

DRAFTING COMMITTEE 1948

## EXTENSION of HUMAN RIGHTS to EDUCATION

*An international project and a special democratic experience for the human kind*

Continue on page 3-6 ▶

PoliTeknik  
Project Article 26

**The RECAPITULATION of the BASIC IDEA and VISION**  
*An international project and a special democratic experience for the human kind*  
**PROGRESS and QUESTIONS**

What makes the project seem difficult is that the project coordination does not approach the partners with a prefabricated concept in terms of content and ask colleagues to merely support this concept.

PAGE 3-6

Remy Nsengiyumva  
President of the Federation of East African Teachers' Unions - FEATU

**A Call for Extension of Human Rights to Quality Education**

With all above in mind, it is therefore imperative and urgently obligatory indeed that the UN Declaration for Human Rights as per Article 26 gets amended to include the right to education from early childhood education through primary, secondary to higher education

PAGE 8

AbdulHafeez Tayel  
Egyptian Center for Education Rights (ECER) - EGYPT

**The Right to Education as a Founding Right of Human Rights**

The goal of sustaining education and learning must be a goal that everyone seeks, and alignment must be reached among all parties on the grounds that education is a right and not a commodity in the market.

PAGE 13-15

## Students' eBook Project

Dear Colleagues and friends,

PoliTeknik launched the Students eBook Project in autumn 2020. During this time, about 70 students and student organizations from over 30 countries have agreed to participate in the project.

As you know, the end of the history has not been reached after all. The crises of the last 3 years have made that clear to us. Therefore, the choice of the title for the eBook was apt:

**Students Views**  
**Human Rights to Education in Times of Covid 19 and Other Crises.**



**A SPECIAL EXPERIENCE OF INTERACTION AND JOINT ENGAGEMENT BETWEEN STUDENTS WORLDWIDE**

After several extensions of the deadline, we have come to the conclusion that most friends and organizations are certainly very busy with their own agendas during these difficult times.

The eBook project, of course, has the potential to bring together student groups from around the world to share a common platform in real time and to take note of one another. That potential still exists.

Therefore, the eBook project continues. In this regard, we created a new platform ; more then 80 students, student organisations and teacher unions are joinin this new platform from **Brazil, Niger, Guinea, Cameroon, Benin, Mauritania, Kenya, Sri Lanka, DR Congo, Uganda, Mozambique, Gambia, Ghana, Spain, USA, Cambodia, South Africa, India, Germany and Peru.**

Continue on page 7 ▶

# www.politechnik.de



## PoliTeknik

info@politechnik.de

Posta adresi: **Politechnik** • Postfach 25 03 48 | 40092 Düsseldorf

## CONTENT

### Page 3-6

**Project Article 26**  
An international project and  
a special democratic experience  
for the human kind

**The RECAPITULATION of the  
BASIC IDEA and VISION**  
PROGRESS and QUESTIONS

### Page 1, 7

**STUDENTS' EBOOK PROJECT**  
A Special Experience of Interaction  
and Joint Engagement Between Students Worldwide

### Page 8

**Remy Nsengiyumva**  
President of the Federation of East African Teachers'  
Unions - FEATU

**A CALL FOR EXTENSION  
OF HUMAN RIGHTS TO  
QUALITY EDUCATION**

### Page 9

**Nisha Kalapathi**  
Mumbai - INDIA  
**Ideas and Recommendations on  
Extension of Human Rights to education**

### Page 10, 11

**Evans Kaganizo Mutesasira**  
Uganda Liberal Teachers' Union - UGANDA  
**Vocationalization of Education  
the Answer to Universalization  
of Education in Uganda**

### Page 12

**D.K. Nadeeka Soamwansa**  
SRI LANKA  
**THE PROCESS OF PRIVATIZATION AND  
ITS IMPACT ON PUBLIC EDUCATION**

### Page 13-15

**AbdulHafeez Tayel**  
Egyptian Center for  
Education Rights (ECER) - EGYPT  
**The right to education as a founding  
right of human rights**

### Page 16, 17

**Djibril Diallo**  
Faculty of Literature and Human Sciences of Cheikh  
Anta Diop University - SENEGAL  
**Communication à la Conférence du  
Centre Culturel Africain de Bordeaux  
Table-ronde du 23 mars 2019 Sur le  
Thème Comment penser et écrire  
l'Afrique de demain ?**

### Page 17

**Jean-Philippe Agnero Yedagne**  
Executive Member of Côte d'Ivoire  
National English Language Teachers Association  
(CINELTA) - IVORY COAST  
**POOR SCHOOL PERFORMANCE  
DUE TO EARLY DRUG ABUSE**

### Page 18-22

**Agostinho dos Reis Monteiro**  
University of Lisbon - PORTUGAL  
**Towards a Convention on the  
Right to Education**

### Page 23

**Espérant Sintondji**  
Bureau Directeur du Comité des Résidents  
Universitaires - BD-CR - BENIN

**Human rights and education  
irregularities in the  
COVID-19 crisis**

### Page 24-27

**Ramakant Rai**  
Convener - National Coalition  
for Education (NCE) - INDIA  
**Sustainable Development and  
Inclusive Education as a Human Right;  
An Indian context**

### Page 28-31

**Sombhojen Limbu**  
Assistant Professor at the Kathmandu University,  
School of Law - NEPAL

**The Federal Democratic Constitution  
and Constitutionalism Its roadmaps  
to deliver social welfare state in Nepal**

### Page 32-41

**Shazia Hasnain**  
Assistant Professor, Aliah University - INDIA  
**Santoshi Halder**  
Professor, University of Calcutta - INDIA

**Academic and social life of higher  
education students during the  
COVID-19 pandemic:  
exploring the needs of alternative  
teaching-learning in an Indian context**

### Page 42

**JULIAN ASSANGE**

## IMPRESSUM

### Politechnik International

every 4 months  
ISSN: 2628-0833

Zeynel Korkmaz (Coordination)  
info@politechnik.de  
www.politechnik-international.org

### Editorial Board

Akash Yadav (India -time off)  
Tamralipta Patra (India)  
Yonela Mlambo (South Africa)  
Thandeka Sibiya (South Africa)

Jean Eudes Agathe  
(Mauritius - time off)  
Hewa G. Cyril (Sri Lanka)  
Malathie M. Seneviratne (Sri Lanka)

### Publisher

Verein für Allseitige Bildung e.V.  
(Germany)

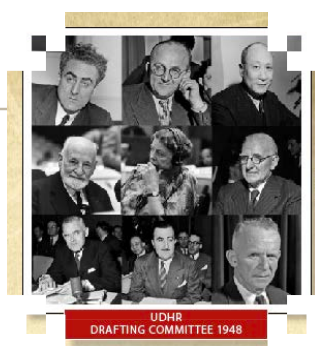


# Project Article 26

## The RECAPITULATION of the BASIC IDEA and VISION

An international project and a special democratic experience for the human kind

### PROGRESS and QUESTIONS



Dear Colleagues,

Our international project "Extension of Human Rights to Education" has been running since January 2017 and is developing from month to month. This opens up new perspectives and opportunities.

Now, through the contact with ministries of education in different countries, the level of awareness of the project can possibly increase significantly worldwide. Colleagues from Côte d'Ivoire, Benin and Venezuela have already become active in this regard or are starting an initiative.

We manage to ensure internal communication and the flow of information through the use of different languages and journals. In addition, there are always new developments that reach all colleagues almost daily through messages or emails.

It was very important to always stay in interaction and be creative. This has made an unbroken dynamic possible over the years.

And yet the following questions keep coming up, both with new and old or potential partners: What do we actually want in this project? We are coming together, but why? What is the goal and how is it to be achieved? Who are "we" actually?

#### The objective is described as follows:

"The project "Extension of Human Rights to Education" is conceived by the project initiators as a council in which different social actors who are committed to extend the human right to education worldwide can jointly work out the intersections of their positions in this regard, with the aim of being able to submit a "Declaration on Expanding the Human Right to Education" to the UN for a vote. The project focuses on Article 26 of the UN Declaration of Human Rights, the amendment/addition to which is to be made in the sense of a progressive extension." ([http://politeknik.de/wp-content/uploads/2021/06/PROJECT\\_DOSSIE\\_EN.pdf](http://politeknik.de/wp-content/uploads/2021/06/PROJECT_DOSSIE_EN.pdf), Page 5)

This requires a stable, unshakeable international platform. The democratically excluded part of humanity should be represented in it. This is the first phase of our project.

In this phase, everyone can freely express their opinion and set impulses about the discussion of content. However, the main task is to enable representativeness and to form a unity.

The 2<sup>nd</sup> phase of the project envisages that these ideas will then be written down as a common position, which implies a lengthy discussion.

Questions can be discussed as to whether the project, with the aim of modifying Article 26, is only meant to send a signal, and can it do so at all? Can we get a vote at the UN General Assembly? What happens if our joint declaration is rejected? How should we then proceed with our strong, globally established legitimacy base? Should the vote be positive, would this result already be seen as a guarantee for the realisation of progressive change in the countries? Should the declaration formulate a concrete control mechanism to ensure realisation? In the case of a positive or negative vote, is the UN in its existing form the right address? (Below is a citation from the text of our colleague Prof. Raquel Melo)

Other fundamental questions also need to be asked: Can human rights be definitively formulated? Do we have to take the biological nature of man or the social characteristics of the societies he founded as a starting point? Whose interest and what image of humanity underlies the UDHR?

There are certainly many more questions that will emerge over time. This is a fundamental task for all project partners.

What makes the project seem difficult is that the project coordination does not approach the partners with a prefabricated concept in terms of content and ask colleagues to merely support this concept. Such an approach would run counter to the intention of the project to be an engagement by excluded

people for excluded people representing their interests. The project is designed in such a way that it cannot function without the active participation of the large part of humanity excluded from democratic decision-making processes. Therefore, the concept rightly sends the following message: Please form your own unity together!

