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DIGITAL EDUCATION: A CRITICAL VIEW FROM CHILDREN RIGHT TO EDUCATION PERSPECTIVE DURING COVID-19 PANDEMIC IN SOUTH ASIA

Puja Silwal* and Bikisha Poudel*

Pandemic has planted series of long-term effects in various sector, among which education sector has been crucially affected. School closure due to the pandemic has disrupted the education culture and sector. It has hampered the right of children to study in the school environment along with their social mobility with other students and guidance of teachers. As observed around 1.2 billion children were out of the classroom as a special measure. As an alternative tool, the government introduced the digitalization approach in the education pattern, which came as boon to some and curse to many. The family with low socio-economic background has the no access, availability, and affordability of digital resources and technology, which hampered their right to education and equality. Referring to data of South Asia, 144 million children, approximately 38 percent of total children, cannot enroll in digital learning due to lack of affordability and accessibility.

In the current era of digitalization, the countries having access to such technologies and platforms can afford sound education system, but about those countries where 78% of people live in rural areas having low access to electricity, internet and digital technologies, are the sound digital education still possible in such scenario? Having access to education and having access to digital education are two different rights, which comes with two different responsibilities of government. Providing school and teacher in a remote area is very less challenging than providing internet digital technologies in every house and skilled teacher in those areas. So, for this Government is what is looked upon to ensure sound education in such pandemic. Nevertheless, the government

* Ms. Puja Silwal is a LL.M Student at Kathmandu School of Law.

* Ms. Bikisha Poudel is a LL.M Student at Kathmandu School of Law.

of Nepal gave the mandate to schools to use the online medium for educating children and upgrade the classes.

This paper examines the impact of pandemic in child education along with the adoption of digitalized Education system in South Asia. It will further look into the international mandate, international standards, practice and trends adopted within South Asian region along with the laws and treaties available to support this system. It will also examine how ESCR rights of the child are affected due to pandemic and its impact on Child quality education.

BACKGROUND

COVID-19 pandemic has created much impact in the world apart from the direct and indirect casualties; education has become one of the indirect casualties worldwide. Over 90% of the world's children remained in the home as the school's temporary closure¹. There were around 1.2 billion children in the home due to COVID. From 2020 March to 2021 February, 95 schools, on average, were fully closed². It indicates that around for eleven-month on average most of the countries' school were closed.

South Asian countries include Afghanistan, Bangladesh, Bhutan, Maldives, Nepal, India, Pakistan, and Sri Lanka. South Asia is home to around 420 million school-aged children.³ The highest closure of the school in South Asia was in Bangladesh for 43 weeks and Nepal's school for 53 weeks.

INTRODUCTION

Every child has the right to get a quality education. It is included in the Universal Declaration of Human Rights, 1948 and Convention for Right of Child, 1989. However, many of the world's young children are deprived of education due to various reasons like war, forced migration, and emergencies. From March 2020 world faced the impact of

¹ 'Direct and indirect effects of the COVID-19 pandemic and response in South Asia', *UNICEF*, 2021, p.34.

² 'COVID-19 and School Closures, One Year of Education Disruption', *UNICEF*, available at <https://data.unicef.org/wp-content/uploads/2021/03/COVID19-and-school-closures.pdf>, accessed on 31 May 2021.

³ 'Direct and indirect effects of the COVID-19 pandemic and response in South Asia', *UNICEF*, 2021, p.25.

COVID, and the world widely many countries have to announce lockdown and shutdown of the school. This had a significant impact on the children's education because of the nation's lack of preparedness to cope with this situation. Digital learning was the one and best alternative the state had. However, this could not respond as many children and low-income families did not have access to digital tools and equipment.

Digital Education is simply the modern way of using digital technologies and tools for the learning and teaching process. It includes recently developed equipment and digital technology to assist the existing education system in the world. Digtios⁴ are children born during a digital time and have access to digital devices. Digital screen refers to the TV, smartphone, and many more.

In South Asia, 144 million children, approximately 38 percent of total children, cannot enroll in digital learning. The unevenly developed South Asia nation had to deal with structural challenges in distributing quality education to its population. The present structure impacts around 28.6 million people. The pandemic world has even exacerbated the socio-economic right, especially of the children. Thus, it became a great shock for everyone in South Asia⁵.

