



Digital technology, the right to education and the issue of inclusivity in South Africa: lessons from COVID-19

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Abstract: In South Africa, the shifting from physical to virtual education due to COVID-19 has created inequalities among learners from urban areas who could continue with online schooling and learners from rural areas and also learners with disabilities who were deprived of their right to education.

The COVID-19 pandemic is one of the biggest challenges that the world has faced. It has affected people's daily lives worldwide and led governments to take measures to curb the spread of the virus. In South Africa, the [first case](#) of COVID-19 was confirmed on March 5, 2020. Ten days later, the President Cyril Ramaphosa announced a state of disaster according to the South African Disaster Management Act 57 of 2002. This situation led to the [national lockdown](#), declared on March 23, 2020. Other extraordinary measures led to the limitation of gatherings, a partial or total shutdown of businesses and quarantine measures. In addition, there was complete closure of all schools, including universities. Such a situation seriously challenged the learning process.

Considering the fundamental role of education, the closure of schools was mitigated by the use of digital technology. The Government of South Africa took [several measures](#) to ensure the continuity of education through online methods

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and e-learning solutions for schools as well as through tv channels, in order to support the learning process from home.

In particular, the government allocated electronic readers available via all platforms in partnership with Vodacom, MTN, Telkom and Cell-C. Moreover, study materials for all grades were delivered on multimedia with assessments, lockdown digital school, audio lessons, interactive workbooks, Vodacom e-school, video tutorials and reading material. In addition, the South African Broadcasting Corporation (SABC) and the Digital Satellite Television (DSTV) Channel 180 have provided channels entirely dedicated to education. Through [Enhanced Television \(E-TV\)](#), the Government also allocated a dedicated channel for three months on the open-view platform for learners.

However, online learning and teaching was possible only in urban areas and some private schools where pupils could learn from home through online platforms, including google classroom and WhatsApp platform. On the other hand, many learners in rural areas found themselves excluded from schooling and [unable to access](#) online resources due to a lack of infrastructure, the unavailability of electricity and electronic gadgets, and a lack of qualified teachers who could assist with online learning. Many pupils from rural areas could not study properly because their parents were not able to afford the appropriate equipment and necessary materials. In this regard, children from no-fee schools, who constituted more than [66 percent](#) of South Africa's learners in 2019, were obliged to stay home until the lockdown was lifted.

In this regard, Untalimile Crystal Mokoena has [noted](#) that South Africa's lockdown plans for learning failed to take account of learners who did not have the necessary technology at home. In addition, she highlighted that the closures and switch to online learning have pushed education into further unequal realisation, making it more like a privilege than a right.

The legal framework on the right to education in South Africa and the issue of inclusivity

In South Africa the right to education is well guaranteed under international, regional and national instruments. At the international level, this right is enshrined in several human rights instruments [ratified](#) by the country. These include the Universal Declaration on Human Rights ([UDHR](#)), article 26; the International Covenant on Economic, Social and Cultural Rights ([ICESCR](#)), articles 13 and 14; the UN Convention on the Rights of the Child ([CRC](#)), articles 28 and 29; the Convention for the Elimination of Discrimination Against Women ([CEDAW](#)) article 10; the International Convention for Elimination of All Forms of Racial Discrimination ([ICERD](#)), article 7; and the Convention on the Rights of Persons with Disabilities ([CRPD](#)), article 24.

The right to equal access to education has received recognition at the regional level, especially in the African Charter on Human and Peoples' Rights ([article 17](#)) and the African Charter on the Rights and Welfare of the Child ([article 11](#)). In

addition, the African Commission on Human and Peoples' Rights issued a [press statement](#) on human rights-based effective response to COVID-19 in Africa. It urged states parties, including South Africa, to ensure that measures adopted to fight COVID-19 do not lead to discrimination and stigmatisation of anyone. At the national level, the South Africa's [Constitution](#) (section 29.1) guarantees to everyone the right to education. This means that no one should be discriminated against to enjoy the right to education, which is guaranteed to everyone, including learners with disabilities, learners from poor backgrounds, and learners from rural areas.

