



TONGA

MINIMAL ADVANCEMENT – Efforts Made but Continued Practice that Delayed Advancement

In 2023, Tonga made minimal advancement in efforts to eliminate the worst forms of child labor. The government launched its first National Action Plan to Combat Trafficking in Persons and the National Multi-Dimensional Overlapping Deprivation Analysis, a new initiative with the International Organization for Migration to identify and address the needs of children. However, despite new initiatives to address child labor, Tonga is assessed as having made only minimal advancement because research indicates that Tonga lacks a functioning labor inspectorate for the enforcement of labor laws and regulations, including worksite and unannounced 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. There are also 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.



PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Statistics on Children’s Work and Education

Children	Age	Percent of Population
Working	5 to 14	46.8% (Unavailable)
Hazardous Work by Children	15 to 17	Unavailable
Attending School	5 to 14	94.6%
Combining Work and School	7 to 14	47.8%

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.

Overview of Children’s Work by Sector and Activity



Agriculture

Farming and fishing.



Categorical Worst Forms of Child Labor‡

Commercial sexual exploitation, sometimes as a result of human trafficking, and forced domestic work. Use in illicit activities, including in the trafficking of drugs.

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



SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

The suggested government actions below would close gaps USDOL has identified in Tonga's implementation of its international commitments to eliminate the worst forms of child labor.

Legal Framework

Ratify the UN Convention on the Rights of the Child Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography, the UN Convention on the Rights of the Child Optional Protocol on Armed Conflict, and the Palermo Protocol on Trafficking in Persons.

Establish a minimum age for work of at least 15 years, and preferably up to the compulsory education age of 18.

Establish age 18 as the minimum age for hazardous work and determine by national law or regulation the types of hazardous work prohibited for children, after consultation with employers' and workers' organizations.

Criminally prohibit forced labor, including debt bondage and slavery; child trafficking, including within the borders of Tonga; all forms of commercial sexual exploitation for both girls and boys under age 18; the use of children in illicit activities, including in the production and trafficking of drugs; and recruitment of children by non-state armed groups.

Establish by law free basic public education.

Enforcement

Establish a functioning labor inspectorate with funding and resources to conduct routine, targeted, and unannounced inspections, and assess and collect civil penalties for child labor violations.

Train labor inspectors and criminal law enforcement personnel on child labor issues.

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.

Publish information on criminal law enforcement efforts, including the number of investigations conducted into suspected cases of the worst forms of child labor, prosecutions initiated, and perpetrators convicted.

Coordination

Establish a coordinating mechanism to address the worst forms of child labor and ensure the coordinating body is active and able to carry out its intended mandate.

Government Policies

Implement the Migration and Sustainable Development Policy and the National Action Plan to Combat Trafficking in Persons and publish results from activities implemented on an annual basis.

Establish a policy that addresses all child labor issues in the country, including child labor in agriculture, fishing, and the commercial sexual exploitation of children.

Social Programs

Collect and publish data on the extent and nature of child labor, including its worst forms, to inform policies and programs.

Make education accessible for all children, including by updating school buildings for students with disabilities.

Implement programs to address all worst forms of child labor, including in commercial sexual exploitation, agriculture, and fishing.

Publish information on activities taken to implement the Future-Ready Children and National Multi-Dimensional Overlapping Deprivation Analysis (N-MODA) programs.



CHILDREN AT HIGHER RISK

Tonga has the third highest risk for natural disasters in the world due to a high frequency of cyclones, earthquakes, flooding, and sea-level rise, which is exacerbated by the effects of climate change. These natural disasters can be devastating to children, disrupting access to schools and eliminating livelihoods—both of which increase a child's vulnerability to child labor.



BARRIERS TO EDUCATION ACCESS

Children with physical disabilities face barriers in attending schools due to limited accessibility to school facilities. This results in lower attendance rates for children with disabilities compared to children without disabilities at all educational levels, thereby increasing their vulnerability to child labor.



LEGAL FRAMEWORK FOR CHILD LABOR

Tonga has not ratified key international conventions concerning child labor, including ILO C. 138 Minimum Age for Work; 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 on Trafficking in Persons. In addition, Tonga's laws do not meet international standards on the minimum age for work or for hazardous work, as there is no established minimum age and the types of hazardous work prohibited for children are not determined. Also, the country's legal framework does not explicitly criminalize forced labor or slavery.

