Digital Divide and Education in Covid-19 Times

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Executive Summary

► Today, major disparities as regards Internet access and digital literacy across the globe remain, which the Covid-19 crisis has exposed and exacerbated.

► The digital divide challenges the right to education, especially among learners from underprivileged families, and is likely to cause further inequalities among learners.

► School closures and lockdowns have augmented the burden on family responsibility over children's education, health and well-being.

► Public policies aimed at countering the negative impact of the Covid-19 crisis in education should pay full regard to families' household and work-related needs.

This paper analyses the current challenges to the right to education as a consequence of the widespread closure of education centers since the rapid propagation of the Covid-19 in early 2020 and the subsequent switch to remote learning. In particular, the extent to which the use of new technologies can contribute to ensuring the right to education during Covid-19 times will be examined. In addition, this policy brief will critically analyze the recommendations adopted by a number of International Organizations to support education personnel, learners, families and local communities during the crisis. Our findings will be especially significant for those countries or regions having mandated prolonged school closures and having placed the population on lockdown in the past months.

The right to education and the 4-A framework

Regional and universal human rights declarations, such as the EU Charter of Fundamental Rights and the Universal Declaration of Human Rights, proclaim the right to have access to education, including, in some cases, free compulsory education and access to vocational and continuing training. The effective exercise of the right to education requires that a number of conditions are met. Katarina Tomasevski, who served as the UN Special Rapporteur on the right to education from 1998 to 2004, divided the conditions into the so-called 4-A framework: availability, accessibility, acceptability and adaptability of education (United Nations, 1999).

• Availability implies that primary schools are available for all children within the State jurisdiction.

• Accessibility requires ensuring access to available public schools, without discrimination.

• Acceptability implies that schools conform to the minimum criteria developed by the State and that education is acceptable to both parents and children.

• Adaptability means that education responds to students' needs and the needs of changing societies.

Inspired by the work of Katarina Tomasevski, the goal to achieve universal primary education was listed as one of the Millennium Development Goals in the 2000 United Nations Millennium Declaration.

The 2015 Millennium Development Goals Report showed that progress made in expanding primary education enrolment since the adoption of the 2000 Millennium Declaration did not suffice to achieve universal primary enrolment by 2015 (United Nations, 2015). Later, the UN Member States agreed to list it as one of the SDGs to be attained by 2030.

Despite progress made in the realization of the SDGs, before the outbreak of the Covid-19 pandemic the World Bank reported 260 million children in the world to be out of school, and 53% of children in low and middle-income countries and 80% of children in poor countries to be affected by learning poverty, meaning that they are unable to read and understand a simple story by the end of primary school (World Bank, 2019).

Mandatory school closures and the move to remote learning

According to the UN, by April 2020, more than 190 countries had mandated school closures in an attempt to limit the rapid spread of the Covid-19 (United Nations, 2020). As a result, about 90% of all students in the world (1.57 billion) were left out of school. In order to avoid a prolonged disruption in education, distance learning solutions were provided in four out of five countries with school closures (United Nations, 2020).

Both the suspension of in-person education and the move to remote learning call into question the aforementioned four conditions necessary to ensure the effective exercise of the right to education. Indeed, education centers continue to be available, yet they may not be physically and/or remotely accessible where learners lack Internet access and/or digital skills. In addition, millions of household members have had no choice but to work, study and live together under the same roof during the lockdown, which has completely altered their daily routines. The fact that students have been taken out of physical classrooms and as a result, may not have received the same cognitive support from their family members as they did from education professionals, invites us to rethink whether traditional teaching curricula and methods are suitable for the new learning environment (Should the move to remote learning during a temporary school closure be devoted to acquiring new knowledge or to reviewing the already acquired knowledge? And during a prolonged closure?). What is more, the question whether parents and learners should also be heard for the purpose of adapting what and how we teach comes to the surface in the current Covid-19 context.

Access to Internet: a precondition to enjoy the right to education?

