

In 2014, Tonga made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government reported training prosecutors, police, and victim service providers on human trafficking issues. Although research is limited, there is evidence that children are engaged in child labor in 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.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Although research is limited, there is evidence that children are engaged in child labor in Tonga in 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 (%)		98.6

Source for primary completion rate: Data from 2012, 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
Services	Domestic service* (1, 5)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation as a result of human trafficking* (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 a few key international conventions 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

MINIMAL 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		Section 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		Section 115A of the Criminal Offenses Act; Sections 125 and 126 of the Criminal Offenses Act (7, 8)
Prohibition of Using Children in Illicit Activities	Yes		Sections 16 and 23 of the Criminal Offenses Act (8)
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Yes	16	Section 25 of His Majesty's Armed Forces Act (8, 9)
Compulsory Education Age	Yes	14	Section 52a Education Act (Revised) (10)
Free Public Education	Yes	12	Section 33.3 Education Act (Revised) (10)

* No conscription (9)

Tonga has not established a minimum age for work or for hazardous work, nor has it prohibited hazardous occupations and/or activities for children. While the legal framework prohibits transnational human trafficking of children, the law does not extend to children who are victims of domestic trafficking.(1) The laws prohibiting commercial sexual exploitation of children do not extend to boys ages 12 to 17.(8) While a child can be deemed an “involuntary agent” if used to conduct illegal activities, the law does not specifically prohibit the use of children in illicit activities.(11)

The Government has drafted an Employment Relations Bill that would establish a minimum age for non-hazardous work and hazardous work.(12, 13) The proposed bill would also prohibit slavery; trafficking of children; recruitment of children for use in armed conflict; and the use of children in prostitution, pornography, illicit activities, and trafficking of illegal drugs.(11, 12) The bill has yet to be passed.

There is no military conscription in Tonga. The minimum age for voluntary service is 18; however, with parental approval, children can enlist in the military at age 16.(9)

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 (MCTL)	Enforce labor laws relating to child labor. Business license inspectors look for children engaged in the worst forms of child labor in the course of their regular inspection duties.(11) Refers reports of child labor to the Chief Labor Inspector, who visits the site, conducts an investigation, and requests police involvement if necessary.(11)
Tongan Police, Transnational Crime Unit and Domestic Violence Unit	Enforce criminal laws relating to the worst forms of child labor.(11)
Ministry of Internal Affairs, Immigration Department	Collaborate with Tongan police and MCTL on enforcement of criminal laws in cases in which foreign nationals are involved in the worst forms of child labor.(11)

Law enforcement agencies in Tonga took actions to combat child labor, including its worst forms.

Labor Law Enforcement

In 2014, there were no reports of child labor complaints.(11) Information was not available on the number and training of labor inspectors, the number of labor inspections conducted, the number of child labor law violations, and the number of citations or penalties issued. A referral mechanism for filing and responding to complaints of child labor has not been established.(11)

Criminal Law Enforcement

In 2014, prosecutors, police, and victim service providers received practice-based human trafficking training at a national workshop.(14) During the reporting period, no known cases of child labor were reported, investigated, or prosecuted.(11) The Tonga police refer children in need of safe housing and counseling to one of two NGOs, the Women and Children's Crisis Center or the Tonga National Women's Center.(14)

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 any policies to address child labor, including its worst forms (Table 6).

Table 6. Policies Related to Child Labor

Policy	Description
Tonga Strategic Development Framework (2011-2014)*	Establishes economic development objectives, including the expansion of vocational training institutions and the Government provision of universal primary education.(15)
Tonga Education Policy Framework*	Aims to build the capacity of the Ministry of Education, improve school quality, and achieve universal primary education.(5)
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, Nauru, Niue, Palau, Marshall Islands, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, and Vanuatu.(16) Includes initiatives to prevent and respond to exploitation and abuse of children exploitation in Tonga.(17)

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

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

Although limited evidence suggests that there may be problems in some sectors, 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.(11)

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 7).