Importantly, the right to education and its core issue of inclusivity have become a reality apart from the Constitution. The South African Government has adopted several [policies and legislative measures](#), such as the White Paper on [Education and Training](#), the White Paper on an [Integrated National Disability Strategy](#), the South African [School Act](#), the [White Paper 6: Special Needs Education, Building and Inclusive Education and Training System](#), and the [2015 White Paper](#) on the Rights of Persons with Disabilities.

Challenges of digitalised schooling

The online schooling applied during the COVID-19 pandemic in South Africa has created challenges leading to forms of discrimination in the enjoyment of the right to education as guaranteed under the existing legal framework. In particular, online education has favoured urban and well-privileged learners, widening the gap in respect to learners from poor rural areas.

In fact, the aforementioned measures adopted by the Government have not included learners with disabilities, learners from poor backgrounds and those from rural areas, and have been discriminatory in different ways. First, most of the initiatives taken by the Government rely on electronic gadgets such as computers, tablets, televisions, radios, cell phones, and laptops which are not usually accessible to learners with disabilities and learners from poor backgrounds. Second, the lack of internet connection has represented a big challenge to learners from rural areas as they have a low rate of media access. Furthermore, the internet is not cheaper for learners from rural areas and learners with disabilities who are generally associated with extreme poverty. Third, most teachers and learners in South African rural areas do not have computer skills that could allow them to engage in online teaching with electronic gadgets to continue schooling, as imposed by the Government. Fourth, most of the learners with disabilities and learners from rural areas come from low-income families. Fifth, learning from home has not been an adapted environment for learners with disabilities and learners from rural areas. Parents have not always been able to assist their children due to the lack of required skills and expertise.

Significantly, Martin Gustafsson has [indicated](#) that by the end of 2020 South Africa lost about 60 percent of annual school days. In addition, only [5 percent of schools](#)

[have had 90 percent](#) of their learners with computers and access to the internet at home.

Ghazinyan Sergey has also [emphasised](#) that one of the key issues was the lack of preparedness and strategic planning of public authorities to respond to such a crisis and adapt the educational system, by envisaging necessary measures which could guarantee effectively the right to education.

Lessons learned and recommendations

The COVID-19 pandemic has demonstrated to what extent South Africa could ensure exclusive rather than inclusive education under the existing system. According to a 2020 [official statistics' report](#), only [11.7 percent](#) of schools offered remote learning options nationally. The shifting to virtual education has shown further inequalities in the education sector in South Africa. Learners from urban areas could continue with online schooling, whilst learners from rural areas and learners with disabilities were deprived of their rights to education due to the aforementioned challenges. Furthermore, the cited report highlights that one in ten ([11.7 percent](#)) individuals aged 5-24 were offered the option of remote learning by the educational institution they were attending. In addition, a participation gap in remote learning exists as white people ([18.3 percent](#)) were three times more likely than black Africans to participate ([5.3 percent](#)). Close to [91 percent](#) of black Africans aged 5-24 attended schools that did not offer remote learning options compared to [63.3 percent](#) among whites.

Therefore, the South African Government's activities in relation to the digitalisation of schooling have resulted in a denial of the right to education to the majority of learners.

Yet, the South African Government should take the COVID-19 pandemic as an opportunity to rethink and learn how to guarantee inclusivity during emergencies. In particular, in view of the aforementioned challenges, the Government should elaborate and implement action plans to:

- provide appropriate devices to learners with disabilities and learners from rural areas;
- provide free internet to allow access to learning materials;
- guarantee equal access to learning resources;
- train teachers, learners and parents in computer skills;
- allocate grants to support learners with disabilities and those from rural areas.

In addition, in line with the [Digital Transformation Strategy for Africa \(2020-2030\)](#), and the [AU Continental Education Strategy \(2016- 2025\)](#), South Africa as a member state of the African Union should:

- include the use of ICT (Information and Communication Technology) platforms at all levels of education to promote access to education;

- equip teachers with the knowledge, skills, and confidence to use technology to improve their own professional competence and the learning experiences of their students;
- encourage and make more affordable the access by educational institutions to the Internet;
- encourage the media to allocate time for news about general technological development, ICT educational programs and ICT progress in the whole country.
- frame the introduction of digital technologies in education around the right of every person to free, quality, public education and the commitments of states in this regard under both international human rights law and Sustainable Development Goal No. 4 of the 2030 Agenda, as stressed in a 2022 [report](#) by the former UN Special Rapporteur Koumbou Boly Barry.