

SAMOA 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Samoa is a constitutional parliamentary democracy that incorporates traditional practices into its governmental system. In 2012 parliament re-elected Head of State Tui Atua Tupua Tamasese Efi. The unicameral parliament, elected by universal suffrage, includes the heads of extended families (matai). Charges of campaign bribery marred the 2011 parliamentary elections. Authorities maintained effective control over the security forces.

The principal human rights problems were poor prison conditions and domestic violence against women.

Other human rights problems included lack of accountability of and adherence to the rule of law by village “fonos” (councils of matai), abuse of children, and discrimination against women and nonmatai.

The government took steps to prosecute officials who committed abuses. There were no reports of impunity.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits such practices, and the government generally observed these prohibitions. Nevertheless, there were some allegations of police abuses. In 2012 an anonymous letter addressed to the prime minister and sent to the media accused the police force, including police staff at Tafaigata Prison, of widespread wrongdoing and corruption. The police Professional Standards Unit began an

investigation into the allegations made in the letter. A commission of inquiry, chaired by the ombudsman, was set up to investigate the claims of the ghost letter and other allegations of misconduct while the police commissioner and assistant commissioner responsible for Tafaigata Prison were on paid suspension. In August the commission confirmed many of the allegations, which led to the prime minister and cabinet terminating the services of the police commissioner. The assistant commissioner resigned weeks prior to the release of the inquiry report.

Prison and Detention Center Conditions

Prison conditions overall were harsh and remained below international standards.

Physical Conditions: As of October there were approximately 481 inmates in the prison system, including 35 women and 50 juveniles. The Tafaigata men's prison, the country's most crowded, had 29 cells of various sizes, with eight century-old concrete cells that measured approximately 30 feet by 30 feet and held 26 to 30 inmates each, plus nine maximum-security cells that held four inmates each. Authorities made only basic provisions for food, water (including potable water), and sanitation. Cell lighting and ventilation remained poor. Lights remained on all night. The eight concrete cells were upgraded to include two toilets and one shower, while all other cells had one toilet and one shower shared communally.

The separate Tafaigata women's prison had five cells approximately 30 feet by 30 feet, and each held 10 to 15 inmates. There was also a separate holding cell for female inmates awaiting trial and a security cell. Physical conditions, including ventilation and sanitation, generally were better in the women's prison than in the men's prison.

Authorities housed juveniles (under age 21) at the Olomanu Juvenile Center, where physical conditions generally were better than in adult facilities. Authorities housed the 50 juveniles in three separate buildings where they lived as a community in a 300-acre compound.

Police held overnight detainees in two cells at police headquarters in Apia and one cell at Tuasivi. The cells had good lighting, sanitation, and ventilation.

There were no prison deaths.

Administration: Police kept prisoner files on sentencing and parole. Courts regularly used community service hours and suspended sentences as alternatives to incarceration for nonviolent offenders.

The law mandates the Office of the Ombudsman receive and investigate the complaints of prisoners and detainees on problems of overcrowding, the status and circumstances of juvenile offenders, and pretrial detention, bail, and recordkeeping. Prisoners also could file complaints with the Professional Standards Unit. In August the ombudsman completed a commission of inquiry, begun in 2012, of allegations of police abuse of prisoners, corruption, and misconduct.

Officials permitted prisoners escorted hospital visits for medical checks as necessary. A room at police headquarters served as a medical clinic, but no doctor or nurse was assigned to the facility.

Regulations require prisoners at all facilities, including the juvenile facility, to do manual labor approximately 40 hours per week. Prisoners generally performed agricultural work and cooked food for inmates and prison staff.

The government permitted family members and church representatives to visit prisons weekly, often on Sundays when families could bring food and clothing.

Authorities permitted prisoners and detainees religious observance and allowed them to submit complaints to judicial authorities and request investigation of alleged inhuman conditions. Authorities investigated such allegations, documented them, and made the results publicly accessible. The government generally investigated and monitored prison and detention center conditions.

Independent Monitoring: The government permitted monitoring visits by independent human rights observers, including the International Committee of the Red Cross and diplomatic missions.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. In September a three-year-old boy was locked in a cell with his father who was jailed for driving an unregistered vehicle. Both were released after an hour. In November authorities demoted the four officers involved in the incident.

Role of the Police and Security Apparatus

The national Samoan Police Force maintains internal security. Local councils enforce rules and security within individual villages. Civilian authorities maintained effective control over police, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving police. A lack of resources and capacity limited police effectiveness.

