

Samoa

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Samoa are unavailable.⁴¹²⁴ Children work in rural areas selling agricultural products at roadside stands⁴¹²⁵ and in the capital city vending goods and food on the streets.⁴¹²⁶ Some children are reportedly forced to work for their village or its chief (“matai”), primarily on village farms. However, current law does not pertain to service to the matai, and therefore such labor is not perceived as a violation.⁴¹²⁷

Although by law education in Samoa is compulsory through age 14, the U.S. Department of State reports that the government has been unable to enforce compliance and children whose families cannot afford to pay school fees do not attend.⁴¹²⁸ In 2002, the gross primary enrollment rate was 105 percent, and the net primary enrollment rate was 98 percent.⁴¹²⁹ Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Samoa.⁴¹³⁰ In 2000, 94 percent of first graders reached grade 5.⁴¹³¹

Child Labor Laws and Enforcement

The Labor and Employment Act of 1972 sets the minimum age of employment at 15 except in “safe and light” work suited to the child’s capacities.⁴¹³² 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.⁴¹³³

⁴¹²⁴ This statistic is not available from the data sources that are used in this report. Please see the “Data Sources and Definitions” section for information about sources used. 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, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children’s work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the “Data Sources and Definitions” section of this report.

⁴¹²⁵ U.S. Embassy- Apia, *reporting*, October 2001. Also Lemalu Tate Simi, email communication to USDOL official, June 23, 2005.

⁴¹²⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Samoa*, Washington, D.C., February 28, 2005; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41658.htm>.

⁴¹²⁷ *Ibid.* “Matai” A head of state or unicameral legislature elected by universal suffrage and in practice composed primarily of the heads of extended families.

⁴¹²⁸ U.S. Department of State, *Country Reports- 2004: Samoa*, section 5.

⁴¹²⁹ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableView/tableView.aspx?ReportId=51> (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definition of gross primary enrollment rate in the “Data Sources and Definitions” section of this report.

⁴¹³⁰ This statistic is not available from the data sources that are used in this report. Please see the “Data Sources and Definitions” section of the report for information about sources used.

⁴¹³¹ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableView/tableView.aspx?ReportId=55> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

⁴¹³² Government of Samoa, *Labour and Employment Act*, (1972); available from http://www.vanuatu.usp.ac.fj/Paclawmat/Samoa_legislation/1972/Samoa_Labour.html.

⁴¹³³ *Ibid.*

The worst forms of child labor may be prosecuted under different statutes in Samoa. The Constitution prohibits forced or bonded labor;⁴¹³⁴ however, work or service that is required by Samoan custom or fulfills a “normal civic obligation” is not prohibited.⁴¹³⁵ The Penal Code makes prostitution and the procurement of women and girls illegal in Samoa.⁴¹³⁶ 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 punishable by up to 10 years of imprisonment.⁴¹³⁷ 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.⁴¹³⁸

The Ministry of Labor is responsible for responding to complaints about illegal child labor.⁴¹³⁹ Situations requiring enforcement of law are referred to the Attorney General.⁴¹⁴⁰

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

The Government of Samoa has been implementing its Second Economic Strategy, entitled “Strengthening the Partnership.” Included in the program are policies and strategies crafted by the Department of Education to improve the education system in the ten year timeframe between 1995 and 2005. The main goals have been to provide education based on equity, quality, relevancy, and efficiency.⁴¹⁴¹

The Ministry of Education, Sports and Culture, in connection with the ILO, has also secured funding from the UNDP to establish a National Training Authority that will set standards to meet labor market demands and develop a policy framework for an education system that is responsive to market needs. The program is scheduled to run through 2007.⁴¹⁴² Australian Agency for International Development (AusAID) recently sponsored a USD 5.53 million bilateral program in Samoa to supply education materials to primary education.⁴¹⁴³

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	N/A
Ratified Convention 182	N/A
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

⁴¹³⁴ *Constitution of the Independent State of Western Samoa*, (May 1, 1920); available from http://www.vanuatu.usp.ac.fj/paclawmat/Samoa_legislation/Samoa_Constitution.html.

⁴¹³⁵ Ibid.

⁴¹³⁶ Receiving income from the prostitution of another person or soliciting for a prostitute regardless of whether compensation is received, is illegal under the Samoan Penal Code. See Government of Samoa, *Crimes Ordinance*, (January 1, 1961); available from http://www.vanuatu.usp.ac.fj/paclawmat/Samoa_legislation/1961/Crimes.html.

⁴¹³⁷ Ibid.

⁴¹³⁸ The crime is punishable by up to seven years of imprisonment. See Ibid.

⁴¹³⁹ U.S. Department of State, *Country Reports- 2004: Samoa*. section 6.

⁴¹⁴⁰ No cases were prosecuted during 2004. Ibid.

⁴¹⁴¹ UNESCO, *EFA Goals and Targets*, 2005; available from http://www.unesco.org/wef/countryreports/samoa/rapport_1.htm.

⁴¹⁴² UNDP, *Samoa Country Programme 2004 - 2007*, 2004 [cited May 18, 2004]; available from <http://www.undp.org/ws/CPOSamoapage.htm>.

⁴¹⁴³ AusAID, *Aid Activities in Samoa*, 2004 [cited May 18, 2004]; available from http://www.ausaid.gov.au/country/cbrief.cfm?DCon=9205_8231_8940_8250_1457&CountryId=18.

Other resources to improve education have come by way of loans. The ADB has agreed to loan Samoa USD 5 million for the education sector.⁴¹⁴⁴ The loan is intended to improve access to schools for outer island residents, make the education system more efficient, and provide better quality education.⁴¹⁴⁵

⁴¹⁴⁴ ADB, *ADB Programs \$15 million for Education and Energy*, June 28, 2005; available from <http://www.adb.org/Documents/News/soo4/nr2004101.asp>.

⁴¹⁴⁵ *Ibid.*