INTERNATIONAL LAW: RIGHTS TO EDUCATION FOR EVERY CHILDREN

Universal Declaration of Human Rights (UDHR) Article 26⁶, International Covenant on Economic, Social and Cultural Right, 1966⁷ Article 10⁸ and Article 13⁹, Convention on Right

⁴ Melissa Bohnert and Pablo Gracis, 'Emerging ' Digital Generations? Impacts of Child Digital Use on Mental and Socioemotional Well-Being across Two Cohorts in Ireland, 2007–2018', *Child Indicators Research*, pp. 629–659, volume 14(2), available at <https://link.springer.com/article/10.1007/s12187-020-09767-z>, accessed on 3 June 2021.

⁵ 'Direct and indirect effects of the COVID-19 pandemic and response in South Asia', *UNICEF*, 2021, p.5

⁶ Right to education shall be free at least in elementary and fundamental stages. Further it shall be directed to the development of human personality. Parents have a right to choose the kind of education to children.

⁷ *International Covenant on Economic, Social and Cultural Right*, 16 December 1966, UNGA 2200A (XXI).

⁸ It is the responsible of the of family for the care and education of the dependent children.

⁹ Right to education for everyone and education shall enable all persons to participate effectively in free society, promote understanding, tolerance and friendship among all nations. It Sub-article further, provide right to choose children school to legal guardian.

of Child¹⁰ also enlist the fundamental right to education of the children. Education should be made available compulsory, and free up to primary and higher secondary education, including vocation and general education. However, during the pandemic, everything was stopped, and children were at home.

With the impact of COVID worldwide the, UN committee on the Rights of the Children on 86th session adopted general comment 25¹¹ recently to address child rights protection in the digital environment. Due to Covid-19 the use of digital technology was accelerated as a reliable means for education, information and participation. The committee has recognized the increasing importance of child rights and child lives during the crisis. It further highlighted the digital divides between haves and have not.¹² Many societal functions like education have relied on digital technology.¹³

Digital technology enables access to high-quality inclusive eradication from formal or information sources and strengthens teacher and student learning engagement. State to support education and cultural institutions to diverse, including indigenous resources and languages, and ensure access to device, electricity, connectivity, educational materials, and professional support. Mobile learning should be used as an alternative in rural areas.

All South Asian countries have ratified the CRC and must ensure digital learning as alternatives for education. This mandates is merely the obligation has as per the international obligation for which most of the state cannot fulfill due to lack of available resources. Even the countries with high technology growth has not been able to access to digital medium of children.¹⁴ As parties state of ICESCR interpretative Maastricht guidelines¹⁵, the state has an obligation to ensure respect, protect, and fulfill.

¹⁰ *Convention on the Rights of the Child*, 20 November 1989, UNGA 44/25. It state that 'State shall promote the international cooperation in the education and vocational services and also state has the responsibility to develop the educational services'. 'State parties recognized the right of children to education and achieve the right progressively and on basis of equal opportunity'. These are the right provided in the convention and state has the obligation to protect such right.

¹¹ <https://dig.watch/updates/uncrc-adopts-general-comment-25-rights-children-relation-digital-environment>

¹² Explanatory notes, General Comment 25, available at [5Rights Foundation](https://www.unhcr.org/refugees/5RightsFoundation), accessed on 4 September, 2021.

¹³ UNCRC General Comment 25, 2021, Para 3

¹⁴ 'The digital divide: Lessons COVID-19 taught us about the digital exclusion of students from low socio-economic backgrounds', *UNAA*, available at <https://www.unaa.org.au/2020/11/15/the-digital-divide-lessons-covid-19-taught-us-about-the-digital-exclusion-of-students-from-low-socio-economic-backgrounds/>, accessed on 2 June 2021.

Quality education is Sustainable Development Goal 4, and Sustainable Development Goal 10 includes reducing inequalities. States have the responsibility to fulfill these goals in every manner. Inequalities were seen adequately in the society during the pandemic situation.

