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RIGHT TO EDUCATION: NEW CHALLENGES REQUIRE STRONGER GLOBAL COMMITMENTS

Amnesty International welcomes the Human Rights Council's Annual full-day meeting on the rights of the child focused on the Sustainable Development Goals (SDGs) as an opportunity for reflection on what States could do more to reach children left behind in the context of COVID-19 pandemic. While the challenges on the delivery on the SDGs are many, Amnesty International wishes to draw attention on the challenges posed to the realization of goal 4 on quality education.¹

RIGHT TO EDUCATION

In the context of millions of children and young people already out of school globally prior to the pandemic, the closure of schools across the world due to the pandemic has meant that millions more children have been denied access to education during this period.

In many countries, remote learning is not a viable option due to resource constraints, particularly amongst those already marginalized and living in poverty who have no access to the required technology. At the same time home schooling and/or long-term child-care is not feasible for millions of families who have to continue working despite the risks due to lack of sufficient social protection and economic support. In addition, where healthcare systems are stretched and schools closed, responsibility for caring for other members of the family is frequently shifted to girls, who often bear the burden of unpaid care work while boys' education is prioritized.

Globally, the impact of COVID-19 on education has been devastating. At the height of country lockdowns, nearly 1.5 billion school children were affected by school closures. Of these, UNICEF has estimated that there was no remote learning at all for at least 463 million children – 1 in 3 – whose schools had to close.² School children in sub-Saharan Africa were the worst affected, with half of all students not reached with remote learning.³

By the start of the new academic year, it was estimated that less than half of school children globally would be able to return to school – about 433 million out of 900 million across 155 countries.⁴ At the same time, existing inequalities have undermined the ability of many children in vulnerable situations to benefit from any form of distance learning. UNESCO has called it an “emergency for global education”.⁵

¹ The 46th regular session of the Human Rights Council (22 February – 23 March 2021), *Annual full-day meeting on the rights of the child, Theme: The rights of the child and the Sustainable Development Goals*.

² UNICEF, *COVID-19: Are children able to continue learning during school closures*, August 2020, <https://data.unicef.org/resources/remote-learning-reachability-factsheet/>. Data primarily from the UNESCO-UNICEF-World Bank Survey on National Education Responses to COVID-19 School Closures (June-July 2020) surveying 100 countries, together with household microdata from sources such as Multiple Indicator Cluster Surveys (MICS), Demographic and Health Surveys (DHS).

³ UNICEF, *COVID-19: Are children able to continue learning during school closures*, August 2020, <https://data.unicef.org/resources/remote-learning-reachability-factsheet/>. Data primarily from the UNESCO-UNICEF-World Bank Survey on National Education Responses to COVID-19 School Closures (June-July 2020) surveying 100 countries, together with household microdata from sources such as Multiple Indicator Cluster Surveys (MICS), Demographic and Health Surveys (DHS).

⁴ Factoring in about 128 million students in the middle of their academic year, a total of 561 million students, or one-in-three pupils globally attend classes. That leaves almost a billion students – two-thirds of the global student population – facing either school closures or uncertainty surrounding their classes. “Emergency for global education, as fewer than half world's students cannot return to school”, UNESCO, 1 September 2020, <https://news.un.org/en/story/2020/09/1071402>

⁵ Emergency for global education, as fewer than half world's students cannot return to school”, UNESCO, 1 September 2020, <https://news.un.org/en/story/2020/09/1071402>

Those from the poorest households and those living in rural areas have been at the highest risk of missing out on access to education during closures.⁶ According to UNICEF, the impact on young people's education can be potentially devastating.⁷

UNICEF has estimated that a majority of children in Thailand are not prepared for online-based education due to lack of devices; lack of access to the internet; and adults lacking IT skills to assist children, among others.⁸ Likewise, in Ghana, 39.4% of children attending primary and junior high school do not have access to computers and 33.2% lacked learning materials such as textbooks. Children living in rural areas or in low-income households face additional challenges, such as the difficulty of learning in overcrowded households and/or without electricity.⁹

Similarly, access to e-learning during school closures has not been viable for children living in plantation communities in Sri Lanka, the poorest sector in the country. Parents have been forced to mortgage their homes or acquire small loans to buy mobile phones to support their children's connection to internet. Their situation is further compounded by the lack of a suitable learning environment as families including children reside in a single barrack, which accommodates between six and 12 or 24 line rooms and are usually dark without windows and ventilation.¹⁰ In these circumstances, children belonging to plantation communities have trailed behind their rural and urban counterparts with respect to education.

