

MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED PRACTICE THAT DELAYED ADVANCEMENT

In 2021, Tonga made minimal advancement in efforts to eliminate the worst forms of child labor. The Government of Tonga and the Government of New Zealand launched a new joint education project outlining a 15-year policy framework for Tonga's education system. However, despite new initiatives to address child labor, Tonga is assessed as having made only minimal advancement because it continued to implement a practice that delays advancement to eliminate child labor. Research indicates that there are no labor inspectors and there is no legal authority to conduct labor inspections. Labor inspections are a key tool for identifying child labor violations, and their absence makes children more vulnerable to the worst forms of child labor. Children in Tonga are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. Children also engage in child labor in farming and fishing. Gaps in the legal framework also 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. In addition, the government did not provide information on its labor or criminal law enforcement efforts for inclusion in this report.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Tonga are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. (1,2) Children also engage in child labor in farming and fishing. (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	46.8 (Unavailable)
Attending School (%)	5 to 14	94.6
Combining Work and School (%)	7 to 14	47.8
Primary Completion Rate (%)		108.4

Source for primary completion rate: Data from 2020, published by UNESCO Institute for Statistics, 2022. (4)

Source for all other data: International Labor Organization's analysis of statistics from Multiple Indicator Cluster Survey 6 (MICS 6), 2019. (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
Agriculture	Subsistence farming, fishing (3)
Categorical Worst Forms of Child Labor‡	Forced domestic work (1-3)
	Commercial sexual exploitation, sometimes as a result of human trafficking (1-3)
	Use in illicit activities, including the trafficking of drugs (6-8)

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

According to the Multiple Indicator Cluster Survey published by the Government of Tonga in collaboration with UNICEF in 2020, 26.1 percent of children ages 5 to 17 were involved in child labor, with 29 percent of these children engaged in child labor in rural areas while 14 percent were in urban areas. (9,10) In addition, 28 percent of children were exposed to hazardous working conditions, which included working with dangerous tools, operating heavy machinery, carrying heavy loads, and exposure to extreme cold, heat, or humidity, among others. However, the survey did not provide information on the sectors in which children were engaged in child labor. (8-10)

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There was evidence indicating that the growing methamphetamine epidemic has resulted in drug dealers starting to recruit school-age children to assist with drug deliveries, while also getting them addicted to the drug. (6,7) There have been media reports of children as young as age 13 being arrested for possession of drugs for the purposes of distribution. (8)

Many school buildings remain inaccessible to students with physical disabilities, resulting in the attendance rates of children with disabilities to be lower than children without disabilities at all educational levels. (8)

II. LEGAL FRAMEWORK FOR CHILD LABOR

Tonga has ratified some 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	

The government has established laws and regulations related to child labor (Table 4). However, gaps exist in Tonga's legal framework to adequately protect children from the worst forms of child labor, including the minimum age for work.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards	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 and 70 of the Counter Terrorism and Transnational Organized Crime Act (11)
Prohibition of Child Trafficking	Yes		Section 69 of the Counter Terrorism and Transnational Organized Crime Act (11)
Prohibition of Commercial Sexual Exploitation of Children	No		Sections 115A, 125, and 126 of the Criminal Offenses Act (12,13)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Voluntary State Military Recruitment	Yes	16	Section 25 of the Defense Services Act (14)
Prohibition of Compulsory Recruitment of Children by (State) Military	Yes*		Section 25 of the Defense Services Act (14)
Prohibition of Military Recruitment by Non-state Armed Groups	No		
Compulsory Education Age	Yes	18	Section 98 of the Education Act 2013 (15)
Free Public Education	No		Section 95 of the Education Act 2013 (15)

* Country has no conscription (14)

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In September 2020, the Tongan Parliament passed the revised Employment Relations Bill, which establishes the minimum age for non-hazardous work at age 15 and would prohibit the categorical worst forms of child labor. (8) The bill also contains provisions establishing legal authority of the labor inspectorate to conduct labor inspections. (16-18) However, it is unclear whether the new law took effect during the reporting period, as it is required for an Act that has passed Parliament to be presented to the Tongan King for assent and published in the Gazette before it becomes law. (8,19)

The Parliament has not determined the types of hazardous work prohibited for children. (20,21) In addition, although Article 70 of the Counter Terrorism and Transnational Organized Crime Act prohibits some aspects of forced labor, it does not comprehensively or explicitly criminalize forced labor or slavery. (11)

