

# Tonga

The Government of Tonga increased the compulsory school age to 18. There are anecdotal reports of children engaged in farming and fishing. There are gaps in the legal framework to protect children against labor exploitation as the Government has not yet set a minimum age for employment. The lack of evidence of worst forms of child labor may be an indicator of a small or hidden problem.

## Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor






There is little available information about the extent and nature of the worst forms of child labor in Tonga.<sup>5012</sup> However, there are anecdotal reports that children engage in farming and fishing.<sup>5013</sup> Children engaged in agriculture may be exposed to chemicals, injured by dangerous machinery or tools, and suffer physical harm from repetitive motions and carrying excessively heavy loads, while children involved in fishing are at risk of injuries and drowning.

There have also been reports of foreign fishing crews soliciting girls for sexual exploitation.<sup>5014</sup>

## Laws and Regulations on the Worst Forms of Child Labor

There is no legislation that specifies a minimum age for work or hazardous forms of work.<sup>5015</sup>

The *Constitution of Tonga* prohibits forced or compulsory work, including slavery.<sup>5016</sup> The *Criminal Offenses Act* prohibits the owning and/or operating of a brothel, pimping, and soliciting a prostitute in a public place. The *Act* also prohibits the abduction of girls under age 14, and the procurement or attempt at

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	None
	Minimum Age for Hazardous Work	None
	Compulsory Education Age	18
	Free Public Education	Yes

procurement of any girl under age 21 for prostitution either within or outside the country.<sup>5017</sup> However, the Act does not prohibit the abduction of boys, nor procurement or the attempt to procure boys for prostitution. Without specifically addressing gender, Tonga's Transnational Crimes Act does prohibit the

trafficking and attempt at trafficking of both adults and minors across Tonga's borders.<sup>5018</sup> The Tonga law also explicitly prohibits child pornography.<sup>5019</sup>

There is no military conscription in Tonga. The minimum age for voluntary service is age 18, but with parental approval. Children as young as age 16 can join the military in non-combat positions.<sup>5020</sup>

No other legal restrictions on the work that children may perform could be identified.

### **Institutional Mechanisms for Coordination and Enforcement**

Research found no evidence that the Government of Tonga has established a mechanism to coordinate government efforts to combat worst forms of child labor.<sup>5021</sup> Tonga does not have any labor inspectors; complaints regarding prohibited worst forms of child labor are handled by the Ministry of Labor or the Ministry of Police.<sup>5022</sup> No official statistics are available on the number of investigations into prohibited worst forms, but the head of the police force's domestic violence unit estimates that two or three investigations are conducted each year.<sup>5023</sup> The Department of Immigration, Ministry of Police, Crown Law Office,

Tonga Defense Services, resident embassies, and high commissions share information related to criminal matters, including human trafficking.<sup>5024</sup>

### **Government Policies on the Worst Forms of Child Labor**

The worst forms of child labor are not a direct focus of government policies.<sup>5025</sup>

Among its objectives, the Strategic Development Plan Eight (2006-2009), aimed to improve educational standards for children and youth.<sup>5026</sup> This appears to be a long-standing objective. The Ministry of Education's 1996 Strategic Plan sought to increase the compulsory school age to 17 by 2010, and to establish universal access to quality education up to that age.<sup>5027</sup> The Government has raised the compulsory school age to 18.<sup>5028</sup>

### **Social Programs to Eliminate or Prevent the Worst Forms of Child Labor**

Research found no evidence that the Government of Tonga has established programs to combat the worst forms of child labor.

## **Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Tonga:**

### **IN THE AREA OF LAWS AND REGULATIONS:**

- Establish a minimum age for employment and a higher minimum age for hazardous work.
- Define hazardous occupations and activities forbidden for children.
- Amend legislation to include boys as victims in prohibitions on abduction and procuring or attempting to procure a child for prostitution.
- Increase the minimum age for military service to 18.

### **IN THE AREA OF COORDINATION AND ENFORCEMENT:**

- Establish enforcement mechanism for prohibitions on forced and compulsory labor.
- Ensure enforcement capacity for any new child labor laws enacted.
- Maintain records of investigations into prohibited worst forms of child labor.

### **IN THE AREA OF POLICIES:**

- Conduct a study to better identify the extent and nature of the worst forms of child labor in Tonga.
- In the area of social programs:
  - Use the results of the study to consider whether the worst forms of child labor require a dedicated policy and program focus.

<sup>5012</sup> Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

<sup>5013</sup> U.S. Embassy- Suva, *reporting*, February 2, 2010. See also U.S. Department of State, “Tonga,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136012.htm>.

<sup>5014</sup> U.S. Department of State, “Country Reports- 2009: Tonga,” section 6.

<sup>5015</sup> U.S. Embassy- Suva, *reporting*, December 10, 2007, para 5A. See also U.S. Department of State, “Country Reports- 2009: Tonga,” section 7d.

<sup>5016</sup> Government of Tonga, *Constitution of Tonga*, (1988), article 2; available from [http://www.paclii.org/to/legis/consol\\_act/cot238/](http://www.paclii.org/to/legis/consol_act/cot238/).

<sup>5017</sup> Government of Tonga, *Criminal Offenses Act*, (1988), articles 80, 81, 125, 126, and 129; available from [http://www.paclii.org/to/legis/consol\\_act/co136/](http://www.paclii.org/to/legis/consol_act/co136/).

<sup>5018</sup> Government of Tonga, *Transnational Crimes Act*, (2006), articles 24-26.

<sup>5019</sup> International Centre for Missing and Exploited Children, *Child Pornography: Model Legislation and Global Review*, 2008, 30; available from [http://www.icmec.org/en\\_X1/English\\_\\_5th\\_Edition\\_.pdf](http://www.icmec.org/en_X1/English__5th_Edition_.pdf).

<sup>5020</sup> Government of Tonga, *Tonga Defence Services Act 1992*, article 25; available from <http://legislation.to/Tonga/DATA/PRIN/1992-017/TongaDefenceServicesAct1992.pdf>. See also Coalition to Stop the Use of Child Soldiers, “Tonga,” in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>5021</sup> U.S. Embassy- Suva, *reporting*, December 10, 2007, section 5b.

<sup>5022</sup> U.S. Embassy- Suva official, E-mail communication to USDOL official, September 9, 2010.

<sup>5023</sup> Ibid.

<sup>5024</sup> U.S. Embassy- Suva, *reporting*, February 2, 2009, para 24B.

<sup>5025</sup> U.S. Embassy- Suva, *reporting*, February 2, 2010.

<sup>5026</sup> Government of Tonga, *Strategic Development Plan Eight 2006-2009: Looking to the Future Building on the Past*, 2006, 5, 46, 100, 106, 108, and 109; available from <http://www.sprep.org/att/IRC/eCOPIES/Countries/Tonga/13.pdf>.

<sup>5027</sup> UNESCO, “Tonga,” in *Education for All 2000 Assessment: Country Reports*, Geneva, 2000; available from [http://www.unesco.org/education/wef/countryreports/tonga/rapport\\_3.html](http://www.unesco.org/education/wef/countryreports/tonga/rapport_3.html).

<sup>5028</sup> U.S. Embassy- Suva official, E-mail communication, September 9, 2010. See also U.S. Embassy- Suva, *reporting*, December 10, 2007.