#### What then are the positions of the partners?

We tried to answer this question exemplarily in the symposia in 2016 and 2018, in the first book publication of the project as well as in the series of articles "Ideas and Recommendations for Extension of Human Rights to Education", which was published in PoliTeknik from 2015.

We would also like to ask you as partners to elaborate your positions soon and send them to us as articles so that we can publish them. In this way, the main features of the discussions will become more and more apparent.

What ideas or problems have the authors highlighted so far in these publications regarding the expansion of the human right to education? Let us look at several citations together:

#### Roberto Franklin de Leão

##### National Confederation of Workers in Education (CNTE) - Brazil

According to the terms of the UN-UDHR, everybody has the right to education, which should be free and accessible to all, regardless of age, gender, and place of origin. But what kind of education should be offered to the people? Does it meet the needs of children, adolescents, youngsters, and adults? Such questions take us beyond the universalization of school enrollment – which is very important –, and highlights one fundamental aspect: the quality of the education we have and aspire to. (<http://politeknik.de/p7077/>)

#### Student Representative Council - Wits University – South Africa

We find ourselves in an era of vastly expanding advancements in all facets of life. Technology, Medicine, Agriculture, Engineering and the Arts are all progressing quickly but many developing countries are being left behind due to the lasting effects of colonialism, global capitalist economies which dictate a narrative of oppression and political systems which are designed to exclude the voice of the masses. The only way to remedy this is by educating our people and providing them with specialised skills to fulfil their personal potential and to contribute to reaching the potential of the country.

It is therefore necessary for the rights in Article 26 of the UN Declaration of Human Rights to include further education and training in an attempt to address the issues outlined above. (<http://politeknik.de/p7755/>)

#### Pavlos Charamis

##### Federation of Secondary School Teachers OLME - Greece

The right to education cannot be exercised in a social vacuum. It is therefore necessary that education systems be supplemented by a series of social measures and support services which, as far as possible, ensure balancing advantages in favor of the weaker social strata and promote the unimpeded and efficient operation of the educational institutions. ([http://politeknik.de/wp-content/uploads/2021/06/PROJECT\\_DOSSIE\\_EN.pdf](http://politeknik.de/wp-content/uploads/2021/06/PROJECT_DOSSIE_EN.pdf))

#### Prof. Dr. Eva Borst - Germany

We are dealing with three very striking issues within the framework of human rights on education: (1) the question of poverty and social insecurity; (2) the question of the difference between general education and vocational training, and (3) the very essential question of the quality of education. ([http://politeknik.de/wp-content/uploads/2021/06/PROJECT\\_DOSSIE\\_EN.pdf](http://politeknik.de/wp-content/uploads/2021/06/PROJECT_DOSSIE_EN.pdf))

**Francisco García. General Secretary. FECCOO Spain, Pedro Badía. Secretary of Education Policy. FECCOO Spain. Miguel López Melero (Universidad de Málaga), Miguel Recio (MEFP), Grupo de Investigación Acción Cooperativa (Universidad de Málaga y Proyecto Roma), Begoña López Cuesta (FECCOO)**

This is humanity's greatest challenge: to build a world that is peaceful, democratic, prosperous and fair. To this end, an equitable, quality education that benefits generations today and in the future is indispensable. Only in this way will we be able to return to the coherence required to honour the ethical and moral principles and values that arise from complying with Human Rights. Hence, my proposal for Article 26 of the Declaration of Human Rights would be:

1. Everyone has the right to public education. Fair, quality education shall be free in all its forms, respectful of the particular nature of every person and not mere instruction. Elementary education shall be compulsory and free. Also, any adult, woman or man, will be entitled to accessing quality education, be it secondary or higher education, according to their social requirements and different human capabilities. The State must guarantee the means and resources necessary to enable the right to education of all citizens.

2. Education shall be directed to the full development of human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a right to receive information about how public education is the one that shapes free people who are open to dialogue, cooperative, collaborative, cultured, democratic, fair, self-sufficient and peace-loving. The State must guarantee that the public education model reaches all citizens without exception but it is citizens themselves who must become aware and fight for their rights and defend the common good. The common good exists and must be defended: Living in a better, happier place. (<http://politeknik.de/wp-content/uploads/2020/12/Extension-of-human-rights-to-education.pdf> - Page 132)

#### Karla Toro

##### Student Federation of the Universidad de Chile - FECh

Given this, it is impossible for us to maintain that, under an idea of universal human right, measures that end up excluding a large part of the population can be promoted and guaranteed. And this discretion with which States can make the right to education effective is not only limited to the Universal Declaration of Human Rights, but is also replicated in other human rights treaties, such as the Covenant on Human Rights Economic, Social and Cultural; because these are ambiguous, they do not clarify what type of measures empower a State to guarantee the social rights to which it is committed and this leads to the fact that many governments operate de facto against the universality of law. (The original text in Spanish has been translated into German and now into English; available at the following link: <http://politeknik.de/wp-content/uploads/2020/12/Extension-of-human-rights-to-education.pdf> - Page 191. For the original text, please contact PoliTeknik: [info@politeknik.de](mailto:info@politeknik.de))

#### Prof. Dr. Vernor Munoz

##### former UN Special Rapporteur on the Right to Education

However, never before so many educated people had killed so many others. Never before we have caused so many damages to earth. Never before we have had so many exclusions. So the main question now is for what is education? What is the purpose of education? We have increased the number of children in schools but our problems, our ecological problems, our violence problems have also increased. So what is the reason of education? What is the purpose of education? I think that it is the main answer that we should reach nowadays. Mainly because we should understand that the right to education is not only a universal right but it is also a precondition for building of ecology and joy and dignity in our world. So it is absolutely useless having a lot of knowledge, having a lot of skills without any sense of dignification of life. So we should recall what is the education about. And some of the key answers to that question remain in the international human rights law. According to the article 26 of the universal declaration of human rights and the article 29 of the convention of the rights of the child and according to what the committee on the rights on the child set, we know that education goes far beyond formal schooling and embraces the right to a specific quality of education and a broad range of life experiences and learning processes that enables people individually and collectively to develop their personalities, talents and abilities to live a full and satisfying life within society. Education cannot be reduced to schooling processes and quality goes far beyond performance and schooling. (<http://politeknik.de/wp-content/uploads/2020/12/Extension-of-human-rights-to-education.pdf> - Page 119)

#### Kumar Ratan - India

In the new socio-economic reality of the world, the UDHR stands in need of amendment. It should catalyse new strategies and renewed focus by the State to ensure that education becomes a fundamental human right. The quality of education has to become an essential element of the right to education. The UDHR should recognise 'quality education' as a human right instead of simply education as a human right. For this the quality of teachers is important and this quality is directly proportional to the quality of working conditions of teachers. (<http://politeknik.de/wp-content/uploads/2020/12/Extension-of-human-rights-to-education.pdf> - Page 102)

#### Mary Cathryn Ricker

##### American Federation of Teachers (AFT)

##### Executive Vice President

Today, human rights and the right to education are attacked on a daily basis worldwide. Despite the gains that have been made, our collective human and civil rights work is far from complete. The UDHR's education declaration must be refreshed and modernized to establish more ambitious and specific goals, with specific reference to the rights of girls to education, as well as the rights of all children to early childhood education and secondary education. (<http://politeknik.de/wp-content/uploads/2019/11/DÖSSIER-BILDUNG.pdf> - Page 6)



Dear colleagues,

Soon the drafted letter for the Minister of Education of Côte d'Ivoire will be sent. We will then receive an appointment for our delegation. This delegation will be present and speak on behalf of all of us. Colleagues from Benin, Tunisia, Guinea and Haiti would like to participate. Whether we can make the trip possible for all these colleagues, we will then decide together based on our resources.

However, it is clear that we are many organisations. This could mean only a minimal use of resources for each organisation. There will be more similar delegations in the future.

In addition, we would like to recall what we might wish from states:

- *This project is a longterm process. Sooner or later an exponential rising will be a natural result of its' continuous engagement.*
- *In this international engagement the democratic excluded part of humanity tries itself out as a legislator, as a representative of its own interests undistorted from the outside.*

Citation from the article by colleague Prof. Raquel Melo:

"Lindgren Alves (2013, p. 24) draws attention to the Western character of the UDHR, highlighting its Enlightenment heritage, like that of the UN itself. The author states the following:

Adopted in this way, without consensus, in a forum then composed of only 56 States, Western or "Westernized", the Universal Declaration of Human Rights was not, therefore, "universal" even for those who participated in its creation. Under these conditions, those who did not participate – the vast majority of today's independent States –

had more reason to label the document as a "product of the West". (Alves, 2013, p. 24, free translation).

The mention of merit as a form of access to higher education in article 26 is an example of the liberal and western character of the UDHR. Meritocracy, as an expression of the universalist ideology, which supports the modern world-system (Wallerstein, 2007, p. 38), makes invisible the discrimination and exclusion of groups based on color, origin, gender, social class, disabilities and other markers, hindering their access to human rights, such as education, while legitimizing the privileges granted to those who ascend to certain positions supposedly by "merit" (Wallerstein, 2007, p. 40).

