

Tonga

The lack of information regarding the worst forms of child labor may be an indicator of a small or hidden problem in Tonga. However, there are anecdotal reports of children engaged in farming and fishing. Gaps in the legal framework, such as the lack of a minimum age for employment, leave children unprotected from labor exploitation.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	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.⁵⁷⁵³ However, there are anecdotal reports that children engage in farming and fishing.⁵⁷⁵⁴ 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.

Reportedly, foreign fishing crews solicit girls for sexual exploitation.⁵⁷⁵⁵ There have also been reports of children subjected to the worst forms of child labor as domestic workers.⁵⁷⁵⁶ Child domestic labor commonly involves long hours of work and hazardous activities, while often exposing children to physical and sexual exploitation by their employer.

Laws and Regulations on the Worst Forms of Child Labor

There is no legislation that specifies a minimum age for work or for hazardous forms of work.⁵⁷⁵⁷

However, children between the ages of 6 and 14 are required to attend school until at least six years of education have been completed.⁵⁷⁵⁸

	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	No
	Minimum Age for Hazardous Work	No
	Compulsory Education Age	18
	Free Public Education	Yes

The Constitution of Tonga prohibits forced or compulsory work and slavery.⁵⁷⁵⁹ Although prostitution is not illegal, the Criminal Offenses Act does prohibit the owning or operating of a brothel and the pimping and soliciting of a prostitute in a public place.⁵⁷⁶⁰ The Act also prohibits the abduction of girls under age 14 and the procurement of any girl under 21 for prostitution either within or outside the country.⁵⁷⁶¹ However, the Act does not prohibit the abduction of boys or the procurement or the attempt to procure boys for prostitution. The Transnational Crimes Act explicitly prohibits the trafficking and attempt at trafficking of children.⁵⁷⁶² The law also explicitly prohibits child pornography.⁵⁷⁶³

There is no military conscription in Tonga.⁵⁷⁶⁴ The minimum age for voluntary service is 18, but with parental approval children as young as age 16 can join the military in noncombat positions.⁵⁷⁶⁵

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Tonga has established a coordinating mechanism to combat the worst forms of child labor.⁵⁷⁶⁶

The Ministry of Labor (MOL) is responsible for enforcement of child labor laws.⁵⁷⁶⁷ However, the MOL does not employ any labor inspectors. The Ministry has business license inspectors who look for violations of child labor laws in addition to their other inspection duties.⁵⁷⁶⁸ If a violation is reported, the Chief Labor Inspector personally investigates the allegation.⁵⁷⁶⁹ After a review by the MOL, complaints regarding prohibited worst forms of child labor are then handed over to the Ministry of Police (MOP).⁵⁷⁷⁰ No official statistics are available on the number of investigations into prohibited worst forms, but the head of the MOP's

domestic violence unit estimates that two or three investigations are conducted each year.⁵⁷⁷¹ No complaints were filed during the reporting period, nor were any investigations carried out.⁵⁷⁷²

The Ministries of Labor, Immigration, and Police are responsible for enforcing laws regarding forced labor, trafficking, the commercial sexual exploitation of children and the use of children in illicit activities.⁵⁷⁷³ No cases were investigated or prosecuted during the reporting period.⁵⁷⁷⁴

Government Policies on the Worst Forms of Child Labor

The Strategic Development Plan Nine (2009–2013) establishes Tonga's development goals for the next 3 years. The goals include improving both public and private technical and vocational education services, such as curriculum and facilities. The improvements are intended to specifically target women and children.⁵⁷⁷⁵ Priority in the new curriculum is given to strengthening competencies in agriculture, fishing and horticulture, business and marketing, plumbing, carpentry and motor maintenance.⁵⁷⁷⁶ The impact of this policy on the worst forms of child labor does not appear to have been addressed.

Education at the primary level is free and the Government raised the compulsory school age to 18 during the reporting period.⁵⁷⁷⁷

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

Research found no evidence that the Government of Tonga has any programs targeted at combating the worst forms of child labor, specifically in farming, fishing or commercial sexual exploitation.

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 raise the minimum age for hazardous work to 18.
- Define hazardous occupations and activities forbidden for children.
- Amend legislation to include boys as victims in prostitution-related crimes.
- Increase the minimum age for all military service to 18.

