



**'RIGHT TO EDUCATION'**

Submission to the Universal  
Periodic Review of the United  
Nations Human Rights  
Council

4<sup>th</sup> Cycle – 43<sup>rd</sup> Session

# Country Review: Tonga

October 2022

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**Broken Chalk** is an Amsterdam-based NGO established in 2020, which focuses on monitoring and minimizing human rights violations in education all around the world. Our goal is to contribute to promoting universal and equal access to education for all.

Together with our international sponsors and partners, we encourage and support achieving societal peace by advocating for intercultural tolerance, preventing radicalism and polarization, and tackling inequalities in the field of education.

**Content**

<b>0. Introduction.....</b>	<b>3</b>
<b>The Right to Education in the Constitution.....</b>	<b>3</b>
<b>The Right to Education in the Legislative and Administrative Framework.....</b>	<b>3</b>
<b>The Education Sector in Tonga general context.....</b>	<b>4</b>
<b>I. Main issues in the educational field.....</b>	<b>4</b>
<b>The lack of recent data and statistics on education.....</b>	<b>4</b>
<b>The impact of natural disasters on the educational field.....</b>	<b>4</b>
<b>The quality of education.....</b>	<b>5</b>

II. Recommendations.....	6
The lack of recent data and statistics on education.....	6
The impact of natural disasters on the educational field.....	6
The quality of education.....	6
The Access to education.....	7

## 0. Introduction

1. This report was drafted by Broken Chalk to contribute to the fourth Universal Periodic Review (UPR) of Tonga. Broken Chalk is an Amsterdam-based NGO focused on human rights violations in the field of education. Since Broken Chalk is an organization fighting inequalities and improving the quality of education worldwide, this report focuses on human rights, especially with regard to education.
2. This report first explores the context of Education in Tonga. Secondly, it brings the attention to the main issues this country is currently facing regarding the Right to Education. Finally, Broken Chalk offers a few recommendations to Tonga to further improve this specific field.
3. In the last UPR cycle of January 2018, Tonga received 110 recommendations, out of which it accepted 52 at the adoption of its UPR outcome at Human Rights Council. Out of these recommendations 4%, were linked to the 4th goal of the Sustainable Development Goals (SDG), namely ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all.<sup>i</sup>

### The Right to Education in the Constitution

4. The Tongan Constitution, in its version adopted in 2016, does not contain any reference to the right to education.
5. However, the fourth Article of the Declaration of Rights, which was added to the Constitution by amendment in 1976, contains the principle of equality by stating that *“There shall be but one law in Tonga for chiefs and commoners for non-Tongans and Tongans. No laws shall be enacted for one class and not for another class but the law shall be the same for all the people of this land”*.<sup>ii</sup>

### The Right to Education in the Legislative and Administrative Framework

6. The Article 53 of the Education Act of 1974, in its version of 1988, states that Education should be compulsory: *“It shall be the duty of the parent of every child of compulsory school age to cause him to receive suitable and efficient education by regular attendance at school unless: (i) There is no school within walking distance of the child's place of residence; (ii) The parent or guardian makes other arrangements, deemed by the Minister to be suitable and efficient, for the education of the child; (iii) The child has completed 6 years of primary education; (iv) The child is prevented from attending school by sickness or other unavoidable cause.”*
7. Article 56 also adds that *“Any parent or guardian who fails to perform the duties imposed on him by section 53 or fails to fulfill any requirements prescribed under section 54 of this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not*

*exceeding \$10 in the case of a first offence and \$20 in the case of every ensuing offence."*

### **The Education Sector in Tonga general context**

8. The Kingdom of Tonga has a longstanding tradition of providing virtually universal access to six years of compulsory, free primary education. Education in Tonga is compulsory and free for all children between 6 and 14 years old, until a child has completed 6 years of primary education. <sup>iii</sup>
9. According to HRMI Tonga is doing 92,5% of what should be possible at its level of income (measured against the income adjusted benchmark). Although this may seem like a good result, several issues related to education in Tonga will be considered in the following report. <sup>iv</sup>
10. First of all, the lack of statistics and information of the improvements in the educational field makes it difficult to adequately measure the level of respect for the fundamental right to education.
11. Secondly, the impact of natural disasters on the educational field is considerable and should not be underestimated.
12. Finally, some issues concerning the quality of education should be addressed taking into account the considerable lack of recent data on the subject.

