

Tonga

MINIMAL ADVANCEMENT

In 2013, Tonga made a minimal advancement in efforts to eliminate the worst forms of child labor. The lack of information regarding the worst forms of child labor in Tonga may be an indicator of a small or hidden problem. To address this knowledge gap, the Government sought to validate its data on child labor complaints, and conducted a spot survey in key sectors in which limited evidence has indicated that child labor occurs. 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 many types of labor exploitation.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

There is little information available about the extent and nature of the worst forms of child labor in Tonga. 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)	7-14 yrs.	Unavailable
Attending School (%)	5-14 yrs.	Unavailable
Combining Work and School (%)	7-14 yrs.	Unavailable
Primary Completion Rate (%)		103.0

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2014.(1)

Source for all other data: Understanding Children's Work Project's analysis, 2013.(2)

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
Agriculture	Agriculture, activities unknown* (3, 4)
	Fishing,* activities unknown (3, 4)
Services	Domestic service* (3, 4)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation* (3, 4)

* 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 ON 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	

The Government has not ratified ILO C. 182 or the CRC Optional Protocol on the Sale of Children, Child Prostitution, and Pornography.

The Government has established relevant 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		
List of Hazardous Occupations Prohibited for Children	No		
Prohibition of Forced Labor	Yes		Constitution of Tonga (5)
Prohibition of Child Trafficking	Yes		Transnational Crimes Act
Prohibition of Commercial Sexual Exploitation of Children	Yes		Criminal Offenses Act, Pornography Control Act (6-8)
Prohibition of Using Children in Illicit Activities	Yes		Criminal Offenses Act, Pornography Control Act, Transnational Crimes Act (6-8)
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Yes	18	Tonga Defence Services Act (9)
Compulsory Education Age	Yes	14	Education Act Revised 1988 (10, 11)
Free Public Education	Yes		Education Act Revised 1988 (11, 12)

* No conscription or no standing military.

Tonga has not established a minimum age for work or for hazardous work, nor has it established a list of hazardous occupations prohibited for children. The Government has drafted an Employment Relations Bill and placed it into public consideration; if enacted, it would establish minimum ages for work and hazardous work.(13, 14) The Criminal Offenses Act prohibits the procurement of any girl under age 21 for prostitution either within or outside the country.(7) The Act does not provide the same protections for boys under 21, but it prohibits “indecent assault” on both boys and girls under age 12.(3, 7) 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 for noncombat positions.(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. MCTL's business license inspectors look for children engaged in the worst forms of child labor in the course of their regular inspection duties.(3) If MCTL receives a specific report of child labor, Chief Labor Inspector visits the site, conducts an investigation, and requests police involvement if necessary.(3)
Tongan Police Transnational Crime Unit and Domestic Violence Unit	Enforce criminal laws relating to the worst forms of child labor.(3, 15)
Ministry of Internal Affairs, Immigration Department	Collaborate with Tongan Police and MCTL on enforcement of criminal laws relating to the worst forms of child labor, when circumstances warrant.(3, 14, 15)

Research found no evidence that law enforcement agencies in Tonga took any actions to combat child labor, including its worst forms.

The Ministry of Commerce, Tourism, and Labor (MCTL) has acknowledged a need for more inspectors.(15) No funding was allocated to child labor investigations. No known cases of child labor were reported, investigated, or prosecuted during the reporting period.(3, 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

The Government of Tonga has established policies related to child labor, including its worst forms (Table 6).

Table 6. Policies Related to Child Labor

Policy	Description
Strategic Development Plan (2009 – 2013)*	Includes the goal to increase the performance of technical and vocational education services and infrastructure in the country.(16) Priority given to women and children to strengthen competencies in agriculture and fishing. Plan identifies horticulture, fishing, business and marketing, plumbing, carpentry, and motor maintenance as other areas where training is needed.(17)
Tonga Education Policy Framework*	Aims to build the capacity of the Ministry of Education, improve school quality, and achieve universal primary education.(3)

*The impact of this policy on child labor does not appear to have been studied.

Research did not determine the extent to which children who receive skills training under the Strategic Development Plan are protected from dangerous work.

During the reporting period, the Government took steps to collect better data on child labor. MCTL attempted to validate its registered data on child labor complaints, and the Ministry of Internal Affairs (MOIA) conducted a “spot survey” to look into sectors in which limited evidence has indicated child labor occurs. The Government stated that a report on this survey was under development by the Crisis Intervention Desk of the National Forum of Church Leaders in Tonga for MOIA.(14)

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF 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.

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
Laws	Ratify ILO C. 182 and the CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.	2013
	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 – 2013
	Define hazardous occupations and activities forbidden for children.	2009 – 2013
	Amend legislation to include boys as victims in prostitution-related crimes.	2009 – 2013
Enforcement	Ensure that government agencies are staffed and funded adequately to enforce laws on child labor.	2013
Coordination	Establish a coordinating mechanism to combat the worst forms of child labor.	2009 – 2013
Government Policies	Ensure that the vocational education curriculum under Strategic Development Plan Nine incorporates measures to protect children from dangerous tasks.	2011 – 2013
	Assess the impact the existing policies may have on addressing child labor.	2010 – 2013
Social Programs	Publish results of the spot survey and conduct further research to determine the activities carried out by children, to inform policies and programs.	2013
	Implement programs to address the worst forms of child labor in sectors in which they are occurring.	2010 – 2013

REFERENCES

- UNESCO Institute for Statistics. *Gross intake ratio to the last grade of primary. Total*. [accessed February 10, 2014] <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 February 13, 2014. 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*.
- 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&dldid=220238>.
- Government of Tonga. *Constitution of Tonga*, enacted 1988. http://www.paclii.org/to/legis/consol_act/cot238/.
- 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.paclii.org/to/legis/consol_act/co136/.
- Government of Tonga. *Pornography Control Act*, enacted March 4, 2004.
- Government of Tonga. *Tonga Defence Services Act 1992*, No. 17, enacted 1992. <http://legislation.to/Tonga/DATA/PRIN/1992-017/TongaDefenceServicesAct1992.pdf>.
- UNESCO. *EFA Global Monitoring Report 2012*. Paris; 2012. <http://unesdoc.unesco.org/images/0021/002180/218003e.pdf>.
- Government of Tonga. *Education Act (Revised)*, enacted 1988.
- UNICEF. *Tonga Parliamentarians Act on Child Rights Issue*. Press Release. Nuku’alofa; June 27, 2011. http://www.unicef.org/pacificislands/media_16366.html.
- Government of Tonga. *S. 51 Employment Relations Bill (Draft)*, enacted
- Government of Tonga. *Submission re: Child Labor in Tonga*; 2014.
- U.S. Embassy- Suva. *reporting, January 17, 2014*.
- Government of Tonga Prime Minister’s Office. *National Strategic Planning Framework*. Nuku’alofa, Government of Tonga; February 2009. www.sprep.org/att/IRC/eCOPIES/Countries/Tonga/62.pdf.
- Kingdom of Tonga and the Secretariat of the Pacific Community. *Joint Country Strategy 2009-2013 in Support of Tonga’s Strategic Development Plan 9, 2009-2013*. Noumea, Government of Tonga; September 2009. www.spc.int/sppu/images/.../complete%20tonga%20jcs%20lowr.pdf.