

ALLIANCE



Pathfinder Country Roadmap of the Government of Samoa

Samoa National Strategy and Action Plan towards the Elimination of Child Labour in All its Forms – Alliance 8.7. 2024-2027

Declaration:

Without any reservation, Samoa aims to eliminate and prevent children from engaging in any form of Child Labour including its worst forms. Every Child has the right to a childhood that is free from hazardous labour that is harmful to his or her moral, physical and spiritual development. It is the responsibility of Government, the business community, Civil Society Organizations, Religious groups, Village leaders and every individual to play their role in protecting our children at all stages of development.

International Commitment

Convention for the Protection of the Rights of the Child- the United Nations Convention on the Rights of the Child is an international human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children. Samoa ratified this convention in 1994.

ILO Conventions No.138 on Minimum Age and Convention No. 182 on the Worst Forms of Child Labour- These Conventions are “fundamental” Conventions. This means that, under the [ILO Declaration on Fundamental Principles and Rights at Work](#), all ILO member States have an obligation to respect, promote and realize the abolition of child labour, even if they have not ratified the Conventions in question. Samoa ratified both conventions in 2008.

Sustainable Development Goals (SDGs) – SDG 8.7 specifically relates to the elimination of all forms of modern slavery and forced including Child Labour. In particular the Alliance initiative goes ahead of the 2030 agenda and aims to end child labour by 2025.

Durban Call to Action- the Durban Call to Action is a document that emphasizes the need for **urgent action to end child labour**. It was adopted by Delegates at the **5th Global Conference on the Elimination of Child Labour** on 20 May 2022. Its goal is to **accelerate progress on ending child labour**, after years of reversal due to the consequences of the COVID-19 pandemic and other global vulnerabilities

National Alignment:

Pathway for the Development of Samoa - The planning and implementation of the National Alliance 8.7 Roadmap will contribute towards the achievement of the following key priorities:

- Key priority 1, Alleviate Poverty and Hardship – to identify families involved in child street vending and experiencing hardship and target assistance to improve their livelihoods including the social issues that exist.

- Key priority 4, People empowerment – this national plan and its programming will integrate sustainability throughout to ensure households are self-sustaining and prioritize the safety, health and moral development of Children.

The Samoa Child Care and Protection National Policy (SCCPNP) and Action Plan: aims to prevent and address current and emerging issues and challenges concerning the care and protection of children in Samoa.

Labour and Employment Relations Act 2013 and its Amendments 2023- The current legislation on employment is applicable only to the formal sector including public bodies i.e. businesses with a valid business license. There are specific provisions relating to the minimum age of employment which is currently at 16 years of age in line with the compulsory age for education.

The National Education Policy is “Free Education” - this is supported by the Education Act 2009 and Amendments in 2019 which establishes the compulsory age for education of 4-16 years of age. The Ministry is responsible for ensuring school attendance during normal schooling hours.

Crimes Act 2013- section 155 of the Crimes Act 2013 prohibits trafficking in persons and sets out a sanction of imprisonment not exceeding 14 years. Furthermore, trafficking in persons is addressed in Samoa through the Pacific Transnational Crime Network. In addition, the Pacific Transnational Crime Coordination Centre based in Apia, Samoa, has a central coordination role in managing and disseminating law enforcement materials and produces annual reports on current trends in the Pacific region for the law enforcement community.

Situational analysis:

The first known attempt to collect empirical evidence on child vendors in Apia commenced with the Ministry of Women, Community and Social Development (MWCSD) pilot survey of ten (10) child vendors living/working on the streets of Apia in 2005. Ten years later, in 2015, ILO commissioned a similar but more extensive pilot survey of child vendors primarily in response to issues raised in the first National Child Labour and Trafficking Forum in Apia, July 2014. The major issue was the lack of data and information on child labour in Samoa, where child street vendors provide the most visible form of children engaged in work ‘per se.

The report of the 2015 child vendor pilot survey, published in 2017 raised serious concerns about the plight of children as young as 7 years old working on the streets of Apia hawking food and non-food items at all times of the day and night¹. A total of 106 children were interviewed during the field research. Of this number 75 children were males and 31 children were females. The youngest interviewed was 7 years old and three (3) of the respondents were transgender. A higher number of boys were found to be working at the time of the field research².