## **I. Main issues in the educational field**

### **The lack of recent data and statistics on education**

13. As noted in the previous UPR Session<sup>v</sup>, a non-negligible problem is the lack of recent data related in particular to the implementation of the education policy and the absence of a veritable monitoring system.
14. In fact, since the second UPR session, things have not changed much in this respect. UNESCO had already reported that Tonga had not submitted its national reports in the framework of the eighth and ninth consultations of member States on the measures taken to implement the Recommendation against Discrimination in Education, and the fifth and sixth consultations on the measures taken for the implementation of the 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms. <sup>vi</sup>

### **The impact of natural disasters on the educational field**

15. One of the main problems affecting the education sector in Tonga is the recurring natural disasters such as volcanic eruptions, tsunamis and recently also the Covid-19 pandemic. Only considering the last decade, Tonga has been hard hit by Tropical Cyclones Harold (2020), Gita (2018) and Ian (2014), with Gita alone either damaging or destroying 109 of Tonga's 150 schools, affecting approximately 23,000 students and resulting in damages of approximately TOP 356m (US\$164m). <sup>vii</sup>
16. Some international organisations such as the World Bank or Save the Children<sup>viii</sup> give their support to the educational system funding important projects such as the World Bank initiative: "Tonga Safe and Resilient Schools". This particular project was put into practice thanks to US\$15m (approximately TOP 34 million) provided by the World Bank and it aims to improve the safety and resilience of Tongan schools. <sup>ix</sup>
17. Similarly, Save the Children Australia has recently delivered more than TOP 2,5 million to the country in order to strengthen the education system and increase access to quality

education for children. In fact, this kind of assistance was supposed to strengthen at the same time the general education sector and provide immediate assistance to the children profoundly affected by disaster crises.<sup>x</sup>

18. However, Broken Chalk would like to underline that these are reparative initiatives, which do not in principle solve the problem of the vulnerability of Togo's education system to natural disasters.

## **The quality of education**

### **Early childhood education**

19. According to the SDGs, by 2030, all States should ensure that *“all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education.”* The improvement of comprehensive early childhood care and education is also EFA goal 1.
20. According to the Education Act 2013<sup>xi</sup>, early childhood education (ECE) is considered as the *“formal teaching of young children by people outside the family setting and consists of activities and experiences that are intended to effect developmental changes in young children prior to their entry into primary school”* for children aged 4 to 5 years.
21. Early Childhood Education significantly developed in Tonga over recent years, which is also evidenced by the creation of the ‘ECE Policy Framework’ which was developed under the Tonga Education Policy Framework 2004- 2019. These significant improvements included a certificate and diploma programme for ECE teachers delivered by the Tonga Institute of Education and the development of an ECE curriculum.<sup>xii</sup>
22. However, as the *“5-Year Progress Review of SDG 4 – Education 2030 in Asia-Pacific”*<sup>xiii</sup> states, pre-primary education in Tonga is still not free and compulsory.
23. In addition, only limited amount of data can be found on enrolment, survival and drop-out rates in ECE, which makes a comprehensive assessment of the role of ECE quite difficult to make. The World Bank Early Childhood Development Systems Approach for Better Education (SABER) Country Report for Tonga 2012 (‘ECD SABER Report’) revealed that the Ministry of Education and Training was not providing adequate access to early learning opportunities. The more recent World Bank Group-supported Tongan Early Human Capability Index Survey carried out in 2013-2014 found that approximately 44 per cent of children in Tonga aged 3 to 5 attend some form of ECE. More recent statistics unavailable or really difficult to be found.

### **Quality of education**

24. Furthermore, data on key quality indicators such as teacher-pupil ratios, classroom sizes, learning outcomes of children, teacher qualifications and availability of resources per child is also quite limited. Broken Chalk recognises that several steps forward have been taken by Tonga. For instance, teachers are supported by continuous in-service training programmes and a Teacher Resource Centre has also been put into place in order to provide teachers with teaching resources and aids.<sup>xiv</sup> However, the quality of school in terms of facilities, equipment and materials reportedly varies.
25. Broken Chalk would also like to underline the problem of brain drain. In fact, as underlined by other non-profit organizations, at the end of their secondary school education, a large percentage of people from Tonga pursue their tertiary education abroad at universities in Australia or New Zealand. In addition, at the completion of their degrees at university, most Tongan scholars remain in Australia or New Zealand to live.



As underlined by the Borgen Project, approximately 25 percent of those who continued their education in Tonga now exist below the poverty line.<sup>xv</sup>

### **Issues concerning the access to education**

26. Finally, the access to the school system and in general education seems to be more complicated for those who are marginalized and vulnerable. As noted by UNICEF, during COVID-19, over 32,000 Tongan school children lost over approximately 510 hours each of in-person learning as a result of the lockdown and natural disasters. Even if great efforts were made to provide school children with remote learning solutions, the shift has been associated with a learning loss, especially for those who are marginalized and vulnerable.<sup>xvi</sup>
27. According to HRMI<sup>xvii</sup>, human rights experts identify street children or homeless youth, children with disabilities and low social or economic status as being particularly at risk of having their Right to education violated.)

