

# Samoa

## Government Policies and Programs to Eliminate the Worst Forms of Child Labor

In September 2000, the Asian Development Bank approved a loan for USD 7 million to finance an Education Sector Project in Samoa.<sup>2188</sup> The objectives of this project are to rehabilitate and expand 25 to 30 schools, develop the curriculum, and improve teachers' skills.<sup>2189</sup>

## Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Samoa are unavailable. However, child labor is often seen in rural areas where schools are not available and is thought to be concentrated in the sale of agricultural products at road-side stands.<sup>2190</sup> Children are also reported to work selling goods and food on the streets of the capital city of Apia.<sup>2191</sup> There are no reports of bonded labor by children, but some children are forced by community leaders to work for their village, most frequently on village farms.<sup>2192</sup>

Education in Samoa is compulsory through age 16.<sup>2193</sup> The duration of compulsory education is eight years.<sup>2194</sup> It is reported, however, that these requirements are rarely enforced in rural areas.<sup>2195</sup> Primary and secondary education is free, although additional expenses for books and transportation are paid by families.<sup>2196</sup> In 1996, the gross primary enrollment rate was 100.3 percent, and the net primary enrollment rate was 96.5 percent.<sup>2197</sup> Primary school attendance rates are unavailable for Samoa. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.<sup>2198</sup>

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<sup>2188</sup> Asian Development Bank at <http://www.adb.org>.

<sup>2189</sup> Ibid.

<sup>2190</sup> U.S. Embassy-Apia, unclassified telegram no. 195, October 2001 [hereinafter unclassified telegram 195].

<sup>2191</sup> *Country Reports on Human Rights Practices for 2000—Samoa* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid=767>.

<sup>2192</sup> *Country Reports 2000* at Section 6d.

<sup>2193</sup> Unclassified telegram 195.

<sup>2194</sup> *Preliminary Report of the Special Rapporteur on the Right to Education, Ms. Katarina Toma\_evski*, UN Document E/CN.4/1999/4913 (Geneva: UN Commission on Human Rights, January 1999).

<sup>2195</sup> Unclassified telegram 195.

<sup>2196</sup> Ibid.

<sup>2197</sup> *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

<sup>2198</sup> For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

## Child Labor Laws and Enforcement

The Labor and Employment Act of 1972 sets the minimum age of employment at 15 years except in “safe and light” work.<sup>2199</sup> A child under the age of 15 is not permitted to work under conditions that are likely to harm physical or moral health or to work on a vessel that is not under the personal charge of his or her parent or guardian.<sup>2200</sup> The Constitution of Samoa prohibits forced or bonded labor, including labor by children.<sup>2201</sup> However, work or service that is required by Samoan custom or fulfills a “normal civic obligation” is not considered “forced labor” and is therefore not prohibited.<sup>2202</sup> Community leaders may compel residents, including minors, to perform work for the village.<sup>2203</sup>

The Criminal Code makes the prostitution of persons illegal in Samoa, and the law protects both adults and children.<sup>2204</sup> The sexual exploitation of females is a criminal offense, and the maximum penalty is higher for assault on younger victims.<sup>2205</sup> Boys under the age of 16 are protected from indecent assault by male adults.<sup>2206</sup> The abduction of an individual with the intent to transport the individual out of Samoa is a crime and is punishable by up to 10 years imprison-

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<sup>2199</sup> Labour and Employment Act (No. 12), 1972, Section 32, at [http://www.vanuatu.usp.ac.fj/Paclawmat/Samoa\\_legislation/Samoa\\_Labour.html](http://www.vanuatu.usp.ac.fj/Paclawmat/Samoa_legislation/Samoa_Labour.html).

<sup>2200</sup> *Ibid.*

<sup>2201</sup> Constitution of the Independent State of Western Samoa, Section 8, at [http://www.vanuatu.usp.ac.fj/Paclawmat/Samoa\\_legislation/Samoa\\_Constitution.html](http://www.vanuatu.usp.ac.fj/Paclawmat/Samoa_legislation/Samoa_Constitution.html).

<sup>2202</sup> *Ibid.* at Section 8 (2)d.

<sup>2203</sup> *Country Reports 2000* at Section 6c. For legislation text, see Village Fono Act (No. 3), 1990, at [http://www.vanuatu.usp.ac.fj/Paclawmat/Samoa\\_legislation/Samoa\\_Village\\_Fono.html](http://www.vanuatu.usp.ac.fj/Paclawmat/Samoa_legislation/Samoa_Village_Fono.html).

<sup>2204</sup> Receiving income from the prostitution of another person or soliciting for a prostitute regardless of whether compensation is received, is illegal under the Samoan Criminal Code. *See* Samoa Criminal Ordinance, Section 58L, 1961 [hereinafter Samoa Criminal Ordinance], at [http://www.vanuatu.usp.ac.fj/Paclawmat/Samoa\\_legislation/Samoa\\_Crimes.html](http://www.vanuatu.usp.ac.fj/Paclawmat/Samoa_legislation/Samoa_Crimes.html).

<sup>2205</sup> Samoan law specifies that sexual intercourse or indecency is illegal if committed with a girl under the age of 12. For girls between the ages of 12 and 16, sexual intercourse and indecency is illegal, given that the girl is not married to the offender. *See* Samoa Criminal Ordinance [hereinafter Samoa Criminal Ordinance], Sections 51-58, at [http://www.vanuatu.usp.ac.fj/Paclawmat/Samoa\\_legislation/Samoa\\_Crimes.html](http://www.vanuatu.usp.ac.fj/Paclawmat/Samoa_legislation/Samoa_Crimes.html).

<sup>2206</sup> Samoa Criminal Ordinance at Section 58.

ment.<sup>2207</sup> In addition, it is against the law to abduct a child under the age of 16 regardless of whether the intent to transport the child out of Samoa is present.<sup>2208</sup> The Commissioner of Labor is responsible for addressing complaints about illegal child labor.<sup>2209</sup> These complaints are referred to the Attorney General for enforcement.<sup>2210</sup>

Samoa is not a member of the ILO and therefore has not ratified ILO Conventions pertaining to child labor.<sup>2211</sup>

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<sup>2207</sup> *Ibid.* at Section 83A.

<sup>2208</sup> *Ibid.* at Sections 83 and 83B.

<sup>2209</sup> Unclassified telegram 195.

<sup>2210</sup> *Country Reports 2000*.

<sup>2211</sup> ILO List of Member Countries at <http://www.ilo.ch/public/english/standards/relm/ctry-ndx.htm>.

*NOTE: Hard copies of all Web citations are on file.*