¹ Rapid Assessment of Children Working in the Streets of Apia, 2017

² Page 17, Rapid Assessment of Children Working in the Streets of Apia, 2017

The following are recommendations provided to address issues identified in the report³. Some of these recommendations have been made during public forums and consultations to present the research findings:

- Improving monitoring and enforcement of the laws and providing efficient and clear systems and defined processes between stakeholders.
- Raising the age group for compulsory education and improving on the monitoring of compulsory education.
- Improving collaboration and coordination to address the issues of children out of school and children working on the streets as vendors.
- Supporting free education for all children to access full primary and three years of secondary education in policy and practice.
- Conducting public awareness campaigns on child labour issues and legislation.
- Conducting parenting education programmes, skills training and literacy and numeracy classes for parents and promoting the value of education for all.
- Improving labour regulations for street children in labour.
- Conducting a more comprehensive national survey on child labour in Samoa.
- Clarifying the definition of child labour in the Samoan context.
- Providing alternative livelihood options for parents and address the broader issue of poverty and youth unemployment, which contribute to children beginning work at an early age

Based on the recommendations from the 2015 survey there was noted progress on legislative reform including the following:

1. Education Amendment Act 2019 – raising the age for compulsory education to 4-16 years of age; and
2. Labour and Employment Relations Amendments 2023- raising the minimum age of employment from 15 to 16 years of age in order to align with the compulsory age for education and in line with C138 Minimum age Convention.

In the follow up Survey on Child Street Vendors 2022, a total of 135 child vendors identified through purposive and snow-balling sampling methods were interviewed from 8th March to 10 April, 2022. There were fifty-one (38%) females and eighty-four (62%) males.

³ Page 46, Rapid Assessment of Children Working in the Streets of Apia, 2017

Key takeaways from this follow up survey which will inform strategies and action moving forward include the following⁴:

- Males disproportionately involved in street vending in their pre and early teen years. This was attributed first to safety concerns, it is less complicated to look after males unsupervised on the streets compared to females. Second, males are physically stronger and able to carry bulky items compared to females.
- There are 107 children still in school and 28 were no longer attending school when the survey was conducted. Seventy-one (66.3%) are still in primary school.
- The distribution of child vendors by region correlates with densely populated areas of the country, which are also the regions with highest rates of basic needs and food poverty namely North-West Upolu and Apia Urban Area. The youngest child vendor was a 5 year old female. Twenty-three (17%) of the vendors were aged between 16-18 years of age and started selling items on the streets since the age(s) of 9 to 11.
- Child vendors live in large size households where 10 is the average number of people in the household. A bigger household size is a function of multiple children in the household as reflected in the study sample
- Twenty (20) respondents indicated living in households without an employed person in the entire household. Another fifty-five (55) respondents stated that only one person is employed in each of their households comprised of 4 to 20 people. This indicates a low level of formal employment across surveyed households and therefore limited access to national social protection systems i.e. NPF and ACC.
- In terms of earnings twenty-nine children (21.5%) collect \$80- \$110 over two days; seven other children (5.1%) earn between \$110. - \$140 in three to four days; another twenty-nine (21.5%) earn \$150 or more over 4 to 6 days of selling.
- Although earnings can be quite high compared to wages earned in typical formal employment. This can vary considerably with no earnings on some days. The impact of this is compounded with verbal and physical abuse from parents/guardians as a result of low sales.

The 2022 report also made recommendations for the Ministry and Government of Samoa to consider in order to eliminate worst forms of child labour in Samoa⁵:

1. To establish an office of the Children's Commissioner to advocate for their rights/interests;
2. To extend Governments District Development Programs (DDP) to ensure inclusion of vulnerable groups particularly those families involved in child street vending;
3. Refine census survey questions to adequately capture health-education and economic activities of child vendors and their households for more comprehensive data sets to inform policies on children.

⁴ Page 6-8, Rapid Assessment of Child Vendors in Samoa, 2022

⁵ Page 52, Rapid Assessment of Child Vendors in Samoa, 2022

4. Recognize and formalize partnerships with Civil Society and other key informal groups identified during the survey;
5. Provide social security based on the lifestyle approach to ensure coverage of risks and addressing poverty and vulnerability across the lifecycle; and
6. Government through key agencies to revisit the shortcomings and opportunities for improvement in the monitoring and enforcement of relevant legislation.

Magnifying Opportunities and Building Strengths - TOWS Analysis

The below analysis identifies existing threats and brings out some opportunities towards achieving targeted outcomes. Similarly, we look at transitioning current weaknesses into strengths.