Arrest Procedures and Treatment of Detainees

The Supreme Court issues arrest warrants based on compelling evidence. The law provides for the right to a prompt judicial determination regarding the legality of detention, and authorities generally respected this right. Officials informed detainees within 24 hours of the charges against them, or they were released. There was a functioning bail system. The government allowed detainees prompt access to a lawyer of their choice. For indigent detainees the government provided a lawyer upon request. The government did not hold suspects incommunicado or under house arrest.

Pretrial Detention: Due to staff shortages, some Supreme Court and district court judges faced a backlog of pending cases. Pretrial detainees at the Tafaigata Prisons were on average detained for one month.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence.

Trial Procedures

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. A trial judge examines evidence and determines if there are grounds to proceed. Defendants have the presumption of innocence and by law may not be compelled to testify or confess guilt. Trials are public except for trials of juveniles, which exclusively immediate family members may attend. Only the most serious criminal offenses, such as murder, manslaughter, and rape employ juries (also known as assessors). Defendants have the right to be present; to have timely consultation with an attorney; to be informed promptly and in detail

of the charges, including interpretation services if necessary; and to have adequate time and facilities to prepare a defense. Defendants may confront witnesses, present witnesses and evidence on their own behalf, access government-held evidence, and appeal a verdict.

Village councils handled many civil and criminal matters, but the councils varied considerably in decision-making styles and the number of matai involved in the decisions. The law recognizes the decisions of the local council and provides for limited appeal to the Lands and Titles Court and the Supreme Court. The nature and severity of a dispute determines which court receives an appeal. A further appeal may be made to the Court of Appeal. A Supreme Court ruling stipulates that the local councils may not infringe upon villagers' freedom of religion, speech, assembly, or association.

The government continued a review of the Village Fono Act of 1990, which provides legal recognition to the decisions of the fono, to determine whether the act gives the local councils excessive authority to limit individual rights under a broadly defined "public order" exception. In 2012 the country's Law Reform Commission submitted a report to the parliament regarding amendments to the act. The commission stated that in its judgment the act did not violate the constitution but recommended amending the act to allow greater consideration for religious freedom principles in the decision-making of the local councils. In May a parliamentary committee recommended the government "take note and consider" recommendations contained in the Law Reform Commission's report. At year's end no further action had been taken.

There were several instances of punishments handed down by village fonos that the public viewed as excessive or violations of human rights. In one case a video clip of a teenage boy uttering insulting words about the prime minister resulted in the boy's detention for a several days, with a court hearing in January. The results of the hearing were not known. Also in January the village council fined the boy's family the equivalent of WST 18,800 (\$8,000 in a combination of cash, cattle, and tinned fish).

In a separate case, a family was banished from their village for refusing to pay a fine set forth by the village council that the family felt was unjust and not in line with village rules. The family reported their own son to police for the illegal cultivation of marijuana. According to the family, the village council decided to fine the family 100 sows, approximately WST 47,000 (\$20,000), for the offense. The family refused, citing village regulations that state only the offender may be

punished, especially when the family did the right thing by reporting their son to authorities. Village leaders claimed the fine was only 10 sows and that the family was not banished but chose to leave of their own volition.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights violations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The laws prohibit such actions, and the government generally respected these prohibitions. There was little privacy in villages, where there could be substantial societal pressure on residents to grant village officials access to their abodes without a warrant. There were reports of some village councils banishing individuals or families from villages.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press. The law stipulates imprisonment for any journalist who, despite a court order, refuses to reveal a confidential source upon request from a member of the public, but there was no court case invoking this law.

Press Freedoms: In 2011 the government ordered the Law Reform Commission to examine the need for a body to regulate the media and make recommendations for the establishment of such a body. The commission submitted a final report to the prime minister in 2012, recommending establishment of a body of representatives from media organizations and the public to regulate the media.

Censorship or Content Restrictions: A 2012 law on tourism development authorizes the Samoa Tourism Authority (STA) to exercise “lawful controls” over publication by any person of information about the tourism industry deemed

prejudicial to a public perception of the country. Under this law violators are subject to a fine or imprisonment for up to three months if they fail to retract the information or to publish a correction when ordered to do so by the STA. As of year's end, the STA had not exercised this authority.

Internet Freedom

The government did not restrict access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. Internet access was readily available in and around Apia and throughout most of the country via cellular technology, but the high cost of access limited internet activity for much of the population. According to the International Telecommunication Union, approximately 15 percent of the population used the internet in 2013.

