

## MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED PRACTICE THAT DELAYED ADVANCEMENT

In 2022, Tonga made minimal advancement in efforts to eliminate the worst forms of child labor. The government launched its Future-Ready Children program to expand remote learning opportunities for students and support the drafting of a child protection policy. 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 Tonga lacks a functioning labor inspectorate for the enforcement of labor laws and regulations. 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. There are no laws specifying a minimum age for work, defining hazardous forms of work for children under age 18, or prohibiting the use of children for the production and trafficking of drugs, leaving children unprotected from labor exploitation. In addition, the government has not established a mechanism to coordinate its efforts to address child labor.



### I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Table 1 provides key indicators on children’s work and education in Tonga.

**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 (%)		97.5

Source for primary completion rate: Data from 2022, published by UNESCO Institute for Statistics, 2023. (1)

Source for all other data: International Labor Organization’s analysis of statistics from Multiple Indicator Cluster Survey 6 (MICS 6), 2019. (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	Subsistence farming and fishing (3)
Categorical Worst Forms of Child Labor‡	Forced domestic work (4,5)
	Commercial sexual exploitation, sometimes as a result of human trafficking (5,6)
	Use in illicit activities, including the trafficking of drugs (7,8)

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

Research indicates that Tonga is a source and destination country for the commercial sexual exploitation of children. (4,9) Reporting also indicates that the methamphetamine epidemic has resulted in drug dealers recruiting school-age children to assist with drug deliveries, while also getting them addicted to the drug. (10-12) In addition, children as young as age 13 have reportedly been arrested for possession of drugs for the purposes of distribution. (13)

The Hunga-Tonga-Hunga-Ha'apai underwater volcano erupted 40 miles from Tonga's capital on January 15, 2022, which affected at least 28,000 children and damaged homes, businesses, and schools. (14-16) In addition, many school buildings remain inaccessible to students with physical disabilities, resulting in lower attendance rates for children with disabilities compared to children without disabilities at all educational levels. (13,14)




# Tonga

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### 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 lack of minimum age for work and hazardous work protections.

**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 2, 69, and 70 of the Counter Terrorism and Transnational Organized Crime Act (17)
Prohibition of Child Trafficking	No		Sections 2 and 69 of the Counter Terrorism and Transnational Organized Crime Act (17)
Prohibition of Commercial Sexual Exploitation of Children	No		Sections 115A and 126 of the Criminal Offenses Act (18,19)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Voluntary State Military Recruitment	Yes	16	Section 25 of the Defense Services Act (20)
Prohibition of Compulsory Recruitment of Children by (State) Military	Yes*		Section 25 of the Defense Services Act (20)
Prohibition of Military Recruitment by Non-state Armed Groups	No		
Compulsory Education Age	Yes	18	Section 98 of the Education Act 2013 (21)
Free Public Education	No		Sections 95 and 98 of the Education Act 2013 (21)

\* Country has no conscription (20)

The Parliament has not established a minimum age for work or hazardous work, nor has it determined the types of hazardous work prohibited for children. (22,23) 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. (17) 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. (19) There are no criminal prohibitions that specifically prohibit using children in illicit activities, particularly in the production

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and trafficking of drugs, nor the recruitment of children by non-state armed groups. (20) The Counter Terrorism and Transnational Organized Crime Act is not sufficient to prohibit child trafficking because trafficking children within the borders of the Kingdom is not a criminal offense. (17) Tonga has not established free public education because current legislation allows for fees to be charged to attend school, and those students who do not pay the fees may be refused admission to school, which greatly increases the risk of child labor. (21)

### 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 & Activities
Ministry of Trade and Economic Development (MTED)	Employs business license inspectors who are instructed to look for occurrences of child labor during their field inspections. If the Ministry receives a complaint, the chief officer inspector visits the site in question, carries out an investigation, and requests police involvement if children are found to be engaged in labor. (14) Child labor inspections are complaint-driven, with police called in for suspected cases of child labor. As the Ministry did not receive or record any formal complaints related to child labor during the reporting period, no labor inspections were carried out during 2022. (4, 14) Inadequate resources, including a lack of funding to hire and train business license inspectors, also hampered the government's capacity to enforce child labor laws in Tonga. (14) In addition, the government has yet to establish an adequate referral mechanism among enforcement personnel and social services providers. (13)
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. (13)
Ministry of Internal Affairs, Immigration Department	Collaborates with Tonga Police and MTED on the enforcement of criminal cases related to the worst forms of child labor in which foreign nationals are involved. (13)

#### **Criminal Law Enforcement**

In 2022, criminal law enforcement agencies in Tonga took actions to address child labor (Table 6). However, gaps exist within the operations of enforcement agencies that may hinder adequate criminal law enforcement, including the lack of a referral mechanism.

