

In 2019, Samoa made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government of Samoa continued to fund the Government Grant to Mission and Public Schools. Children in Samoa are engaged in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. Children also perform dangerous tasks in street vending. Research found no evidence of laws that ban using, procuring, or offering children for illicit activities, including for the production and trafficking of drugs. While the government has a mechanism to coordinate interagency efforts to address child labor, it did not meet during the reporting period.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Samoa are engaged in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. (1) Children also perform 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 (%)		104.8

Primary completion rate was unavailable from UNESCO Institute for Statistics, 2020. (4)

Data were unavailable from International Labor Organization's analysis, 2020. (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)
	Use in illicit activities, including producing and trafficking 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 are street vending may work late at night, are exposed to exhaust fumes, and have an increased risk of being hit by passing traffic. (1,8) The Samoa School Fee Grant Scheme and the Government Grant to Mission and Public Schools provide financial assistance to families to help offset and alleviate some of the burden of school fees, such as registration, uniforms, and transportation fees. (11,12)

In 2019, a measles outbreak prompted the government to shut down all schools and mandated vaccinations; schools were closed for about a month and a half, which likely left children without alternative educational opportunities as children were banned from all public gatherings. (3,13-15) The government responded to this by drafting and passing the Infants Amendment Bill No. 2, which introduced an immunization and vaccination policy mandating up-to-date vaccinations for all school-aged children before being admitted to attend schools; there have been no reported cases of children prevented from attending. (3,16,17)




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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 do not 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 Labour and Employment Relations Act (18)
Minimum Age for Hazardous Work	Yes	18	Article 51 of the Labour and Employment Relations Act (18)
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; Government of Samoa Public Notice on Hazardous Work for Children (18-20)
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 (18,21,22)
Prohibition of Child Trafficking	Yes		Sections 155–157 of the Crimes Act (22)
Prohibition of Commercial Sexual Exploitation of Children	No		Sections 73–74, 82, and 157 of the Crimes Act (22)
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 (23)
Compulsory Education Age	Yes	16	Article 2 (Section 2) of the Education Amendment Bill (24)
Free Public Education	No		

† No standing military (23)

In 2019, the Division for Research, Policy, and Planning met with the Division for Social Development to review two draft legislations—the Child Protection Policy and the Inter-Agency Services Guide—which will be forwarded to the Samoan cabinet for approval. (25) While a separate Child Care and Protection Bill draft bill—prohibiting children under age 14 to engage in street vending—does not meet the international standard of age 15 as the minimum age for work, it does prohibit children younger than the compulsory education age from engaging in street vending after 7 p.m. (26,27) The current law permits children between ages 12 and 14 to engage in light work for a limited number of hours; however neither the current law or the draft Child Care and Protection Bill specify the conditions under which light work may be undertaken, nor do they define the activities that are permitted. (19)

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 age 15 to 18. (23) 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 age 16 to 18. (22) 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. (18,24)

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 authority of the Ministry of Commerce, Industry, and Labor (MCIL) 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 Labour and Employment Relations Act, which includes investigating complaints of child labor law violations. (28,29) Refers cases to the Ministry of Police and the Office of the Attorney General for enforcement. (29)
Ministry of Police	Enforces criminal laws related to child labor. (29)
Office of the Attorney General	Prosecutes criminal cases of the worst forms of child labor. (29)
Ministry for Women, Community, and Social Development	Assists in MCIL investigations as needed. Mandated to protect children, including those working on the street. (30-32) In 2019, under the division of the Child Protection (CP) Unit, sweeps to monitor children in street vending were conducted. Once a child was identified, his or her family was located and a home visit scheduled, during which the CP teams would educate families on the importance of attending school and the risks and hazards of street vending. (25)
Ministry of Education, Sports, and Culture	Assists in MCIL investigations, as needed. (33)