Academic Freedom and Cultural Events

The government generally did not restrict academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

Foreign Travel: A 2013 ban on seven villages from taking part in the Recognized Seasonal Employment (RSE) scheme remained in effect. The RSE permits Samoan residents to work for several months of the year in New Zealand and Australia. The government indicated the ban was a corrective measure imposed because of inappropriate and in some cases illegal actions of residents of those

villages on previous RSE trips, but the ban also affected residents of the designated villages who had not engaged in such activities. There were no other restrictions on foreign travel during the year.

Exile: Traditional law governs villages, and village councils regularly banned citizens from village activities or banished citizens from the village for failing to conform to village laws or obey local council rulings. Cases of village banishment rarely were made public. Of those cases that became known, reasons for banishment included killing, rape, adultery, and unauthorized claims to land and matai title. In some cases civil courts overruled banishment orders, and some village councils reportedly refused to observe those orders. Some banished persons were accepted back into the village after performing a traditional apology ceremony.

Protection of Refugees

Access to Asylum: The country's laws provide for the granting of refugee status, but the government had not established a system for providing protection to refugees. No requests were made during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the ability to change their government through free and fair elections, which citizens exercised through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: Observers considered the general elections held in 2011 to be fair. The Human Rights Protection Party retained government control for a seventh consecutive term. For the first time since independence, a second party, the Tautua Samoa Party, received enough votes to form an official opposition. Following the elections eight electoral petitions were filed on various grounds of bribery, treating, and gifting during a campaign. Of the eight electoral petitions submitted to the Supreme Court, one was withdrawn, three were dismissed, and four resulted in orders to conduct by-elections because the winning candidates were found guilty of bribery and other campaign violations. All by-elections took place in 2011.

Political Parties and Political Participation: While the constitution gives all citizens older than age 21 the right to vote and run for office, by social custom candidates for 47 of the 49 seats in parliament were drawn from the approximately 17,000 leaders of extended families, and the families selected those candidates. Although both men and women may become family leaders, only 10.5 percent were women. Matai controlled local governments through the village councils and appointment to the councils rather than by direct election.

Participation of Women and Minorities: A 2013 constitutional amendment requires parliament include at least five female representatives starting with the next general election in 2016. If no women win five parliamentary seats in the next election, the amendment provides for the addition of five seats to the 49 be filled by the five female candidates with the highest number of votes.

There were two women in the 49-member parliament as a result of the 2011 general elections. One was the minister of justice and the other was associate minister of women, community, and social development. They were joined by a third woman who won a by-election for a seat vacated due to an incumbent's death. A woman served as governor of the central bank. Four women served as chief executive officers of government ministries and seven as general managers of government corporations. One woman served as a Supreme Court judge and two as district court judges. A woman was also president of the official opposition political party.

The political rights of citizens who are not of ethnic Samoan heritage are addressed by reserving two parliamentary seats for at-large members of parliament, known as "individual voters" seats. One at-large cabinet minister and parliamentarian was of mixed European-Samoan heritage. Citizens of mixed European-Samoan or Chinese-Samoan heritage were well represented in the civil service.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Penalties ranged from several months to several years' imprisonment if convicted. There were reports of government corruption.

In 2013 a number of reports from the Office of the Controller and Chief Auditor covering the 2009-11 fiscal years became publicly available that documented abuses of power, corruption, and mismanagement within government ministries

and state-owned enterprises. The most scathing account was of the incumbent minister of finance during his time as chairman of the Samoa Land Corporation. A parliamentary committee investigated and confirmed the abuses noted in the auditor's reports. These reports, combined with public and political pressure, led to the minister's resignation in April. The committee report was tabled in parliament at the beginning of the year. According to the law, the government has 90 days to respond. In October the speaker of parliament granted the government an "indefinite deadline" to respond to the report.

Corruption: The law provides for an ombudsman to investigate complaints against government agencies, officials, or employees, including allegations of corruption. The ombudsman may require the government to provide information relating to a complaint. The Attorney General's Office prosecutes criminal corruption cases on behalf of the Public Service Commission. The Ombudsman's Office and the Public Service Commission operated effectively. The Ombudsman's Office included academics and other members of civil society in the membership of its commissions of inquiry.

Financial Disclosure: Although public officials are not subject to financial disclosure laws, codes of ethics applicable to boards of directors of government-owned corporations encouraged such disclosure.