Child Labor Laws and Regulations	Meets International Standards	Legislation
Minimum Age for Work		
Minimum Age for Hazardous Work		
Identification of Hazardous Occupations or Activities Prohibited for Children		
Prohibition of Slavery, Debt Bondage, and Forced Labor		Sections 2, 69, and 70 of the Counter Terrorism and Transnational Organized Crime Act
Prohibition of Child Trafficking		Sections 2 and 69 of the Counter Terrorism and Transnational Organized Crime Act
Prohibition of Commercial Sexual Exploitation of Children		Sections 115A and 126 of the Criminal Offenses Act
Prohibition of Using Children in Illicit Activities		
Minimum Age for Voluntary State Military Recruitment, 16 Years		Section 25 of the Defense Services Act
Prohibition of Compulsory Recruitment of Children by (State) Military		Section 25 of the Defense Services Act
Prohibition of Military Recruitment by Non-state Armed Groups		
Compulsory Education Age, 18 Years		Section 98 of the Education Act 2013
Free Public Education		Sections 95 and 98 of the Education Act 2013

*Country has no conscription

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. 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. Additionally, 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. 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. There are no criminal prohibitions that specifically prohibit using children in illicit activities, particularly in the production and trafficking of drugs, nor the recruitment of children by non-state armed groups. Lastly, 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.



ENFORCEMENT OF LAWS ON CHILD LABOR

Enforcement agencies in Tonga took no documented actions to address child labor in 2023. Tonga lacks a functioning labor inspectorate for the enforcement of labor laws and regulations.

Agencies Responsible for Child Labor Law Enforcement

Ministry of Trade and Economic Development (MTED): Employs inspectors who ensure that businesses have correct licenses. Child labor inspections are complaint-driven, with police called in for suspected cases of child labor rather than proactive or routine inspections. Given 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 2023. A lack of resources has also resulted in an insufficient number of inspectors. In addition, the government has yet to establish an adequate referral mechanism among enforcement personnel and social services providers.

Tonga Police, Domestic Violence Unit, and Transnational Crime 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. The agency did not document any actions to address child labor in 2023.

Enforcement Mechanisms and Efforts

Has a Labor Inspectorate	No	Has a Complaint Mechanism	Yes
Able to Assess Civil Penalties	No	Imposed Penalties for Child Labor Violations	No
Routinely Conducted Worksite Inspections	No	Conducted Criminal Investigations for Worst Forms of Child Labor Crimes	No
Unannounced Inspections Permitted	No	Imposed Penalties for Worst Forms of Child Labor Crimes	No

Tonga's MTED did not receive or record any formal complaints related to child labor during the reporting period, so no labor inspections were carried out. There were no investigations and no convictions related to crimes pertaining to the worst forms of child labor during the reporting period.



COORDINATION, POLICIES, AND PROGRAMS

<p>Key Mechanism to Coordinate Government Efforts on Child Labor</p> <p>Research found no evidence that Tonga has an established mechanism to coordinate its efforts to address child labor.</p>	
<p>Key Policies Related to Child Labor</p> <p>Tonga established policies related to child labor. However, these policies do not cover all child labor issues in the country and research was unable to determine whether activities were undertaken to implement these policies during the reporting period.</p> <p><i>† Policy was approved during the reporting period.</i></p>	<p>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. Promotes youth employment, supports youth vocational training, and expands youth programming. Research was unable to determine whether activities were carried out to implement this policy during the reporting period.</p> <p>National Action Plan to Combat Trafficking in Persons:† Aims to prevent and combat all forms of human trafficking. Research was unable to determine whether activities were carried out to implement this policy during the reporting period.</p>
<p>Key Social Programs to Address Child Labor</p> <p>Tonga funded and participated in programs that include the goal of eliminating or preventing child labor. However, these social programs are inadequate to address the problem in all sectors, including in commercial sexual exploitation, agriculture, and fishing.</p> <p><i>* Program was launched during the reporting period.</i> <i>† Program is funded by the Government of Tonga.</i> <i>‡ The government had other social programs that may have included the goal of eliminating or preventing child labor.</i></p>	<p>Future-Ready Children (Fakafuo ‘o e tangata ma’ae kaha’u) (2022–2025):† Partnership between the Ministry of Justice, Ministry of Education and Training, and Save the Children intended to expand remote learning opportunities for students and support the drafting of a child protection policy. Research was unable to determine whether activities were carried out to implement this program during the reporting period.</p> <p>National Multi-Dimensional Overlapping Deprivation Analysis (N-MODA):†* Flexible methodology data collection tool intended to identify and address the needs of children in Tonga. Designed and launched through a partnership between UNICEF Pacific and Tonga’s Ministry of Internal Affairs.</p>

For information about USDOL’s projects to address child labor around the world, visit dol.gov/ILABprojects
 For references, please visit dol.gov/ChildLaborReports