

In 2015, Tonga made no advancement in efforts to eliminate the worst forms of child labor. Although research is limited, there is evidence that children are engaged in the worst forms of child labor, including in forced domestic work. Gaps in the legal framework remain; the country has no laws specifying a minimum age for work or defining hazardous forms of work for children under age 18, leaving children unprotected from labor exploitation. The Government has not established a coordinating mechanism, policy, or program to address child labor, including its worst forms.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Although research is limited, there is evidence that children in Tonga are engaged in the worst forms of child labor, including in forced domestic work.(1, 2) Table 1 provides key indicators on children’s work and education in Tonga. Data on some of these indicators are not available from the sources used in this report.

Table 1. Statistics on Children’s Work and Education

Children	Age	Percent
Working (% and population)	5-14 yrs.	Unavailable
Attending School (%)	5-14 yrs.	Unavailable
Combining Work and School (%)	7-14 yrs.	Unavailable
Primary Completion Rate (%)		110.9

Source for primary completion rate: Data from 2013, published by UNESCO Institute for Statistics, 2015.(3)
Data were unavailable from Understanding Children’s Work Project’s analysis, 2015.(4)

Based on a review of available information, Table 2 provides an overview of children’s work by sector and activity.

Table 2. Overview of Children’s Work by Sector and Activity

Sector/Industry	Activity
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation as a result of human trafficking* (1, 5)
	Forced domestic work* (1, 2)




* Evidence of this activity is limited and/or extent of the problem is unknown.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Tonga has ratified one key international convention concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age	
ILO C. 182, Worst Forms of Child Labor	
 UN CRC	✓
UN CRC Optional Protocol on Armed Conflict	
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	
 Palermo Protocol on Trafficking in Persons	

Tonga

NO ADVANCEMENT

The Government has established laws and regulations related to child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	No		
Minimum Age for Hazardous Work	No		
Prohibition of Hazardous Occupations or Activities for Children	No		
Prohibition of Forced Labor	Yes		Sections 69-70 of the Counter Terrorism and Transnational Organized Crime Act (6)
Prohibition of Child Trafficking	Yes		Section 69 of the Counter Terrorism and Transnational Organized Crime Act (6)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 115A, 125, and 126 of the Criminal Offences Act (7, 8)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Yes	16	Section 25 of the Defense Services Act (9)
Compulsory Education Age	Yes	18	Section 98 of the Education Act 2013 (10)
Free Public Education	No		Section 95 of the Education Act 2013 (10)

* No conscription(9)

Tonga has not established a minimum age for work or for hazardous work, nor has it been determined by national law or regulation the types of hazardous work prohibited for children.

Tonga's law prohibiting child trafficking is insufficient because it does not specifically prohibit trafficking children domestically.(6) The law also does not criminally prohibit forced labor, debt bondage and slavery unless they also involve trafficking.(1, 6)

While the Criminal Offences Act prohibits the procurement of women and girls under age 21 for prostitution, the Act does not criminalize procurement of boys for prostitution.(8) While the Criminal Offences Act prohibits distributing, publishing, producing, and possessing child pornography of children under age 14, the Act does not prohibit the use, procurement, and offering of children for the production of pornography and for pornographic performances.(7)

According to the Criminal Offences Act, a child can be deemed an "involuntary agent" if that child is used to conduct illegal activities; however, the act does not specifically prohibit using children in illicit activities, particularly for producing and trafficking drugs.(8, 11)

The Education Act 2013 does not guarantee free primary education for all children; however, the Tonga Education Policy Framework provides free education to all children between the ages of 6 and 14.(12)

The Government has drafted an Employment Relations Bill that would establish a minimum age for nonhazardous and hazardous work and prohibit the categorical worst forms of child labor.(13-15) The parliament has yet to pass the Bill.(15)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Commerce, Tourism, and Labor	Enforce labor laws, including those relating to child labor and worst forms of child labor.(15)

Table 5. Agencies Responsible for Child Labor Law Enforcement (cont)

Organization/Agency	Role
Tongan Police, Transnational Crime Unit and Domestic Violence Unit	Enforce criminal laws relating to the worst forms of child labor.(15)
Ministry of Internal Affairs, Immigration Department	Collaborate with Tongan police and Ministry of Commerce, Tourism, and Labor on enforcement of criminal laws in cases in which foreign nationals are involved in the worst forms of child labor.(15)