Before addressing the role that Internet access can play in guaranteeing the right to education, a preliminary question arises: has Internet access been recognized as a human right? In the absence of international human rights treaties that recognize an autonomous right to Internet access, such right seems to be part of citizens' right to participate in the information society (Pollicino, 2020). Indeed, international human rights treaties (e.g. Article 19 of the International Covenant on Civil and Political Rights) and the case-law of international human rights courts consider the right to Internet access inherent in the right to access information and communication (e.g. case Ahmet Yildirim v. Turkey of 18 December 2012 of the European Court of Human Rights). By contrast, several national constitutions guarantee the right to Internet access as a fundamental right per se, as it is the case of the Ecuadorian, Greek and Portuguese supreme norms (Pollicino, 2020).

After the above reflection, the importance of Internet access in education will be examined. Cases where in-person education is not available or where it is disrupted due to prolonged strikes or natural disasters, for example, show that the possibility of accessing Internet, and using technological devices for that purpose, is essential to guarantee the right to education. Not only the use of new technologies is key in exceptional circumstances where remote learning is the sole alternative available for learners, but everyday life within and outside physical classrooms does also benefit from its use.

Next, the existing digital gap across the globe will be exposed and the contribution of the responses to the Covid-19 crisis in education to bridging such gap will be examined.

The digital divide before and after the outbreak of the Covid-19 pandemic

Although national governments and supranational organizations have adopted action plans to advance digital transformation for study, work and life purposes (e.g. the Digital Education Action Plan adopted by the European Commission in 2018 and the Digital Skills Drive launched by the African Union in 2018), rendering Internet access more widely available is yet an aspiration in many parts of the world. Two main reasons explain the current difficulties in doing so: costs related to having Internet access and to purchasing technological equipment, and individuals' deficient digital skills to make use of such access and equipment (Alliance for Affordable Internet, 2019, and UNESCO, 2020a).

In 2019, 87% of households in Europe had Internet access at home, and 78% owned a computer, compared to 18% and 11% of households, respectively, in Africa (United Nations, 2020). Disparities in Internet access and digital literacy are not only evident among regions, but also within countries by household income. By way of example, in 2019, *"the average EU proportion of households with a broadband Internet connection in the lowest income quartile is approximately 74%"*, whereas *"the corresponding figure for those in the highest income quartile is about 97%"* (Di Pietro, 2020).

As many countries have turned to teleworking and studying from home as the preferred solution to counter the spread of the novel disease, the existing digital divide has been clearly exposed, and, what is more, exacerbated. The digital gap in education, among other causes (e.g. less time spent learning during the past months), is likely to lead to loss of learning among students (DELVE, 2020). Learning loss, in turn, is likely to exacerbate inequalities between students from low- and high-income families and to increase the risk of poverty among the former (DELVE, 2020).

In an attempt to mitigate the negative effects on learning, governments around the globe have identified unsatisfied students' and families' needs and granted them help in different forms, such as temporarily offering free Internet access and leasing digital devices (McAleavy, 2020).

In regions where setting up an online education strategy has not been feasible, alternative ways to continue providing students with educational content have been explored (e.g. the use of radio and television stations). African countries, in particular, have been the most active in deploying radio and television-based education programs (UNESCO, 2020b). We could argue that the use of radio and television broadcast for learning purposes may serve to temporarily bridge the digital divide in education. However, we could also point to the difficulties of setting up and using the aforementioned tools to provide distance education (e.g. the quantity and quality of educational material in audio-visual format). What is more, the long-term sustainability of such a strategy can be questioned.

In light of the above, we could argue that the eventual recognition of Internet access as a self-standing human right, and the resulting State obligation to promote and respect such right, may be the step ahead to avoid major learning losses while the Covid-19 pandemic continues to take its toll. Nevertheless, obtaining such recognition is neither simple nor immediate.

Limits to the availability and affordability of new technologies across the globe lead us to the following question: how can learners' unsatisfied needs be filled to prevent learning loss during Covid-19 times? The next section is devoted to examining the recommendations adopted by different International Organizations to address the above question, in particular, the European Union, the UN Educational, Scientific and Cultural Organization (UNESCO, hereafter) and the Organization for Economic Cooperation and Development (OECD, hereafter).