Universalism, operationalized, among other ways, by meritocracy, is important for the formation of a qualified technical staff capable of ensuring the efficiency of the capitalist economy and, therefore, the accumulation of capital – which is the ultimate purpose of the system (Wallerstein, 2007, p.40). However, this meritocratic universalism is preceded by an anti-universalism (Wallerstein, 2007, p. 40), which ensures that universalism only applies to a specific privileged group of people while other groups are subject to subordination and exploitation inherent in a system based on capital accumulation and inequality. [...] Considering the cultural and epistemological hegemony of the Western liberal paradigm reproduced by modern institutions – school, church, family and international institutions such as the UN – it remains to be seen to what extent the voices of peripheral groups and individuals on the matter will be taken into account by the Organization and by its member states". (<http://politeknik-international.org/pi4505/>)

*\*This Recapitulation was prepared and sent to all project partners in May 2022 and has been edited for this publication.*

## EXTENSION OF HUMAN RIGHTS TO EDUCATION

SYMPOSIUM  
COLOGNE 2016  
KOBLENZ 2018  
&  
POLITEKNIK  
SELECTED ARTICLES






Birleşmiş Milletler İnsan Hakları Bildirgesi - 1948

### Eğitim Haklarının Genişletilmesi Üzerine Düşünceler ve Öneriler III

**Susan Hopgood**  
Eğitim Enternasyonal  
Başkanı - Asyalıya  
Eğitim Sendikası Federal  
Sekreteri - IAEU

**Niurka María González Orberá**  
Harmanlanmış Öğretimde kalite değerlendirilmesi:  
**KENDİ DİNAMİKLERİ İÇİNDE BİR  
MEYDAN OKUMA**

**EĞİTİM HAKLARININ  
GENİŞLETİLMESİ BİR SİYASİ İRADE  
KONUSUDUR**  
Gelişmekte olan ülkelerin birçokta düşük ge-  
lişim hedefleyim için amaçlı, ücretli okul-  
lar ve sosyal eğitimli öğretmenler

**Mary Cathryn Ricker**  
Amerika Öğretmenler  
Federasyonu (AFT)  
Genel Başkan Yardımcısı

**Camila Rojas**  
Sili Üniversitesi Öğrenci  
Federasyonu (FECH) Başkanı

**Roberto Alamos**  
Sili Üniversitesi Öğrenci Federasyonu  
Çalışma Merkezi (CEFECH) Yöneticisi

**EĞİTİM HAKKI İÇİN  
SOSYAL MÜCADELELER**  
Sili'de kadın ve erkek öğrenciler olarak eğitim pa-  
nası, öğretmenler, öğrenciler, aileler ve toplum











PROJECT  
"EXTENSION OF HUMAN RIGHTS TO EDUCATION"

PARTNERS  
(MORE THEN 70 INSTITUTIONS/ORGANISATIONS/EXPERTS FROM 42 COUNTRIES)

EDUCATION/TEACHERS UNIONS

BENIN

Syndicat National des Enseignants des Ecoles Maternelles du Bénin (SYNAEM) • Syndicat National de l'Enseignement Primaire Public du Bénin (SNEP) • Syndicat National des Instituteurs Acteurs du Développement pour une Education de Qualité au Bénin (SYNIADEQ) • Syndicat National de l'Enseignement Secondaire Public du Bénin (SYNESP) • Syndicat National des Personnels des Enseignements Maternel, Primaire et Secondaire du Secteur Privé du Bénin (SYNAPEMAPS-SP)

BRAZIL

National Confederation of Workers in Education (CNTE)

BOSNIA and HERZEGOVINA

Independent Trade Union of Primary Schools Education of The Federation of Bosnia and Herzegovina

CAMEROON

Cameroonian Federation of Education Unions (FECASE) • National Union of Public Agreement Contractual Teachers of Cameroon (SYNAEEPCAM)

CHAD

Syndicat des Enseignants du Tchad (SET)

CYPRUS

Cyprus Turkish Teachers' Trade Union (KTOS)

EGYPT

Independent Teachers Union of Egypt (ISTT)

GHANA

Ghana National Association of Teachers (GNAT)

GUINEA

Fédération Syndicale Professionnelle de l'Education (FSPE)

HAITI

Union Nationale des Normaliens-Normaliennes et Educateurs-Educatrices d'Haïti (UNNOEH)

INDIA

All India Primary Teachers' Federation (AIPTF) • The Brihanmumbai Association of Heads of Secondary and Higher Secondary School • All India Federation of Teachers Organizations (AIFTO) • United Teachers Association (UTA-Uttar Pradesh) • Rajkiya Madhymik Shikshak Sangh • Brihanmumbai Shikshak Sangh (BMSS) • All India Secondary Teacher's Federation (AISTF)

IRAN

Cooperative Council of Iranian Teachers Trade Associations (CCITTA)

IRAQ

Kurdistan Teachers Union (KTU)

IVORY COAST

Syndicat National des Enseignants du Second Degré de Côte D'Ivoire (SYNESCI) • Syndicat National des Formateurs de l'Enseignement Technique et de la Formation Professionnelle SYNAFETP-CI

LESOTHO

Teachers Trade Union (LTTU)

MALAWI

Private Schools Employees Union of Malawi (PSEUM) • Malawi national Students Union (MANASU)

MEXICO

The National Union of Education Workers of Mexico (SNTE)

NAMIBIA

Teachers Union of Namibia

NEPAL

NEPAL Nepal National Teachers' Association (NNTA)

NIGER

Syndicat National des Agents de la Formation et de l'Education du Niger (SYNAFEN) • Syndicat National des Travailleurs de l'Education du Niger (SYNTEN)

RWANDA

Syndicat des Enseignants et Autres Personnels (SYNEDUC)

SENEGAL

Union Démocratique des Enseignantes et des Enseignants du Sénégal (UDEN)

SOMALIA

Somalia National Union of Teachers (SNUT)

SPAIN

Trade Union of Education Workers (FECCOO) • Unió Sindical dels Treballadors d'Ensenyament de Catalunya (USTEC)

SRI LANKA

Union of Sri Lanka Teachers Solidarity (USLTS) • All Ceylon Union of Teachers (ACUT) • All Ceylon Union of Teachers Government (ACUT-G)

TUNISIA

Syndicat Général des Inspecteurs de l'Enseignement Primaire (SGIEP)

TURKEY

Teachers Union Egitim-Sen

UGANDA

Uganda Liberal Teachers' Union (ULITU)

TRADE UNIONS

ZAMBIA

Professional Teachers Union of Zambia (PROTUZ-Zambia)

KENYA

Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers (KUDHEIHA) • Kenya Building, Construction, Timber, Furniture and Industries Employees Union (KBCFTA)

MAURITANIA

Union des Travailleurs de Mauritanie (UTM)

RWANDA

Rwanda Extractive Industry Workers Union

TUNISIA

Fédération Générale des Mineurs Tunisiens - FGMT

TURKEY

Civil Servants' Union of Agriculture, Forestry, Husbandry and Environment Sectors (TARIM ve ORMAN İŞ)

ZIMBABWE

General Agriculture and Plantation Workers Union of Zimbabwe (GAPWUZ)

UNIVERSITIES/DEPARTMENTS

GERMANY

Research Centre Childhoods.Societies (Cooperation partner, University of Wuppertal)

HAITI

The Queensland University (UQ) Human Rights

ITALY

Department of Humanistic Studies (University of Calabria) • Italian Association of Psychology (AIP)

MADAGASKAR

University of Toliara

STUDENT UNIONS

BENIN

Union of Students in Accounting, Audit And Management Control of Benin (UECACoG)

IVORY COAST

Association Générale des élèves et étudiants de Côte d'Ivoire (AGEECI)

TOGO

Synergie des Élèves et Étudiants du Togo (SEET))

UGANDA

Uganda National Students' Union (UNSA)

NGOs

BENIN

Organisation Béninoise des Spécialistes de la Petite Enfance (OBSPE) • Association pour la Survie en l'Entraide des Personnes Handicapées, les Enfants Démunis et les Orphelins (ASEPHEDO)

EGYPT

Egyptian Center for Education Rights (ECER) •

GAMBIA

Defend Human Rights

GERMANY

Newspaper PoliTeknik • Association: Verein für Allseitige Bildung e.V.

ITALY

Department of Humanistic Studies (University of Calabria) • Italian Association of Psychology (AIP)

LIBERIA

Consortium of Education Defenders of Liberia (COEDEL)

NIGER

Alliance Globale Pour l'éducation Et Le Developpement

EXPERTS

CAMBODIA

Dr. Or Siem (from General Department of Education of the Ministry of Education, Youth and Sports)

COLOMBIA

Prof. Dr. María Isabel Villa Montoya (from the University of EAFIT)

INDIA

Prof. Santoshi Halder (University of Calcutta) • Prof. Sanjoy Roy (University of Delhi)

PORTUGAL

Prof. Ana Pedro (from the University of Aveiro)

USA

Prof. Dr. Ángel Martínez (from the CUNY)



# STUDENTS' EBOOK PROJECT

## A Special Experience of Interaction and Joint Engagement Between Students Worldwide



Regarding the publication, PoliTeknik has already pointed out something very important in advance:

*"We would like to point out in advance that everyone who participates in the EBOOK project will be mentioned in the book as a co-publisher"* (Message to the platform sent on 23rd of July).

*"In the newly formed group, the first step will be to plan a video conference. In this process, the theme, the title and the steps of the work will be decided together."* (Message to the platform sent on 23rd of July).

As you can see, it is only possible to have progress if the participants themselves control this process. In the past, the focus of the publication has been on student experiences and positions on the human right to education in times of crises. In an era of multiple catastrophes such as the financial crisis, pandemic, war in Europe, climate crisis, inflation etc., this focus seems quite justified. Nevertheless, it is only intended as input for the new platform, whose members will determine the further content themselves. That is the concept.

PoliTeknik will provide support in this process until a coordination group has fully taken over the task and will make its infrastructure available for communication.

Please note that this commitment could take several years, so we ask all participants and new partners to be realistic about the strength they have to bring to the process.

The partners were asked to point on following:

- 1) What should be the thematic focus of the Students' eBook? Your idea!
- 2) What would your title be?
- 3) How many articles are needed and what should be the minimum or maximum length? What format will be accepted? How should this format be defined? What date should be set as the deadline?
- 4) What should be the coordination structure and rules to make the process successful?
- 5) Who can contribute? Individual students, student organisations, even teachers' unions?
- 6) Other points you would like to highlight.

