

In 2014, Samoa made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government passed the Occupational Safety and Health Regulations Act that improves the legal framework for identification, assessment, and control of hazards in the workplace.

Government ministries also participated in the National Forum on Child Labor, formulating a task force to review legislation related to the enforcement of international child labor conventions. However, children in Samoa are engaged in child labor, including in street vending. The Government lacks legislation that specifically and comprehensively describes the hazardous occupations or activities prohibited for children. The law does not define or specify a minimum age for light work. In addition, there was no publicly available information to confirm that criminal law enforcement agencies made efforts to combat the worst forms of child labor, and the Government did not implement any programs to 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 (%)		102.4

Source for primary completion rate: Data from 2012, 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* (1, 2, 7)
	Tending domestic animals* (1, 2, 7)
Services	Domestic work* (1, 2, 7)
	Street vending (1, 2, 4, 7, 8)
	Garbage scavenging* (9)

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

In 2014, the ILO conducted a survey on child labor in street vending in Samoa; it is currently finalizing the report. However, the Government of Samoa lacks comprehensive, recent research to determine the full nature and extent of child labor in all relevant sectors.(10)

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 the community.(2) Limited evidence indicates that in some villages it is common to require children to work on village farms.(2, 7) Research did not identify the nature of this work, nor whether children perform it willingly. Children

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of primary school age have been observed selling goods and food during school hours and into the night.(1, 3) Child street vendors work in Apia, Samoa’s capital, and a few other locations, including the international airport.(1, 2, 9)

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 Labor and Employment Relations Act (11)
Minimum Age for Hazardous Work	Yes	18	Article 51 of the Labor and Employment Relations Act (11)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Article 51 of the Labor and Employment Relations Act (11)
Prohibition of Forced Labor	Yes		Article 8 of the Constitution of the Independent State of Western Samoa; Article 18 of the Labor and Employment Relations Act; Section 157 of the Crimes Act (11, 12)
Prohibition of Child Trafficking	Yes		Sections 155-157 of the Crimes Act (13)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 73-74, 82, and 157 of the 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	Yes	14	Education Act 2009 (14)
Free Public Education	No		

† No standing military (15)

In 2014, the Government of Samoa passed the Occupational Safety and Health Regulations Act that contains some provisions for the identification, assessment, and control of workplace hazards and hazardous substances.(16, 17) However, this Act does not specifically discuss the hazardous occupations and activities prohibited for children. The Labor Employment and Relations Act prohibits the employment of a child under age 18 in any occupation or in any worksite under working conditions that are harmful or likely to be harmful to a child’s health or morals. It also specifies that children must not operate dangerous machinery.(11) The Ministry of Commerce, Industry, and Labor (MCIL) has drafted a list to more clearly and comprehensively define the types of hazardous work prohibited for children, but this list was not approved during the reporting period.(18) Currently, legislation is not specific enough to facilitate effective enforcement of hazardous work prohibitions and the removal of children from these activities. (1, 10) There remains no minimum age or definition for light work in Samoan labor law, which is inconsistent with international standards.(8)

Although section 82 of the Crimes Act prescribes a penalty of up to seven years imprisonment for crimes related to the production of child pornography, this section of the law defines a child as a person under the age of 16. As a result of this definition, the law does not effectively bar the use, procurement, or offering of children ages 16 and 17 for the production of pornography.(3, 13) Research also found no evidence of laws banning the use, procurement, or offering of a child for illicit activities.

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. However, the Act only requires children to attend school from ages 5 to 14 or until they have completed the work of Year 8, whichever occurs sooner.(14) As children cannot legally work until age 15, but complete compulsory education at age 14, children of this age may be particularly vulnerable to involvement in the worst forms of child labor. (19)

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 (MOP) and the Office of the Attorney General for enforcement.(1)
Ministry for Women, Community, and Social Development	Assist MCIL investigations when called upon, based on a mandate to protect children, including those working on the street.(1, 18)
Ministry of Education, Sports, and Culture	Assist MCIL investigations when called upon.(1, 18)
Ministry of Police (MOP)	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)

Law enforcement agencies in Samoa took actions to combat child labor, including its worst forms.