Labor Law Enforcement

In 2015, law enforcement agencies in Tonga did not take actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2014	2015
Labor Inspectorate Funding	Unknown	Unknown (16)
Number of Labor Inspectors	Unknown	Unknown
Inspectorate Authorized to Assess Penalties	Unknown	Unknown
Training for Labor Inspectors		
■ Initial Training for New Employees	Unknown	Unknown
■ Training on New Laws Related to Child Labor	N/A	N/A
■ Refresher Courses Provided	Unknown	Unknown
Number of Labor Inspections	Unknown	Unknown
■ Number Conducted at Worksite	Unknown	Unknown
■ Number Conducted by Desk Reviews	Unknown	Unknown
Number of Child Labor Violations Found	Unknown	Unknown
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown	Unknown
■ Number of Penalties Imposed That Were Collected	Unknown	Unknown
Routine Inspections Conducted	Unknown	Unknown
■ Routine Inspections Targeted	Unknown	Unknown
Unannounced Inspections Permitted	Unknown	Unknown
Unannounced Inspections Conducted	Unknown	Unknown
Complaint Mechanism Exists	No (11)	No (15)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (11)	No (15)

Although Tonga has no formal child labor legislation, business license inspectors look for children engaged in the worst forms of child labor during their regular inspection duties. If there is a specific complaint, then the Chief Labor Inspector visits the site, conducts an investigation, and requests police involvement if necessary.(15)

Criminal Law Enforcement

In 2015, criminal law enforcement agencies in Tonga did not take actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2014	2015
Training for Investigators		
■ Initial Training for New Employees	Unknown	Unknown
■ Training on New Laws Related to the Worst Forms of Child Labor	N/A	N/A
■ Refresher Courses Provided	Unknown	Unknown
Number of Investigations	Unknown	Unknown
Number of Violations Found	Unknown	Unknown
Number of Prosecutions Initiated	Unknown	Unknown
Number of Convictions	Unknown	Unknown
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (11)	Yes (15)

Tonga

NO ADVANCEMENT

The Government of Tonga did not employ specific investigators to enforce laws against the worst forms of child labor.(15)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

Research found no evidence that the Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms.

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

Research found no evidence of policies to address child labor, including its worst forms (Table 8).

Table 8. Policies Related to Child Labor

Policy	Description
Tonga Education Policy Framework*	Aims to build the capacity of the Ministry of Education, improve school quality, and achieve universal primary education.(12, 17)
UNDAF for the Pacific Region (2013–2017)*	Promotes sustainable development and economic growth for vulnerable groups in 14 Pacific Island Countries and Territories: Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Palau, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, and Vanuatu.(18) Includes initiatives to prevent and respond to exploitation and abuse of children in Tonga.(19)

* Child labor elimination and prevention strategies do not appear to have been integrated into this policy.

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

Research found no evidence of programs that include the goal of eliminating or preventing child labor, including its worst forms.

In 2012–2013, the Ministry of Internal Affairs conducted a spot survey of sectors that have limited evidence of child labor; however, these data have yet to be released.(15)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Tonga (Table 9).

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, and the Palermo Protocol on Trafficking in Persons.	2013 – 2015
	Establish labor regulations that include a minimum age of 14 for employment and a minimum age of 18 for hazardous work, in accordance with international standards.	2009 – 2015
	Ensure that hazardous occupations or activities are prohibited for children.	2009 – 2015
	Ensure that the law criminally prohibits forced labor, including debt bondage and slavery.	2015
	Ensure that the law specifically prohibits domestic human trafficking of children.	2014 – 2015
	Ensure that laws prohibit all forms of commercial sexual exploitation for both girls and boys under the age of 18.	2009 – 2015
	Ensure that the law prohibits the use of children in illicit activities, including in the production and trafficking of drugs.	2014 – 2015
Enforcement	Publish information on labor law and criminal law enforcement activities and efforts.	2014 – 2015
	Establish a mechanism for child labor complaints and ensure that labor inspectors have the training and resources necessary to respond to child labor complaints.	2013 – 2015
	Provide criminal investigators with the training and resources necessary to enforce laws prohibiting the worst forms of child labor.	2013 – 2015
	Establish referral mechanisms between the labor inspectorate, the police, and social welfare services to protect and rehabilitate children involved in child labor, including its worst forms.	2014 – 2015
Coordination	Establish a coordinating mechanism to combat the worst forms of child labor.	2009 – 2015

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms (cont)

Area	Suggested Action	Year(s) Suggested
Government Policies	Adopt policies that address child labor, including its worst forms.	2014 – 2015
	Integrate child labor elimination and prevention strategies into existing policies.	2010 – 2015
Social Programs	Implement programs to address child labor in domestic work.	2010 – 2015
	Publish results of the spot survey and conduct further research to determine the activities carried out by children.	2013 – 2015

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