DIGITAL LEARNING DURING PANDEMIC IN SOUTH ASIA: IMPACT ON CHILD EDUCATION

Learning habit was influenced during the pandemic last year in South Asia, and it has an impact till now. School has not covered all the syllabus, yet by internal evaluation, students were promoted to the next class during a pandemic. However, it could be justified if the school had monitored and evaluated the education provided via digital technology. Various South Asian countries' data shows many children were deprived of their basic right to education, which the state has enforced. Following is the policy and data of the accessibility of digital technology in South Asian countries during the pandemic.

AFGHANISTAN : The Ministry of education closed school from March 14, 2020, till May in Afghanistan. Ministry had developed the strategic plan for the alternative solution. As per this plan, the government separated general education, Islamic education, and literacy programs. 3.7 million children were forced out of school and were forced to use alternative learning pathways. Alternative learning included self-learning, distance learning, and small group learning. However, the available resource was limited as only 28% were literate people and 62%¹⁶ per has radio, 57% had television, and 30% had phone accessibility. 4 local channels dedicated to providing the learning materials to the children and 3 hrs broadcast was the way of educating.¹⁷ Children lacking digital devices were excluded from education during the pandemic in Afghanistan.

¹⁵ Maastricht Guidelines on Violations of Economic, Social and Cultural Rights, Maastricht, January 22-26, 1997.

¹⁶ Yahia Baiza, 2020, 'Coronavirus and Education in Afghanistan: Responses, Challenges, and the Threats of Educational Divide,' *The Education and Development Forum (UKFIET)*, June 3, 2020, available at <https://www.ukfiет.org/2020/coronavirus-and-education-in-afghanistan-responses-challenges-and-the-threats-of-educational-divide/>, accessed on 1 June 2021.

¹⁷ Alternative Education Plan, 2020, available at <https://www.globalpartnership.org/blog/afghanistans-covid-19-education-response>, accessed on 3 June 2021.

BANGLADESH :Around 8 million learners were impacted alone in Bangladesh due to the pandemic.¹⁸ Bangladesh has to suffer from COVID as aged 5-15 children did not have access to radio, computers, and television. It means less than 50 percent has no access to alternative learning or digital learning.¹⁹

BHUTAN: Television, smartphone, and self-instruction materials were the tools during the Pandemic in Bhutan.²⁰ Only 17,000 did not have access to television, smartphones, and interest distributed by the Ministry of Education in collaboration with UNICEF. A unique idea incorporated in Bhutan was SIM which means Self-Instruction Materials. Students were instructed to read under the guidelines.

MALDIVES: Ninety-one thousand students from pre-kindergarten to higher secondary were unable to go to school. Similarly, like other countries, Education Ministry developed the educational programs in cooperation with the television station. The focus was on the grade 10 and 11 students. Primary and secondary level students were left in a home without an education facility. Maldives government introduced online education platforms like Filaa for making available to resources.²¹ Only Fifty-one percent of the household has accessibility to internet service in the Maldives.²² Online education service is ineffective in the absence of proper internet service, and Maldives GDP has decreased due to pandemics²³.

SRI LANKA: After the closure of the school, Srilanka also made a transition to online education. However, only 22.2% of households own digital devices like laptops and computers. The government-supported television broadcast and e-learning programs for the learning process. 82% of the household has a television which someone made accessible to

¹⁸'Combatting the Impact of COVID-19 School Closures in Bangladesh', available at <https://blogs.worldbank.org/endpovertyinsouthasia/combatting-impact-covid-19-school-closures-bangladesh>, accessed on 3 June, 2021.

¹⁹Ibid

²⁰ 'Learning during the coronavirus pandemic,' available at <https://www.unicef.org/bhutan/stories/learning-during-coronavirus-pandemic>, accessed on 1 June, 2021.

²¹'Amid COVID-19, Maldives Keeps Children Learning through Remote Education', available at <https://blogs.worldbank.org/endpovertyinsouthasia/amid-covid-19-maldives-keeps-children-learning-through-remote-education>, accessed on 1 June, 2021.

²²'Maldives Development Update', The World Bank', April 2021, available at <https://thedocs.worldbank.org/en/doc/93bdbc79b45ceb504743f4514f1095e1-0310062021/original/April-2021-Maldives-Development-Update.pdf>, accessed on 2 June 2021.

²³ Ibid

the learning environment to children. The remaining population was excluded from education during a pandemic.