Threats	Opportunities
<ol style="list-style-type: none"> 1. Failure to achieve any progress on recommendations set out under both the 2015 and 2022 rapid assessments on street vendors. 2. Lack of engagement by Implementing Partners (IP) to collectively address the issues around child street vendors and its root causes. 	<ul style="list-style-type: none"> • A nationally agreed plan of action and reporting framework is critical to ensure accountability and monitor progress towards agreed objectives. Alliance 8.7 will play a key coordinating role at the national level including mobilization of key resources. • Political support and active ownership of the Child Labour Taskforce will bring together efforts from all actors to implement the national plan. • Targeted activities will be built into the NAP to ensure capabilities around M&E mechanisms are strengthened e.g. M&E Workshops for key agencies and stakeholders.
Weaknesses	Strengths
<ol style="list-style-type: none"> 1. Lack of resources available to IPs to effectively implement and achieve objectives. Furthermore, lack of personnel to ensure planned activities/programs have the manpower. 2. Ministries and CSOs have been operating in isolation (siloism) in tackling issues around child protection which has led to deficits in communication, knowledge sharing and coordination. 	<ul style="list-style-type: none"> • Finalizing a national plan under the Alliance 8.7 will also activate resources from development partners for knowledge sharing, direct technical assistance, and development cooperation projects. • The Child Labour Taskforce and Alliance 8.7 present an opportunity to unify the efforts of IPs towards a common goal achieved through an agreed strategic approach.

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| | <ul style="list-style-type: none">• As mentioned above, Alliance 8.7 in particular will play a critical coordinating role at the national level. |
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Strategic Approach

As declared under the strategy, this nationally developed action plan sets out three (3) strategic priorities which will guide interventions. Under each strategic priority, outcomes and corresponding action items will be developed to ensure that there is a system building impact promoting continuity and sustainability. The strategic priorities are set out below with the corresponding objectives and their action items:

1. Strengthened Legal and Policy Framework – to support the work of each implementing partner there needs to be a strong and clear policy and legal framework that guides interventions. Key legal gaps continue to exist for school aged children engaging in street vending activities during ‘after-hours’.

Furthermore, the current development of a National Social Protection Policy Framework presents an opportunity for mainstreaming child protection based on vulnerability and the lifecycle approach.

- i. Finalize and pass the Child Care and Protection Bill
 - ii. Develop and consult on the Labour and Employment Relation Regulations and prescribe a list of safe and light work and hazardous work.
 - iii. Child Sensitive/Responsive Inspectors Training
 - iv. Develop an employer’s guideline for the employment of Children in line with the Amendments to LERA 2013 including informal sector i.e. street vendors, agriculture, fisheries etc.
 - v. Conduct a feasibility study on establishing an office of the Children’s Commissioner to advocate for children, protect children’s rights in addition to safeguarding the interests of children particularly the vulnerable such as street child vendors.
 - vi. Mainstream child labour and protection across relevant Social Protection interventions e.g. social insurance, assistance and labour market.
2. Strengthen Community Engagement with Families and Children Identified as Involved in Hazardous Street Vending/Vulnerable- In terms of addressing the root causes it is imperative that interventions are delivered at the household level or at the community level. The ability of districts to cater their development programs and include vulnerable families will go a long way towards lifting vulnerable families out of poverty.

In addition, targeted efforts are needed to support transition into alternative and sustainable income generating activities. This will ensure that strict enforcement of legislation is complemented by support for vulnerable families.

- i. Integrate a vulnerability based approach across programs funded under the District Development Programs i.e. inclusion of families/children involved in hazardous street vending.
 - ii. Workshop with Parents of Street Vendors - Focus on Responsible parenting and importance of education
 - iii. Media campaign on street vendors emphasizing importance of education and support at the community level
 - iv. Pilot Preliminary Certificate TVET Training for Parents - Area/subject to be determined
 - v. Pilot seed funding scheme for business start-up/upscaling existing income earning activities
3. Enhance Data Collection and Regular Reporting Systems – Data around child labour and street vendors has been irregular with major reports produced seven years apart. The ideal outcome is to build these into our national data collection systems to ensure information is regular and captured at the household level. Furthermore, that progress is monitored through national mechanisms i.e. Samoa National Tripartite Forum (SNTF).
- i. Adequately capture health, education, and economic activities of child vendors and their households for more comprehensive data sets to inform policies on children
 - ii. 6 monthly reports submitted to Cabinet and the National Tripartite Forum through the Child Labour Taskforce

Implementation Mechanism

Ministry of Commerce Industry and Labour (MCIL) - to provide secretariat support for both the Child Labour Taskforce and National Tripartite Forum. As the focal point for alliance 8.7 the MCIL will largely be responsible for coordinating meetings and preparing progress reports for consideration by both the CLTF and SNTF.

In addition, assistance will be needed to establish a fixed term position for implementation of the Alliance 8.7 action plan. Shortage of personnel

Samoa National Tripartite Forum (SNTF) – Established under the Labour and Employment Relations Act 2013, the SNTF is mandated to provide strategic guidance on national labour and employment matters. This includes but is not limited to legislation review and/or development, policy review and/or development that affects employment security and working conditions. In considering issues of national importance the SNTF must then provide advice to the Minister of Labour and Cabinet. Therefore, the SNTF will prepare six monthly reports to Cabinet on the implementation and progress of the Alliance 8.7 National Action Plan.

