



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

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR (FL)

REPORTING	Fulfillment of Government's reporting obligations	YES, under the 2006,2007 and 2008 Annual Reviews (ARs). Samoa joined the ILO in 2005.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to Government: Involvement of the employers' organizations (the Samoa Association of Manufacturers and Exporters (SAME); and the Samoa Chamber of Commerce and Industry (CCI), the ANZ Bank Staff Association (ANZBSA)) and workers' organizations (the Samoa Public Service Association (PSA); the Yazaki Employees' Association (YEA); 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 ratified neither the Forced Labour Convention, 1930 (No.29) (C.29) nor the Abolition of Forced Labour Convention, 1957 (No.105) (C.105).
		Ratification intention	Under consideration for both C.29 and C.105. 2008 AR: According to the Government: ILO technical assistance is required in order to acquire knowledge on international labour standards (ILS) and the Declaration and a labour law review is necessary before the process of ratification of C.29 and C.105 can be initiated in the country. 2006 AR: The Government enjoyed the employers' and workers' organizations' (CCI, SAME, PSA, YEA and PASA) support for ratification of all ILO fundamental Conventions by Samoa.
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	YES , the national Constitution, Article 8, provides that no person shall be required to perform forced or compulsory labour. Furthermore, Article 7 of the same text prohibits any forms of inhumane treatment.
		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy 2006-2007 ARs: According to the Government: The policy to realize the principle and right (PR) is

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

			embodied in the Constitution.
		Basic legal provisions:	(i) The Constitution (articles 7 and 8); and (ii) the Occupational Safety and Health Act 2002.
		Definition of forced or compulsory labour	NO 2006 AR: According to Government: Although forced or compulsory labour is not defined in its various forms in national legislation or judicial decisions, all forms of forced or compulsory labour are prohibited in the country.
		Judicial decisions	NIL
	Exercise of the principle and right	Special attention to particular situations and human trafficking	NO 2006 AR: According to Government: The principle of the elimination of forced or compulsory labour applies to all categories of persons or activities.
		Information/Data collection and dissemination	NO 2006 AR: The Government indicated that no statistics or other information relevant to the elimination of all forms of forced or compulsory labour were collected.
Monitoring, enforcement and sanctions mechanisms	2006-2007 ARs: According to the Government: Under the Occupational Safety and Health Act 2002, the Ministry of Commerce, Industry and Labour has authority To take action against persons found to be engaging workers in forced labour or under terms and conditions contrary to the provisions of the Law. No specific government authority is responsible for the rehabilitation of persons subject to forced labour.		
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Involvement of the social partners	NIL	
	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 Government: No specific measures have been implemented or envisaged for the realization of the PR.	
	Special initiatives/Progress	NIL	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2006 AR: Employers' organizations acknowledged that the PR is recognized in the national Constitution. However: (i) According to the SAME: Although the PR is recognized in the Constitution, difficulties in realizing the PR in Samoa relate to social values and cultural traditions, and social and economic circumstances that prevail in the country. Community service obligations, with compulsory social obligations, are closed to forced labour. They are often arbitrary, with no specific guidelines given by the Government (such as compulsory participation in building churches). (ii) According to the CCI: Difficulties related to social values and cultural traditions .In this regard, consideration has to be given to: (i) Samoan culture and its impact on the PR; (ii) the lack of public awareness and support; (iii) challenges regarding legislation; and (iv) challenges regarding enforcement mechanisms. In summary, there is a need to ensure that Samoan legislation adequately recognizes and acknowledges the PR, and that adequate mechanisms are in place to ensure adherence and enforcement. Moreover, there is a need to highlight the benefits/positive aspects of each principle and right from both the workers' and the employers' viewpoints.