INDIA: Around 32 crore learners²⁴ were unable to go to school due to the pandemic. It has accelerated the adoption of digital technology. India's government vision of digital technology education was based on the Home TC, Radio, Social media, zoom, WhatsApp, online teaching system. For secondary education, the Ministry of Human Resources Development (MHRD) combined all digital education and started e-learning like Dikshyam and e-pathshala. Targeting higher secondary student TV channels were transmitting educational content. Nevertheless, as per a survey in four states of India, 94 percent of the students responded between 11-18 years and did not have access to a smartphone for online education²⁵.

PAKISTAN: Online learning was not an option for many families in Pakistan. 22.7 million children could not participate in education during the pandemic as half of the population does not own smartphones.²⁶ The divides penetrated urban and Rural classes people.

NEPAL: Ministry of Education, Science, and Technology of Nepal, around seven million students are enrolled in public school between 2017 and 2018. However, only 12 percent of the student studying in public school could only offer digital education during a pandemic. The government of Nepal gave the mandate to schools to use the online medium for educating children and upgrade the classes. Platform enforced by the government was via television and radio and online platforms. The government promoted the systematic exclusion as rural area people did not have access to electricity, internet, radio, or smartphones.

South Asian countries lack access to digital learning as most rural countries lack access to basic electricity and internet facilities. These created the systematic exclusion of the Child's

²⁴ Pravat Jena, "Impact of Pandemic COVID-19 on Education in India," *International Journal of Current Research*, available at <https://doi.org/10.24941/ijcr.39209.07.2020>, accessed on 1 June 2021.

²⁵ '94% kids surveyed in 4 states don't have smartphones or internet access for e-education: CRY,' *The Indian Express*, available at <https://indianexpress.com/article/education/94-pc-kids-surveyed-in-4-states-dont-have-smartphones-or-internet-access-for-e-education-cry-6558656/>, accessed on 1 June 2021.

²⁶ Anmol Irfan, 'Locked out of school: Pakistan's digital divide has students struggling', *The Guardian*, available at <http://www.theguardian.com/global-development/2021/may/18/schools-out-pakistani-pupils-struggle-with-lack-of-internet>, accessed on 1 June 2021.

basic right enlisted in the various national and international treaties. Most of the students enrolled in public school were not able to engage in the online class. The government had no systematic approach adopted to arrange digital education. Television access and proper channel access were major challenges to a low-income family. Government lacks a systematic arrangement for maintaining the education system in South Asia.

DIGITAL EXCLUSION

During the COVID pandemic, the children of the low-earning family could not have enrolled in the education system or digital learning. In public school, 87 percentages were not able to use the alternative education provided by the government. The Global Education Monitoring Report by the Education Commission has highlighted that in most low- and middle-income countries, education has been already grossly underfinanced even before COVID-19. Online education platforms created more divide²⁷ between the haves and have-not, which is failure to the world. Children with disabilities, with a mental health condition, culturally and linguistically diverse, are the students facing digital exclusion.²⁸ A significant reason for the divide is the lack of digital accessibility and access to learning materials.

COVID-19 Pandemic exclusion was enabled as there was a lack of affordability or purchasing capability to the digital device. Having the digital device is less in family, and often family smartphone used by one sibling creates the lack of a digital device to another sibling. Children with low socio-economic background faces the problem of lack of access to resouces like TV/ digital equipments. This further has caused the digital exclusion.²⁹

Due to proper internet connectivity also the digital exclusion was the cause. Internet access ratio is lower in South Asia. The rural part of these countries still does not have an electric supply and internet supply facility. A 15-year-old girl consumed poison and suicide in India

²⁷ 'The State of the world's Children 2017: Children in Digital World', UNICEF, available at <https://www.unicef.org/media/48601/file>, accessed on 4 June 2021.

²⁸ 'The digital divide: Lessons COVID-19 taught us about the digital exclusion of students from low socio-economic backgrounds', *UNAA*, available at <https://www.unaa.org.au/2020/11/15/the-digital-divide-lessons-covid-19-taught-us-about-the-digital-exclusion-of-students-from-low-socio-economic-backgrounds/>, accessed on 2 June 2021.