Public Access to Information: By law government information is subject to disclosure in civil proceedings, unless the information is considered privileged or its disclosure would harm the public interest. There is no formal process to request government records outside of such court actions.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Government Human Rights Bodies: Observers considered the Office of the Ombudsman generally effective and able to operate free from government or political party interference. The government usually adopted its recommendations.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally respected these provisions. The constitution does not address sexual orientation or gender identity. The society publicly recognizes the transgender Fa'afafine community, although members of the community reported instances of social discrimination. Male same-sex sexual activity is illegal. Politics and culture generally reflected a heritage of matai privilege and power, and members of certain families of high traditional status possessed some advantages.

Women

Rape and Domestic Violence: Rape is illegal, but there is no legal provision against spousal rape. The penalties for rape range from two years' to life imprisonment, but a life sentence has never been imposed. Many cases of rape went unreported because societal attitudes discouraged such reporting. In recent years, however, authorities noted a rise in the number of reported cases of rape. This development appeared to be a result of efforts by government ministries and local NGOs to increase awareness of the problem and the need to report rape cases to police. The courts treated rape seriously, and the conviction rate generally was high.

The constitution prohibits abuse of women, but societal attitudes tolerated their physical abuse within the home. Social pressure and fear of reprisal typically caused such abuse to go unreported. Village councils typically punished domestic violence offenders but only if the abuse was considered extreme, such as abuses involving visible signs of physical abuse. Village religious leaders were also permitted to intervene in domestic disputes. When police received complaints from abused women, the government investigated and punished the offender, including by imprisonment. Domestic violence is charged as common criminal assault, with penalties ranging from several months to one year in prison. The government did not keep statistics on domestic abuse but acknowledged the problem as one of considerable concern. The Ministry of Police and Prisons had a nine-person Domestic Violence Unit, which worked in collaboration with NGOs that combated domestic abuse. NGO services for abused women included public antiviolence awareness programs, shelters, confidential hotlines, in-person counseling, and other support.

Female Genital Mutilation/Cutting (FGM/C): The law does not mention FGM/C or circumcision. FGM/C was not practiced in the country.

Sexual Harassment: No law specifically prohibits sexual harassment, and there were no reliable statistics concerning its extent. The lack of legislation and a cultural constraint against publicly shaming or accusing someone, even if justifiable, likely caused sexual harassment to be underreported. Victims had little incentive to report instances of sexual harassment, since to do so could jeopardize one's career or family name.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children; to have the information and means to do so free from discrimination, coercion, and violence; and to attain the highest standard of reproductive health. The National Health Service, the Ministry of Health's public awareness programs, general practitioners, and various health-care centers provided information and access to contraception and access to maternal health services, which included skilled attendance during childbirth, prenatal care, and essential obstetric and postpartum care.

Discrimination: Women have equal rights under the constitution and statutory law, and the traditionally subordinate role of women was changing, albeit slowly. The Ministry of Women, Community, and Social Development oversees and helps secure the rights of women. To integrate women into the economic mainstream, the government sponsored numerous programs, including literacy and training programs for those who did not complete high school.

The law prohibits the employment of women between midnight and 6:00 a.m. unless the commissioner of labor grants special permission. Citizens generally observed this regulation.

Children

Birth Registration: Citizenship is derived by birth in the country if at least one parent is a citizen. The government also may grant citizenship by birth to a child born in the country if the child would otherwise be stateless. Citizenship also is derived by birth abroad to a citizen parent who either was born in the country or resided there at least three years. Births were not always registered immediately, and some were not registered for many years. By law children without a birth certificate may not attend primary schools, but this was not strictly enforced.

Child Abuse: Law and tradition prohibit the severe abuse of children, but both tolerate corporal punishment. Although no official statistics were available, press

reports indicated a rise in cases reported of child abuse, especially incest and indecent assault cases, which appeared to be due to citizens' increased awareness of the need to report physical, emotional, and sexual abuse of children. The government aggressively prosecuted such cases.

The law prohibits corporal punishment in schools. In 2013 the Ministry of Education, Sports, and Culture stated the minimum punishment for a teacher convicted of corporal punishment of a student would no longer be a fine but a one-year prison term. There were only two corporal punishment cases reported to the ministry during the year. The case had not gone to trial by year's end.

Early and Forced Marriage: The minimum age of marriage is 18 years for a man and 16 for a woman. Consent of at least one parent or guardian is necessary for a man under age 21 or a woman under age 19 to marry. Early marriage did not generally occur.

