

## 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 prioritizes education and training, employment, and youth justice.<sup>3818</sup> In September 2000, the ADB approved a loan for USD 7 million to finance an Education Sector Project in Samoa.<sup>3819</sup> The objectives of this project are to rehabilitate and expand 25 to 30 schools, develop curriculum, improve teachers' skills and reform the public education management system.<sup>3820</sup> 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.<sup>3821</sup>

## 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 in the sale of agricultural products at roadside stands.<sup>3822</sup> Children are also reported to work selling goods and food on the streets of the capital city of Apia.<sup>3823</sup> There are no reports of bonded labor by children, but some children are forced by family heads to work for their village, most frequently on village farms.<sup>3824</sup> There is no reliable information on the commercial sexual exploitation of children in Samoa.

Education in Samoa is free and compulsory through 14 years of age.<sup>3825</sup> It is reported that education requirements are rarely enforced in rural areas.<sup>3826</sup> In 2000, the gross primary enrollment rate was 102.9 percent, and the net primary enrollment rate was 97.0 percent.<sup>3827</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>3828</sup> In 1999, 84.4 percent of children enrolled in primary school reached grade 5.<sup>3829</sup>

## 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>3830</sup> A child under the age of 15 is not permitted to work with dangerous machinery; under condi-

<sup>3818</sup> UN, *Youth at the United Nations: Country Profiles on the Situation of Youth: Samoa*, [online] 2002 [cited July 15, 2003]; available from <http://esa.un.org/socdev/unyin/country4.asp?countrycode=ws>.

<sup>3819</sup> ADB, *Giving Children of Samoa a Better Education*, September 5, 2000; available from <http://www.adb.org/Documents/News/2000/nr2000085.asp>.

<sup>3820</sup> Ibid.

<sup>3821</sup> ECPAT International, *Samoa*, in ECPAT International, [database online] 2002 [cited July 14, 2003]; available from [http://www.ecpat.net/eng/Ecpat\\_inter/projects/monitoring/online\\_database/index.asp](http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp).

<sup>3822</sup> U.S. Embassy– Apia, *unclassified telegram no. 0195*, October 2001.

<sup>3823</sup> U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Samoa*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18262.htm>.

<sup>3824</sup> U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Samoa*, Washington, D.C., March 4, 2002; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8373.htm>.

<sup>3825</sup> U.S. Embassy– Apia official, electronic communication to USDOL official, February 24, 2004.

<sup>3826</sup> U.S. Embassy– Apia, *unclassified telegram no. 0195*.

<sup>3827</sup> World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

<sup>3828</sup> For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

<sup>3829</sup> UNESCO, *Education for All 2000 Assessment: Country Reports- Samoa*, prepared by Mrs. Doreen Roebeck Department of Education, pursuant to UN General Assembly Resolution 52/84, 2000; available from <http://www2.unesco.org/wef/countryreports/samoa/contents.html>.

<sup>3830</sup> Government of Samoa, *Labour and Employment Act, (1972)*; available from [http://mouse.vanuatu.usp.ac.fj/ws/legis/consol\\_act/laea1972228/](http://mouse.vanuatu.usp.ac.fj/ws/legis/consol_act/laea1972228/).

---

tions 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.<sup>3831</sup> The Constitution prohibits forced or bonded labor.<sup>3832</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>3833</sup>

The Criminal Code makes prostitution and the procurement of women and girls illegal in Samoa.<sup>3834</sup> 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.<sup>3835</sup> In addition, it is against the law to abduct any child under the age of 16 years, and to detain or take away any woman or girl with intent to cause her to have sexual intercourse with any other person.<sup>3836</sup> The Commissioner of Labor is responsible for addressing complaints about illegal child labor.<sup>3837</sup> These complaints are referred to the Attorney General for enforcement.<sup>3838</sup>

The Government of Samoa is not a member of the ILO and therefore is not eligible to ratify ILO Conventions pertaining to child labor.<sup>3839</sup>

---

<sup>3831</sup> Ibid.

<sup>3832</sup> *Constitution of the Independent State of Western Samoa*, (May 1, 1920); available from [http://mouse.vanuatu.usp.ac.fj/ws/legis/consol\\_act/tcotisows565/](http://mouse.vanuatu.usp.ac.fj/ws/legis/consol_act/tcotisows565/).

<sup>3833</sup> Ibid., Section 8(2)d.

<sup>3834</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 Government of Samoa, *Crimes Ordinance*, (January 1, 1961), Articles 58 K–M available from [http://www.vanuatu.usp.ac.fj/paclawmat/Samoa\\_legislation/1961/Crimes.html](http://www.vanuatu.usp.ac.fj/paclawmat/Samoa_legislation/1961/Crimes.html).

<sup>3835</sup> Ibid., Article 83 A.

<sup>3836</sup> The crime is punishable by up to seven years imprisonment. See Ibid., Articles 83 and 83 B.

<sup>3837</sup> U.S. Department of State, *Country Reports- 2002: Samoa*, Section 6d.

<sup>3838</sup> No cases were prosecuted during 2002. See Ibid.

<sup>3839</sup> ILO, *Ratifications by Country*, in ILOLEX, [database online], [cited December 18, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.