It will be important that the group is accompanied by experts who have experience with book publishing and can provide advice. The experts should pioneer this engagement by sharing their ideas with the group and later providing scientific support for the frameworks developed by the group.

Kind regards  
PoliTeknik

### MAIN THEME and UNDER TOPICS

SUGGESTION by PoliTeknik

### Students Views Human Rights to Education in Times of Covid-19 and Other Crises



Remy Nsengiyumva

President of the Federation of East African Teachers' Unions - FEATU

# A CALL FOR EXTENSION OF HUMAN RIGHTS TO QUALITY EDUCATION



An understanding of the right for the entire human kind to live with the required decencies of living calls for an extension of the understanding and practice of human rights to quality education for all.

The belief in human rights as per the UN UDHR Article 26 of the year 1948 is therefore, incomplete without inclusion of human rights to education as an integral part of holistic human rights. This is because the decencies of lives which are basic human rights are dependent on human access to quality education. It is the access to quality education with aspired relevance for all which is instrumental to making decent human lives much as it is designed, facilitated, obtained and used towards helping the learner and those who surround him/her enjoy decent living in all aspects i.e social, economic, cultural and political realities.

The above being true, then the right to live and the right to education for all are inseparable; rather they are intertwined entities that all human beings have the right to enjoy regardless of gender, age, social class, and place of origin, race and any other kind of ethnicity. This then calls for access to free quality education not only in theory but more importantly in meaningful practical terms. For education to be meaningful it should be linked to contextual and cultural realities of the beneficiaries for improving their lives. However, aspirations for access to quality education for all as a human right; a catalyst for other forms of human rights, teachers-the custodians of knowledge must be equally enhanced to facilitate access to quality education provision hand-in-hand with assurance of teachers' qualifications and improved working and living conditions.

With all above in mind, it is therefore imperative and urgently obligatory indeed that the UN Declaration for Human Rights as per Article 26 gets amended to include the right to education from early childhood education through primary, secondary to higher education and training. In order to fairly capture the different needs and situations of beneficiaries of the education to be accessed as a human right, consideration should be made not only to formal schooling but it should go beyond it by including non-formal education with appropriateness to lifelong learning much as it becomes functional and problem-solving.

## FEATU MEMBER UNIONS

Kenya National Union of Teachers (KNUT) • Syndicat des Travailleurs de l'Enseignement du Burundi (STEB)  
 Syndicat National des Enseignants au Rwanda (SNER) • Uganda National Teachers' Unions (UNATU)  
 Tanzania Teachers' Unions (TTU) • Zanzibar Teachers' Unions (ZATU)  
 Syndicat des Enseignants et autre personnel de l'éducation  
 du Secteur privé au Rwanda (SYNEDEC)



Nisha Kalapathi  
Mumbai - INDIA

# Ideas and Recommendations on Extension of Human Rights to education



In India, Article 26 of the Universal Declaration of Human Rights states that everyone has a right to education and that Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.

The goal of a human rights-based approach to education is simple: to assure every child a quality education that respects and promotes her or his right to dignity and optimum development.

Education is the pathway for the progress of any nation. It is through proper education, an individual gets aware about his rights and duties. It has potential to inculcate and imbibe human rights values. It is through education human rights are actually put into practice. Human rights education activities should convey fundamental human rights principles, such as equality and non-discrimination, while affirming their interdependence, indivisibility and universality. Human rights helps to give access to education even for below poverty level individuals and thus provide opportunities to bring the change in future as this individual not going to show a progress in his personal life

but also going to represent the state /country which helps for better economy of the same.

The 86<sup>th</sup> Constitutional amendment making education a fundamental right was passed by Parliament in 2002 under the article 21A. The Right of Children to Free and Compulsory Education Act (RTE Act), a law to enable the implementation of the fundamental right was passed by Parliament in year of 2009.. In, India, UNESCO has a role in human rights laws. It talks about the Indian human rights education system and UDHR's (Universal Declaration of Human Rights) provisions support it & UNESCO provides guidelines in the context of Human Rights in India.

Human rights to education is interconnected to other rights such as

- Gender equality - As the right to education is not discriminated between the genders
- Social and moral education - Spiritual, moral, social and cultural (SMSC) education helps children and young people to develop personal qualities, which are valued in a civilised society

- Sustainable development - it helps to meet the present requirements without compromising the future generation's needs

- Intercultural Education-its is the response to classroom diversity aiming to go beyond passive coexistence, to achieve a developing and sustainable way of living together in multicultural societies through the creation of understanding of, respect for and productive dialogue between the different groups.

- Anti-racism-it helps to create a bond and dissolve the discrimination among the people with different creed, color, culture, caste, etc. and thus bringing humanity among the mankind.

In India, the word guru is given more respect than the God himself as it's said its the knowledge given by guru that helps the child to live his life with serenity. It's also observed that the birth date of the second President of India, Sarvepalli Radhakrishnan, 5 September 1888, has been celebrated as Teacher's Day since 1962 as Radhakrishnan's concern for experience and his extensive knowledge of the Western philosophical and literary traditions has earned him the repu-

tation of being a bridge-builder between India and the West. He often appears to feel at home in the Indian as well as the Western philosophical contexts, and draws from both Western and Indian sources throughout his writing. Because of this, Radhakrishnan has been held up in academic circles as a representative of Hinduism to the West. His lengthy writing career and his many published works have been influential in shaping the West's understanding of Hinduism, India, and the East.

India has a largest population and largest democracy so that if the republic governmentis not aware of protection of individual's human rights, it can be a danger for the democracy. For securing democracy in India, human rights education should be compulsory, through this,peoples will be aware about their basic rights.

It's not only important to educate the people for their bright future but this will eventually make the country develop and progress and thus make the world a safe place to live in.

Evans Kaganizo Mutesasira  
Uganda Liberal Teachers' Union - UGANDA

# Vocationalization of Education the Answer to Universalization of Education in Uganda



*Uganda Liberal Teachers' Union, is a highly professionalized and trained by way of leadership, teachers' Union in Uganda, is rolling out a National Programme Under the Concept; "Vocationalization of Education the Answer to Universalization of Education in Uganda."*

## Introduction

In Uganda, we have a high rate of school dropout, especially at the completion levels of the various education cycles, at primary (P.7) at O' level, S.4, and the rate gets even higher as one progresses to "A" level completion, and University entrance.

Several factors contribute to these glaring levels of school dropout; ranging from cultural factors, school environment (teacher/ learner relations), to the high education costs, but most importantly the factor of education relevancy, (as in the relationship that exists between formal education and direct solutions to socio-economic needs of the learners and society, especially on job creation; to eliminate unemployment and general poverty in society.

Several attempts have been made by government and other education stakeholders to ensure education is practical and relevant to the learners' and community needs; this is especially through the various education skilling programmes in formal education structure through various curriculum reforms and in setting up education institutions exclusively targeting skilling of young Ugandans in several practical skills; to ensure job creation

and improved livelihoods of the entire Ugandan Society.

This further guarantees job creation; an important ingredient in the goals of education; as it reduces unemployment and leads to wealth creation; for improved and happier lives of the entire population.

The above efforts notwithstanding, as a union of education professionals, we still greatly feel a little bit much more needs to be done to ensure full realization of practical education through all round vocationalization of education. We are very cognizant of the fact that in our Ugandan- developing world, education is no longer a means to groom white collar – job graduates, but rather to bring about fully developed persons with the appropriate attitudes and skills to ensure productive and decent work in society. On the above maxim, we inhere present this concept for consideration to ensure education is relevant, practical and productive, to ensure full access to all children, retention; and education graduates that relate to the needs of society in an all-around life setting.

We are fully convinced; such a situation can be achieved through full Vo-

cationalization of education.

## Limitation

Whereas we, like any education loving Ugandan, feel the best way to have a meaningful education is through universal vocationalization, there are several factors at play that greatly impede this realization; and can be discussed as follows:

1. Top on the agenda of such factors, is the historical factor. Since education (formal) in Uganda was introduced through the colonial factor, needs of education were equally set on the colonial education needs at the time.

Education was set to promote literacy and numeracy, with a purpose of getting some elite to help in colonial administration; and not to bring about a productive population (at the time, productive work was crudely informal);

Education was thus based on more of theoretical, and abstract ideas. This has been inherited by the post-colonial trainers in education, and little is in place to change this factor.

2. Another key limitation to full vocationalization of education is the cost factor.

Other than the use of "hand" and "mouth" as key capital to bring about education /learning in most of our Ugandan schools/institutions, little has been done to consider a host of the various necessary education/ study materials, other than text books, and chalk; This is more so in the lower levels of our education system. There is a bigger excuse that when you universally vocationalize, there is obviously no training materials to cater for this, with the swelling numbers of children in schools, especially at primary and secondary levels. This great scare needs to be looked into, on a very serious note, and indeed it's a great limitation to true vocationalization of education in Uganda.

3. Another key limitation in this, is the job market in Uganda itself. The greatest percentage of job requirement, especially in the formal sector, is a certificate, not the skills one has. Since grades on the certificates project the attainment in the theoretical training one has gone through, it is no wonder that going vocational remain challenged – since skills and attitudes are seldomly looked for in our job market.



Since over 90% of teachers have gone through the same theoretical education system, and training at professional level has been equally so, it becomes quite cumbersome to get trained cadres to popularize this vocational education, where practical skills and attitudes can be given precedence. We have a whole bulk of semi-illiterate trainers/teachers whom even mere basic computer-appliance-skills is mystery.

1. Mere attitude towards vocational education in Uganda is yet another great limitation to full vocationalization of education.