Labor Law Enforcement

In 2019, labor law enforcement agencies in Samoa took actions to combat child labor (Table 6). However, gaps exist within the authority of the MCIL 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	2018	2019
Labor Inspectorate Funding	\$0 (34)	\$48,422 (35)
Number of Labor Inspectors	4 (34)	3 (35)
Inspectorate Authorized to Assess Penalties	No (34)	No (18)
Initial Training for New Labor Inspectors	N/A (34)	N/A (35)
Training on New Laws Related to Child Labor	N/A (34)	N/A (35)
Refresher Courses Provided	Yes (34)	Yes (35)
Number of Labor Inspections Conducted	7 (34)	32 (29)
Number Conducted at Worksite	7 (34)	32 (29)
Number of Child Labor Violations Found	0 (34)	0 (35)
Number of Child Labor Violations for Which Penalties Were Imposed	0 (34)	N/A (35)
Number of Child Labor Penalties Imposed that Were Collected	0 (34)	N/A (35)
Routine Inspections Conducted	Yes (34)	Yes (35)
Routine Inspections Targeted	Yes (34)	Yes (35)
Unannounced Inspections Permitted	Yes (18)	Yes (18)
Unannounced Inspections Conducted	N/A	Yes (29)
Complaint Mechanism Exists	Yes (34)	Yes (35)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (34)	No (35)

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In 2019, the Government of Samoa continued to distribute its Letter of Intent for the Employment of Children, which reiterates restrictions on child labor in street vending, when conducting inspections. (29,36)

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	2018	2019
Initial Training for New Criminal Investigators	Unknown (37)	Unknown (3)
Training on New Laws Related to the Worst Forms of Child Labor	Unknown (37)	Unknown (3)
Refresher Courses Provided	Unknown (37)	Unknown (3)
Number of Investigations	Unknown (37)	Unknown (3)
Number of Violations Found	Unknown (37)	Unknown (3)
Number of Prosecutions Initiated	Unknown (37)	Unknown (3)
Number of Convictions	Unknown (37)	Unknown (3)
Imposed Penalties for Violations Related to The Worst Forms of Child Labor	Unknown (37)	Unknown (3)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Unknown (37)	Unknown (3)

The Government of Samoa did not respond to requests for information regarding its criminal law enforcement efforts.

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. (38,39)
Child Vendor Taskforce (CVTF)	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. (29) While the CVTF did not meet in 2019, research indicates that child vendor sweeps did occur during the reporting period. (29)

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
United Nations Pacific Strategy (2018–2022)	A multinational 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. (42) Research was unable to determine whether activities were undertaken to implement the United Nations 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. (43,44)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2019, 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)†	ILO and government program that promotes decent work in Samoa. Supports legal reform and improved implementation of laws related to child labor, and promotes access to information and employment services for youth. (45) 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†	A 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. (12) In 2019, the government allocated \$5.6 million to continue this grant. (3,46)
One Government Grant†	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. (37,46) Research was unable to determine whether activities were undertaken to implement One Government Grant program during the reporting period.

† Program is funded by the Government of Samoa.

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

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 – 2019
	Ensure that the law's light work provisions are specific enough to prevent children from involvement in child labor, including street vending.	2013 – 2019
	Ensure that the law criminally prohibits commercial sexual exploitation of children between ages 16 to 18.	2018 – 2019
	Ensure that the law criminally prohibits using, procuring, or offering a child for illicit activities, including for the production and trafficking of drugs.	2014 – 2019
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2019
	Raise the minimum age for work to the age up to which education is compulsory.	2019
Enforcement	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 – 2019
	Authorize the labor inspectorate to assess penalties.	2015 – 2019
	Establish a referral mechanism between labor enforcement authorities and social services providers.	2014 – 2019
Coordination	Ensure the Child Vendor Taskforce meets regularly and effectively carries out its mandate.	2019
Government Policies	Integrate child labor elimination and prevention strategies into the Strategy for the Development of Samoa and the Education Sector Plan.	2012 – 2019
	Publish information regarding the activities carried out by the United Nations Pacific Strategy.	2019
Social Programs	Enhance efforts to make education accessible for all children by fully eliminating school-related costs, including registration fees, uniforms, transportation fees.	2016 – 2019
	Institute programs to address child labor, including in street vending and commercial sexual exploitation of children.	2009 – 2019
	Collect and publish data on the extent and nature of child labor to inform policies and programs.	2017 – 2019
	Publish information regarding the activities carried out by the Samoa Decent Work Country Program.	2018 – 2019
	Publish information regarding the activities carried out by the One Government Grant program.	2019

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