



Building Back Better on the Right to Education amid the COVID-19 Era in South Africa

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Abstract: Lockdown-induced restrictions due to COVID-19 have taken a toll on education. With remote teaching being the only feasible way to impart knowledge, underprivileged learners have been disadvantaged. Catch-up classes may be a way to achieve realisation of the right to education.

In South Africa [all school activities were halted](#) in response to the COVID-19 pandemic, without necessarily planning what would happen to the academic year: the core purpose was to suppress the spread of the virus. However, the impact of this school closure cuts deeper than meets the eye. It carries with it profound economic and social effects.

While schools were initially shut for a period of [10 weeks](#) from the end of March to the first week of June 2020, not all learners' right to education was paused: some schools continued offering learning remotely. However, concurring with the [statement](#) of the UN Committee on Economic, Social and Cultural Rights on COVID-19, this post argues that this kind of schooling could only be followed by children from wealthier backgrounds—children who had [computers and internet in their homes](#). Meanwhile, other children—those from no-fee schools, who in 2019 constituted more than [66%](#) of South Africa's learners—had to stay at home

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awaiting the next school-opening date. In short, South Africa's lockdown plans for learning failed to take account of the challenges of learners who did not have the necessary technology at home.

Such realities meant that learners who had the privilege to continue with their curriculum beyond closed school gates became advantaged compared to their counterparts whose school activities were paused for the entire period. For the disadvantaged group, this meant a very high possibility of failing to complete their curriculum. This is despite section 29(a) of the [Constitution](#) which stipulates that 'everyone has the right to a basic education, including adult basic education'. This right is unequivocally granted to everyone in South Africa without any limitations. Yet can it be said that full and equal enjoyment of the right to basic education has been maintained during the COVID-19 era?

[Research](#) indicates that by the end of 2020, South Africa had lost about 60% of annual school days. It has also been highlighted that only [5% of schools have 90% of their learners](#) with computers and internet in their homes. These findings echo scholarly concerns raised in response to UNESCO's study of the [practicality of adopting remote schooling](#) to address challenges created by the COVID-19 outbreak. In particular, expecting developing nations to shift to online learning has been [regarded as being too ambitious](#). Be this as it may, this has not stopped those with resources using them to their advantage during the lockdown. The school closures and switch to online learning have thus pushed education into further unequal realisation, making it more like a privilege than a right. The question which cannot be ignored is: what measures can be put in place to remedy the bruised right to education for the children who could not continue learning during South Africa's lockdown restrictions?

Catch-up classes

South Africa's Department of Basic Education (DBE) has implemented a range of initiatives, including the [Annual Teaching Plan](#) which mitigates for lost learning time by deviating from the original curriculum, trimming it to concentrate on essential elements. Prior to this, the DBE partnered with the South African Broadcasting Corporation (SABC) to offer education during the COVID-19 lockdowns. Regrettably, this initiative, which had the potential to reach learners across social classes, was tainted with many challenges. These [included](#) the programmes focusing on some grades and neglecting others, very minimal time allocated to the programmes, and no ability to interact and be specific to learners' needs.

A feasible recovery plan for South African education may be the introduction of compulsory extended classes for disadvantaged schools with remunerated overtime for teachers. These lessons could take place after normal school hours; for instance, two hours could be added to each standard school day. Out of the ordinary as this may sound, it is no match to the amount of damage that would

follow from turning a blind eye to learning disparities created by the COVID-19 response.

Catch-up classes would help to secure the inclusivity of the right to education—a principle of great importance, which stems from a recognition that some [learners were not enjoying the right to education](#). These catch-up classes would help achieve inclusivity as they offer a learning opportunity to those who could not take part in online learning.

It follows that such classes should be made mandatory in schools that were unable to offer online learning during lockdown. Further, this would be in line with Article 13 of the [International Covenant on Economic, Social and Cultural Rights](#) and Article 28 of the [Convention on the Rights of the Child](#) which make primary education free and compulsory. Mandatory school attendance in South Africa is for children from [seven to 15 years or until the ninth grade](#), whichever comes first. Thus, the proposed catch-up classes could also be made compulsory until this stage. For other learners from the tenth grade and up, the catch-up classes should be made available and they should be encouraged to attend.

Teacher remuneration for catch-up classes should be made a governmental responsibility. This is to help avoid a situation whereby parents are required to pay for extra classes. Put differently, remunerating teachers for catch-up classes helps ensure inclusivity as it allows all learners to attend.

Although remunerating teachers for catch-up classes may seem an exorbitant option, it is a worthwhile cause, considering its positive effect on society.

Research has shown that lagging in school work has negative consequences for [labour markets](#) and learners' [future earnings](#). It has been calculated that, without catch-up classes, the impact of education loss would be felt up to [2031](#) for [grade 12 graduates](#). Moreover, it is without doubt that education is foundational in poverty alleviation, as rightfully alluded by the first democratic President of South Africa, [Nelson Mandela](#):

Education is the great engine of personal development. It is through education that the daughter of a peasant can become a doctor, that the son of a mine worker can become the head of the mine, that a child of farm workers can become the president of a great nation.