The Criminal Offenses Act prohibits the procurement of women and girls under age 21 for commercial sexual exploitation, but it does not criminalize the procurement of boys for the same. 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. (13) There are no criminal prohibitions that specifically prohibit using children in illicit activities, particularly in the production and trafficking of drugs, or the recruitment of children by non-state armed groups. (14) Although it does not appear that there are any laws that provide free basic education, there was a policy that provided for free basic education to all children between ages 6 and 14, which has lapsed. (15)

III. ENFORCEMENT OF LAWS ON CHILD LABOR

Tonga lacks a functioning labor inspectorate for the enforcement of labor laws and regulations (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Trade and Economic Development (MTED)	Enforces labor laws, including those related to child labor and the worst forms of child labor. Drafted the Employment Relations Bill with the assistance of ILO. (8)
Tonga Police, Transnational Crime Unit, and Domestic Violence Unit	Enforce criminal laws related to the worst forms of child labor. Respond to forced child labor and human trafficking violations and allegations of commercial sexual exploitation. (8) In collaboration with NGOs, handle and coordinate cases related to women and children. (8)
Ministry of Internal Affairs, Immigration Department	Collaborates with Tonga Police and MTED on the enforcement of criminal laws in cases in which foreign nationals are involved in the worst forms of child labor. (8)

There is no labor inspectorate and no legal authority to conduct labor inspections in Tonga. (8)

Labor Law Enforcement

In 2021, the absence of labor inspectors at the national level in Tonga may have impeded the enforcement of child labor laws (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2020	2021
Labor Inspectorate Funding	\$0 (20)	\$0 (8)
Number of Labor Inspectors	0 (20)	0 (8)
Mechanism to Assess Civil Penalties	N/A	N/A
Initial Training for New Labor Inspectors	N/A (20)	N/A (8)
Training on New Laws Related to Child Labor	N/A (20)	N/A (8)
Refresher Courses Provided	N/A (20)	N/A (8)
Number of Labor Inspections Conducted	0 (20)	0 (8)
Number Conducted at Worksite	0 (20)	0 (8)
Number of Child Labor Violations Found	0 (20)	0 (8)
Number of Child Labor Violations for Which Penalties Were Imposed	0 (20)	0 (8)
Number of Child Labor Penalties Imposed that Were Collected	0 (20)	0 (8)

Table 6. Labor Law Enforcement Efforts Related to Child Labor (Cont.)

Overview of Labor Law Enforcement	2020	2021
Routine Inspections Conducted	N/A (20)	N/A (8)
Routine Inspections Targeted	N/A (20)	N/A (8)
Unannounced Inspections Permitted	N/A (20)	N/A (8)
Unannounced Inspections Conducted	N/A (20)	N/A (8)
Complaint Mechanism Exists	Yes (20)	Yes (8)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (20)	No (8)

While there is no labor inspectorate, the government did not provide information on other labor law enforcement efforts for inclusion in this report. Inadequate resources, including a lack of funding to hire and train the labor inspectors needed to target sectors in which child labor is present, hamper the government's capacity to enforce child labor laws in Tonga. (8) Business license inspectors employed by the Ministry of Trade and Economic Development are instructed to watch for child labor occurrences during field inspections. However, child labor inspections are complaint-driven, with police called in for suspected cases of child labor. (8) In addition, the government has yet to establish an adequate referral mechanism among the labor authorities, the police, and social welfare services. (8)

Criminal Law Enforcement

Research did not find information on whether criminal law enforcement agencies in Tonga took actions to address child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2020	2021
Initial Training for New Criminal Investigators	Unknown (20)	Unknown (8)
Training on New Laws Related to the Worst Forms of Child Labor	N/A (20)	N/A (8)
Refresher Courses Provided	Unknown (20)	Unknown (8)
Number of Investigations	0 (20)	0 (8)
Number of Violations Found	0 (20)	0 (8)
Number of Prosecutions Initiated	0 (20)	0 (8)
Number of Convictions	Unknown (20)	0 (8)
Imposed Penalties for Violations Related to the Worst Forms of Child Labor	Unknown (20)	Unknown (8)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (20)	Yes (8)

The government did not provide information on its criminal law enforcement efforts for inclusion in this report. The Tonga Police address crimes related to the worst forms of child labor and respond to requests if children are found to be engaged in child labor. (8) In addition, the Tonga Police coordinate with NGOs to handle labor abuse cases relating to women and children. The government maintains and operates a 24-hour hotline for emergency assistance, which is available to victims of child labor, forced labor, and human trafficking. (8)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

Research found no evidence that the government has established mechanisms to coordinate its efforts to address child labor.