Many of our young people who join schools are inculcated with the feeling, thinking that education is only aimed at changing ones social class, just to climb the ladders of being a great important person in society. This is coupled with the thinking that “when you are educated, then you seaze to be a worker at least in practical terms.

That once you are educated, you join the “nobility” of society – who must get all work done for them.

You will find that there now less parents in Uganda who are ready to come to terms, “that when their children go to school actually to work”, (in the teaching learning process).

Even our government and other policy makers fear to come out boldly to popularize such a philosophy since their children go to theory based academic schools – so called 1st class.

2. The political factor can't be ruled out in all this.

There has been lack of deliberate political will to popularize vocationalization of education. There is a great scare on the side of politicians to come out boldly and popularize this policy; for fear of loss of political support in our weak democracies; where voters decide not on facts/issues than mere subjective thinking.

This also involves limited indulgence into the provision for the necessary structural setup in our education institutions to ensure such training goes on in all our public schools, later on ensuring the appropriate budgetary allocations to ensure that training materials in all schools are available.

Others don't even consider the cost benefit effect of such training – they consider it a mere wastage.

### Proposed Interventions for the Full Realization a Universal Vocational Education with Projected Benefits.

1. We advocate a total curriculum change, to make vocational/ practical skills education is made a must for all learners' right from primary four (4) levels. This will put in the learners the work ethic and will equip our learners to learn to be productive and self-sustaining right at that youthful stage. This has to be rolled out thought our education cycle at least through secondary school education.

2. Skills development as a key component of education will greatly reduce on the financial cost on education and make education more achievable and sustainable. Where the production process begins early in our training/learning system, there is no doubt that a variety of products must be made which can help in reducing expenditure on education; items like food, scholastic materials, and learners personal effects can be produced in the process to off-set the expenditure that would otherwise be made on such items/necessities.

3. Where learners across the country can be made productive right in schools, this can reduce the dependence levels in our society; where the parent must work to provide, housing, food, education, medication of children right from birth and all through; upto university when these learners totally contribute nothing to their own wellbeing and that of the immediate community where they belong and the nation at large. This will greatly reduce the poverty levels in the communities and make education less a strain on the households and government.

4. There is a greater need to popularize vocational education in our schools; among the teachers and other education stakeholders. In this our union – Uganda liberal teachers Union, can come in very handy to meet our teaching membership across the country to ensure there is attitude change, and for schools to be very accommodative to this noble innovation.

This can further entail meeting with other various stakeholders, like the local government, teachers, the faith based organizations (who in many cases constitute the Foundation Bodies of many public schools/institutions)

This can be done through media campaign, through workshops and seminars to popularize the full vocationalization of education for all-round skills development among learners for positive/economic productivity.

5. There is also need for piloting with teachers and learners in selected schools so as to demonstrate to others. In fields like ICT, Agriculture and some other vocational skills. This can be done to show the rest how this is possible and productive, and be made more public to ensure others borrow a leaf.

6. There is also a greater need to identify what specific vocational training fields can be quickly taken up by various schools/educational institutions, beginning with the locally available opportunities, depending on the local environmental setup.

### Conclusion:

As a Union of professional teachers, we are ready to discuss this concept with key education policy framers and controllers so that it becomes an applicable intervention. We are also ready to provide more technical input to ensure a policy is designed to this effect.



D.K. Nadeeka Soamwansa  
SRI LANKA

# THE PROCESS OF PRIVATIZATION AND ITS IMPACT ON PUBLIC EDUCATION



Privatization is a process, which can be defined as the “transfer of assets, management, functions or responsibilities previously owned or carried out by the state to private sectors”.

There are many different ways in privatization can occur. Additionally, the unmonitored and unregulated expansion of private sector provision of education, such as for profit schools or low fee private schools, may have a privatizing effect if students have no other choice of school.

Across the world, there is a growing trend towards allowing private institutions to become active players in the development and delivery of social programs.

The private sector has always been involved in education, with family religious institutions and philanthropic organizations playing an important role in its funding and governance.

Privatization of education happens if the state allows and encourages the participation of the private sector for the supply of public education services.

Privatization of education is sometimes promoted as a means of filling gaps in the provision of education. However, the ongoing trend of privatization of education raises serious concerns about its negative impacts on the right to education, particularly regarding the availability and accessibility of free education, equality of education quality.

Privatization in education contributes to building a new ‘market morale’ where education becomes regarded solely in terms of its exchange value rather than its intrinsic worth or social purpose.

In order to understand the essence of privatization of education and privatization in education, private actors that take an active role in this process need to be examined in terms of their interests and profit out of education. Private actors may include companies, religious institutions or non-governmental organizations. There are many different ways in which privatization can occur. For example, it can be carried out through the development of public private partnership or the expansion of private sector provision of education, such as for profit schools or low fee private schools. When the private actors are included in the privation of education process, there are pre requisites that private actors should met. Firstly private actors that provide educational services must respect the right to education and the state must ensure that all private actors that play a role in education provision are accountable (Morales 2013). Guideline have been developed to provide a framework to better define the role of private actors with regards to human rights including the right to education.

(see for instance the UN Guiding Principles of Business and Human Right and General Comment 16 of the Committee on the rights of the child on state obligation regarding the impact of business sector on children’s right)(Bianchetti, et al., 2015).

Secondly, the state is ultimately responsible for ensuring that the right to education in sup held regardless of the provider of education. Under international human right law, state have the obligation to regulate

## Impact of privatization of education

Advantages of privatization of Education similarly, there are many things

that privatization has contributed positively to our society.

- Accessible Education : There is a massive increase in the number of schools and educational institutions across the country. Education is now easily accessible to those who can afford to pay the school fees.
- Extracurricular activities: Every private school nowadays comes up with new and interesting activity ideas that help a child to learn new things and become active in all aspects.
- Improved infrastructure: Undoubtedly, private sector has made remarkable infrastructure changes and has replenished state of the art framework.
- Advanced teaching: They have introduce modern techniques of teaching, which helps children in better learning and increase their performance. Various modern education technology includes tabs and other gadgets.
- Liberty to choose institution: increase in number of schools and colleges have provided with a variety of options to choose from.

## Disadvantages of privatization of education

- Disparity in public and private schools: private sector has raised the bars of their school standards too high that government schools are unable to match up to their benchmarks.
- More of business: The focus of private schools has shifted from providing education to earning money. This can be very well clarified from the higher donations demanded for

admission even a bright child by such institutions apart from the pricey fee structure.

- Lack of trained teachers: Quality of education is a complex issue and is difficult to measure and it has not been certain of any specific method that can provide quality education.
- Pricey fee structures: Modern schools have set their school fees upscale that it is difficult for parents meager income to bear those and thus restricts their child’s admission to such schools.
- Discrimination: In order to maintain a standard, these institutions strictly avoid admission of people from poor families and such children are deterred from procuring education from private schools such standards.
- Transformation of identities (head teacher to manager, teacher to technician, student to output asset or liability)

Though privatization have made considerable contribution and alternatives in education sector but it does uplift the burden of public schools and also do not comply with Human rights regulations. It is observed that it has intensified the sector by introducing complex infrastructure and modern techniques of teaching. It has raised a need to monitor the schools on the basis of equality, monetary demands and to maintain human rights regime.

References:  
minnetesoljournal.org  
www.academia.edu  
unesdoc.unesco.org  
www.right-to-education.org





AbdulHafeez Tayel  
Egyptian Center for Education Rights (ECER) - EGYPT

# THE RIGHT TO EDUCATION AS A FOUNDING RIGHT OF HUMAN RIGHTS

First, the Universal Declaration of Human Rights:

## Universal Declaration of Human Rights, Article 26

1.

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2.

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3.

Parents have a prior right to choose the kind of education that shall be given to their children.

Second: International Covenant on Economic, Social and Cultural Rights:

## Article 13

1.

The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Na-

tions for the maintenance of peace.

2.

The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a)

Primary education shall be compulsory and available free to all;

(b)

Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c)

Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d)

Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e)

The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3.

The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral educa-

tion of their children in conformity with their own convictions.

4.

No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

## Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

General Comment No. 13  
(Twenty-first session, 1999)

The right to education  
(article 13 of the Covenant)

1.

Education is both a human right in itself and an indispensable means of realizing other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women, safeguarding children from exploitative and hazardous

labour and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth. Increasingly, education is recognized as one of the best financial investments States can make. But the importance of education is not just practical: a well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence

Article 13 (2):

The right to receive an education - some general remarks

While the precise and appropriate application of the terms will depend upon the conditions prevailing in a particular State party, education in all its forms and at all levels shall exhibit the following interrelated and essential features:

(a)

Availability - functioning educational institutions and programs have to be available in sufficient quantity within the jurisdiction of the State party. What they require to function depends upon numerous factors, including the developmental context within which they operate; for example, all institutions and programs are likely to require buildings or other protection from the elements, sanitation facilities for both sexes, safe drinking water, trained teachers receiving domestically competitive salaries, teaching materials, and so on; while some will also require facilities such as a library, computer facilities and information technology;

(b)

Accessibility - educational institutions and programs have to be accessible to everyone, without discrimination, within the jurisdiction of the State party. Accessibility has three overlapping dimensions:

(1)  
Non-discrimination - education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds (see paras. 31-37 on non-discrimination);

(2)  
Physical accessibility - education has to be within safe physical reach, either by attendance at some reasonably convenient geographic location (e.g. a neighborhood school) or via modern technology (e.g. access to a “distance learning” program);

(3)  
Economic accessibility - education has to be affordable to all. This dimension of accessibility is subject to the differential wording of article 13 (2) in relation to primary, secondary and higher education: whereas primary education shall be available “free to all”, States parties are required to progressively introduce free secondary and higher education;

(C)  
Acceptability - the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents; this is subject to the educational objectives required by article 13 (1) and such minimum educational standards as may be approved by the State (see art. 13 (3) and (4));

(d)  
Adaptability - education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.