Female Genital Mutilation/Cutting (FGM/C): The law does not mention FGM/C or circumcision. FGM/C was not practiced in the country.

Sexual Exploitation of Children: The minimum age for consensual sex is 16 years. The law has separate penalties for sexual relations or connections with children under the age 12 years and children between ages 12 and 15. The maximum penalties are life and 10 years' imprisonment, respectively. The 2013 Crimes Act, which replaced the 1961 Crimes Ordinance, contains a specific criminal provision regarding child pornography. The act specifies a seven-year prison sentence may be imposed on a person found guilty of publishing, distributing, or exhibiting indecent material featuring a child.

The Ministry of Justice and Courts Administration and the Ministry of Education, in collaboration with NGOs, carried out educational activities to address domestic violence, inappropriate behavior between adults and children, and human rights awareness. Sexual abuse of children remained a problem.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

The country had no organized Jewish community, and there were no reports of anti-Semitic acts.

Trafficking in Persons

There were no confirmed reports of human trafficking.

Persons with Disabilities

There is no law pertaining specifically to the status of persons with disabilities or regarding their access to buildings and public services. Tradition dictates that families care for persons with disabilities, and this custom was observed widely.

In 2012 the death of a man with mental disabilities in Tafaigata Prison raised concerns about the treatment of persons with mental disabilities while in police custody. The victim, Hans Dalton, initially was transported to the National Hospital for treatment but was subsequently transferred to police custody because of his erratic and violent behavior and held in a jail cell, where he was later found dead. A fellow inmate was charged with Dalton's murder and found guilty by a panel of assessors in February, but the judge overturned the verdict. At year's end the case remained unsolved. The Dalton family sued the government for WST 33 million (\$14 million). The case had not gone to trial by year's end.

Some children with disabilities attended regular public schools, while others attended one of three schools created specifically to educate students with disabilities. Many public buildings were old, and only a few were accessible to persons with disabilities. Most new buildings provided better access, including ramps and elevators in most multi-story buildings.

The Ministry of Women, Community, and Social Development has responsibility for protecting the rights of persons with disabilities.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

"Sodomy" and "indecent between males" are illegal, with maximum penalties of seven and five years' imprisonment, respectively, but these provisions were not actively enforced with regard to consensual same-sex sexual conduct between adults.

Although the pre-existing law was not enforced for decades, the 2013 Crimes Act decriminalizes the act of "impersonating a woman."

Although there were no reports of societal violence based on sexual orientation or gender identity, there were isolated cases of discrimination.

Other Societal Violence or Discrimination

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law protects the rights of workers to form and join independent unions, to conduct legal strikes, and to bargain collectively. There are certain restrictions on the right to strike for government workers, imposed principally for reasons of public safety. The Public Service Act of 2004 states that a public sector employee who engages in a strike or any other industrial action “is taken to have been dismissed from... employment.” The law prohibits antiunion discrimination, such as contract conditions that restrict free association. The Labor and Employment Relations Act of 2013 addresses a range of fundamental rights and includes establishment of a national tripartite forum.

The government effectively enforced applicable labor laws, and the government generally respected the freedom of association. The Ministry of Labor investigates any potential labor law violations in response to complaints. Other relevant government ministries are able to assist if needed. The Public Service Association functioned as a union for all government workers, who made up approximately 8,000 of the estimated 25,000 workers in the formal economy. Unions generally conducted their activities free from government interference.

Workers exercised the right to organize and bargain collectively. The Public Service Association engaged in collective bargaining on behalf of government workers, including bargaining on wages. Arbitration and mediation procedures were in place to resolve labor disputes, although such disputes rarely arose. The Ministry of Labor recommended that the newly established Mediation Council seek the opinion of the Ministry of Justice and the Courts in considering cases not covered by the Labor and Employment Relations Act, which only covers disputes between employers and employees.

Workers' organizations were generally independent of the government or employers, and there were no reported violations of freedom of association or collective bargaining. There were no strikes and no known instances of antiunion discrimination.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, and the government generally enforced such laws. There is an exception in the constitution for service required by Samoan custom. A key feature of the matai system is that nonmatai men perform work within their village in service to their families and the village as a whole. Most persons did so willingly; however, the matai may compel those who do not to do so.

