



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: SAMOA

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES, since the 2006 Annual Review (AR). Samoa became an ILO member State in 2005.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the employers' organizations (the Samoa Public Service (PSC); the Samoa Association of Manufacturers and Exporters (SAME); and the Samoa Chamber of Commerce and Industry (CCI)) and workers' organizations (the Samoa Public Service Association (PSA); the Yazaki Employees' Association (YEA); the ANZ Bank Staff Association; and the Polynesian Airlines Staff Association (PASA) by means of consultation and communication of a copy of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2006 AR: Observations by the SAME Observations by the CCI	
	Workers' organizations	2006 AR: Observations by the PSA Observations by the YEA Observations by the PASA	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Samoa has not ratified any Conventions to date, including the Minimum Age Convention, 1973 (No.138) (C.138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182). However, Samoa ratified in 1994 the United Nations Convention on the Rights of the Child (CRC).
		Ratification intention	Under consideration for both C.138 and C.182. 2008 AR: According to the Government: ILO technical assistance is necessary in order to better understand international labour standards (ILS) and the Declaration, and also for a labour law review to be initiated in Samoa before the process of ratification of C.138 and C.182. 2006 AR: The Government enjoyed the employers' and workers' organizations' (CCI, SAME, PSC, PSA, YEA and PASA) support for ratification of all ILO fundamental Conventions by Samoa.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NIL
		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy <p>2006 AR: According to the Government: There is a national policy/plan aimed at ensuring the effective abolition of child labour in Samoa. The policy is described in the law and implemented through the Education Policy and Planning Development Project. The national project consists of an Education Policies Programme and an Education Strategies Programme 1995-2005 that are implemented by the Government. Moreover, the Government is developing a new national policy on children through an initial assessment survey that is due to come up with recommendations on existing loopholes. It is scheduled to be submitted for Cabinet's approval by the end of 2005.</p> <ul style="list-style-type: none"> • Legislation <p>A Compulsory Education Act, 1994, has been adopted. An Education Ordinance, 1959, has been adopted. Section 32 of the Employment and Labour Act, 1972, on Employment of Children, clearly states that it shall be unlawful to employ any child under the age of fifteen (15) years in any place of employment except and subject to conditions imposed by the Commissioner of Labour. The Infants Ordinance 1961, makes provision for the Protection of Children from «ill-treatment and neglect».</p>
		Basic legal provisions	(i) The Employment and Labour Act, 1972 (Section 32); the Compulsory Education Act, 1994; the Education Ordinance, 1959; and the Infants Ordinance, 1961.
		Judicial decisions	NIL
	Exercise of the principle and right	Compulsory education	YES, the age of boys and girls at the end of the compulsory schooling period is 14 years, with a general minimum requirement of 9 years/grades of instruction. A Compulsory Education Act and an Education Ordinance were adopted in 1994 and 1959, respectively.
		Minimum age	<p>2006-2007 ARs: Section 32 (1), Labour and Employment Act 1972, states the minimum age for any worker to be 15 years. Exception is made in the case of «safe and light work suited to his capacity, and subject to such conditions as may be imposed by the Commissioner (of Labour)». Section 32(2) states that «no such child shall be employed on dangerous machinery or in any occupation or in any place under working conditions injurious or likely to be injurious to the physical or moral health of such child.»</p> <p>Hazardous work is defined: «Dangerous work» is defined as «a task or activity of any kind which may cause serious injury to any person» (Section 5, Occupational Safety and Health Act 2002, administered in the Ministry of Commerce Industry and Labour).</p>
		Worst Forms of Child Labour	<p>No specific laws or regulations, however:</p> <p>2006 AR: The Government indicated that steps were being taken to modify existing legislation or introduce new legislation to address the elimination of any of the worst forms of child labour. Worst forms of child labour such as sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; prostitution; pornography; illicit activities, in particular production and trafficking of drugs do not exist amongst either boys or girls.</p>
	Exercise of the principle and right	Special attention to particular situations	NIL

