

In 2017, Tonga made no advancement in efforts to eliminate the worst forms of child labor. Children in Tonga perform dangerous tasks in agriculture and fishing. 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. In addition, the government has not established a policy or program to address child labor, including its worst forms.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Tonga perform dangerous tasks in agriculture and fishing. (1) 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 (%)		111.0

Source for primary completion rate: Data from 2013, published by UNESCO Institute for Statistics, 2018. (2) Data were unavailable from Understanding Children's Work Project's analysis, 2018. (3)

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 (1)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking (4) Forced domestic work (4)

‡ 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 CHILD LABOR

Tonga has ratified 1 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	

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: 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 (5)
Prohibition of Child Trafficking	No		Section 69 of the Counter Terrorism and Transnational Organised Crime Act (5)
Prohibition of Commercial Sexual Exploitation of Children	No		Sections 115A and 125–126 of the Criminal Offences Act (6)
Prohibition of Using Children in Illicit Activities	No		
Prohibition of Military Recruitment			
State Compulsory	Yes*	18	Section 25 of the Defence Services Act (7)
State Voluntary	Yes	16	Section 25 of the Defence Services Act (7)
Non-state	No		
Compulsory Education Age	Yes	18	Section 98 of the Education Act 2013 (8)
Free Public Education	No		Section 95 of the Education Act 2013 (8)

* No conscription (7)

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. (9; 10; 1)

The Counter Terrorism and Transnational Organised Crime Act is insufficient to meet the international standard for the prohibition of child trafficking because it does not specifically prohibit trafficking children domestically, nor does it criminally prohibit forced labor, debt bondage, and slavery, unless they involve transnational human trafficking. (4; 5)

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. (11) 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 in the production and trafficking of drugs. (6; 11; 12) In addition, the Defence Services Act does not prohibit the recruitment of children by non-state armed groups. (7)

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. (13)

III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the operations of the Ministry of Commerce, Consumer, Innovation, Trade and Labour that may hinder adequate enforcement of their labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Commerce, Consumer, Innovation, Trade and Labour	Enforce labor laws, including those related to child labor and the worst forms of child labor, through business license inspectors and a chief labor inspector. The position of Chief Labor Inspector is currently vacant. (1)

Table 5. Agencies Responsible for Child Labor Law Enforcement (cont)

Organization/Agency	Role
Tongan Police, Transnational Crime Unit, and Domestic Violence Unit	Enforce criminal laws related to the worst forms of child labor. (1)
Ministry of Internal Affairs, Immigration Department	Collaborate with Tongan police and the Ministry of Commerce, Consumer, Innovation, Trade and Labour on the enforcement of criminal laws in cases in which foreign nationals are involved in the worst forms of child labor. (1)

Labor Law Enforcement

In 2017, labor law enforcement agencies in Tonga took actions to combat child labor (Table 6). However, gaps exist within the operations of the Ministry of Commerce, Consumer, Innovation, Trade and Labour that may hinder adequate labor law enforcement, including the absence of worksite inspections conducted at the national level.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2016	2017
Labor Inspectorate Funding	Unknown	\$0 (1)
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 (14)	N/A (1)
Refresher Courses Provided	Unknown	Unknown
Number of Labor Inspections Conducted	Unknown	0 (1)
Number Conducted at Worksites	Unknown	0 (1)
Number of Child Labor Violations Found	Unknown	0 (1)
Number of Child Labor Violations for Which Penalties were Imposed	Unknown	0 (1)
Number of Child Labor Penalties Imposed that were Collected	Unknown	0 (1)
Routine Inspections Conducted	Unknown	Unknown
Routine Inspections Targeted	Unknown	Unknown
Unannounced Inspections Permitted	Unknown	Unknown
Unannounced Inspections Conducted	Unknown	Unknown
Complaint Mechanism Exists	No (14)	No (1)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (14)	No (1)

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. (15; 1)

Criminal Law Enforcement

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

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2016	2017
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

Tonga

NO ADVANCEMENT

Table 7. Criminal Law Enforcement Efforts Related to Child Labor (cont)

Overview of Criminal Law Enforcement	2016	2017
Number of Prosecutions Initiated	Unknown	Unknown
Number of Convictions	Unknown	Unknown
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (14)	Yes (1)

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

Research found no evidence that the government has established policies to address child labor.

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.

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 8).

Table 8. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify ILO C. 138, Minimum Age, ILO C. 182, Worst Forms of Child Labor, UN CRC Optional Protocol on Armed Conflict, UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, and the Palermo Protocol	2017
	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 – 2017
	Ensure that hazardous occupations or activities are prohibited for children.	2009 – 2017
	Ensure that the law criminally prohibits forced labor, including debt bondage and slavery.	2015 – 2017
	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 – 2017
	Ensure that laws prohibit all forms of commercial sexual exploitation for both girls and boys under the age of 18.	2009 – 2017
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2017
	Establish by law free basic public education.	2016 – 2017
Enforcement	Publish information on labor law and criminal law enforcement activities, efforts, and relevant data.	2014 – 2017
	Establish a mechanism for reporting child labor complaints.	2013 – 2017
	Provide labor inspectors and criminal investigators with the training and resources necessary to enforce laws prohibiting child labor, including its worst forms.	2013 – 2017
	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 – 2017
	Fill the position of Chief Labor Inspector. Increase the number of labor inspectors trained and responsible for targeting sectors in which child labor is present.	2016 – 2017
Coordination	Establish a coordinating mechanism to combat the worst forms of child labor.	2009 – 2017
Government Policies	Adopt policies to address child labor, including in agriculture and fishing.	2017
Social Programs	Implement programs to address child labor, including in domestic work.	2010 – 2017
	Collect and publish data on the extent and nature of child labor, including its worst forms, to inform policies and programs.	2017

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