**Table 6. Criminal Law Enforcement Efforts Related to Child Labor**

Overview of Criminal Law Enforcement	2021	2022
Training for Criminal Investigators Provided	Unknown (13)	No (14)
Number of Investigations	0 (13)	0 (14)
Number of Prosecutions Initiated	0 (13)	0 (14)
Number of Convictions	0 (13)	0 (14)
Imposed Penalties for Violations Related to the Worst Forms of Child Labor	Unknown (13)	Unknown (14)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (13)	No (14)

The police department coordinates with NGOs to refer women and children needing support to social services, including safe houses and counseling, though no formal referral mechanism exists. (4, 14)

### IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

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

### V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 7). However, policy gaps exist that hinder efforts to address child labor, including mainstreaming child labor issues into relevant policies.

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**Table 7. Key Policies Related to Child Labor**

Policy	Description & Activities
United Nations Pacific Strategy (2018–2022)	Addressed, developed, and implemented strategic economic development priorities in the South Pacific, including eliminating child labor and its worst forms. A multinational strategic framework program that consisted of 14 South Pacific nations. (24) Research was unable to determine whether activities were undertaken to implement this program in Tonga during the reporting period.
Migration and Sustainable Development Policy	Protects vulnerable children at risk of human trafficking, provides support to survivors, and prosecutes perpetrators of human trafficking. Supports the advancement and protection of youth, especially unaccompanied minors and youth with disabilities who are victims of forced migration. (25) Promotes youth employment, supports youth vocational training, and expands youth programming. (25) Research was unable to determine whether activities were undertaken to implement this policy during the reporting period.

Although the Government of Tonga has adopted a 15-year policy improvement framework for Tonga's education system in partnership with the Government of New Zealand and has instituted the Tonga Strategic Development Plan Nine that indirectly addresses the root causes of child labor, strategies to prevent and eliminate child labor have not been integrated into those plans. (13)

### VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2022, the government participated in programs that may contribute to eliminating or preventing child labor (Table 8). However, gaps exist in these social programs, including the inadequacy to address the problem in all relevant sectors.

**Table 8. Key Social Programs to Address Child Labor**

Program	Description & Activities
UNICEF Pacific Multi-Country Child Protection Program (2018–2022)	Prioritized children's rights, including the elimination of child labor and its worst forms. This was a multi-country program in 14 Pacific Island countries aligned with the UN Pacific Strategy (2018–2022). (26,27) Research was unable to determine whether activities were undertaken to implement this program in Tonga during the reporting period.
<i>Fakafuo 'o e tangata ma'ae kaha'u</i> (Future-Ready Children) (2022-2025)*	Partnership between the Ministry of Justice, Ministry of Education and Training, and Save the Children that will expand remote learning opportunities for students and support the drafting of a child protection policy. (28,29)

For information about USDOL's projects to address child labor around the world, visit <https://www.dol.gov/agencies/ilab/ilab-project-page-search>

\* Program was launched during the reporting period.

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (13,30)

Although the UNICEF Pacific Multi-Country Child Protection Program 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. (26) In human trafficking cases involving children, the police refer survivors to NGOs for safe housing and counseling. The government helps to fund these services. (4)

### 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 9).

**Table 9. Suggested Government Actions to Eliminate Child Labor**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify the UN CRC Optional Protocol on Armed Conflict.	2017 – 2022
	Ratify the UN CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography.	2017 – 2022
	Ratify the Palermo Protocol on Trafficking in Persons.	2017 – 2022
	Establish a minimum age for work of at least 15 years, and preferably up to the compulsory education age of 18.	2009 – 2022

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**Table 9. Suggested Government Actions to Eliminate Child Labor (Cont.)**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Establish age 18 as the minimum age for hazardous work.	2009 – 2022
	Determine by national law or regulation the types of hazardous work prohibited for children, after consultation with employers' and workers' organizations.	2009 – 2022
	Ensure that the law criminally prohibits forced labor, including debt bondage and slavery.	2015 – 2022
	Ensure that the law criminally prohibits all forms of trafficking of children, including within the borders of the Kingdom.	2022
	Ensure that the law criminally prohibits all forms of commercial sexual exploitation for both girls and boys under age 18.	2009 – 2022
	Ensure that the law criminally prohibits the use of children in illicit activities, including in the production and trafficking of drugs.	2014 – 2022
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2022
	Establish by law free basic public education.	2016 – 2022
Enforcement	Establish a functioning labor inspectorate for the enforcement of labor laws and regulations.	2019 – 2022
	Hire and train labor inspectors to conduct workplace inspections, including routine inspections outside of responses to complaints of child labor.	2016 – 2022
	Establish a formal referral mechanism between enforcement personnel and social services providers to protect and rehabilitate children involved in child labor, including its worst forms.	2014 – 2022
	Ensure that enforcement personnel receive 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 – 2022
Coordination	Establish a coordinating mechanism to address the worst forms of child labor.	2009 – 2022
Government Policies	Integrate child labor elimination and prevention strategies into relevant policies.	2017 – 2022
	Ensure activities are undertaken to implement the Migration and Sustainable Development Policy and publish results from activities implemented on an annual basis.	2022
Social Programs	Collect and publish data on the extent and nature of child labor, including its worst forms, to inform policies and programs.	2017 – 2022
	Enhance efforts to make education accessible for all children, including by updating school buildings for students with disabilities.	2018 – 2022
	Implement programs to address all worst forms of child labor, including in commercial sexual exploitation, agriculture, and fishing.	2010 – 2022

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