

Tonga

In 2011, Tonga made no 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. Nevertheless, gaps in the legal framework still exist, such as the lack of a minimum age for regular employment as well as for hazardous work, which leave children unprotected from labor exploitation.

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable
Primary Completion Rate		104.0

Sources:

Primary completion rate: Data from 2006, published by UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis.(2)

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. However, there are anecdotal reports that suggest children may be engaged in dangerous activities in farming and fishing.(3, 4) Children working in agriculture may use dangerous tools, carry heavy loads and apply harmful pesticides, while children working in fishing may be susceptible to risks such as drowning.(5, 6)

Although evidence is limited, there is some information that foreign fishing crews solicit Tongan children for sexual exploitation.(7) There have also been limited reports of children subjected to the worst forms of child labor as domestic workers.(8) Children employed as domestics may work long hours and are isolated in private homes where they are susceptible to physical and sexual abuse.(9)

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.(4, 8, 10)

	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.(11) The Transnational Crimes Act explicitly prohibits the trafficking of children.(3, 8) Additionally, the Criminal Offenses Act prohibits prostitution, the owning or operating of a brothel and the pimping and soliciting of a prostitute in a public place.(3, 12) 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.(12) However, the Act does not explicitly prohibit the abduction or procurement of boys for prostitution.(3, 12) The law also prohibits child pornography.(3, 13)

There is no military conscription in Tonga. The minimum age for voluntary service is 18, however, with parental approval, children age 16 can join the military in non-combat positions.(14, 15) Although the law does not explicitly criminalize the use, procurement, or offering of a child for illicit purposes, a child used for these activities is considered an “involuntary agent.” In such cases, the adults involved will be prosecuted for the child’s actions in lieu of prosecuting the child.(3)

Education is compulsory until the age of 18.(3, 16)

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.(8)

The Ministry of Labor (MOL) is responsible for the enforcement of labor laws.(8) The MOL does not employ any labor inspectors, but it has business license inspectors who look for children who are engaged in the worst forms of child labor in addition to their other inspection duties.(3, 8) In Tonga, there are no specific laws regarding child labor or hazardous child labor. Reportedly, the MOL is on the lookout for child laborers, and if children are intercepted, they are treated as child abuse violations.(3, 8, 17) Violations are reported to the MOL, and then the Chief Labor Inspector personally investigates the allegation. After a review by the MOL, complaints are then handed over to the Ministry of Police (MOP).(8) There were no known cases of child labor violations investigated during the reporting period.(3)

The Ministries of Labor and the Police are responsible for enforcing laws regarding forced labor, trafficking, the commercial sexual exploitation of children and the use of children in illicit activities.(8) If the incident involves foreign nationals or transnational trafficking, these agencies work in cooperation with the Ministry of Immigration as well.(3) In September of 2011, the Government organized a training on trafficking in persons for officials from the Police Department, Customs, the Ministry of Immigration, the Ministry of Foreign Affairs and local NGOs.(3) However, there are no known cases of child trafficking investigated during the reporting period.(3)

Government Policies on the Worst Forms of Child Labor

The Strategic Development Plan Nine (2009–2013) establishes Tonga’s development goals for the next 2 years. The goals include improving both public and private technical and vocational education services, such as curriculum and facilities.(18) Priority in the new curriculum is given to women and children to strengthen competencies in agriculture, fishing and horticulture, business and marketing, plumbing, carpentry and motor maintenance.(18, 19) Research did not determine the extent to which children who receive training in these tasks are protected from dangerous work.

Furthermore, with funding from the Governments of Australia and New Zealand, the Government of Tonga continued to implement the Tonga Education Policy Framework during the reporting period. The main goals of the Framework are to build the capacity of the Ministry of Education and achieve universal primary education.(3) However, the impact of these policies on the worst forms of child labor is unknown.

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

Research found no evidence of any programs in Tonga to address child labor.

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

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Establish labor regulations which include a minimum age for employment at age 14 and a minimum age for hazardous work at 18 in accordance with international standards.	2009, 2010, 2011
	Define hazardous occupations and activities forbidden for children.	2009, 2010, 2011
	Amend legislation to include boys as victims in prostitution-related crimes.	2009, 2010, 2011
Coordination and Enforcement	Establish a coordinating mechanism to combat the worst forms of child labor.	2009, 2010, 2011
Policies	Conduct a study to better identify the extent and nature of the worst forms of child labor in Tonga to design appropriate policies and programs.	2009, 2010, 2011
	Ensure that the vocational education curriculum under Strategic Development Plan Nine incorporates measures to protect children from dangerous tasks.	2011
	Assess the impact the existing policies may have on addressing child labor.	2010, 2011
Social Programs	Implement programs to address the worst forms of child labor, specifically in farming, fishing and commercial sexual exploitation.	2010, 2011

REFERENCES

- UNESCO Institute for Statistics. *Gross intake ratio to the last grade of primary. Total.*; accessed <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*. February 2, 2012. 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 19, 2012.*
- U.S. Department of State. "Tonga," in *Country Reports on Human Rights Practices-2011*. Washington, DC; May 24, 2012; http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=186313.
- International Labour Office. *Children in hazardous work: What we know, What we need to do*. Geneva, International Labour Organization; 2011. While country-specific information on the dangers children face in agriculture is not available, research studies and other reports have documented the dangerous nature of tasks in agriculture and their accompanying occupational exposures, injuries and potential health consequences to children working in the sector.
- International Labour Office. *Children in hazardous work: What we know, What we need to do*. Geneva, International Labour Organization; 2011. While country-specific information on the dangers children face in fishing is not available, research studies and other reports have documented the dangerous nature of tasks in fishing and their accompanying occupational exposures, injuries and potential health consequences to children working in the sector.
- U.S. Department of State. "Tonga," in *Trafficking in Persons Report- 2011*. Washington, DC; June 27, 2011; <http://www.state.gov/documents/organization/164458.pdf>.
- U.S. Embassy- Suva. *reporting, February 8, 2011.*
- International Labour Office. *Children in hazardous work: What we know, What we need to do*. Geneva, International Labour Organization; 2011. While country-specific information on the dangers children face in domestic work is not available, research studies and other reports have documented the dangerous nature of tasks in domestic work and their accompanying occupational exposures, injuries and potential health consequences to children working in the sector.
- U.S. Embassy- Suva. *reporting, December 9, 2007.*
- Government of Tonga. *Constitution of Tonga*, enacted 1988. http://www.pacii.org.to/legis/consol_act/cot238/.
- Government of Tonga. *Criminal Offenses Act*, enacted 1988. http://www.pacii.org.to/legis/consol_act/co136/.
- International Centre for Missing & Exploited Children. *Child Pornography: Model Legislation & Global Review*. Alexandria, Virginia; 2010. Report No. 6th Edition. http://www.icmec.org/missingkids/servlet/PageServlet?LanguageCountry=en_X1&PageId=4381.
- Government of Tonga. *Tonga Defence Services Act 1992*, Act 17 of 1992, enacted 1992. <http://legislation.to/Tonga/DATA/PRIN/1992-017/TongaDefenceServicesAct1992.pdf>.
- U.S. Embassy- Suva official. E-mail communication to USDOL official. November 4, 2010.
- Mili Kaitani, Chris McMurray. *Tonga: A Situation Analysis of Children, Women and Youth*. Suva, Government of Tonga with UNICEF; 2006.
- U.S. Embassy- Suva official. E-mail communication to USDOL official. May 25, 2012.
- Prime Ministers 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, New Caledonia, Government of Tonga September 2009. www.spc.int/sppu/images/.../complete%20tonga%20jcs%20lowr.pdf.