International Organizations' response to the Covid-19 crisis in education and training

From March to June 2020, the Education Ministers of the 27 EU Member States held informal discussions once a month to discuss challenges to education as a result of the Covid-19 outbreak. In June 2020, the Council conclusions on countering the Covid-19 crisis in education and training were adopted (Council, 2020). The Council Conclusions acknowledge the importance of education and training as driving forces for a successful recovery and stress the need for investment in these fields. As steps forward, the Council invites EU Member States to accelerate the digital transformation of education and training systems, to boost the digital capacity of the latter, to develop the digital skills of education professionals and to narrow the digital gap. In so doing, the Council urges them to guarantee equal opportunities for learners and to prevent school drop-out as a consequence of the Covid-19.

The Council's focus on digitalization is not surprising considering that one of the political priorities set out by the European Council for the EU for the 2019-2024 period is, indeed, the digital transformation. Moreover,

such transformation will feature a central role in the so-called European Recovery Fund, an EU response meant to help repair the immediate economic and social damage brought about by the pandemic.

Scarce regard is paid, on the contrary, to families' needs in the Council Conclusions. Among the recommendations addressed to EU Member States, granting support for learners' families is not mentioned. We could argue that a strategy that revolves (almost exclusively) around the digitalization of education and training systems is rather narrow-sighted. Meanwhile, structural problems affecting education and training systems (e.g. the need for more investment in education, for renewing teaching methodologies and preparing education centers and professionals for online learning), as well as families and learners (e.g. learning poverty and socio-economic disparities among families) remain unsolved. Not to mention concerns exacerbated by the Covid-19 crisis, as the alarm over children's health and well-being evidences.

By contrast to the Council Conclusions, the OECD and UNESCO's recommendations look into the current challenges to education through multiple lens. In its "Framework to guide an education response to the COVID-19 Pandemic of 2020" (OECD, 2020), the OECD calls for learners' families to be more than recipients of aid (especially, the most vulnerable families) and become allies in the response to the Covid-19 crisis in education, for instance, by serving as communication and cooperation channels between schools and students and by supporting and looking after the health and well-being of students. What is more, training parents to become educators where shortages of education personnel exist is also recommended.

In the past months, UNESCO has adopted several guides containing good practices to mitigate the short and long-term impact of school closures and the move to distance learning. UNESCO's guides cover a myriad of aspects affecting education centers and professionals, families and students, such as health and nutrition during home learning and professional development and phycological support for teachers. In its guide "Unlocking the potential of family and intergenerational learning", the Organization acknowledges that, during the Covid-19 crisis, *"home has become the center of learning for all family members"*, especially, among remote and rural communities and low-income households, which may lack the necessary means to engage in remote learning during the current pandemic (UNESCO, 2020c).

Unlike the Council Conclusions, the OECD's and UNESCO's recommendations succeed in evidencing the complexity of the Covid-19's impact on education. The two organizations place the learner and his/her needs at the center, which contributes to adopting a more humanized and individualized response to the current challenges to education. At the same time, we could argue that their views allow to move past the consideration that ensuring the right to education depends almost exclusively on its individual dimension. On the contrary, guaranteeing access to education and striving for a successful school performance depends upon a range of socio-economic and cultural factors that affect families and local communities and require an increased involvement from their part in order to deal with the ongoing crisis. The Council Conclusions fails to capture these factors.

Neither the Council Conclusions nor the OECD's and UNESCO's recommendations are mandatory. As to the EU, Member States are expected to adopt a coordinated response to the Covid-19's impact in the area of education, as well as to share information, experience and best practices. Such expectation, by contrast, is not so remarkable among the addressees of the OECD and UNESCO recommendations, given the less integrated nature of the OECD and the UN as international organizations compared to the EU.

Conclusions and recommendations

This paper has evidenced that the use of new technologies as a response to the Covid-19's challenges to education encounters difficulties in being applied universally, given the existing digital divide across and within regions in the globe. In addition, the relevance of family and community support and engagement in the learning process has come to light. That is why public policies aiming to adapt national education systems to the new learning environment should pay regard not only to digital transformation, but also to education professionals' needs and learners families' demands. The most pressing needs that currently affect families are, among others, keeping education centers open and obtaining childcare support, flexible working arrangements and employment protection in case of infection. Therefore, governments should seek to align employers with the measures proposed to support working families. Only a coordinated action which takes account of all the relevant stakeholders will succeed in countering the Covid-19's impact on education.

