Samoa

In 2011, Samoa made no advancement in efforts to eliminate the worst forms of child labor. Children age 15 or older can do any kind of work and have no protections against their involvement hazardous labor. Although data are limited and the extent of the problem is unknown, children in Samoa are reportedly engaged in the worst forms of child labor; however, the Government has not designed or implemented programs specifically to address the worst forms of child labor in which Samoan children are engaged, namely dangerous activities in agriculture, street vending and domestic service. While the Government is implementing programs to improve access to education with the help of international donors, primary education is not free by law.

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable
Primary Completion Rate		101.3

Sources:
Primary completion rate: *Data from 2010, published by UNESCO Institute for Statistics, 2012.(1)*
All other data: *Understanding Children's Work Project's Analysis.(2)*

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Although data are limited and the extent of the problem is unknown, children in Samoa are reportedly engaged in the worst forms of child labor. 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.

The work performed by younger children is confined primarily to household chores, yard work, and light work that includes gathering fruits, nuts, and plants.(3)

Most boys begin working on plantations as pre-teens or young teenagers planting, harvesting, gathering crops such as coconuts, and feeding domestic animals.(3) Some of these activities, including gathering coconuts and working with animals, likely pose dangers.(4) Although evidence is limited, children are believed to perform light work in agriculture involving basic planting, harvesting and gathering, and using simple farming tools.(3) In some cases, children working in agriculture may be use dangerous machinery and tools, carry heavy loads and apply harmful pesticides.(4)

Similarly, children reportedly work as street vendors in Apia, Samoa's capital, and in a few other locations, including the international airport.(5, 6) Children who work on the streets may be exposed to multiple dangers including severe weather, vehicle accidents and criminal elements.(7)

Children are reportedly employed in domestic service.(3, 6) Domestic labor by children may involve long work hours, often preventing them from attending school or doing homework, as well as exposing them to physical and sexual exploitation by their employers.(8)

Laws and Regulations on the Worst Forms of Child Labor

The Labor and Employment Act 1972 sets the minimum age for employment at 15 and allows children under age 15 to engage in "safe and light work suited to the capacity of the child." The Act prohibits children under age 15 from working with dangerous machinery, in any occupation or place where working conditions are likely to harm their physical or moral health, or on any vessel not under the personal charge of a parent or guardian.(9) Moreover, the Act only covers individuals who work in a fixed location, and the Government has not established whether work outside of a fixed place of employment (such as street vending by children) contravenes the country's labor laws.(10) Samoa's labor laws do not include protections from hazardous work for children age 15 or older. Although Samoa does not have a list of work considered hazardous, the Government has commenced the process of drafting one.(11) The laws regarding hazardous work and work outside a fixed place of employment leave children vulnerable to the worst forms of child labor.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	14
	Free Public Education	No

The Constitution prohibits forced or compulsory labor, but an exception to this provision is given for work or service required by Samoan custom.(12) Research did not identify the specific work activities that fall under "Samoan custom."

The Crimes Ordinance 1961 prohibits inducing a female of any age into sexual relations through fraudulent means.(13) Soliciting or procuring a female of any age for prostitution, or benefiting from the earnings thereof, is also punishable under the Ordinance. No specific criminal provision exists regarding child pornography; however, child pornography cases can be prosecuted under a provision of the Ordinance that prohibits the distribution or exhibition of indecent matter.(13) The provisions of the Ordinance are insufficient to provide adequate protection against the commercial sexual exploitation of boys, since several provisions detailed above exclude males. In 2011, several amendments to the Ordinance were being drafted.(3)

No comprehensive law prohibits trafficking in persons but kidnapping any person with the intent to transport him or her out of the country, or to hold the individual for service, is a crime punishable under the Ordinance. Furthermore, no person under age 16 may give consent to being sent or taken out of Samoa.(13) It is unclear whether the law provides for complete protection against domestic trafficking.

