

Tonga - United States Department of State

TONGA: Tier 2

The Government of Tonga does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Tonga remained on Tier 2. These efforts included training more police recruits on victim identification and trafficking investigations and providing funding for an NGO available to assist trafficking victims. Tongan police continued to utilize an Asian liaison officer trained to speak Mandarin Chinese to engage with Chinese citizens living in Tonga who may be vulnerable to trafficking. However, the government did not meet the minimum standards in several key areas. Authorities did not conduct any new trafficking investigations, develop procedures to proactively identify victims, or effectively coordinate governmental anti-trafficking efforts.

PRIORITIZED RECOMMENDATIONS:

Develop and fully implement procedures for proactive identification of trafficking victims among vulnerable groups. • Increase efforts to proactively investigate and prosecute trafficking crimes. • Amend trafficking laws to criminalize all forms of trafficking in line with the definition under international law, including offenses lacking cross-border movement. • Develop, adopt, and implement a national action plan. • Utilize the Asian liaison position to facilitate proactive identification of foreign victims and their referral to care. • Provide explicit protections and benefits for trafficking victims, such as restitution, legal and medical benefits, and immigration relief. • Develop and conduct anti-trafficking information and education campaigns. • Accede to the 2000 UN TIP Protocol.

PROSECUTION

The government maintained anti-trafficking law enforcement efforts. The Counter Terrorism and Transnational Organised Crime Act of 2013 did not criminalize all forms of trafficking because it required transnationality to constitute a trafficking offense. Additionally, inconsistent with the definition of trafficking under international law, the law did not include force, fraud, or coercion as an essential element of the crime. The law prescribed penalties of up to 15 years' imprisonment for trafficking offenses involving adult victims and 20 years' imprisonment for offenses involving children; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties for other serious crimes, such as rape. The government did not investigate any potential trafficking cases, compared to one investigation during the previous reporting period. Since convicting its first trafficker in April 2011, the government has not prosecuted or convicted any trafficking cases. The Tongan police force provided trafficking training to 30 new police recruits in 2019, compared with an unknown number of officials trained in 2018. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking

offenses.

PROTECTION

The government maintained victim protection efforts. Since the government's identification of four potential trafficking victims in 2015, the government has not identified any victims of trafficking. The government did not develop or employ systematic procedures for victim identification among at-risk groups, such as migrant workers or women in commercial sex. Tongan police utilized an Asian liaison officer trained to speak Mandarin Chinese to engage with Chinese citizens living in Tonga who may be vulnerable to trafficking. The government had procedures to refer victims of crime, including potential trafficking victims, to an NGO. The government provided an unknown amount of funding to an NGO for operations to assist adult female and child victims of crime, including shelter, counseling, and legal services, compared with 60,000 pa'anga (\$27,160) in 2018 and 2017. Although no victims were identified during the year, adult female and child victims of trafficking would be eligible for these services. There were no shelter facilities available to male victims older than 14 years old; however, male counselors were available to assist male victims of any age. Under the immigration act, the principal immigration officer had broad discretionary authority to grant victims permits to stay in the country for any length of time necessary for their protection. Victims could receive asylum in Tonga if they feared retribution or hardship in their country of origin, although no trafficking victim has ever requested asylum.

PREVENTION

The government maintained efforts to prevent trafficking. The government's trafficking task force was responsible for leading anti-trafficking efforts alongside the transnational crime unit of the police force. The government did not develop a national action plan, which reportedly continued to hinder governmental anti-trafficking coordination. The government did not conduct awareness campaigns. The government provided Fijian domestic workers with temporary work permits while their employers applied for permanent permits. Authorities provided briefings to Tongans participating in seasonal worker programs overseas, which included information on workers' rights. The government did not make efforts to reduce the demand for commercial sex acts. The government did not provide anti-trafficking training to its diplomatic personnel. Tonga is not a party to the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

As reported over the past five years, some Tongan and foreign individuals are vulnerable to trafficking in Tonga, and some Tongans are vulnerable to trafficking abroad. East Asian women, especially those from China, who are recruited from their home countries for legitimate work in Tonga, are vulnerable to sex trafficking in clandestine establishments operating as legitimate businesses. Some Tongan women and children are vulnerable to forced labor in domestic work; Tongan children are vulnerable to sex trafficking. Reports indicate Fijians working in the domestic service industry in Tonga experience mistreatment indicative of labor trafficking. Tongan adults working overseas, including in Australia and New Zealand, are vulnerable to labor trafficking, including through withholding of wages

and excessive work hours. Employers rush some workers to sign employment contracts they may not fully understand, and others are unable to retain copies of their contracts, exacerbating the potential for employers to exploit these workers in labor trafficking.