To ensure that the above mechanisms are effective the following will be implemented:

- Quarterly progress reports are submitted through the taskforce to ensure regular monitoring and accountability of implementing agencies;
- Mid-term review to ensure progress of the action plan and consider any necessary adjustments including revision of activities and allocation of resources.

Resource Mobilization

The CLTF will be the key mechanism for ensuring resource needs are identified at the Ministry/agency level based on national budget allocations. Where shortfalls are identified then key development partners will be approached either directly or through the Alliance network. Any resource requests will be based on continuity and sustainability to avoid one-off or ad-hoc solutions.

National Action Plan

No	Priorities	No	Action Point	Stakeholders	Timeframe	Expected Outcomes
1.0	Strengthened Legal and Policy Framework	1.1	Finalize and pass the Child Care and Protection Bill <ul style="list-style-type: none"> - The passage of this key piece of legislation is critical to strengthen laws around involvement of Children in street vending and general protection of children's welfare. 	MWCSD, MOPP	2023/2024	To address identified legislative gaps on protection of children in Samoa i.e. vendors outside of school hours
		1.2	Develop and consult on the Labour and Employment Relation Regulations and prescribe a list of safe and light work and hazardous work. Regulations should also include penalties for violations of laws/regulations on the employment of children.	MCIL, Child Labour Taskforce, National Tripartite Forum	2023/2024	Strengthen ability of labour inspectors and other agencies to enforce regulations around employment of children, school attendance and protection of children's welfare
			Child Sensitive/Responsive Inspectors Training	MCIL, MESC, MWCSD, MOPP	2024/2025	

		1.3	Develop an employer's guideline for the employment of Children in line with the Amendments to LERA 2013, education, child protection and including informal sector i.e. street vendors, agriculture, fisheries etc.	MCIL, CL Taskforce	2023/2025	Simplified guidelines in line with the LERA 2023 and Regulations, Educations and Child Protection laws, distributed to businesses for reference.
		1.4	Conduct a feasibility study on establishing an office of the Children's Commissioner to advocate for children, protect children's rights in addition to safeguarding the interests of children particularly the vulnerable such as street child vendors.	MWCSD, UNICEF	2023/2024	This study will assess the issues around establishing a Child Commissioner in Samoa. Furthermore, to assess viability in Samoa's situation in light of existing institutions and cultural/traditional mechanisms.
		1.5	Mainstream child labour and protection across relevant Social Protection interventions e.g. social insurance, assistance and labour market.	ALL, MOF	2023/2024	Interventions are developed which address the vulnerabilities of parents and children. Social protection is well understood across all sectors and where

						relevant incorporated into plans/policies.
2.0	Strengthen Community Engagement with Families and Children Identified as Engaged in Hazardous Street Vending/Vulnerable.	2.1	Integrate a vulnerability based approach across programs funded under the District Development Programs i.e. inclusion of families/children involved in hazardous street vending.	District Development Offices, MWCSO	2023/2024	District Development Programs/Plans should reflect the vulnerable situation of families including those involved in street vending. Programs where relevant should target those most in need to develop sustainable livelihoods.
		2.2	Workshop with Parents of Street Vendors - Focus on Responsible parenting and importance of education	NCC, Family Planning	2024/2025	Faith based entities/church leaders to work with village leaders in prioritizing vulnerable families inclusion in district development plans and activities.

			Media campaign on street vendors emphasizing importance of education and support at the community level	CLTF, MCIL	2023/2024	Establish a common national understanding of Child Labour in Samoa and the importance of access to education
			Pilot Preliminary Certificate TVET Training for Parents - Area/subject to be determined	MESC, NUS	2024/2026	Support the transition to alternative income generating activities or entry into formal employment
			Pilot seed funding scheme for business start-up/upscaling existing income earning activities	CSSP, SBH	2024/2026	
3.0	Enhance data collection and regular reporting systems	3.1	Adequately capture health, education, and economic activities of child vendors and their households for more comprehensive data sets to inform policies on children	SBS, MCIL	2023/2027	Strengthen key data collection mechanisms to ensure systematic generation of evidence for policy development/review
		3.2	6 monthly reports submitted to Cabinet and the National Tripartite Forum through the Child Labour Taskforce	MCIL, SNTF	Ongoing Target July 2024 to submit first	Strengthen mechanisms for accountability and regular reporting

					6 monthly report	
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