Table 7. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify ILO C. 182, the UN CRC Optional Protocol on Armed Conflict; the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; and the Palermo Protocol on Trafficking in Persons.	2013 – 2014
	Establish labor regulations that include a minimum age for employment of 14 years and a minimum age for hazardous work of 18 years in accordance with international standards.	2009 – 2014
	Ensure that hazardous occupations or activities are prohibited for children.	2009 – 2014
	Ensure that the law specifically prohibits domestic human trafficking of children.	2014
	Ensure that laws prohibiting commercial sexual exploitation extend to boys under the age of 18.	2009 – 2014

Table 7. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms (cont)

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the law prohibits the use of children in illicit activities.	2014
Enforcement	Collect and publish information on the number of labor inspectors, labor inspections conducted, child labor law violations, and citations and penalties issued.	2014
	Ensure that labor inspectors have the training and resources necessary to respond to child labor complaints.	2013 – 2014
	Provide criminal investigators with the training and resources necessary to enforce laws prohibiting the worst forms of child labor.	2013 – 2014
	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
Coordination	Establish a coordinating mechanism to combat the worst forms of child labor.	2009 – 2014
Government Policies	Adopt policies that address child labor, including its worst forms.	2014
	Integrate child labor elimination and prevention strategies into existing policies.	2010 – 2014
Social Programs	Implement programs to address child labor in fishing and domestic work.	2010 – 2014
	Publish results of the spot survey and conduct further research to determine the activities carried out by children.	2013 – 2014

REFERENCES

- U.S. Department of State. "Tonga," in *Trafficking in Persons Report- 2014*. Washington, DC; June 2014; <http://www.state.gov/documents/organization/226849.pdf>.
- U.S. Department of State. "Tonga," in *Country Reports on Human Rights Practices- 2013*. Washington, DC; February 27, 2014; <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220238>.
- UNESCO Institute for Statistics. *Gross intake ratio to the last grade of primary. Total*. [accessed January 16, 2015] <http://www.uis.unesco.org/Pages/default.aspx?SPSLanguage=EN>. Data provided is the gross intake ratio to the last grade of primary school. This measure is a proxy measure for primary completion. For more information, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.
- UCW. *Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys*. Analysis received January 16, 2015. Reliable statistical data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work in general are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, 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 of this report.
- U.S. Embassy- Suva. *reporting, January 31, 2013*.
- Tonga. *Counter Terrorism and Transnational Organized Crime Act*, enacted 2013. http://www.crownlaw.gov.to/cms/images/LEGISLATION/PRINCIPAL/2013/2013-0017/CounterTerrorismandTransnationalOrganisedCrimeAct2013_1.pdf.
- Government of Tonga. *Criminal Offences (Amendment) Act 2003*, enacted 2003. [http://legislation.to/Tonga/DATA/AMD/1988-018/CriminalOffences\(Amendment\)Act2007.pdf](http://legislation.to/Tonga/DATA/AMD/1988-018/CriminalOffences(Amendment)Act2007.pdf).
- Government of Tonga. *Criminal Offences Act*, enacted 1988. http://www.pacii.org/to/legis/consol_act/co136L.
- Government of Tonga. *Tonga Defence Services Act 1992*, No. 17, enacted 1992. <http://legislation.to/Tonga/DATA/PRIN/1992-017/TongaDefenceServicesAct1992.pdf>.
- Government of Tonga. *Education Act (Revised)*, enacted 1988.
- U.S. Embassy- Suva. *reporting, January 15, 2015*.
- Government of Tonga. *Employment Relations Bill S.51*, enacted [draft].
- Government of Tonga. *Submission Re: Child Labor in Tonga*. Nuku'alofa; 2014.
- U.S. Embassy- Suva. *reporting, February 12, 2015*.
- Ministry of Finance and National Planning. *Tonga Strategic Development Framework, 2011-2014*. Nuku'alofa; 2011. <http://aid.dfat.gov.au/countries/pacific/tonga/Documents/tonga-strat-dev-frame-2011-2014.pdf>.
- UNDP. *UNDAF for the Pacific Region 2013-2017*. http://www.undp.org/content/dam/samoa/docs/UNDP_WS_UNDAF_Summary_Report_2013-17.pdf.
- UNDAF. *Results Matrix 2013-2017, Tonga*. http://www.pacific.one.un.org/images/stories/2013/tonga_ccrm.pdf.