The child’s enrollment in school does not mean that he has necessarily become learned, as a significant percentage of children who go to school do not have a good command of the educational basic skills “reading – writing – calculation– using the computer.” In Egyptian schools, around the third of children do not acquire these skills as reports and studies indicate.

<https://www.youm7.com/story/2019/11/8/%D8%A7%D9%84%D8%AA%D8%B9%D9%84%D9%8A%D9%85-%D8%A7%D8%B1%D8%AA%D9%81%D8%A7%D8%B9-%D9%85%D8%B9%D8%AF%D9%84%D8%A7%D8%AA-%D8%A7%D9%84-%D8%AA%D8%B3%D8%B1%D8%A8-%D9%88%D8%A7%D9%84%D8%B1%D8%B3%D9%88%D8%A8-%D8%A8%D9%8A%D9%86-%D8%B7%D9%84%D8%A7%D8%A8-%D8%A7%D9%84%D9%85%D8%B1%D8%AD%D9%84%D8%A9-%D8%A7%D9%84%D8%A5%D8%B9%D8%AF%D8%A7%D8%AF%D9%8A%D8%A9-%D8%B6%D8%B9%D9%81/4494593>

[http://moe.gov.eg/ccimd/pdf/strategic\\_plan.pdf](http://moe.gov.eg/ccimd/pdf/strategic_plan.pdf)

<http://www.oecd.org/education/skills-beyond-school/44913775.pdf>

According to the World Bank and other international institutions concerned with education, this phenomenon represents a grave injustice to children, and massively wastes future development opportunities. Governments that fail to ensure the right of individuals to good, inclusive, fair, equitable, democratic and free education are missing the future. Countries that fail to develop successful programs to address poor education are doomed to drift into the same destiny.

Over decades, successive Egyptian governments have not paid sufficient regard to the Egyptians’ right to education, as manifested by various indicators.

**Legislative environment:**

Although successive Egyptian constitutions and their amendments acknowledged the right to education, they made it contingent on other factors, indicating that education is not an intrinsic right. The constitution promulgated in 2014 allocated a portion of the GDP to education. Nevertheless, the old Education Law of 1981 and its amendments, that remained intact despite the promulgation of various constitutions afterwards, is still haunting the right to education, afflicting this right with slow death. For instance, article (6) of the said law intentionally witnessed no change in the subsequent amendments proposed on the Law.

This article states that the Subject of Religious Education is a basic subject across all educational stages. It further adds that the state is mandated to organize competitions for the memorization of Quran, and endow awards to the winners in these competitions, certified and endorsed by the Supreme Council of Pre-university Education. This article underscores a systematic discrimination against non-Muslim students and dreadfully undermines the standards of equal education.

On the other hand, everyone knows, and the government acknowledges that spending on pre-university education, which should not have been less than 4% of the GDP, hardly exceeds half of this percentage, as it ranges between 1.8% and 2.7% of GDP (see budgets for the previous years)

Another example is the Law of the Educational Professions Syndicate, issued in 1969. The law’s amendments focused on increasing the Syndicate’s revenues. Suffice it to say that this law still requires anyone who wants to run

for any Syndicate position to be a working member of the Arab Socialist Union with the nationality of the United Arab Republic. Furthermore, the chapter entitled Teacher’s Rights composes of only two sections: a section on the Teacher’s duties listing 8 articles, and a section of the Disciplinary Regulation listing 16 articles. Finally, no more can be said after recognizing that the bylaws of the Syndicate are disgracefully issued by a decision of the Minister of Education.

The second indicator is related to the executive aspect of the right to education. Thousands of villages (2,367 villages) and regions are deprived of all types of schools, and are in need for 32,544 classrooms, amounting to about 2,170 schools (15 classrooms / school). The Ministry of Education claims that there are 22 classrooms in each school, but calculating the number of existing classrooms divided by the number of buildings makes the average about 15 classrooms per school) see the attached table). A significant percentage of villages lack secondary schools (about 25% of the villages), according to reports and statements of the Educational Buildings

Number of places deprived of secondary schools	about 10,000 villages and regions
Number of areas deprived of basic education schools	about 2376 villages and regions
The regions need for basic education schools	2170 schools (32,544 classes)
Number of government school buildings	25299 school buildings (used as 50,000 schools given that their multiple school periods, and some buildings are used by more than one school)
Number of government school classrooms	377654 (an average of about 15 classes per school)
Societal need for school buildings	25,000 buildings, with approximately 275,000 classrooms
The existing teacher deficit rate	About 320,000 teachers
Teacher deficit rate according to desired rates	750,000 teachers + 320,000 = 1070000 teachers approximately

Authority officials, as published on the Educational Buildings Authority website. This is coupled with schools that need maintenance and school buildings that lack usability. It is an appalling tragedy that is setting the stage for private schools to exploit the Egyptians who seek education for their children. Exploitation is abhorrently demonstrated for example in charging parents to conduct admission tests for children at these schools.

<https://www.albawabhnews.com/3633063>

In a report prepared by researchers of the Egyptian Center for the Right to Education on discrimination in Egyptian education, it is unquestionably apparent that education in Egypt is almost a management of discrimination between Egyptians at all levels, especially discrimination against children belonging to vulnerable groups in soci-

ety such as the poor, non-Muslims, girls and refugees, as well as discrimination against workers in education compared to other professions. In a report prepared by researchers of the Egyptian Center for the Right to Education on discrimination in Egyptian education, it is unquestionably apparent that education in Egypt is almost a management of discrimination between Egyptians at all levels, especially discrimination against children belonging to vulnerable groups in society such as the poor,

<https://www.skynewsarabia.com/varieties/825752-%D8%A7%D9%95%D9%86%D9%81%D9%88%D8%BA%D8%B1%D8%A7%D9%81%D9%8A%D9%83-%D8%A7%D9%94%D8%B9%D9%84%D9%89-%D9%88%D8%A7%D9%94%D9%82%D9%84-%D8%B1%D9%88%D8%A7%D8%AA%D8%A8-%D8%A7%D9%84%D9%85%D8%B9%D9%84%D9%85%D9%8A%D9%86-%D8%A7%D9%84%D8%B9%D8%A7%D9%84%D9%85>

The following table summarizes the outcome of policies of commodifying and privatizing the right to education and using it to differentiate between Egyptians on different grounds; one could even say: on every possible basis.

Two factors may account for this backwardness. The first is poor resources, the economic downturn, and poverty rates in Egypt. The other factor stresses that poor spending prioritization coupled with poor planning and mismanagement account for the deteriorated educational landscape. The latter is likely to be a systematic encroachment on the right to education, generating illiterates more than literates.

Some countries view education in general as a political tool in the hands of the decision-maker and subject to development standards. This last standpoint always leads to what is known as poor learning, which means that the students in schools lack basic learning skills (reading, writing, arithmetic, computer skills).

Education as an inalienable human right; but rather the primary empowering right and the fundamental gateway



to all human rights; shall be sustainable to yields positive outcomes.

Apart from overthrowing the developmental opportunities, poor learning is doing injustice to learners and flagrantly infringing the taxpayers' rights. Every child should be able to read by the age of ten, as reading is the main gate to learning. The importance of basic skills lies as well in their integration, allowing for an integrated and continuous learning and education, providing opportunities to minimize poverty and creating good work opportunities and positive impact on health public, productivity. Besides, it plays a role in reducing population density, empowering individuals to enjoy their rights and life in general, and enhancing the society's peaceful coexistence and respecting the values of diversity and difference.

According to the World Bank report, more than half of children in developing countries suffer from poor learning.

In Egypt, more than a third of the children, on average, suffer from poor learning. Surely, we are referring to children who are actually enrolled in schools.

The percentage reaches more than half of the children in the primary stage. It goes without saying that their education cannot be completed as long as they lack basic learning skills, which is definitely unjustifiable.

Poor learning can be tackled from various dimensions:

- Firstly, the poor education outcomes: In most cases, the learning that society expects from schools does not come true regardless of the approach of education either based on the curricula independently or on the needs of the labor market or even on the basis of education and learning as a right for all without discrimination (and this is common sense) as long as education is not a political or economic priority. Overcrowded classes, poor curricula, low teachers' wages, and the authoritarian structure of education all block the way to the desired results.

- The second dimension of poor learning is its direct causes that are manifested in multiple ways in the school, affecting the relationship between education and learning. A report on the global development

tackles this point, pointing out that malnutrition, disease and low state investment in education and poverty-related culture all lead to the loss of learning opportunities in early childhood. Subsequently, children go to school unprepared for the learning process, and a disparity in the cognitive skills of children appear and the gap widens between poor children and rich children with regard to learning outcomes and the ability to obtain good job opportunities. Thus, poverty is reproduced in an loathsome cycle that must be broken.

- The situation gets worse, of course, the less government spending on education and the more space is left for various forms of education commodification, which sometimes amount to exclusion from education altogether.

- Also, the teachers receiving low wages are not able to develop their abilities and do not have the opportunity to devote themselves to the teaching process that requires innovative skills and a sustainable ability to develop. Teachers are either busy with private school groups or private lessons, or burdened with additional work to support themselves and their families. According to the World Bank, students with good teachers learn three times better than others.

Moreover, poor spending on education, which in the 2020/2021 budget amounted to 9% of government spending (while, it should not be less than 25% of government spending), render educational inputs (textbooks, materials. etc.) inaccessible to students in general, and technical education students in particular.