IN THE AREA OF COORDINATION ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Maintain and make publicly available records of investigations into 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 labor in Tonga to design appropriate policies and programs
- Assess the impact the existing policies may have on addressing child labor.

IN THE AREA OF SOCIAL PROGRAMS:

- Implement programs to address the worst forms of child labor, specifically in farming, fishing and commercial sexual exploitation.

⁵⁷⁵³ 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.

⁵⁷⁵⁴ U.S. Embassy- Suva, *reporting, February 8, 2011*. See also U.S. Department of State, “Tonga,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/documents/organization/160106.pdf>.

⁵⁷⁵⁵ U.S. Department of State, “Tonga,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136012.htm>. See also U.S. Embassy-Suva, *reporting, February 2, 2010*.

⁵⁷⁵⁶ U.S. Embassy- Suva, *reporting, February 8, 2011*.

⁵⁷⁵⁷ *Ibid.* See also U.S. Department of State, “Country Reports- 2010: Tonga,” section 7d. See also U.S. Embassy-Suva, *reporting, December 9, 2007*.

⁵⁷⁵⁸ Mili Kaitani and Chris McMurray, *Tonga. A Situation Analysis of Children, Women and Youth*, Government of Tonga with UNICEF, Suva, 2006.

⁵⁷⁵⁹ Government of Tonga, *Constitution of Tonga*, (1988), article 2; available from http://www.paclii.org/to/legis/consol_act/cot238/.

⁵⁷⁶⁰ U.S. Embassy- Suva, *reporting, February 8, 2011*. See also Government of Tonga, *Criminal Offenses Act*, (1988); available from http://www.paclii.org/to/legis/consol_act/co136/.

⁵⁷⁶¹ Government of Tonga, *Criminal Offenses Act*, articles 80, 81, 125, 126, 129.

⁵⁷⁶² U.S. Embassy- Suva, *reporting, February 8, 2011*.

⁵⁷⁶³ International Centre for Missing and Exploited Children, *Child Pornography: Model Legislation and Global Review*, 2008; available from http://www.icmec.org/en_X1/English_5th_Edition_.pdf.

⁵⁷⁶⁴ Government of Tonga, *Tonga Defence Services Act 1992*; available from <http://legislation.to/Tonga/DATA/PRIN/1992-017/TongaDefenceServicesAct1992.pdf>.

⁵⁷⁶⁵ *Ibid.*, article 25.

⁵⁷⁶⁶ U.S. Embassy- Suva, *reporting, February 8, 2011*. See also U.S. Embassy- Suva, *reporting, December 9, 2007*.

⁵⁷⁶⁷ U.S. Embassy- Suva, *reporting, February 8, 2011.*

⁵⁷⁶⁸ Ibid. See also U.S. Embassy- Suva official, E-mail communication to USDOL official, September 9, 2010.

⁵⁷⁶⁹ U.S. Embassy- Suva, *reporting, February 8, 2011.*

⁵⁷⁷⁰ Ibid.

⁵⁷⁷¹ Ibid. See also U.S. Embassy- Suva official, E-mail communication, September 9, 2010.

⁵⁷⁷² U.S. Embassy- Suva, *reporting, February 8, 2011.*

⁵⁷⁷³ Ibid.

⁵⁷⁷⁴ Ibid.

⁵⁷⁷⁵ Prime Ministers Office, *National Strategic Planning Framework*, Government of Tonga, February 2009, 3, 7;

available from www.sprep.org/att/IRC/eCOPIES/Countries/Tonga/62.pdf.

⁵⁷⁷⁶ 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*, Government of Tonga, September 2009 2009, 14, 20-21, 26, 28-29; available from www.spc.int/sppu/images/JCS/complete%20jcs%20lowr.pdf. See also Prime Ministers Office, *National Strategic Planning Framework*, 3, 7.

⁵⁷⁷⁷ U.S. Embassy- Suva official, E-mail communication, September 9, 2010. See also U.S. Embassy- Suva, *reporting, December 9, 2007.* See also Kaitani and McMurray, *Tonga. A Situation Analysis of Children, Women and Youth.*