

Samoa

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

In July 2000, the Government of Samoa launched a draft National Youth Policy 2000-2009, which highlighted issues of education and training, employment and youth justice.³¹²⁰ Various government agencies, the Samoan teachers' association, tourism sector businesses, and NGOs formed an action group on the commercial sexual exploitation of children in 1998.³¹²¹ In September 2000, the Asian Development Bank approved a loan for USD 7 million to finance an Education Sector Project in Samoa.³¹²² The objectives of this project are to rehabilitate and expand 25 to 30 schools, develop curriculum and improve teachers' skills.³¹²³

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Samoa are unavailable. However, children are found working in rural areas where schools are not available and in the sale of agricultural products at road-side stands.³¹²⁴ Children are also reported to work selling goods and food on the streets of the capital city of Apia.³¹²⁵ 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.³¹²⁶ There is no reliable information on the commercial sexual exploitation of children in Samoa.

³¹²⁰ United Nations, *Youth at the United Nations: Country Profiles on the Situation of Youth: Samoa*, [online] 2001 [cited September 16, 2002]; available from <http://esa.un.org/socdev/unyin/country4.asp?countrycode=ws>.

³¹²¹ ECPAT International, *Samoa*, in ECPAT International, [database online] 2002 [cited September 17, 2002]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

³¹²² Asian Development Bank, *Giving Children of Samoa a Better Education*, September 5, 2000, [cited September 14, 2002]; available from <http://www.adb.org/Documents/News/2000/nr2000085.asp>.

³¹²³ Ibid. ADB is also considering a project to improve job opportunities for at-risk youth in Samoa. Asian Development Bank, *Opportunity for Vulnerable Poor Youth*, August 23, 2002, [cited September 14, 2002]; available from <http://www.adb.org/Documents/Profiles/GRNT/35446012.ASP>.

³¹²⁴ U.S. Embassy- Apia, *unclassified telegram no. 195*, October 2001.

³¹²⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Samoa*, Washington, D.C., March 4, 2002, 1158, Section 6d [cited December 18, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8373.htm>.

³¹²⁶ Ibid.

Education in Samoa is not free,³¹²⁷ but is compulsory from age 5 to age 13.³¹²⁸ It is reported that education requirements are rarely enforced in rural areas.³¹²⁹ In 1998, the gross primary enrollment rate was 101.7 percent, and the net primary enrollment rate was 96.3 percent.³¹³⁰ 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.³¹³¹

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.³¹³² A child under the age of 15 is not permitted to work with dangerous machinery; under conditions that are likely to harm physical or moral health; or on a vessel that is not under the personal charge of his or her parent or guardian.³¹³³ The Constitution prohibits forced or bonded labor, including labor by children.³¹³⁴ 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.³¹³⁵

The Criminal Code makes the prostitution of women and girls illegal in Samoa.³¹³⁶ The kidnapping of an individual with the intent to transport the individual out of the country or hold the individual for service is a crime and is punishable by up to 10 years imprisonment.³¹³⁷ In addition, it is against the law to abduct a woman or girl to cause her to have sexual intercourse with any other

³¹²⁷ Permanent Representative of Samoa to the United Nations, H.E. Tuiloma Neroni Slade, Statement at the United Nations Special Session on Children, May 10, 2002, [cited December 18, 2002]; available from <http://www.un.org/ga/children/samoaE.htm>. See also Right to Education, *International Obligations and Access to Remedies: Samoa*, [online] [cited November 11, 2002]; available from http://www.right-to-education.org/content/index_4.html.

³¹²⁸ UNESCO, *Western Samoa: Education System*, 2001 [cited September 17, 2002]; available from <http://www.unesco.org/iau/cd-data/ws.rtf>. See also Statement at the United Nations Special Session on Children.

³¹²⁹ U.S. Embassy- Apia, *unclassified telegram no. 195*.

³¹³⁰ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

³¹³¹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³¹³² Government of Samoa, *Labour and Employment Act (No. 12)*, (1972), Section 32 [cited December 18, 2002]; available from http://www.vanuatu.usp.ac.fj/paclawmat/Samoa_legislation/1972/Samoa_Labour.html.

³¹³³ *Ibid.*

³¹³⁴ *Constitution of the Independent State of Western Samoa*, (May 1, 1920), Section 8 [cited September 18, 2002]; available from http://www.vanuatu.usp.ac.fj/Paclawmat/Samoa_legislation/Samoa_Constitution.html.

³¹³⁵ *Ibid.*, Section 8(2)d.

³¹³⁶ 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 Government of Samoa, *Crimes Ordinance*, Articles 58 K-M [cited September 18, 2002]; available from http://www.vanuatu.usp.ac.fj/paclawmat/Samoa_legislation/1961/Crimes.html.

³¹³⁷ *Ibid.*, Article 83 A.

person.³¹³⁸ The Commissioner of Labor is responsible for addressing complaints about illegal child labor.³¹³⁹ These complaints are referred to the Attorney General for enforcement.³¹⁴⁰

The Government of Samoa is not a member of the ILO and, as such, has not ratified ILO Conventions pertaining to child labor.³¹⁴¹

³¹³⁸ The crime is punishable by up to seven years imprisonment. *Ibid.*, Articles 83 and 83 B.

³¹³⁹ U.S. Department of State, *Country Reports- 2001: Samoa*, 1158, Section 6d.

³¹⁴⁰ No cases were prosecuted during 2001. *Ibid.*

³¹⁴¹ ILO, *Ratifications by Country*, in ILOLEX, [database online], [cited December 18, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.