These inputs constitute an integral part of the indicators of access to education, which in turn constitute the first criterion for the education quality. When the government violates the right to free high-quality education by minimizing the education accessibility, it will be unable to achieve a reasonable rank in education quality. The education quality standard relies on education accessibility. It is worth noting that the Supreme Council for Pre-University Education had issued a report in 2007 - the same year the slogan of the Mubarak party was launched - in which it stressed that Egypt needs 33,000 school buildings, equivalent

to 726,000 classrooms, until 2017. In fact, in 2020, according to the statements of the head of state himself, we need to build 25,000 school buildings, with approximately 550,000 classrooms, in addition to the stark shortage of teachers, low wages and inaccessibility of school textbooks. This shows that Egypt has a long way ahead until it can achieve high-quality education and address poor learning.

- The third dimension of poor learning lies in the deeper causes relative to the system itself. The legislators in Parliament and executives combine their efforts to satisfy the ruling party or the state head, leading to perceptions that has slight relation to education and learning. Additionally, teachers, for example, are duly preoccupied with their violated rights, whether in terms and conditions of work or trade union freedoms more than their preoccupation with the need to bridge the gap between education and learning.

- To deal with this crisis, measures and actions must be taken, some immediately, such as evaluating the current situation, and some may take some time, provided that it begins promptly, such as setting a specific and clear time plan for building schools within a specific and foreseeable time frame and manage resources necessary for that purpose.

The current situation assessment should cover all aspects of the problem to formulate successful solutions that enable learners to learn through the concerted efforts of all parties (teachers - students - society - government - parliament) towards creating an alignment between the views on the vision, mission, objectives, methods of achievement and achievement rates. No possible serious steps towards changing the current situation at the level of education and learning can be taken unless this alignment is in place.

However, the reality is that when the current Minister of Education decided to treat one aspect of poor learning, namely computer skills, he shrank from responsibility by leaping forward, forgetting or ignoring that the student who is incompetent to read and write or do calculations will not be able to use computer, let alone knowledge resources. At the same time, the Minister hints or declares

every now and then that distance education programs can be developed as an alternative to daily continuous school education, and this may explain a previous statement to him in Al-Akhar newspaper that he may need only 20% of teachers. Then he propagated that he is making a revolution in education. When the concerned parties and the experts demanded a clear plan that could be subject to discussion, the minister threatened them by saying that he implements the will of the political leadership and no one is allowed to object to it.

Finally, I reemphasize that a concrete plan must be developed to deal with the education accessibility file with all its indicators (surely, the accessibility profile can go hand in hand with the quality profile, but this requires huge resources and the government says that it does not have these resources and therefore it must focus its efforts on the profile of rendering education accessible to all).

There must also be a real assessment of the education and learning crisis with clear and influential community participation. The goal of sustaining education and learning must be a goal that everyone seeks, and alignment must be reached among all parties on the grounds that education is a right and not a commodity in the market.

Highlighting the right to education and learning and placing it as a first priority instead of focusing on cement and political propaganda and glossing over the disaster of poor learning skills is a lifeline for individuals, society and state institutions against underdevelopment and violence, it is the means for individuals to enjoy their rights and life itself and the means for societies to achieve comprehensive human development and the means of the state for advancement and competitiveness.

Djibril Diallo

Faculty of Literature and Human Sciences of Cheikh Anta Diop University - SENEGAL

# Communication à la Conférence du Centre Culturel Africain de Bordeaux Table-ronde du 23 mars 2019 Sur le Thème *Comment penser et écrire l'Afrique de demain ?*



\*\*\*

Je ne remercierai jamais assez les organisateurs de cette rencontre africaine en terre européenne : les responsables de l'Institut Africain de Bordeaux : le président Areh Ahmed FARAH et son adjoint Abdou Goudiaby, épaulés par M. Abdourahmane KOITA, le Consul Général du Sénégal à Bordeaux. Dans ces trois noms déjà, l'Afrique entière se retrouve de Dakar à Djibouti. Je remercie les autres panélistes annoncés, mes frères d'esprit, Messieurs FALL, NDIAYE et LAM avec notre frère du Congo le Pr NGALASSO, le Congo (je parle du Congo des ancêtres, le Congo indivisible) auquel nous lie, nous Sénégalais, une forte et sincère amitié magnifiée par les Professeurs Cheikh Anta DIOP et Théophile OBENGA dans leur combat commun de l'imposition de l'antériorité des civilisations d'Afrique. Et moi-même je suis Congolais pour avoir été reconnu poète pour la première fois lors du Symposium littéraire International contre l'apartheid organisé à Brazzaville, cette belle cité africaine, du 24 au 31 mai 1987 sur le thème : « Les écrivains accusent l'apartheid ».

Et moi-même je suis Congolais pour avoir été un ami personnel de Sony Labou Tansi qui me reçut dans sa maison de Makelekele, le 2 juin 1987, quand je préparais mon mémoire de maîtrise en Littérature africaine sur « L'art romanesque de Sony Labou Tansi, une étude de La vie et demie ».

« Comment penser et écrire l'Afrique de demain ? »

Voilà la grande réflexion à laquelle vous nous conviez devant cet honorable public. Penser et écrire l'Afrique de demain, c'est penser et écrire l'Afrique d'aujourd'hui car nous dit le Guinéen Djibril Tamsir NIANE : « Le monde est vieux mais l'avenir sort du présent ». La vérité de l'évolution des peuples est pareille à cette réaction chimique dont parlait, en principe, Lavoisier où : « ... rien ne se crée rien ne se perd, tout se transforme. » L'Afrique d'aujourd'hui est un continent qui vient de loin. Depuis cinq siècles, elle a été en contact avec l'Europe qui l'a brutalisée, l'a humiliée au point que le grand poète martiniquais

Aimé Césaire, dans Discours sur le colonialisme paru en 1950, pouvait constater les dégâts de la rencontre en ces termes : « ... que le grand drame historique de l'Afrique a moins été sa mise en contact trop tardive avec le reste du monde, que la manière dont ce contact a été opéré ; que c'est au moment où l'Europe est tombée entre les mains des financiers et des capitaines d'industrie les plus dénués de scrupules que l'Europe s'est « propagée » ; que notre malchance a voulu que ce soit cette Europe-là que nous ayons rencontrée sur notre route et que l'Europe est comptable devant la communauté humaine du plus haut tas de cadavres de l'histoire. » Esclavage, colonialisme et néocolonialisme, voilà les tares que le Monde depuis cinq siècles fait peser sur les épaules de l'Afrique. Or, en n'en point douter, en ce début de 21<sup>è</sup> siècle, l'Afrique reste encore debout. Car l'Afrique d'aujourd'hui, c'est 30 000 000 de km<sup>2</sup>. L'Afrique d'aujourd'hui, c'est l'essentiel des richesses qui engrossent la terre. Mais aussi et surtout, l'Afrique d'aujourd'hui, c'est mille

millions d'habitants qui ont décidé de pardonner : pardonner sans oublier. L'Afrique d'aujourd'hui, c'est ce continent qui veut tendre la main à l'Autre dans un nouveau partenariat, loin de celui qui unit un cavalier à son cheval, celui-là toujours sur le dos de celui-ci. Cela ne peut plus prospérer.

Nous, écrivains d'Afrique, refusons désormais de donner à d'autres le droit de réfléchir, de parler et d'agir au nom de l'Afrique. Car chaque fois que les autres l'ont fait à notre place, c'est des clichés tortueux d'une Afrique des misères, des famines, des guerres, comme si l'Afrique avait le monopole de la bêtise humaine. On nous parle de nos dictateurs aux mains rouges du sang de leurs frères ! Mais au même moment, on oublie que jusqu'en 1976 Franco était le maître absolu de l'Espagne et avait comme voisin un certain Salazar du Portugal ; qu'au même moment un certain Pinochet vivait au Chili tandis qu'un certain Ceaucescu se pavanait en Roumanie. On oublie le sang versé sur les terres de Yougoslavie après le Maréchal Tito.



L'Afrique, c'est vrai a connu des dictatures, mais ces régimes étaient pour la plupart financés à partir de Paris, Bruxelles si ce n'étaient pas Londres ou Madrid qui ont jeté une indépendance douteuse à la face de nos peuples et que nos écrivains ont suffisamment dénoncée. Dans Les soleils des indépendances, en 1968, l'Ivoirien Ahmadou Kourouma dit de ces libérations : « ... comme une nuée de sauterelles, les indépendances tombèrent sur l'Afrique » et son frère Sony Labou Tansi du Congo de renchérir dans La vie et demie en 1979 : « L'indépendance, ça n'est pas costaud costaud. » C'est dire, qu'en tant qu'écrivains, nous avons conscience, suffisamment conscience de notre devoir de témoins de notre époque mais aussi de notre devoir de porte-paroles de nos peuples et c'est à ce titre que nous voulons aujourd'hui une nouvelle littérature capable de dire l'Afrique des BEAUTES transgressées parce que reléguées au second plan de la grande civilisation mondiale.

Mesdames, messieurs, l'Afrique depuis 1960 est aussi un chantier de gloires ignorées. Parmi ces gloires, l'Organisation de l'Unité Africaine qui pendant trente-huit ans (1963-2001) de combats acharnés a libéré nos 30 000 000 de km<sup>2</sup> ; a fait du Dialogue africain la base de la pacification de l'espace. On n'en parle pas toujours. Mais trente-deux chefs d'Etats, chacun ayant arraché des

maines étrangères la portion de terre qui appartenait à ses pères, ont du 22 au 25 mai 1963 pris conscience de la fragilité d'une Afrique divisée et ont scellé l'union sacrée pour la défense de la terre ancestrale. Quelles que soient aujourd'hui les erreurs commises par les uns et les autres, ces chefs d'Etats et de gouvernements constituent la liste de nos Justes et doivent être chantés par nos Lettres. Ils ont sauvé l'Afrique du désastre de la bipolarisation du Monde d'après seconde guerre. Ils étaient accompagnés par un ensemble de Secrétaire Généraux qui ont fait l'histoire moderne de l'Afrique et qui ont noms Diallo Tely de Guinée, Nzo Ekanaki et Williams Eteki MBoumoua du Cameroun, Edem Kodjo du Togo, Peter ONU du Nigeria, Idé Oumarou du Niger, Salim Ahmed Salim de Tanzanie. Voilà une partie de la liste de nos héros que nous devons saluer dans nos poèmes, nos pièces de théâtre et donner ainsi à la jeunesse africaine des noms de références sûres.