The law states that forced labor is punishable by up to 14 years in prison, although work or services--which form part of the normal responsibility of a person towards his or her family, church, or village--is not considered forced labor and therefore not protected under the prohibitions. Aside from this cultural exception and street vending by children, forced labor is not a major issue. Under the Labor and Employment Relations Act, the penalty is approximately WST 1,998 (\$850) for each offense by an employer, and under the Occupational Safety and Health Act, the penalty is approximately WST 1,528 (\$6,500) for a corporation. These penalties were believed to be sufficient to deter violations.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employing children under age 15 except in "safe and light work." The law does not apply to service rendered to family members or the matai, some of whom required children to work for the village, primarily on family farms. The law prohibits any student from being engaged in light or heavy industrial activity within school hours of 8:00 a.m. to 2:00 p.m. The law prohibits children under age 15 from work that could harm their physical or moral health. The law permits vending by children under age 14.

The Ministry of Commerce, Industry, and Labor refers complaints of illegal child labor to the attorney general for enforcement, but no cases were identified or prosecuted.

There were no reliable statistics available on the extent of child labor, but it could be observed largely in the informal sector. Children frequently were seen vending

goods and food on Apia street corners. The government has not definitively determined whether this practice violates the country's labor laws, which cover only persons who have a place of employment. Although the practice may constitute a violation of the law, local officials generally tolerated it. The extent to which children were required to work on village farms varied by village, although anecdotal accounts indicated the practice was quite prevalent. Younger children primarily worked doing household chores, yard work, and light work such as gathering fruits, nuts, and plants. Some boys began working on plantations as teenagers, helping to gather crops such as coconuts and caring for animals. Some children reportedly had domestic service employment.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination With Respect to Employment or Occupation

The law prohibits discrimination, direct or indirect, against an employee or an applicant for employment in any employment policies, procedures, or practices based on ethnicity, race, color, sex, gender, religion, political opinion, national extraction, sexual orientation, social origin, marital status, pregnancy, family responsibilities, real or perceived HIV status, and disability.

Observers believed the government effectively enforced the law. During the year, the Ministry of Labor received 121 industrial complaints, and 75 of those required corrective action to comply with the Labor and Employment Relations Act. No cases drew public attention.

e. Acceptable Conditions of Work

There were two minimum wages: 2 WST (\$0.85) per hour for the private sector, and WST 2.65 (\$1.13) for the public sector. Approximately three quarters of the working population worked in the subsistence economy and had no formal employment. The Bureau of Statistics' 2008 Poverty Report placed the national average of the basic needs poverty line at WST 56 (\$24) per person per week or WST 519 (\$221) per household per week.

The law covers private and public sector workers differently. The law stipulates a standard workweek of no more than 40 hours, or eight hours per day (excluding mealtimes), and prohibit compulsory overtime. For the private sector, overtime pay is specified at time and a half, with double time for work on Sundays and

public holidays and triple time for overtime on such days. For the public sector, there is no paid overtime, but compensatory time off is given for overtime work. There are generally nine paid public holidays per year. There are limits to the amount of hours one can work in a day, and the number of consecutive workdays per week. The law reads that “an employee must have at least 36 consecutive hours of rest from work within any seven (7) days;” and that “an employer must not require an employee to work for a period of 12 consecutive hours in any day or adjoining days and must allow a period of rest for the employee of at least eight (8) hours for each day or adjoining days of work.”

The law establishes certain rudimentary safety and health standards for workplaces, which the Ministry of Commerce, Industry, and Labor is responsible for enforcing. The law also covers persons who are not workers but who are lawfully on the premises or within the workplace during work hours. Safety laws do not generally apply to agricultural service rendered to the matai or to work done within individual family homes. Government employees are covered under different and more stringent regulations, which were enforced adequately by the Public Service Commission.

The Ministry of Commerce, Industry, and Labor had 11 labor inspectors. Independent observers reported that safety laws were not strictly enforced, except when accidents highlighted noncompliance. Work accidents were investigated when reports were received. Under the Labor and Employment Relations Act, the penalty is approximately WST 1,998 (\$850) for each offense by an employer, and under the Occupational Safety and Health Act, the penalty is approximately WST 15,275 (\$6,500) for a corporation. These penalties were believed to be sufficient to deter violations.

Many agricultural workers, among others, were inadequately protected from pesticides and other dangers to health. Government education and awareness programs addressed these concerns by providing appropriate training and equipment to some agricultural workers.

The Commissioner of Labor investigates reported cases of hazardous workplaces. The Ministry of Labor reported 27 work-related accidents and one death during 2012 and 2013.