²⁹ Ibid

as her family buys her smartphone.³⁰ Her parents lost a job due to a pandemic, and thus she committed suicide. There were many similar cases in various parts of India. The suicide ratio was also increased in Nepal due to uncertainties of the economy³¹.

The exclusion can be addressed by a proper strategic plan to adhere to the problem of society. Governments of these countries failed to utilize the available resources to monitor and regulate the exclusion within the society. The community learning approach during the COVID-19 could be the best solution to engage the youth and learned people of the community to educate the whole community. Proper education and strategic planning failure became the challenges for the completion of digital education.

ANALYSIS AND CONCLUSION

Government implying to include the digital technology had strategically discussed before implementing then would not have created the exclusion for the violation of children's rights. Education is the fundamental right of every right enlisted in the international covenant like ICCPR and CRC. Due to lower-income families cannot afford the expense of technology. They lack access and affordability of digital devices. Countries fail to address the crisis and ignore children's fundamental right to education, especially in lower-income families.

World Bank Report stated that in Nepal, 89 percent population only had access to electricity³². Despite the development of more local hydropower projects, Nepal has not made electricity accessible to all citizens. Till 2019, only 63.31 percentage has access to broaden connectivity.³³ In this scenario, internet-using television programs become the failed

³⁰ 'No smartphone for e-classes, girl commits suicide', *Mysuru News - Times of India*, available at <https://timesofindia.indiatimes.com/city/mysuru/mysuru-no-smartphone-for-e-classes-girl-commits-suicide/articleshow/77626367.cms>, accessed on 1 June 2021.

³¹ 'Suicide cases on the rise in Nepal during COVID-19 lockdown', *The New Indian Express*, available at <https://www.newindianexpress.com/world/2020/jul/07/suicide-cases-on-the-rise-in-nepal-during-covid-19-lockdown-2166528.html>, accessed on 2 June 2021.

³² 'Access to electricity-Nepal,' available at <https://data.worldbank.org/indicator/EG.ELC.ACCS.ZS?locations=NP>, accessed on 2 June 2021.

³³ 'Half of Nepal prefer to access the internet via their mobile,' available at <https://kathmandupost.com/money/2019/07/11/half-of-nepal-prefer-to-access-the-internet-via-their-mobile>, accessed on 3 June 2021.

policy of the government in South Asia. It excluded the children from the rural part of the society from accessing education during COVID.

Afghanistan education ministry has the best plan for digital education, self-learning, and developing plans for the weeks by the local learned people. Most of the South Asian countries failed to deal strategically with the issue of the education of children. Bhutan maintained its active role in education as it looked at family and access to digital technology. With the help of these institutions, it provided digital technology like television and smartphone. SIM- Self Instruction Materials were provided, which also seemed practical. Students were provided with the proper instruction and reading materials to continue their education by staying at home.

Technology cannot repair social inequality³⁴ within society. However, developing the capability of the children via different other means would have decreased the inequality. This exclusionary policy adopted hampered the low-class family and child future. It even widens the gap in society.

South Asian countries, despite lack of resources, tried their best to fight the virus that impacted the whole education policy. Government still needs to make a strict policy as the second wave again has impacted the education of the students enrolled in schools. India and Nepal have prohibition in various parts and schools again due to mutated virus impact. The child's future will be uncertain if the government does not take proper and practical steps to control the excluding policies that it had brought and implemented.

Access to the electronic device can be a solution to the existing problem. However, there should be proper monitoring and evaluation by the local levels. The local level officer should play an influential role and adopt the community-based education policy to eradicate the problem. Proper community learning guidelines and self-learning home-based education should be provided to all levels of students.

It is the proper time to implement the digital system in the education system, which includes increasing knowledge about the research via digital learning. The traditional education

³⁴ Williamson, B., Eynon, R., & Potter, J., 'Pandemic politics, pedagogies and practices: Digital technologies and distance education during the coronavirus emergency,' *Learning, Media and Technology*, volume 45(2), pp, 107–114 available at <https://doi.org/10.1080/17439884.2020.1761641>, accessed on 4 June 2021.

system has to be a rethink, and new inclusive, innovative ideas should be introduced so that all children can enjoy their basic right; right to education. Education is the only tool that can change the light in the life of the nation. Children are the country's future, so they must be provided with an equal opportunity to learn and engage in productive work during a pandemic.