

*In 2012, Samoa made no advancement in efforts to eliminate the worst forms of child labor. Children age 15 or older can perform any kind of work and have no protections against their involvement in 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 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		98.4

#### Sources:

**Primary completion rate:** Data from 2011, published by UNESCO Institute for Statistics, 2013.(1)

**All other data:** Understanding Children's Work Project's Analysis, 2013.(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.

Most boys in Samoa begin working on plantations as preteens or young teenagers planting, harvesting, and tending to domestic animals. Limited evidence suggests that children gather crops such as coconuts.(3, 4) In some cases, children working in agriculture may use dangerous machinery and tools, carry heavy loads, and apply harmful pesticides.(5, 6)

Children are reportedly employed as domestic servants.(3, 4, 7) Children working as domestic servants may be required to work long hours, performing strenuous tasks, without sufficient food or shelter. These children may be isolated in private homes and are susceptible to physical and sexual abuse.(8, 9)



There are reports of children working on the streets, but specific information on hazards is unknown.(4, 7, 10)

### Laws and Regulations on the Worst Forms of Child Labor

The Labor and Employment Act 1972 sets the minimum age for employment, including hazardous work, at 15 and allows children under age 15 to engage in “safe and light work suited to the capacity of the child.” Samoa’s labor laws do not include protections against hazardous work for children age 15 to 18. 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.(11) The Act only applies to individuals who work in a fixed place of employment.(4) Although Samoa does not have a list of work activities considered hazardous, the Government reportedly commenced the process of drafting one in 2011.(12) Information is unavailable on whether the draft was finalized. The lack of clarity regarding hazardous work and work outside of a fixed place of employment leaves children vulnerable to the worst forms of child labor.

The Constitution prohibits forced or compulsory labor, but also explicitly includes an exception to this provision for work or service required by Samoan custom.(13) Research did not identify which work or service activities would be required by Samoan custom.

Though Samoa has no criminal provision targeted specifically at child prostitution, the Crimes Ordinance 1961 provides protection for girls, prohibiting the inducement of a female of any age into sexual relations through fraudulent means.(14) Soliciting or procuring a female of any age for prostitution, or benefiting from the earnings thereof, is also punishable under the Ordinance.(14) The Crimes Ordinance does not provide adequate protection against the commercial sexual exploitation of boys, since the provisions detailed above exclude males. No specific criminal provision exists regarding child pornography, but there is a provision of the Crimes Ordinance that generally

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prohibits the distribution or exhibition of indecent matter.(14) In 2012, parliament tabled a bill to repeal the Crimes Ordinance 1961 and replace it with the Crimes Act 2012. If passed, the Crimes Act 2012 would impose additional penalties on individuals who engage children under the age of 18 in forced labor, or commit sexual crimes against children.(15)

## International Conventions and Selected Laws on Child Labor and Education

	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	15
	Free Public Education	No

No comprehensive law prohibits trafficking in persons, but kidnapping any person with the intent to transport him or her out of the country, or holding the individual for service, is a crime punishable under the Crimes Ordinance. Children are also protected by the provision of the Ordinance providing that no person under age 16 may give consent to being sent or taken out of Samoa.(14) However, it is unclear whether the law provides for complete protection against domestic human 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 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.(16) The Act does not provide for free education.

As there are no armed forces maintained by the Government of Samoa, there is no minimum age for conscription.(17) 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.(10, 18) The Ministry of Women, Community, and Social Development and the Ministry of Education may be called upon to help with investigations.(7)

The MCIL's inspectors investigate Labor and Employment Act violation complaints, including complaints related to child labor violations, and refer them to the Ministry of Police (MOP) and the Office of the Attorney General for enforcement.(10, 18) In 2012, the MCIL assigned 11 inspectors to carry out inspections. No child labor violations were reported to MCIL during the reporting period.(15) No cases involving child labor were prosecuted in 2012.(4)

Trafficking-related investigations are conducted by the Transnational Crimes Unit of the MOP.(19) No information was identified on the number of trafficking-related enforcement actions or violations found during the reporting period.

## Government Policies on the Worst Forms of Child Labor

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

The Government did not collect information on exploitative child labor in 2012. The last official study on child labor was conducted in 2005.(15, 20)

## 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, 15, 21-23) Approximately 99 percent of Samoan primary school students are enrolled in schools covered by the SSFGS Program, while the remainder are enrolled in private schools. One of the Program's aims is to make school enrollment and attendance affordable to parents who are otherwise unable to pay school fees.(22)

The Government continues to implement the Education Sector Program II to create a more equitable and effective education system. The Program is designed to improve curriculum, learning materials, the national assessment system, teacher training, and educational facilities.(15, 24) Program II is being implemented with help from the Asian Development Bank and the Governments of Australia and New Zealand. It will run through a part of 2013.(15, 24)

The Strategy for the Development of Samoa 2008-2012, compiled by the Economic Policy and Planning Division of the Ministry of Finance, focuses on Samoan developmental goals and strategies for achieving them. One area of focus is

on improving education standards, such as school attendance, particularly for girls. Goals included creating more water sources closer to homes to reduce the time girls spend fetching water for their households and constructing separate restroom facilities at schools for boys and girls.(25) Information was unavailable on the progress made toward these goals, and the impact of the strategy on child labor appears not to have been addressed.