The re-opening of schools has continued to demonstrate the socio-economic inequalities in many countries as those serving poorer communities are often ill-equipped to protect the health and safety of returning students and staff. Social distancing is not possible in over-crowded classrooms whilst the lack of adequate water and sanitation in some cases compromises the public health measures required whilst COVID-19 infection remains a risk.

BROKEN AND UNEQUAL EDUCATION SYSTEMS

Although this has been a global phenomenon Amnesty International has documented some of these challenges in South Africa as an example of the challenges in securing the right to education during the pandemic against a backdrop of deep existing inequalities. The organization has investigated how the right to education has been severely impacted by COVID-19 in the most disadvantaged communities of the country, where the educational system is already characterized by crumbling infrastructure, overcrowded classrooms, poor sanitation and educational outcomes, perpetuating historic inequality and failing too many children.¹¹

Failing to Learn the Lessons: The Impact of Covid-19 on a Broken and Unequal Education System highlights how students from poorer communities have been cut off from education during extended school closures, in a country where just 10 percent of households have an internet connection. This report builds on a previous report launched in early 2020 highlighting how historic underinvestment and the government's failure to address existing inequalities has resulted in many schools not having running water or proper toilets whilst struggling with overcrowded classrooms - meaning they cannot provide a safe learning environment amid the pandemic. To make matters worse, the report reveals how the government has cut education budgets at this time.¹²

GUIDING PRINCIPLES FOR CHILD'S RIGHTS PROTECTION DURING THE COVID-19 PANDEMIC

At all times, in its actions concerning children, authorities must take into consideration the general principles enshrined in the Convention on the Rights of the Child: the right to non-discrimination (article 2), the best interests of the child (article 3), the right to be heard (article 12), and the right to life, survival and development (article 6).¹³ These principles remain of

⁶ UNICEF, "COVID-19: Are children able to continue learning during school closures", August 2020, <https://data.unicef.org/resources/remotely-learning-reachability-factsheet/>

⁷ UNICEF, "Time to re-open schools in Eastern and Southern Africa, as the cost for children escalates in learning, protection and nutrition", 21 September 2020, <https://www.unicef.org/press-releases/time-re-open-schools-eastern-southern-africa-cost-children-escalates-learning>. See also "UNICEF Chief: Closing schools should be 'measure of last resort'", 12 January 2021, <https://news.un.org/en/story/2021/01/1081912>

⁸ UNICEF and Mahidol University Institute for Population and Social Research, *A rapid assessment of children left behind during the Covid-19 pandemic situation*.

⁹ Government of Ghana, UNICEF, UKaid and SPRI, *Primary and Secondary Impacts of the Covid-19 Pandemic on Children in Ghana*.

¹⁰ Amnesty International, *It is time to change the narrative - Measuring the devastating impact of COVID-19 on the education of children in tea plantation communities in Sri Lanka*, 18 June 2020.

¹¹ Amnesty International, *South Africa: Failing to learn the lessons? The impact of Covid-19 on a broken and unequal education system* (Index number: AFR 53/3344/2021).

¹² Amnesty International, *Broken and unequal, the state of education in South Africa* (AFR 53/1705/2020).

¹³ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3.

fundamental importance to state responses to COVID-19, including in the monitoring and mitigation of the secondary impacts of the crisis.

To guarantee the right to quality education for all children during and after the pandemic, adopting innovative approaches states should work with teachers, learners, parents and communities to provide distance learning via accessible technology; provide adequate support, guidance and resources to enable parents to home school and schools to safely reopen to ensure their students are sufficiently protected from COVID-19. Furthermore, governments should put in place measures and resources to mitigate against the increased burden on girls so they can continue their education without discrimination.

States should also ensure adequate levels of social protection, including financial support, for families who need it, particularly those in the most disadvantaged and vulnerable situations, to ensure that all children, including children out of school, can enjoy their economic and social rights, encompassing not just their right to education but also their rights to health, food and an adequate standard of living.

Under article 4 of the Convention on the Rights of the Child, States have an obligation to “undertake all appropriate legislative, administrative, and other measures” for the implementation of the right to education and such measures should be undertaken “to the maximum extent of their available resources and, where needed, within the framework of international co-operation”.

When States face challenging financial constraints, solutions should be designed in consultation with communities, including children, and with the cooperation and assistance of the international community to ensure no child is left behind.