The Education Act 2009 makes education compulsory for children under age 15. The Act stipulates that a child under age 15 cannot be involved in street vending or work of any kind during school hours; or at any other time during which this work would interfere with the child's school attendance, participation in school activities or educational development.(14)

As there are no armed forces maintained by the Government of Samoa, there is no minimum age for conscription.(15) Research did not identify whether there are any specific laws against using children for drug trafficking.

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Samoa has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Commerce, Industry, and Labor (MCIL) is the primary government agency designated to enforce child labor laws.(5, 16) The Ministry of Women, Community and Social Development, and the Ministry of Education, may be called upon to help with investigations.(6)

The MCIL's inspectors investigate complaints of violations of the Labor and Employment Act, including complaints of child labor violations, and refer them to the Ministry of Police (MOP) and the Office of the Attorney General for enforcement.(5, 16) In 2010, the most recent year in which information is available, eight inspectors from MCIL were assigned to carry out inspections.(5) No information was identified on the number of enforcement actions or the number of violations found during the reporting period.

Trafficking-related investigations are conducted by the Transnational Crimes Unit of the MOP.(17)

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address some of the worst forms of child labor, namely in dangerous activities in agriculture, domestic service or street vending.(3)

The Government did not appear to collect information on exploitative child labor in 2011. The last official study on child labor was conducted in 2005.(18)

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In partnership with Australia and New Zealand, the Government operates the Samoa School Fee Grant Scheme (SSFGS), which provides free education to all primary school children enrolled in government and mission (church-run) schools.(3, 5, 19, 20) Approximately 99 percent of Samoan

primary school students attend schools covered by the SSFGS Program, while the remainder are enrolled in private schools. One of the Program's aims is to discourage street vending by children by making school enrollment and attendance affordable to parents who are otherwise unable to pay school fees.(19) Anecdotal evidence, however, suggests the free education scheme, which began in 2010, has not curbed the problem, and child street vending is increasing.(3)

The Government is also implementing the Education Sector Program II with help from the Asian Development Bank and the Governments of Australia and New Zealand, designed to improve curriculum, learning materials, a national assessment system, teacher training and facilities. This Program will run through 2013.(21)

As part of the Strategy for the Development of Samoa 2008-2012, the Government has established several goals to improve school attendance, particularly for girls. These goals include reducing water-carrying burdens by creating more water sources closer to homes to lessen the time girls spend fetching water, and the construction of separate restroom facilities at schools for boys and girls.(22)

Besides efforts to discourage street vending by children through the SSFGS, research has not found evidence of any programs by the Government specifically intended to address the worst forms of child labor in agriculture, street vending or domestic services.

Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Samoa:

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Amend the Labor and Employment Act 1972 to provide specific protections against hazardous work activities for all children under age 18.	2009, 2010, 2011
	Amend provisions in the Crimes Ordinance 1961 prohibiting the commercial sexual exploitation of children to apply to males.	2009, 2010, 2011
	Ensure appropriate legal protection for children who work outside a fixed location, such as in street vending.	2009, 2010, 2011
	Complete and adopt a list of hazardous occupations for children.	2011
	Clarify the law to provide complete protection against domestic trafficking.	2011
	Clarify whether the law prohibits the use of children for illicit activities such as drug trafficking.	2011
	Ensure access to free primary education.	2010, 2011
Coordination and Enforcement	Collect and make publicly accessible data on the number and type of inspections related to the worst forms of child labor.	2009, 2010, 2011
	Establish a coordinating mechanism to combat the worst forms of child labor.	2009, 2010, 2011
Policies	Establish policies to address the relevant worst forms of child labor in Samoa.	2009, 2010, 2011
	Conduct comprehensive research to better understand the extent and nature of the dangers contributing to the worst forms of child labor in agriculture, domestic service and street vending.	2010, 2011
Social Programs	Develop and implement programs to protect children from engaging in the worst forms of child labor in Samoa, including children working under exploitative conditions in agriculture, street work and domestic service.	2009, 2010, 2011

