed.(7, 27)

Labor Law Enforcement

In 2016, 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	2015	2016
Labor Inspectorate Funding	Unknown (22)	Unknown (28)
Number of Labor Inspectors	11 (22)	4 (29)
Inspectorate Authorized to Assess Penalties	No (22)	No (28)
Training for Labor Inspectors		
Initial Training for New Employees	No (22)	No (28)
Training on New Laws Related to Child Labor	No (22)	N/A
Refresher Courses Provided	Yes (22)	Yes (28)
Number of Labor Inspections	361 (22)	125 (29)
Number Conducted at Worksite	194 (22)	125 (29)
Number Conducted by Desk Reviews	167 (22)	125 (29)
Number of Child Labor Violations Found	2 (30)	0 (29)
Number of Child Labor Violations for Which Penalties Were Imposed	2 (30)	0 (29)
Number of Imposed that Were Collected	0 (30)	0 (29)
Routine Inspections Conducted	Yes (22)	Yes (28)
Routine Inspections Targeted	Yes (22)	Yes (28)
Unannounced Inspections Permitted	Yes (22)	Yes (28)
Unannounced Inspections Conducted	Yes (22)	Yes (28)
Complaint Mechanism Exists	Yes (22)	Yes (28)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (22)	No (28)

Criminal Law Enforcement

Research did not find information on whether 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	2015	2016
Training for Investigators		
Initial Training for New Employees	Yes (30)	Unknown
Training on New Laws Related to the Worst Forms of Child Labor	N/A	Unknown
Refresher Courses Provided	Yes (30)	Unknown
Number of Investigations	17 (30)	0 (31)
Number of Violations Found	Unknown	0 (31)
Number of Prosecutions Initiated	Unknown	0 (31)
Number of Convictions	Unknown	0 (31)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Unknown	Unknown

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

Although the Government has established the Samoa Interpol and Transnational Crime Unit to coordinate efforts to monitor human trafficking, research found no evidence of mechanisms to coordinate its efforts to address child labor, including all its worst forms.(32)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

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

Table 8. Key Policies Related to Child Labor

Policy	Description
Samoa School Fee Relief Grant Scheme	Provides free public primary and secondary education.(25, 33) In 2016, allocated an additional \$6.5 million to fully fund the policy.(28)

The National Policy for Children in Samoa, which aimed to address the issue of child labor in street vending, expired in 2015 and is currently undergoing review.(11) The Government has not integrated child labor elimination and prevention strategies in the Strategy for the Development of Samoa, the UNDAF Pacific, or the Education Sector Plan.(34-36)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 9).

Table 9. Key Social Programs to Address Child Labor

Program	Description
Samoa Decent Work Country Program (2013–2016)†	ILO and government program that promoted decent work in Samoa. Supported legal reform and improved implementation of laws related to child labor, and promoted access to information and employment services for youth.(37)
Pacific Sub-Regional Child Labor and Trafficking Program	ILO-supported program to address child labor issues through awareness raising, research, and government capacity-building activities.(38, 39) In 2016, finalized the Samoa Rapid Assessment on Children Working on the Streets, which was submitted to the Samoa National Tri-Partite Committee and endorsed by the Ministry of Commerce, Industry, and Labor.(9)

† Program is funded by the Government of Samoa.

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 – 2016
	Ensure that the law's light work provisions are specific enough to prevent children from involvement in child labor.	2013 – 2016
	Ensure that the law criminally prohibits the use, procuring, or offering of a child for illicit activities, including for the production and trafficking of drugs.	2014 – 2016
	Ensure that the law establishes a compulsory education age that is at least equal to the minimum age for admission to employment.	2014 – 2016
	Ensure that the law criminally prohibits the recruitment of children under 18 by non-state armed groups.	2016
Enforcement	Make information publicly available on law enforcement efforts related to child labor, including the amount of funding for the labor inspectorate and training for criminal investigators.	2013 – 2016
	Institutionalize training for labor inspectors, including by training new labor inspectors.	2015 – 2016
	Authorize the labor inspectorate to assess penalties.	2015 – 2016
	Establish a referral mechanism between labor enforcement authorities and social services providers.	2014 – 2016
Coordination	Establish coordinating mechanisms to combat child labor, including in all of its worst forms.	2009 – 2016
Government Policies	Integrate child labor elimination and prevention strategies into existing key policies.	2012 – 2016
Social Programs	Enhance efforts to make education accessible for all children by fully eliminating school-related costs.	2016
	Institute programs to address child labor in street vending.	2009 – 2016

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