## **II. Recommendations**

28. Based on the above analysis of the issues in Tonga's education, Broken Chalk would like to encourage Tonga to continue its efforts to improve the access and quality of education, upscale its current projects and address the issues that are not yet dealt with.
29. In particular, Broken Chalk would like to present the following recommendations to Tonga:

### **The lack of recent data and statistics on education**

30. As already mentioned in the previous UPR session, Broken Chalk is convinced that Tonga should establish a monitoring system on the implementation of the education policy framework.
31. In addition, Tonga should share any relevant information concerning its recent evolutions in the educational field in order to update its country profiles on the global databases and correctly measure the national progress.

### **The impact of natural disasters on the educational field**

32. Broken Chalk raises its worries concerning the impact of natural disasters on the education system. Apart from aid coming from other countries, international organisations such as the World Bank and humanitarian organisations such as Save the Children, the Tongan government itself should implement certain initiatives in order to reduce the impact of natural disasters on national education. For instance, practical projects aiming to provide safe and secure school structures including classrooms, halls, dormitories and toilets should be put into practice.

### **The quality of education**

33. Broken Chalk admires the efforts that Tonga has done in the field of Early Childhood Education. However, there is a need for formal recognition of the importance of the role of the early childhood education sector in child development. The growth and development of this sector, and support for parents in their roles, needs to be a priority for Tonga and every country because of the positive impact investment in the specific moment of education has upon children's development. In fact, as stated in the

Education Policy Framework 2004-2019, there is strong evidence of a high rate of return from investments in early childhood education which is also important for laying the foundation for primary schooling.

- 34.** In terms of the quality of education, Broken Chalk again emphasises the importance of creating a system of the education policy framework. In fact, in the absence of specific data, it is difficult to give precise indications on this issue. However, it is clear that measures such as improving the quality of school infrastructures or increasing the university level should be a priority for Tonga.

### **The Access to education**

- 35.** Finally, Broken Chalk suggests Tonga to introduce legislation and policy measures in order to ensure that the most vulnerable people such as children or homeless youth, children with disabilities and low social or economic status get access to education. However, the main priority is still developing an adequate monitoring system in order to more precisely identify and tackle these vulnerabilities.

i“OHCHR | Universal Periodic Review - Tonga.” [OHCHR | Universal Periodic Review - Tonga](#)

ii Constitution of Tonga, [Constitution of Tonga \(unesco.org\)](#)

iii Tonga Education Policy Framework (2004-2019), Tonga Ministry of Education, 23 April 2004

iv HRMI Rights Tracker, <https://rightstracker.org/en/country/TON?tab=report-esr>

v United Nations Human Rights Council. (2018). Universal Periodic Review – Tonga, [OHCHR | Universal Periodic Review - Tonga](#)

vi Ibid, 4

vii World Bank, US\$53 Million Boost for Education and Transport in Tonga, 2021, [US\\$53 Million Boost for Education and Transport in Tonga \(worldbank.org\)](#)

viii Save the Children (March 2022), [Save the Children to support children’s education in Tonga - Save the Children Australia](#)

ix Tonga Safe and Resilient Schools Project, [Development Projects : Tonga Safe and Resilient Schools Project - P174434 \(worldbank.org\)](#)

x Ibid, 8

xi Education Act 2013 (Tonga), section 2

xii Unicef (2017), Situation Analysis of Children in Tonga, [Situation-Analysis-of-Children-Tonga.pdf \(unicef.org\)](#)

xiii “5-Year Progress Review of SDG 4 – Education 2030 in Asia-Pacific” [5 Year Progress Review SDG 4 Education2030 Asia-Pacific – Asia-Pacific SDG 4 – Education2030 \(apasdg4education2030.org\)](#)

xiv Tonga Millennium Development Goals Final Report (2015)

xv The Borgen Project (2019), Eight Facts about Education in Tonga, [8 Facts About Education in Tonga - The Borgen Project](#)

xvi Unicef, Let’s re-imagine education: Tonga boosts efforts to ensure all its children are able to access quality education, [Let’s re-imagine education: Tonga boosts efforts to ensure all its children are able to access quality education \(unicef.org\)](#)

xvii HRMI Rights Tracker, <https://rightstracker.org/en/country/TON?tab=report-esr>

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4. World Bank, US\$53 Million Boost for Education and Transport in Tonga, 2021, [US\\$53 Million Boost for Education and Transport in Tonga \(worldbank.org\)https://www.menschenrechte.li/rechte-von-menschen-mit-behinderungen/](#).

5. Save the Children (2022), [Save the Children to support children’s education in Tonga - Save the Children Australia](#)

6. Tonga Safe and Resilient Schools Project, [Development Projects : Tonga Safe and Resilient Schools Project - P174434 \(worldbank.org\)](#)

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12. Tonga Education Policy Framework (2004-2019), Tonga Ministry of Education, 23 April 2004



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