Labor Law Enforcement

In 2014, the Ministry of Commerce, Industry, and Labor (MCIL) employed 11 inspectors and 2 contract officers responsible for investigating complaints related to violations of labor law, including those involving children.(1, 18) Inspectors participated in two desensitization workshops on child labor conducted by the ILO in partnership with MCIL. One MCIL representative also attended a course on eliminating hazardous child labor in agriculture at the ILO International Training Center.(18)

Labor inspectors are authorized to conduct an inspection in any place of employment and have the option to enter unannounced if they judge that prior notice will bias the inspection results.(11) During the reporting period, MCIL received 121 industrial grievances and took corrective action in 75 of these cases. MCIL also conducted random and routine labor inspections in addition to those driven by complaints.(18) Inspectors did not uncover any child labor law violations, and no child labor cases were prosecuted during the reporting period.(18) Research found no evidence of a referral mechanism to ensure that children identified in situations of child labor are provided with appropriate social services.(16)

Criminal Law Enforcement

Research did not find information on efforts to enforce criminal laws relevant to the worst forms of child labor, including the number and training of investigators and the number of investigations conducted. There were no prosecutions or convictions for violations related to the worst forms of child labor in 2014.(1, 16)

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

Research found no evidence of mechanisms to coordinate government efforts to address child labor, including all its worst forms. During the National Child Labor Forum in July 2014, participants developed plans for an informal, interagency task force to review legislation for compliance with conventions related to the worst forms of child labor. When formalized, the task force will be

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led by the Ministry of Education, Sports, and Culture and will include representatives from the Ministry of Commerce, Industry and Labor (MCIL), the Ministry of Women, Community and Social Development, and the Ministry of Police.(16, 18) Although Samoa does not have a documented child trafficking problem, the Samoa Interpol and Transnational Crime Unit monitors transnational crimes, including human trafficking.(20) Member agencies include the Ministry of Police, Samoa Immigration, the Prime Minister's Office, Central Bank of Samoa, the Ministry of Foreign Affairs and Trade, Customs Services, the Attorney General's Office, and the Ministry of Finance.(1, 20)

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 6).

Table 6. 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.(8, 21)
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.(22) 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.(22)
Samoa School Fee Relief Grant Scheme (SSFGS)*	Aims to make school enrollment and attendance possible for children who are unable to pay school fees.(23) 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.(1) Covers approximately 99 percent of Samoan primary school students. Jointly funded by the Governments of Samoa, New Zealand, and Australia.(1)
Education Sector Plan (2013–2018)*	Calls for improved access to education for all children in early childhood, primary, and secondary school. Monitors the SSFGS to ensure that children do not face financial barriers preventing them from attending school.(24)
UNDAF Pacific (2013–2017)	Promotes sustainable development and economic growth for vulnerable groups in 14 Pacific Island Countries and Territories: Cook Islands, Fiji, Federated States of Micronesia, Kiribati, Nauru, Niue, Palau, Marshall Islands, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, and Vanuatu.(25) In Samoa, aims to strengthen implementation of policies related to children and improve mechanisms to protect children from violence and exploitation.(26)

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

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2014, the Government of Samoa participated in programs that may have an impact on child labor, including its worst forms (Table 7).

Table 7. 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: legal reform and improved implementation of labor laws, including those related to child labor; increased access to information and employment services for youth; and strengthened capacity of trade unions. Includes an activity to assess potential challenges in extending the application of labor laws to the informal sector.(27)
Education Sector Program II (2006–2014)*	\$14 million Government of Australia-funded program, with additional assistance from the Government of New Zealand and the Asian Development Bank, that aimed to create a more equitable and effective education system by improving curriculum, learning materials, the national assessment system, teacher training, and educational facilities.(1, 28)

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

In 2014, representatives from various government agencies, trade unions, and NGOs participated in a 3-day National Child Labor and Trafficking Forum facilitated by the ILO. The objectives of the forum were to strengthen stakeholders' understanding of the concepts of child labor, hazardous work, and human trafficking; to review relevant international and national legal frameworks, policies, and programs; and to develop a plan of action to address child labor issues in Samoa.(29)

Research found no evidence of programs to specifically address child labor in the agricultural or service sectors, 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 8).

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

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that laws specifically and comprehensively define the hazardous activities and occupations prohibited for children in all relevant sectors.	2011 – 2014
	Define and establish a minimum age for light work, to conform to international standards.	2013 – 2014
	Ensure that the law criminalizes the procurement, use, and offering of children ages 16 to 18 for the production of pornography.	2014
	Ensure that the law prohibits the use, procurement, or offering of a child for illicit activities.	2014
	Ensure that the law establishes a compulsory education age that is at least equal to the minimum age for admission to employment.	2014
Enforcement	Collect, and make publicly accessible, data on the number of criminal investigators responsible for child labor law enforcement and the number criminal investigations related to the worst forms of child labor conducted.	2013 – 2014
	Establish a mechanism to refer children identified as engaged in child labor, including its worst forms, to appropriate social services.	2014
Coordination	Establish a coordinating mechanism to combat child labor, including in all of its worst forms.	2009 – 2014
Government Policies	Integrate child labor elimination and prevention strategies into existing policies.	2012 – 2014
Social Programs	Conduct comprehensive research to better understand the extent and nature of child labor in Samoa, including its worst forms.	2010 – 2014
	Assess the impact that existing programs may have on child labor.	2014
	Institute programs to specifically address child labor in the agricultural and service sectors, especially in street vending.	2009 – 2014

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