

FEATURE

The Impact of the Covid-19 Pandemic on Children's Rights to Education in South Africa

Nomzomhle Kona

Introduction

In South Africa, the right to a basic education is entrenched in section 29(1) of the Constitution. However, the outbreak of Covid-19 resulted in the declaration of a national state of disaster and nationwide lockdown that gravely impacted on children's right to education. Among other things, the regulations proclaimed under the Disaster Management Act of 2002 prescribe social distancing, quarantine and self-isolation, measures which were introduced to curb the spread of Covid-19. It is within this context that educational facilities were closed as of 26 March 2020, forcing the education system to rely on digital technology in order to continue teaching and learning.

However, due to the digital divide, the vast majority of children could not receive education after the closure of schools. The question of how the right to education can be realised during the pandemic has been a subject of great contention. Despite the new constitutional dispensation, the pandemic has exposed socio-economic inequalities in the country's education system in regard to access to basic education. As a result of these inequalities, the vast majority of pupils spent a significant number of months without attending classes or continuing academic activities remotely.

This article examines how children's rights to education were impacted on by the pandemic. It seeks to shed light on children's struggles to access education and the challenges that go with open distance learning, digital learning, limitations on access to technology, and un conducive learning environments during the lockdown. In unpacking these issues, the article considers how the government can still attempt to realise children's rights to education during the era of Covid-19. Overall, it argues for the need for education departments and learners to embrace technological solutions in order to ensure that children's rights to education are realised.



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The Constitution of South Africa is considered one of the best constitutions in the world, with its founding values based on human dignity and the achievement of equality and freedom. It has an array of socio-economic rights, including the right to education and the protection of the best interests of the children. These promise a bright future and the restoration of justice after many years of colonisation and apartheid. Yet, notwithstanding such progressive changes, the advent of Covid-19 has exposed discrepancies in the socio-economic accessibility of children's rights to education.

As is well known by now, the coronavirus has had destructive and devastating effects on humanity. It has changed the way we live, limited our rights to freedom of movement, trade and association – in the case of South Africa, doing so by virtue of lockdown restrictions imposed in terms of the Disaster Management Act – and, in particular, it has disrupted educational processes.

This article presents a broad overview of the challenges faced by children during Covid-19 in respect to their enjoyment or exercise of their right to education. Like many other countries, South Africa declared a national state of emergency with strictly imposed regulations that curtailed children's right to education. While Covid-19 has primarily affected human health, its effects have trickled down to education, largely because of the extension of school closures that were meant to observe regulations prescribing social distancing and self-isolation.

Children's' rights to basic education

Children's right to education is provided for in terms of section 29(1) of the South African Constitution. Globally, the right to education is recognised by article 26 of the Universal Declaration of Human Rights. The International Covenant on Economic, Social and Cultural Rights (ICESCR) is a cornerstone for the international protection of human rights. The ICESCR is one of the most comprehensive texts on the right to education, especially in its articles 13 and 14. The International Covenant on Civil and Political Rights (ICCPR) also deals with the right to education within the broader context of freedom of thought, conscience and religion. Article 18(4) provides that 'States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions'.

The Convention on the Rights of the Child (CRC) refers to education in articles 28 and 29. Article 28 affirms the right of the child to education and the state's duty, notably, to ensure that primary education is free and compulsory. In addition, the CRC states that school discipline should be administered in a manner consistent with a child's human dignity. Article 29 adds that the education of the child shall be directed towards developing the child's personality, talents, and mental and physical abilities to their fullest potential.

Additionally, articles 5(v) and 7 of the International Convention on the Elimination of All Forms of Racial Discrimination recognise the right to education. The Convention on the Rights of Persons with Disabilities also recognises the right to education. At continental level, the right to education is provided for in articles



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11 and 17 of the African Charter on Human and Peoples' Rights, as well as article 17 of the African Charter on the Rights and Welfare of the Child.