Further reading

- Alliance for Affordable Internet (2019). The 2019 Affordability Report. Washington DC: Web Foundation. Available at: https://1e8q3q16vyc81g8l3h3md6q5f5e-wpengine.netdna-ssl.com/wp-content/uploads/2019/10/A4AI_2019_AR_Screen_AW.pdf.

- Council of the European Union (2020). Council conclusions on countering the COVID-19 crisis in education and training. JO C 212I du 26.6.2020, p. 9–14.

- Di Pietro, G., Biagi, F., Dinis Mota Da Costa, P., Karpiński Z. and Mazza, J. (2020). The likely impact of COVID-19 on education: Reflections based on the existing literature and international datasets. Publications Office of the European Union, Luxembourg. Available at: https://ec.europa.eu/jrc/en/publication/likely-impact-covid-19-education-reflections-based-existing-literature-and-recent-international.

- McAleavy, T., Joynes, C., Gibbs, E. and Sims, K. (2020). Overview of emerging country-level response to providing continuity under COVID-19. What steps are being taken to reach the most disadvantaged students during the period of Covid-19 school closure? Education Development Trust. Available at: https://edtechhub.org/wp-content/uploads/2020/05/disadvantaged-students.pdf.

- Pollicino, O. (2020). The Right to Internet Access: Quid Iuris? In A. Von Arnauld, K. Von der Decken, and M. Susi (Eds.). The Cambridge Handbook of New Human Rights: Recognition, Novelty, Rhetoric (pp. 263-275). Cambridge: Cambridge University Press.

- The DELVE Initiative (2020). Balancing the Risks of Pupils Returning to Schools. DELVE Report No. 4. Published 24 July 2020. Available at: https://rs-delve.github.io/reports/2020/07/24/balancing-the-risk-of-pupils-returning-to-schools.html.

- United Nations (1999). Preliminary report of the Special Rapporteur on the Right to Education, Katarina Tomasevski, submitted in accordance with Commission on Human Rights resolution 1998/33. Available at: https://digitallibrary.un.org/record/1487535#record-files-collapse-header.

- United Nations (2015). The 2015 Millennium Development Goals Report. Available at: https://www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20(July%201).pdf

- United Nations (2020). The 2020 Sustainable Development Goals Report. Available at: https://unstats.un.org/sdgs/report/2020/The-Sustainable-Development-Goals-Report-2020.pdf.

- UNESCO (2020a). The 2020 Global Education Monitoring Report. Statistical tables. Available at: https://en.unesco.org/gem-report/report/2020/inclusion.

- UNESCO (2020b). Learning through radio and television in the time of Covid-19. Available at: https://en.unesco.org/news/learning-through-radio-and-television-time-covid-19.

- UNESCO (2020c). Unlocking the potential of family and intergenerational learning. Available at: https://unesdoc.unesco.org/ark:/48223/pf0000373512/PDF/373512eng.pdf.multi.

- World Bank (2019). Learning Poverty. Available at: https://www.worldbank.org/en/topic/education/brief/learning-poverty

About the author

Maddalen Martin holds a double degree in Law and Business Administration and Management from the University of Deusto (Spain) and an LL.M. in European Union Law from the College of Europe (Bruges).

She joined the office of Carlos Iturgaiz (former Member of the European Parliament) at the European Parliament in Brussels in October 2018. During the traineeship, she monitored the legislative work carried out by the Committee on Development, the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Fisheries.

Between January and July 2019, Maddalen did a traineeship at Bertrand Wägenbaur's law office in Brussels, where she advised clients (mainly EU institutions and agencies) in the field of EU civil service law. In addition, she contributed to the preparation of cases lodged before the Court of Justice of the European Union.

Maddalen joined the "Centre d'études juridiques européennes (CEJE)" in October 2019, where she is a PhD candidate and works as a research assistant for Professor Christine Kaddous. She assists the course on institutional law of the European Union and she is one of the coaches to the European Law Moot Court competition.

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