		<p>Workers' organizations</p>	<p>2006 AR: The YEA and PASA acknowledged that the PR is recognized in the national Constitution. However:</p> <p>(i) According to the YEA: The major difficulties in realizing the PR in Samoa relate to social values and cultural traditions, and lack of public awareness and support.</p> <p>(ii) According to the PASA: PASA shares the views of the SAME. Although the PR is recognized in the Constitution, community service obligations, with compulsory social obligations, are closed to forced labour. They are often arbitrary, with no specific guidelines given by the Government (such as compulsory participation in building churches).</p>
	<p>According to the Government</p>		<p>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) labour inspection is weak.</p> <p>2006-2007 ARs: In response to the employer's and workers' organizations' observations, the Government stated as follows: There is a need to explain to the public that communities should not take arbitrary decisions that might involve forced labour. Moreover, there is a need for greater public awareness not only on the principle and right, but also on the relevant legislation. In this respect, the Government supports 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>
<p>TECHNICAL COOPERATION</p>	<p>Request</p>		<p>2008 AR: The Government request ILO assistance to carry out a country assessment to be validated by a national tripartite workshop on the FPRW.</p> <p>2006 AR: According to Government: There is a need for ILO technical cooperation to facilitate the realization of the principle of the elimination of all forms of forced or compulsory labour in Samoa, in particular in the following areas, in order of priority: (1) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; (2) awareness-raising, legal literacy and advocacy; and (3) strengthening data collection and capacity for statistical analysis; sharing of experiences across countries/regions; policy advice; legal reform (labour law and other relevant legislation); capacity building of responsible government institutions; training of other officials (police, judiciary, social workers, teachers); strengthening capacity of employers' and workers' organizations; employment creation, skills training and income generation for vulnerable workers; development of social protection systems; rural development policies (for example, land reform, rural infrastructure; agricultural extension, marketing, micro-finance); cross-border cooperation mechanisms; cooperation between institutions (e.g. various ministries and relevant commissions).</p> <p>In view of better understanding, promoting and realizing the fundamental principles and rights at work enshrined under the 1998 ILO Declaration, there is a need for ILO support through a Declaration Programme and an IPEC Programme.</p> <p>All employers' and workers' organizations (SAME, CCI, YEA, PSA and PASA) supported the Government's request for technical cooperation, including the launch of an ILO Declaration Programme to help promote and realize the fundamental principles and rights at work in Samoa.</p> <p>According to the SAME: There is a need for capacity building on forced labour in Samoa, especially with respect to the need for institutions to understand what is good governance. Tripartite consultations should be developed on this issue.</p> <p>According to the CCI: There is a need for ILO technical cooperation to facilitate the realization of the PR in Samoa, in particular in the following areas: (i) greater public awareness on the PR as well as on the relevant legislation. In this regard, the positive aspects of each principle and right should be highlighted from both the workers' and the employers' point of view; (ii) labour law reform; and (iii) enforcement mechanisms.</p> <p>According to the YEA: There is a need for legislative reforms to introduce and enforce the PR. Public awareness-raising should also be undertaken, and tripartite institutions should be set up in the country.</p>

		<p>According to the PSA and the PASA: There is a need for capacity building of workers' organizations on forced labour. Tripartite consultations should be developed on this issue.</p> <p>The Government agreed with the views expressed by PASA, PSA, SAME and YEA. It also supported the CCI 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 Declaration 2006 Annual Review).
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 listed Samoa among the countries having expressed their intention to ratify C.29 and/or C.105 or to complete the ratification process. They encouraged these countries to accelerate this process so as to make an important step forward towards universal ratification. In particular, the IDEAs encouraged the Government of Samoa (and four other governments) to initiate or finalize their national labour law review processes. In strengthening and reforming their legal framework in compliance with international labour standards, these countries would allow a better implementation of the principle and right. Finally, the IDEAs noted that a number of governments, employers' or workers' organizations in various countries, including Samoa, were willing to meet these challenges and had requested technical cooperation, with a view to realizing country assessments and workshops with the support of the ILO. (Cf. Paragraphs 12, 41, 43 and 51 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	