REFERENCES

1. UNESCO Institute for Statistics. *Gross intake ration to the last grade of primary. Total.*; accessed http://www.uis.unesco.org/Pages/default.aspx?SPSLanguage=EN. Data provided is the gross intake ratio to the last grade of primary school. This measure is a proxy measure for primary completion. For more information, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.
2. UCW. *Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys*. February 2, 2012. 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.
3. U.S. Department of State official. E-mail communication to USDOL official. June 18, 2012.
4. International Labour Office. *Children in hazardous work: What we know, What we need to do*. Geneva, International Labour Organization; 2011. http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_155428.pdf. While country-specific information on the dangers children face in agriculture is not available, research studies and other reports have documented the dangerous nature of tasks in agriculture and their accompanying occupational exposures, injuries and potential health consequences to children working in the sector.
5. U.S. Embassy- Apia. *reporting, February 9, 2011*.
6. U.S. Embassy- Apia. *reporting, March 5, 2010*.
7. International Labour Office. *Children in hazardous work: What we know, What we need to do*. Geneva, International Labour Organization; 2011. http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_155428.pdf. While country-specific information on the dangers children face in street work is not available, research studies and other reports have documented the dangerous nature of tasks in street work and their accompanying occupational exposures, injuries and potential health consequences to children working in the sector.
8. International Labour Office. *Children in hazardous work: What we know, What we need to do*. Geneva, International Labour Organization; 2011. http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_155428.pdf. While country-specific information on the dangers children face in domestic work is not available, research studies and other reports have documented the dangerous nature of tasks in domestic work and their accompanying occupational exposures, injuries and potential health consequences to children working in the sector.
9. Government of Samoa. *Labour and Employment Act 1972*, enacted 1972. http://www.paclii.org/ws/legis/consol_act/laea1972228/.
10. U.S. Department of State. "Samoa," in *Country Reports on Human Rights Practices-2011*. Washington, DC; May 24, 2012; http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=186303.
11. IPEC. *Children in hazardous work: What we know, What we need to do*. Geneva; 2011. http://bit.ly/lQnm8k.
12. Government of Samoa. *Constitution of the Independent State of Western Samoa*, enacted 1960. http://www.paclii.org/ws/legis/consol_act/cotisows1960535/.
13. Government of Samoa. *Crimes Ordinance 1961*, 13, enacted 1961. http://www.paclii.org/ws/legis/consol_act/co1961135/.
14. Government of Samoa. *Education Act 2009*, 9, enacted 2009. http://www.paclii.org/ws/legis/num_act/ea2009104/.
15. Coalition to Stop the Use of Child Soldiers. "Cook Islands, Niue, Samoa," in *Child Soldiers Global Report 2008*. London; 2008; http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.
16. U.S. Embassy- Apia official. E-mail communication to USDOL official. March 16, 2011.
17. Government of Samoa. *Transnational Crime Unit - Ministry of the Prime Minister and Cabinet*, [online] [cited February 3, 2012]; http://www.mpmc.gov.ws/tcu.html.
18. Ministry of Women, Community, Social Development. *Child Vendors Pilot Survey*. Apia; 2005. http://www.mwcsd.gov.ws/publications/new%20publications2/Child%20Vendors%20Pilot%20Survey%20report.pdf.
19. Government of Samoa. *Millennium Development Goals: Second Progress Report*. Apia; 2010. http://www.mof.gov.ws/Portals/195/Services/Aid%20Coordination/mdg_report.pdf.
20. Government of Australia. *Aid Activities in Samoa*; 2010. http://www.ausaid.gov.au/country/cbrief.cfm?dcon=9205_8231_8940_8250_1457&countryid.
21. Asian Development Bank. *Samoa: Education Sector Program II*; April 2008. http://www.adb.org/documents/PAMs/SAM/34285-SAM-PAM.pdf.
22. Government of Samoa. *Strategy for the Development of Samoa 2008-2012*. Apia; May 2008. http://www.sprep.org/att/IRC/eCOPIES/Countries/Samoa/104.pdf.