The impact of Covid-19 on children's rights to education

The extended interruption of contact learning disengaged students from the process of learning, and it is very likely that the knowledge they acquired through other means is limited (World Bank 2020). Many children face learning challenges; some are dealing with socio-economic problems, while others are children with special educational needs whose learning would be more effective in a physical-contact class setup. These challenges have been obstacles to remote learning, as has the failure to access information through the technology platforms that are being used.

Due to the closure of schools, educators were unable to complete the 2020 curriculum (Van der Berg & Spaul 2020). Strategies to try and save the academic year involved remote learning. However, the country's persistent socio-economic inequalities have been exposed by the digital divide and digital illiteracy. Many public schools have limited resources and little exposure to technology or access to digital platforms to implement online learning (Van der Berg & Spaul 2020); by contrast, many better-off schools were able to assist their teachers to prepare online content for learners.

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plement online learning (Van der Berg & Spaul 2020); by contrast, many better-off schools were able to assist their teachers to prepare online content for learners.

As such, it has been difficult for South Africa to implement a remote-learning strategy effectively because access by all learners countrywide has been impossible. Consequently, learners from disadvantaged backgrounds are left behind, with schools' lack of appropriate remote learning systems standing to exacerbate inequality in education. This can result in learners becoming demoralised about completing their studies and hence dropping out of school.

Van der Berg (2015) and Spaul & Kotze (2015) postulate that many children in academically weaker schools perform below the required benchmarks. Therefore, Covid-19 will worsen learning deficits, increasing inequalities in the learning system. Despite the fact that schools have been permitted to gradually open with limited numbers of learners in class, who are taught interchangeably, educators are still struggling to cover the whole syllabus within a short space of time. A key contributing factor is that schools were not able to implement remote learning. It has therefore become necessary to determine how the syllabus might be implemented without detracting from learners' ability to progress to the next grades.

Statistics South Africa shows in its 2018 General Household Survey that only 22 per cent of households have computers (StatsSA 2019: 63). Although 90 per cent of households in South Africa have access to mobile phones, only 60 per cent access the internet with them (StatsSA 2019: 56). It should be noted this data refers to adults, so we do not know whether children in these households had access to devices and the internet during the lockdown. Those learners within the remote learning group may not receive adequate supervision from their parents or caregivers, who might not be equipped to provide learning guidance to their children.



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American research shows that learners there between the grades of 3 to 8 may have lost 30 per cent of a year's learning in reading and more than 50 per cent in mathematics, whereas younger children may have lost almost a full year of mathematics (Van der Berg & Spaul 2020: 16). In the South African context, the numbers are probably much higher, since many schools have few educational materials to conduct effective remote learning. The foundation phases, grades R and 1, are crucial, especially for mathematics, because if children miss this phase their understanding of mathematics in other grades will be adversely affected (Spaul & Kotze 2015). Furthermore, international research on the cumulative impact of losses in learning shows that these effects continue five years after the fact (Das et al. 2020).



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South Africa aired some learning classes via the national broadcaster, the South African Broadcasting Corporation (SABC) during the lockdown period (DBE 2020b). In contrast to online classes, this was possibly a better way of trying to reach learners throughout the country, because almost every household has a television. However, even with this intervention in place, problems persisted; for example not every household is a suitable or conducive environment for learning. Furthermore, the intervention targeted only grades 10–12 and lessons ran for only 90 minutes per day.

There has long been a culture of dropping out of school, especially by learners from low-income groups; however, Covid-19 and the extended closure of schools has made this problem worse (World Bank 2020). Child-headed families were among the families that were hit hardest by the lockdown. The danger of the

virus itself, and concern about when the pandemic would end, was a concern to these families. There was enough stress just dealing with where the next meal would come from, and trying to focus on school. Many dropped out or resorted to theft because the piece jobs that would normally be available outside of lockdown were nowhere to be found.

Children from dysfunctional or abusive homes looked forward to leaving their homes to go to school, which is a safe haven for them. Being at home for a very long time and experiencing abuse affected them psychologically (Save the children 2020) and had negative impacts on their education. Children from extremely disadvantaged backgrounds are the most affected because their families occupy one-room shelters where it is difficult to do schoolwork or avoid conflict; they can be caught up in the conflicts of their parents. It can be very difficult for them to focus on their education as they can suffer psychologically and their academic work can be affected.