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT		Information/Data collection and dissemination	2006 AR: According to the Government: The Government occasionally undertakes surveys with regards to statistical information on the extent and/or nature of child work and the last one was carried out in 2000. The Labour Market Survey of Private Sector Employers was prepared in Samoa by the Department of Labour and the UNDP in 2000. In 2002, the Statistical Digest was prepared by the Samoa Department of Education. Results of surveys are presented separately by sex, age, occupation, type of activity, and number of hours worked. In the last population census, held in 2001, the lowest age of persons for whom questions were asked about economic activity was 15 years.
		Monitoring, enforcement and sanctions mechanisms	2006 AR: According to the Government: Specific measures/programmes have been implemented in the country to bring about the effective abolition of child labour. As part of the Pacific Children's Programme funded by the Government of Australia, the Ministry of Women, Community and Social Development (MWCSO) has just completed a small-scale survey on child vendors. The said survey is currently being analysed with the aim to expand it into a national one. Moreover, the MWCSO is preparing a situation analysis survey on the commercial sexual exploitation of children in Samoa (CSEC), which will include child trafficking. Furthermore, a Child Protection Information System (CPIS) has been established since 2004.
		Involvement of the social partners	NIL
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Promotional activities		2008 AR: The Government indicated that a government official was trained on International Labour Standards (ILS) and the Declaration Follow-up between May-June 2007 under the sponsorship of the ILO/Turin Centre. 2006 AR: According to the Government: The CSEC and the CPIS programmes have been established since 2004.
	Special initiatives/Progress		2006 AR: According to the Government: The realization of surveys and the establishment of a CPIS can be regarded as successful examples in the abolition of child labour.
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2006 AR: According to the SAME: Although this PR is recognized under national laws, child labour is becoming an issue in urban areas. Tourism and urbanization growth make Samoa an easy target for the worst forms of child labour. With the urbanization, some worst forms of child labour may exist, but we don't know. According to the CCI: The main difficulties encountered in Samoa in realizing the PR are as follows: (i) social values, cultural traditions (consideration should be given to the Samoan culture and its impact on this PR; (ii) lack of public awareness and support; (iii) legislation; and (iv) enforcement mechanisms.
		Workers' organizations	2006 AR: According to the YEA: The main obstacles that have been encountered in Samoa in realizing the PR are as follows: (i) lack of adequate legislation; (ii) lack of law enforcement on child labour. According to the PASA: Child labour generally occurs in family activities.
	According to the Government		2008 AR: The Government indicated the following challenges: (i) legal provisions are not in conformity with international labour standards; (ii) lack of public awareness; (iii) capacity building and (iv) weak labour inspection is weak. 2006 AR: According to the Government: The main obstacle that has been encountered in Samoa in realizing the PR is the issue of child labour in the informal economy.
TECHNICAL COOPERATION	Request		2008 AR: The Government requested ILO assistance to carry out a country assessment to be validated by a national tripartite workshop on the FPRW.

		<p>2006 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the PR in Samoa, in particular in the following areas, in order of priority: (1) Data collection and analysis; (2) Awareness-raising, legal literacy and advocacy; and (3) Inter-institutional coordination. These priorities may be satisfied through the preparation (survey and validation seminar) and launch of a national IPEC Programme for Samoa.</p> <p>All employers' and workers' organizations supported the Government's request for ILO technical cooperation, including the launch of an ILO Declaration Programme to facilitate the promotion and realization of the fundamental principles and rights at work in Samoa.</p> <p>According to the SAME: There is a need for technical cooperation to facilitate the realization of the PR in Samoa because of globalization, growing tourism and urbanization. There is a need to adopt laws that prevent child labour and its worst forms.</p> <p>According to the CCI: The ILO technical cooperation would be necessary to assist in the realization of the principle and right in Samoa in the following areas: (i) greater public awareness on the principle and right as well as on the relevant legislation, including a focus on benefits/positives aspects of the principle and right from workers' and employers' viewpoints; (ii) labour law reform; and (iii) enforcement mechanisms.</p> <p>According to the YEA: The ILO technical cooperation would be necessary to facilitate the realization of this principle and right in Samoa in the following areas: (i) legislative reform to introduce and enforce the PR; (ii) public awareness raising, and (iii) tripartite consultations on the PR.</p> <p>According to the PASA: There is a need for capacity building of workers' organizations on child labour issues.</p> <p>The Government shared the views expressed by PASA, PSA, SAME and YEA. It also supported the CCI's stand on the need to highlight the benefits/positive aspects of each PR from both the workers' and the employers' viewpoints.</p>
	Offer	ILO (including assistance in reporting under the 2006 AR), UNESCO, UNICEF, UNDP, the Government of Australia, the Government of New Zealand, and national NGOs.
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries such as new member States, in particular in the South Pacific (as well as China and the Gulf States) had made important efforts during this process. However, according to them, more needed to be done. The IDEAs also considered that universal ratification of the child labour Conventions was not a distant dream but an achievable goal, in view of the number of States, including Samoa, having expressed their intention to ratify C.138 and/or C.182 (Cf. Paragraphs 12 and 56 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs noted the paucity of practical information of several reports, including the one of Samoa, which complicated their task of assessing the extent to which the PR is realized in the countries concerned. They drew the attention of governments to the possibility of requesting technical assistance from the Office to facilitate fuller and more comprehensive reporting (Cf. Paragraph 52 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	