Research has not uncovered evidence of any government programs specifically intended to address the worst forms of child labor in agriculture or domestic service.

**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 prohibit hazardous work activities for all children under age 18.	2009, 2010, 2011, 2012
	Amend provisions in the Crimes Ordinance 1961 to prohibit the commercial sexual exploitation of all children.	2009, 2010, 2011, 2012
	Ensure appropriate legal protection for children who do not work in a fixed location.	2009, 2010, 2011, 2012
	Complete and adopt a list of hazardous occupations for children.	2011, 2012
	Provide complete protection against domestic human trafficking.	2011, 2012
	Ensure that primary education is free by law.	2010, 2011, 2012
Coordination and Enforcement	Establish a coordinating mechanism to combat the worst forms of child labor.	2009, 2010, 2011, 2012
	Collect and make data on the number and type of inspections related to the worst forms of child labor publicly accessible.	2009, 2010, 2011, 2012
Policies	Establish policies to address the relevant worst forms of child labor in Samoa.	2009, 2010, 2011, 2012
	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 domestic service.	2010, 2011, 2012
Social Programs	Assess the impact that the Strategy for the Development of Samoa 2008-12 may have on child labor.	2012
	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, and domestic service.	2009, 2010, 2011, 2012

## REFERENCES

1. UNESCO Institute for Statistics. *Gross intake ratio to the last grade of primary. Total*; accessed February 4, 2013; <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 5, 2013. 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 25, 2012.
4. U.S. Department of State. “Samoa,” in *Country Reports on Human Rights Practices-2012*. Washington, DC; April 19, 2013; <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.
5. International Labour Office. *Farming*, International Labour Organization, [online] January 31, 2012 [cited October 26, 2012]; [http://www.ilo.org/ipecl/areas/Agriculture/WCMS\\_172416/lang-en/index.htm](http://www.ilo.org/ipecl/areas/Agriculture/WCMS_172416/lang-en/index.htm).
6. 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](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.
7. U.S. Embassy- Apia. *reporting, March 5, 2010*.
8. International Labour Office. *Domestic Labour*, International Labour Organization, [online] January 31, 2012 [cited October 26, 2012]; <http://www.ilo.org/ipecl/areas/Childdomesticlabour/lang-en/index.htm>.
9. 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](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.
10. U.S. Embassy- Apia. *reporting, February 9, 2011*.
11. Silaitoga, S. “A Day Cutting Cane.” Fiji Times, Suva, October 11, 2009; Front page. <http://www.fjtimes.com/story.aspx?ref=archive&id=131340>.
12. ILO-IPEC. *Children in hazardous work: What we know, What we need to do*. Geneva; 2011. <http://bit.ly/lQnm8k>.
13. Silaitoga, S. “Deaf, mute, and a breadwinner.” Fiji Times, Suva, September 28, 2009; Front page. <http://www.fjtimes.com.fj/story.aspx?id=130357>.
14. Government of Samoa. *Crimes Ordinance 1961*, 13, enacted 1961. [http://www.paclii.org/ws/legis/consol\\_act/co1961135/](http://www.paclii.org/ws/legis/consol_act/co1961135/).
15. U.S. Department of State official. E-mail communication to USDOL official. May 23, 2013.
16. U.S. Embassy- Suva. *reporting, February 1, 2010*.
17. Child Soldiers International. “Appendix II: Data Summary on Recruitment Ages of National Armies,” in *Louder than Words: An Agenda For Action to End Use of Child Soldiers*. London; 2012; [http://www.child-soldiers.org/global\\_report\\_reader.php?id=562](http://www.child-soldiers.org/global_report_reader.php?id=562).
18. U.S. Embassy- Apia official. E-mail communication to USDOL official. March 16, 2011.
19. Government of Samoa. *Transnational Crime Unit - Ministry of the Prime Minister and Cabinet*, Ministry of the Prime Minister and Cabinet, [online] [cited February 3, 2012]; <http://www.mpmc.gov.ws/tcu.html>.
20. Ministry of Women, Community, Social Development. *Child Vendors Pilot Survey*. Apia; 2005. <http://www.mwscsd.gov.ws/publications/new%20publications/Child%20Vendors%20Pilot%20Survey%20report.pdf>.
21. Government of Australia. *Aid Activities in Samoa*; 2010. [http://www.ausaid.gov.au/country/cbrief.cfm?dcon=9205\\_8231\\_8940\\_8250\\_1457&countryid](http://www.ausaid.gov.au/country/cbrief.cfm?dcon=9205_8231_8940_8250_1457&countryid).
22. Government of Samoa. *Millennium Development Goals: Second Progress Report*. Apia; 2010. [http://www.mof.gov.ws/Portals/195/Services/Aid%20Coordination/mdg\\_report.pdf](http://www.mof.gov.ws/Portals/195/Services/Aid%20Coordination/mdg_report.pdf).
23. Government of Australia. *Samoa*, AusAID, [online] [cited May 2, 2013]; <http://www.ausaid.gov.au/countries/pacific/samoa/Pages/home.aspx>.
24. Asian Development Bank. *Samoa: Education Sector Program II*. Manila; April 2008. <http://www.adb.org/documents/PAMs/SAM/34285-SAM-PAM.pdf>.
25. 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>.