

*In 2016, Tonga made a minimal advancement in efforts to eliminate the worst forms of child labor. Tonga joined the International Labor Organization in February 2016. Although research is limited, there is evidence that some children are reportedly engaged in the worst forms of child labor, 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, reportedly, engage in the worst forms of child labor, in forced domestic work.(1-3) 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 to 14	Unavailable
Attending School (%)	5 to 14	Unavailable
Combining Work and School (%)	7 to 14	Unavailable
Primary Completion Rate (%)		110.9

Source for primary completion rate: Data from 2013, published by UNESCO Institute for Statistics, 2016.(4)  
Data were unavailable from Understanding Children's Work Project's analysis, 2016.(5)

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 <sup>‡</sup>	Commercial sexual exploitation, sometimes as a result of human trafficking (1, 2)
	Forced domestic work (1, 2)

<sup>‡</sup> 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

## MINIMAL ADVANCEMENT

The Government has established laws and regulations related to child labor, including its worst forms (Table 4). However, gaps exist in Tonga's legal framework to adequately protect children from child labor.

**Table 4. Laws and Regulations on Child Labor**

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	No		
Minimum Age for Hazardous Work	No		
Identification of Hazardous Occupations or Activities Prohibited for Children	No		
Prohibition of Forced Labor	No		Sections 69–70 of the Counter Terrorism and Transnational Organised Crime Act (6)
Prohibition of Child Trafficking	Yes		Section 69 of the Counter Terrorism and Transnational Organised Crime Act (6)
Prohibition of Commercial Sexual Exploitation of Children	No		Sections 115A and 125–126 of the Criminal Offences Act (7)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Military Recruitment			
State Compulsory	Yes*	18	Section 25 of the Defense Services Act (8)
State Voluntary	Yes	16	Section 25 of the Defense Services Act (8)
Non-state Compulsory	No		
Compulsory Education Age	Yes	18	Section 98 of the Education Act 2013 (9)
Free Public Education	No		Section 95 of the Education Act 2013 (9)

\* No conscription (8)

Tonga joined the International Labor Organization in February 2016.(10, 11)

The Parliament has yet to pass the Employment Relations Bill, which would establish a minimum age for non-hazardous and hazardous work and would prohibit the categorical worst forms of child labor. In addition, the Parliament has not determined the types of hazardous work prohibited for children.(12-14)

The Counter Terrorism and Transnational Organised Crime Act is insufficient because it does not specifically prohibit trafficking children domestically, nor does it criminally prohibit forced labor, debt bondage, and slavery, unless they involve human trafficking.(1, 6)

The Criminal Offences Act prohibits the procurement of women and girls under age 21 for prostitution but does not criminalize the procurement of boys for prostitution.(15) In addition, the Act does not sufficiently prohibit commercial sexual exploitation, because the use of children under age 14 in the production of pornography is not criminally prohibited. The Act also does not specifically prohibit using children in illicit activities, particularly for producing and trafficking drugs.(7, 15, 16)

Although it does not appear that there are any laws that provide free basic education, there is a policy that sufficiently provides for free basic education to all children between the ages of 6 and 14.(17)

### 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). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

**Table 5. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
Ministry of Commerce, Consumer, Innovation, and Labor	Enforce labor laws, including those relating to child labor and the worst forms of child labor.(18)
Tongan Police, Transnational Crime Unit, and Domestic Violence Unit	Enforce criminal laws relating to the worst forms of child labor.(14)
Ministry of Internal Affairs, Immigration Department	Collaborate with Tongan police and the Ministry of Commerce, Tourism, and Labor on the enforcement of criminal laws in cases in which foreign nationals are involved in the worst forms of child labor.(18)

Although the Ministry of Commerce, Consumer, Innovation, and Labor recognizes that more inspectors are needed to target sectors in which child labor is present, inadequate resources prevent it from doing so.(14, 19)

### ***Labor Law Enforcement***

In 2016, labor 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	2015	2016
Labor Inspectorate Funding	Unknown (20)	Unknown
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 (18)	No (14)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (18)	No (14)

Although Tonga has no formal child labor legislation, business license inspectors look for children engaged in the worst forms of child labor during their inspections. If there is a specific complaint, then the Chief Labor Inspector visits the site, conducts an investigation, and requests police involvement if necessary.(14)

### ***Criminal Law Enforcement***

In 2016, 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	2015	2016
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 (18)	Yes (14)

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

The Government has established policies related to child labor, including its worst forms (Table 8).

**Table 8. Key Policies Related to Child Labor**

Policy	Description
Tonga Education Policy Framework (2004-2019)	Aims to build the capacity of the Ministry of Education, improve school quality, and achieve universal primary education.(21, 22)

The Government has not included child labor elimination and prevention strategies into the Tonga Education Policy Framework.

#### VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

Research found no evidence that the Government funded or participated in 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 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 – 2016
	Ratify ILO C. 182, Worst Forms of Child Labor, and the UN CRC Optional Protocol on Armed Conflict.	2016
	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 – 2016
	Ensure that hazardous occupations or activities are prohibited for children.	2009 – 2016
	Ensure that the law criminally prohibits forced labor, including debt bondage and slavery.	2015 – 2016
	Ensure that laws specifically prohibit domestic human trafficking of children and the use of children in illicit activities, including in the production and trafficking of drugs.	2014 – 2016

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

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that laws prohibit all forms of commercial sexual exploitation for both girls and boys under the age of 18.	2009 – 2016
	Ensure that the law criminally prohibits the recruitment of children under 18 by non-state armed groups.	2016
	Establish by law free basic public education.	2016
Enforcement	Publish information on labor law and criminal law enforcement activities, efforts, and relevant data.	2014 – 2016
	Establish a mechanism for reporting child labor complaints and ensure that labor inspectors have the training and resources necessary to respond to child labor complaints.	2013 – 2016
	Provide criminal investigators with the training and resources necessary to enforce laws prohibiting the worst forms of child labor.	2013 – 2016
	Establish referral mechanisms among the labor inspectorate, the police, and social welfare services to protect and rehabilitate children involved in child labor, including its worst forms.	2014 – 2016
	Increase the number of labor inspectors trained and responsible for targeting sectors in which child labor is present.	2016
Coordination	Establish a coordinating mechanism to combat the worst forms of child labor.	2009 – 2016
Government Policies	Integrate child labor elimination and prevention strategies into this policy.	2016
Social Programs	Implement programs to address child labor in domestic work.	2010 – 2016

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