

Samoa 2024 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Samoa during the year.

Significant human rights issues included credible reports of serious restrictions on media freedom and the existence of the worst forms of child labor.

The government took credible steps to identify and punish officials who committed human rights abuses.

Section 1. Life

a. Extrajudicial Killings

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

b. Coercion in Population Control

There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Section 2. Liberty

a. Freedom of the Press

The law provided for freedom of expression, including for members of the press and other media, and the government generally respected this right, with some exceptions. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for media members.

Freedom of Expression

The law authorized the Samoa Tourism Authority to file suit against any person who published what it judged to be false information that it deemed prejudicial to the country's reputation as a tourism destination. Violators were subjected to a fine or maximum imprisonment of three months if they failed to retract the information or to publish a correction when ordered to do so by the authority. The authority did not exercise this power during the year, but media reported the CEO of the Samoa Tourism Authority threatened her staff and clients with prosecution and prison time if they criticized her, her management team, or the government on social media.

Censorship by Governments, Military, Intelligence, or Police

Forces, Criminal Groups, or Armed Extremist or Rebel Groups

The law stipulated imprisonment for any journalist who, despite a court finding that disclosure was in the public interest and a subsequent court order, refused to reveal a confidential source.

b. Worker Rights

Freedom of Association and Collective Bargaining

The law protected the rights of workers to form and join independent unions and to collective bargaining. It provided for the right of private-sector workers to conduct legal strikes, but the law stipulated that public-sector employees engaging in a strike or any other industrial action were considered “dismissed from [their] employment.” It prohibited antiunion discrimination, such as contract conditions restricting freedom of association. The law addressed a range of fundamental rights and included the establishment of a national tripartite forum that served as the governing body for labor and employment matters in the country.

The government effectively enforced laws on unionization, and freedom of association was generally respected. Penalties were commensurate with those under other laws involving denials of civil rights, such as discrimination. Penalties were regularly applied against violators. The Public Service Association functioned as a union for all government workers,

and 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 on wages. Arbitration and mediation procedures were in place to resolve labor disputes, although such disputes rarely arose.

There were no reported strikes.

Forced or Compulsory Labor

There were no confirmed reports during the year that traffickers exploited domestic or foreign victims in the country or that traffickers exploited nationals as victims abroad.

The law prohibited forced or compulsory labor, and the government generally enforced such laws. Penalties were commensurate with those for analogous crimes, such as kidnapping.

There was an exception in the constitution for service required by local custom, specifically that non-matai men perform work in their village in service to their families, church, or the village as a whole. Most persons did so willingly, but the matai could compel those who did not wish to work, including children.

The International Labor Organization noted in 2020 that village councils could also order any person to develop land for the economic betterment of the village, including as a form of punishment. The law also provided for the possibility of imprisonment involving forced labor for “a person who uses or speaks words, or publishes anything, with the intention of, inter alia, undermining the authority of the Government of Samoa or changing any matter affecting the laws, Government, or Constitution or any religious observance of Samoa, in circumstances where there is a present risk of lawlessness and disorder.”

Acceptable Work Conditions

Wage and Hour Laws

The law provided for a minimum wage in all sectors. The minimum wage was raised in July to just above the poverty line.

The law established a 40-hour work week but covered private-sector and public-sector workers differently. For the private sector, the law specified overtime pay at time and a half, with double time for work on Sundays and public holidays. For some parts of the public sector, there was no paid overtime, but authorities gave compensatory time off for overtime work.

Occupational Safety and Health

The law established certain rudimentary occupational safety and health

(OSH) standards that the Ministry of Commerce, Industry, and Labour was responsible for enforcing. The law also covered nonworkers lawfully on the premises or within the workplace during work hours. The law contained provisions for the identification and assessment of, and risk control for, workplace hazards and hazardous substances. The commissioner of labor investigated reported cases of hazardous workplaces. OSH experts actively identified unsafe conditions in addition to responding to workers' OSH complaints. Workers were legally able to remove themselves from situations that endangered health or safety without jeopardy to their employment.

OSH laws did not generally apply to agricultural service rendered to matai or work in a family enterprise. Government employees had coverage under different and more stringent regulations, which the Public Service Commission enforced adequately.

Wage, Hour, and OSH Enforcement

The Ministry of Commerce was responsible for enforcement of wage and hour laws. The government generally enforced wage laws, and penalties were commensurate with those for similar crimes, such as fraud. Penalties were sometimes applied against violators. The number of inspectors was not sufficient to fully enforce compliance.

The Ministry of Commerce investigated work accidents when it received

reports. The most prominent OSH violations were reported in the health sector. The number of inspectors was generally sufficient to deter violations. Inspectors were able to make unannounced inspections and initiate sanctions. Penalties for violations of OSH laws were commensurate with those for crimes such as negligence. Penalties were sometimes applied against violators.

Many agricultural workers had inadequate protection from pesticides and other dangers to health. Government education and awareness programs sought to address these concerns by providing appropriate training and equipment to some agricultural workers.

The Ministry of Commerce investigated any potential labor law violations in response to complaints. The police and education ministries could assist if needed; the Public Service Commission handled all government labor matters.

Only 25 percent of the working population were formally employed; the majority of Samoans worked in the subsistence economy and had no formal employment. The informal economy included small-scale trading, market vending, fishing, and agriculture. Informal workers were legally covered by labor laws and were eligible for social support, including the country's pension system.

c. Disappearance and Abduction

Disappearance

There were no reports of enforced disappearances by or on behalf of government authorities.

Prolonged Detention without Charges

The constitution and laws prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

d. Violations in Religious Freedom

See the Department of State's annual *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

e. Trafficking in Persons

There were no confirmed reports during the year that traffickers exploited domestic or foreign victims in the country.

Section 3. Security of the Person

a. Torture and Cruel, Inhuman, or Degrading Treatment or

Punishment

The constitution prohibited such practices, and there were no credible reports government officials employed them.

b. Protection of Children

Child Labor

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

Child Marriage

The legal minimum age for marriage was 18 for both men and women. Consent of at least one parent or guardian was necessary if either party was younger than 21.

c. Protection to Refugees

There were no requests for asylum or refugee status, and the government had no interaction with the Office of the UN High Commissioner for Refugees or with other humanitarian organizations in providing protection and assistance to asylum seekers and refugees.

Provision of First Asylum

The law did not provide for granting asylum or refugee status, and the government had no established system for providing protection to refugees.

d. Acts of Antisemitism and Antisemitic Incitement

The country had a small Jewish community; there were no known reports of antisemitic incidents.