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 8). However, policy gaps exist that hinder efforts to address child labor, including mainstreaming child labor issues into relevant policies.

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Table 8. Key Policies Related to Child Labor

Policy	Description
United Nations Pacific Strategy (2018–2022)	Addresses, develops, and implements strategic economic development priorities in the South Pacific, including eliminating child labor and its worst forms. A multinational strategic framework program consisting of 14 South Pacific nations. (22) Activities during the reporting period were conducted under the UNICEF Pacific Multi-Country Child Protection Program (2018–2022). (8,23)

During the reporting period, the Government of Tonga launched a joint project with the Government of New Zealand outlining a 15-year policy framework for Tonga's education system. This joint project effectively updated the previous education policy framework, which has been updated for 2021–2026. (24) In addition, Tonga Strategic Development Plan Nine indirectly addresses the root causes of child labor as it seeks to improve economic opportunities in the country, including those for youth. However, although the Government of Tonga has adopted an education policy framework and the Tonga Strategic Development Plan Nine, strategies to prevent and eliminate child labor have not been integrated into those plans. (8)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2021, the government participated in a program that may contribute to eliminating or preventing child labor (Table 9). However, gaps exist in this social program, including the inadequacy to address the problem in all sectors.

Table 9. Key Social Programs to Address Child Labor

Program	Description
UNICEF Pacific Multi-Country Child Protection Program (2018–2022)	Prioritizes children's rights, including the elimination of child labor and its worst forms. Multi-country program in 14 Pacific Island countries aligned with the UN Pacific Strategy 2018–2022. (23) During the reporting period, the government participated in UNICEF-supported child protection programming aimed at providing greater protection for vulnerable children. (8)

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (8,25)

Although the Government of Tonga has implemented the UNICEF Pacific Multi-Country Child Protection Program (2018–2022), which addresses the elimination of the worst forms of child labor, research found no evidence that it has carried out programs specifically designed to assist children in commercial sexual exploitation, agriculture, and fishing. (23)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in Tonga (Table 10).

Table 10. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Accede to the UN CRC Optional Protocol on Armed Conflict.	2017 – 2021
	Accede to the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.	2017 – 2021
	Accede to the Palermo Protocol.	2017 – 2021
	Implement labor regulations that include a minimum age of 15 for employment and a minimum age of 18 for hazardous work, in accordance with international standards.	2009 – 2021
	Create and publish a list of hazardous occupations and activities that are prohibited for children.	2009 – 2021
	Ensure that the law criminally prohibits forced labor, including debt bondage and slavery.	2015 – 2021
Legal Framework	Ensure that laws prohibit all forms of commercial sexual exploitation for both girls and boys under age 18.	2009 – 2021
	Ensure that the law prohibits the use of children in illicit activities, including in the production and trafficking of drugs.	2014 – 2021
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2021
	Establish by law free basic public education.	2016 – 2021

Table 10. Suggested Government Actions to Eliminate Child Labor (Cont.)

Area	Suggested Action	Year(s) Suggested
Enforcement	Hire and train labor inspectors to conduct workplace inspections and enforce child labor laws.	2016 – 2021
	Establish and fund a labor inspectorate with the authority to conduct labor inspections, including routine inspections rather than performing inspections solely based on complaints received, and assess penalties for child labor violations.	2019 – 2021
	Provide labor authorities and criminal investigators with the training and resources necessary to enforce laws prohibiting child labor, including laws related to the worst forms of child labor, and conduct refresher courses.	2013 – 2021
	Establish formal referral mechanisms among the labor authorities, the police, and social welfare services to protect and rehabilitate children involved in child labor, including its worst forms.	2014 – 2021
	Publish information on criminal law enforcement activities, efforts, and relevant data.	2014 – 2021
Coordination	Establish a coordinating mechanism to address the worst forms of child labor.	2009 – 2021
Government Policies	Integrate child labor elimination and prevention strategies into relevant policies.	2017 – 2021
Social Programs	Collect and publish data on the extent and nature of child labor, including its worst forms, to inform policies and programs.	2017 – 2021
	Update all school buildings to ensure accessibility for students with disabilities.	2018 – 2021
	Implement social programs to address all worst forms of child labor, including in commercial sexual exploitation, agriculture, and fishing.	2010 – 2021

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