Most schools provide feeding schemes, and for many children it is a highly anticipated meal of the day. The extended closure of schools precludes these learners from accessing those meals unless alternative measures are in place (Van der Berg & Spaul 2020: 14). The General Household Survey data demonstrated that, even prior to the lockdown, about 2.5 million children lived below the food poverty line. The closure of schools severely exacerbated their lack of food (Van der Berg & Spaul 2020: 2). In 2018, statistics showed that approximately 77 per cent of children in public schools, or an estimated 9 million children, received a meal at school (StatsSA 2019). Without meals, children cannot fully commit to their schoolwork.

A vast number of people lost employment during lockdown. People became depressed, not knowing how they would feed their families and meet their daily expenses. The ban on alcohol and cigarettes, coping mechanisms for certain people, caused many of them to have mental breakdowns and some even committed suicide (Van der Berg & Spaul 2020). Statistics show that children living through such circumstances are likely to have long-term psychological stress. As a result, their academic performance is affected.

When the economy reopened, some schools remained closed (Van der Berg & Spaul 2020: 3). This, however, had a negative impact: caregivers would go to work and leave children at home without care. When there is no one to supervise remote learning, this puts strain on children's education and they tend to fall behind. The statistics from the Quarterly Labour Force Survey (QLFS) data of 2019 demonstrate that when all of the workforce returns to work, there will be approximately 2 million children ranging from the ages of 0–15 years who do not have a 15-year-old or older sibling or a caregiver to care for them. Therefore, they will have little or no academic supervision.

South African classrooms accommodate approximately 40 learners and it is difficult to implement social distancing in such a setup. However, other measures – such as washing hands with water and soap, constantly sanitising, and wearing masks – should be observed. This leads to the question of the accessibility of running water and how many learners there are in each classroom.

We can use the Covid-19 pandemic as an occasion to reflect on the 26 years of democracy that have passed – in all those years, the country has not been able to equip all schools with running water and proper sanitation. Apart from the fact that access to running water is essential for curbing Covid-19, it is a basic right for the dignity of all humans. However, on 7 June 2020, the Minister of Basic Education, Angie Motshekga, announced that 95 per cent of schools were now equipped with running water (DBE 2020a). The government should be commended for achieving such remarkable progress within a short period of time.

Recommendations

Medical research on Covid-19 shows that the mortality rate from this disease is strongly tied to age (Department of Health 2020). Therefore, those who are sus-

ceptible to being infected by Covid-19 and experience severe illness are older people. South African medical reports show that approximately 80 per cent of the people who died of Covid-19 were 50 years or older. Thus, those who are between the ages of 0–19 have a very small chance of dying of Covid-19.

These medical findings are of great import in this discussion because school closures have been justified as a way to preclude the health-care system from being overwhelmed and of protecting children and educators who are at a high risk of contracting Covid-19. Based on the above research, there is no reason why some schools are still closed or other grades are still not yet back at school. However, great concern has been shown by teacher societies, which caution against the opening of schools because many teachers are older and may contract the virus. That is why safety measures should be put in place to ensure that they remain healthy, and at the same time are able to teach learners and not lose academic years.

Many learners are from families which have a reduced income. This may limit learners' attendance at school because there is no money for school fees. Therefore, schools should consider cancelling the fees temporarily, or negotiate how fees can be paid over time, rather than prohibiting learners from attending classes.

Conclusion

The Covid-19 pandemic has transformed our lives in many ways. When Covid-19 first reached South Africa, it was unclear what impact it would have on children, which is why schools were closed for such a long period. However, now that medical research has shown that children are not so susceptible to being infected by Covid-19, they should be allowed to return to school. During the national lockdown, many children suffered psychologically, others went to bed without food, while others did not learn through the remote learning sys-



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tem because of inequalities in access to learning materials. Therefore, the full return of children to schools is in their best interests, and any further delay will be detrimental to their education.

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