

# Samoa

*The Government has instituted compulsory education for children under age 15. Children work in agriculture and as street vendors and domestic servants. There is no legal entitlement to free education and there is no evidence of policies or social programs specifically targeted at addressing the worst forms of child labor.*

## Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Samoa are exploited in the worst forms of child labor.<sup>4323</sup> Children in rural areas work on village farms and plantations.<sup>4324</sup> Work in agriculture commonly involves harmful activities, such as the use of potentially dangerous machinery and tools, carrying heavy loads, and the application of harmful pesticides.

Children work as street vendors in Apia, Samoa's capital, and in a few other locations, including the international airport.<sup>4325</sup> Children working on the streets are commonly exposed to a variety of hazards, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Children are also employed in domestic service.<sup>4326</sup> Domestic labor by children may involve long work hours, which often prevent children from attending school, and exposure to physical and sexual exploitation by their employers.

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.



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

The Labor and Employment Act of 1972 sets the minimum age for employment at 15. The Act permits children under age 15 to engage in “safe and light work suited to the capacity of the child” and prohibits them 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. The Act treats anyone age 15 and over as an adult worker. The Act covers only establishments of fixed location, so that work that may take place at no set location (such as street vending) is effectively not regulated by the Act.<sup>4327</sup>

The Samoan Constitution prohibits forced or compulsory labor, but an exception to this provision is given for work or service required by Samoan custom.<sup>4328</sup> Research did not identify the specific work activities that would fall under “Samoan custom.”

The Crimes Ordinance Act prohibits inducing a female of any age into sexual relations through fraudulent means.<sup>4329</sup> Soliciting or procuring a female of any age for prostitution, or benefiting from the earnings thereof, is also punishable under the Act.<sup>4330</sup> Also prohibited is the abduction or detention of any

female child under age 16, with the intent to have sexual relations.<sup>4331</sup> There is no specific criminal provision regarding child pornography; however, child pornography cases can be prosecuted under a provision of the Penal Code that prohibits the distribution or exhibition of indecent matter.<sup>4332</sup> Provisions of the Crimes and Ordinance Act are insufficient to provide adequate protection to boys against commercial sexual exploitation.

There is no comprehensive law prohibiting trafficking in persons, but kidnapping any person with the intent to transport him/her out of the country, or hold the individual for service, is a crime punishable under the Crimes Ordinance Act. Furthermore, no person under age 16 may give consent to “being sent or taken out” of Samoa.<sup>4333</sup>

	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	14
	Free Public Education	No

The new Education Act of 2009 makes education compulsory for children under age 15.<sup>4334</sup> The parents or legal guardian of a compulsory school-aged child who fails to ensure that the child attends school is subject to a fine.<sup>4335</sup> The Act further stipulates that if a child under age 15 is not in school and is involved in street vending, the parents or legal guardians may be fined a larger amount.<sup>4336</sup> However, there is no legal entitlement to free education. Some families may find schooling costs prohibitive or may need to have children pay their own way. In either case, a child may

work and risk exposure to the worst forms of child labor.

As there are no armed forces maintained by the Government of Samoa, there is no minimum age for conscription.<sup>4337</sup>

### 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 laws related to hazardous or forced child labor. The Ministry of Women, Community, and Social Development and the Ministry of Education may be called upon to help with investigations.<sup>4338</sup>

Inspectors from the MCIL investigate complaints of violations of the Labor and Employment Act, including complaints of child labor violations and refer them to the Ministry of Police and the office of the Attorney General for enforcement.<sup>4339</sup> There are 8 inspectors from MCIL assigned to carry out varied inspections, but none focuses specifically on child labor.<sup>4340</sup> No information was identified on the number of enforcement actions or the number of violations found during the reporting period.

Although there is no law prohibiting trafficking in persons, trafficking-related investigations are conducted by the Transnational Crimes Unit of the Ministry of Police.<sup>4341</sup>

### Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address the worst forms of child labor in Samoa.

### Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research has not found evidence of any programs by the Government specifically intended to address the worst forms of child labor prevalent in Samoa, nor did the government collect information on exploitive child labor in 2009.<sup>4342</sup>

**Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Samoa:**

**IN THE AREA OF LAWS AND REGULATIONS:**

- Amend the Labour Act to provide specific protections against hazardous work activities for all children under age 18.
- Amend provisions in the Crime and Ordinance Act prohibiting the commercial sexual exploitation of children to apply to both boys and girls under age 18.
- Ensure appropriate legal protection for children involved in street vending.
- Prohibit all forced labor.

**IN THE AREA OF COORDINATION AND ENFORCEMENT:**

- Make accessible data on the number and type of inspections related to the worst forms of child labor.
- Establish a coordinating mechanism to combat the worst forms of child labor.

**IN THE AREA OF POLICIES:**

- Establish policies to address relevant worst forms of child labor in Samoa.
- Ensure free education to children up to the minimum compulsory school age.

**IN THE AREA OF PROGRAMS:**

- Conduct studies to better understand the extent and nature of the worst forms of child labor in agriculture, domestic service, and street vending with a view to identifying legal, policy, and program initiatives needed.
- Develop and implement programs to address relevant worst forms of child labor in Samoa, including children working under exploitive conditions in agriculture, street work, and domestic service.

<sup>4323</sup> Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, 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.

<sup>4324</sup> U.S. Embassy- Apia, *reporting*, March 5, 2010. See also U.S. Department of State, “Samoa,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136007.htm>.

<sup>4325</sup> U.S. Embassy- Apia, *reporting*, March 5, 2010.

<sup>4326</sup> *Ibid.*

<sup>4327</sup> U.S. Department of State, “Samoa,” in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119055.htm>.

<sup>4328</sup> Government of Samoa, *Constitution of the Independent State of Western Samoa 1960*, (January 1, 1962), article 8(1) and 8(2d); available from [http://www.pacii.org/ws/legis/consol\\_act/cotisows1960535/](http://www.pacii.org/ws/legis/consol_act/cotisows1960535/).

<sup>4329</sup> Government of Samoa, *Crimes Ordinance 1961*, (December 16, 1961), article 55; available from [http://www.pacii.org/ws/legis/consol\\_act/co1961135/](http://www.pacii.org/ws/legis/consol_act/co1961135/).

<sup>4330</sup> *Ibid.*, article 58L-M.

<sup>4331</sup> *Ibid.*, article 83B.

<sup>4332</sup> *Ibid.*, article 43. See also U.S. Department of State, “Country Reports- 2009: Samoa.”

<sup>4333</sup> Government of Samoa, *Crimes Ordinance*, article 83A(1).

<sup>4334</sup> U.S. Embassy- Apia, *reporting, March 5, 2010*. See also Government of Samoa, *Education Act 2009*, (2009); available from [http://www.paclii.org/ws/legis/num\\_act/ea2009104/](http://www.paclii.org/ws/legis/num_act/ea2009104/).

<sup>4335</sup> Government of Samoa, *Education Act 2009*.

<sup>4336</sup> U.S. Embassy- Apia, *reporting, March 5, 2010*.

<sup>4337</sup> Coalition to Stop the Use of Child Soldiers, “Pacific Islands: Cook Islands, Niue, Samoa,” in *Child Soldiers Global Report 2008*, London, 2008, 263; available from [www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>4338</sup> U.S. Embassy- Apia, *reporting, March 5, 2010*.

<sup>4339</sup> U.S. Embassy- Apia official, E-mail communication to USDOL official, February 16, 2009. See also U.S. Embassy- Apia, *reporting*, December 2, 2007.

<sup>4340</sup> U.S. Embassy- Apia, *reporting, March 5, 2010*.

<sup>4341</sup> UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of State Parties due in 1996: Samoa*, February 16, 2006, para 197(c); available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/7a53d58f695d3bf1c125715c0037ae04/\\$FILE/G0640507.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/7a53d58f695d3bf1c125715c0037ae04/$FILE/G0640507.pdf).

<sup>4342</sup> U.S. Embassy- Apia, *reporting, March 5, 2010*.