Donc, je prône une littérature de Panafricanisme qui n'est qu'un retour juste au combat de nos aînés.

Ce Panafricanisme date de William Edgar Du Bois, jeune noir Américain qui dans les rues de sa ville natale en pleine période ségrégationniste criait, en 1890, à qui voulait l'entendre : « Je suis Nègre, je me glorifie de ce nom. Je suis fier du sang noir qui coule dans mes veines ». Je rappelle

qu'en 1906 déjà, ce Du Bois, dans son livre Ame noire, disait de l'Afrique : « Il ne s'agit pas d'un pays ; c'est un monde, un univers se suffisant à lui-même. C'est le grand cœur du monde noir où ardemment, l'esprit désire mourir. » Au début du XXème siècle le grand poète de la Nègro-rennaissance américaine, Claude Mac Key, dans son poème « Héritage », disait : « L'Afrique c'est un livre qu'on feuillette jusqu'au sommeil. » Et le grand poète haïtien Jacques Roumain dans son percutant poème « Bois d'Ebène » chante : « Afrique j'ai gardé ta mémoire Afrique/tu es en moi/ Comme l'écharde dans la blesure/comme un fétiche tutélaire au centre du village ».

C'est pourquoi depuis une vingtaine d'années, je prône que chaque intellectuel prenne l'étiquette : Ecrivain Africain du Sénégal ou de Centrafrique selon qu'il soit originaire d'un pays africain ; Médecin Africain du Cameroun ou du Zimbabwe ; Avocat Africain de Tunisie ou d'Angola afin qu'au finish, une seule étiquette nous unisse à jamais « ...Africain de... » qui est une revendication légitime d'appartenance à ce grand continent mais aussi un engagement à servir l'humain en son nom.

Ainsi, Mesdames, messieurs, flagellerons-nous nos « frontières héritées de la colonisation », véritables barrières plantées sur nos cœurs. Nous parlerons ainsi de l'étroitesse

de nos Etats-Virus car nous sommes des Africains, nous sommes de la race dont l'empreinte pavoise toutes les terres invariables de la terre des hommes. Nous nous battons aussi, avec nos plumes crevant la virginité de nos pages blanches, pour plus de liberté pour nos peuples et pour tous les fils d'Adam ; plus de considération pour la femme africaine et pour toutes les femmes ; plus d'amour pour l'enfant d'Afrique ; plus de fraternité entre tous les hommes sur toutes les terres de la terre. Nous nous battons pour l'avènement de la « Civilisation de l'Universel » dont parlait notre respectable compatriote Léopold Sédar Senghor, seul gage d'un monde de paix que dis-je, d'un retour au Paradis terrestre en faveur de tous les fils d'Adam, paradis perdu depuis le crime par notre couple ancestral perpétré au début des débuts.

Voilà ce que doit ma plume. Voilà ce que sera ma plume. Je vous remercie.

Publié dans Dr Djibril DIALLO Falémé, La Charte du Mandé : Kurukan Fuga et Nous, les leçons de nos Ancêtres, essai, Bordeaux, Editions SYDO, 2019, pp. 51-60.



Jean-Philippe Agnero Yedagne

Executive Member of Côte d'Ivoire National English Language Teachers Association (CINELTA) - IVORY COAST

## POOR SCHOOL PERFORMANCE DUE TO EARLY DRUG ABUSE

Côte-D'Ivoire, like other West African countries is faced with the alarming phenomenon of substance abuse in schools. ABIDJAN, the country's economic capital, has drug consumption areas known as smoking rooms, where drugs are purchased and used, where you can find students, resulting in poor school performance.

The Education sector must respond. A group of professional teachers and school counselors in Ivory Coast is committed to taking an active role in helping to protect young people from experiencing harm from alcohol, tobacco and drug use. The strategy of the group is to organize public conferences to raise awareness. In addition, the teachers initiate little questionnaires for data collection. They believe a multi-sector collaboration to prevent substance abuse in Ivorian education community is a pressing need for the country. The introduction of drug education in schools is urgent.

The country which is the economic power house of Francophone West Africa is becoming a major transit hub for heroin and cocaine trafficking, resulting in growing substance abuse problems the country is currently facing.

The alarming observation of early drug abuse in secondary schools is resulting not only in poor school performance but rampant school violence and frequent exclusions. According to a survey, 8 to 29 percent of students were involved in drug abuse. As a consequence, the United Nations Office on Drugs and Crime in collaboration with the Ministry of Education organized a training workshop, supporting the launch of a school-based drug prevention tool in September 2018.

A. Reis Monteiro  
University of Lisbon - PORTUGAL

# TOWARDS A CONVENTION ON THE RIGHT TO EDUCATION



International Education Law is composed of dozens of varied instruments. Their scope may be universal or regional, their legal force may be conventional (binding, hard law) or non-conventional (non-binding, soft law), their content may be general (including all or some human rights, such as the economic, social and cultural rights), categorical (concerning the rights of a group of persons, such as children) or specific (addressing only the right to education). Its *Corpus Juris* (Body of Law) is the densest in the human rights field, after International Labour Law, but is overwhelmingly non-conventional (soft law).

At the universal level (United Nations), the most general and universal normative framework of the right to education is set up by the following provisions: Article 26 of the Universal Declaration of Human Rights (1948), Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights (1966), Articles 28 and 29 of the Convention on the Right of the Child (1989).

Many other universal, conventional and non-conventional, instruments include provisions on the right to education.

Within the United Nations system, UNESCO is the specialised agency concerned with the right to education (and other cultural rights). As of 1 July 2021<sup>1</sup>, its General Conference had adopted 88 instruments: 39 Conventions and Agreements, 35 Recommendations, 14 Declarations and Charters. Among them, 24 concern the right to education:

- 14 Conventions (including a Protocol and regional Conventions)
- 9 Recommendations
- 1 Charter

Education is also included in the titles of 1 Agreement, 1 Protocol and 1 Declaration.

The main Conventions on the right to education adopted by UNESCO are the following:

- Convention against Discrimination in Education, adopted in 1960. In 1962, was adopted a Protocol Instituting a Conciliation and Good Offices Commission to be responsible for seeking a settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education
- Convention on Technical and Vocational Education (1989)
- Global Convention on the Recognition of Qualifications Concerning Higher Education (2019)

The recognition of studies, diplomas and degrees in higher education has been addressed by UNESCO since the 1970s, at regional level: Latin America and the Caribbean (1974, revised in 2019), Arab and European States bordering on the Mediterranean (1976), Arab States (1978, under revision), European Region (1979 and 1997, jointly drafted by UNESCO and the Council of Europe), African States (1981, revised in 2014), Asia and the Pacific (1983, revised in 2011).

Among the Recommendations on the right to education adopted by UNESCO, the following ones should be highlighted:

- Recommendation concerning the Status of Teachers (1966)
- Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms (1974, under revision)
- Recommendation concerning the Status of Higher-Education Teaching Personnel (1997)
- Recommendation concerning Technical and Vocational Education and Training (TVET) (2015)
- Recommendation on Adult Learning and Education (2015)

An International Charter of Physical Education, Physical Activity and Sport was adopted in 2015.

Many other specific texts were adopted by regional Conferences of Ministers of Education of UNESCO Member States, by the International Conference on Education and by other international meetings gathered under its auspices or with its participation.

Education is also concerned by other UNESCO standard-setting instruments.

As the vocational element of the right to education falls into the International Labour Office (ILO) field of action, education is referred to in various of its legal instruments relating to aspects of the right to work, including the work of children, and the rights of indigenous peoples.

Provisions on the right to education are also to be found in other branches

of International Law, such as International Law of Refugees, International Humanitarian Law, International Criminal Law, as well as in International Environmental Law.

At the regional level (European, American, African, and other regions), there is also a significant normative body.

Summing up: There are provisions on education/right to education in more than one hundred treaties and other diverse international legal texts. The Case Law on the right to education worldwide is also impressive.

The Convention against Discrimination in Education remains, in spite of its age, the principal international instrument of the International Education Law, but the normative, jurisprudential and doctrinal evolution of International Education Law has renewed its content in such a way that a very new right to education has emerged. In order to consolidate and consecrate this evolution, UNESCO should put on its Agenda the drafting of a treaty on the right to education. All the more so that already its Medium-term Strategy – 2002-2007 (31 C/4) included “the proposal of a consolidated normative instrument on the right to education” (para. 63).

Also, the “Summary of the reports received from Member States on the measures taken to implement the 1960 Convention and Recommendation against Discrimination in Education” (41 C/33, 8 November 2021) reads<sup>2</sup>:



## TOWARDS A CONVENTION ON THE RIGHT TO EDUCATION

4. ... Based on the findings, the report provides guidance for action at various levels, including an invitation for a global reflection to further strengthen norms and standards in international legally binding instruments to effectively realize the right to education and to examine the evolving agenda of the right to education within a lifelong learning perspective.

A Convention on the Right to Education could be the strongest expression of the “new social contract for education” called for by the recent UNESCO Report *Reimagining our futures together: A new social contract for education* (2021). It should:

- *bring together* and articulate with coherence, the existing main conventional provisions on the right to education;

- *incorporate* the most innovative provisions of the specific non-conventional instruments that have densified and expanded its normative content;

- *innovate* as a hybrid soft-hard law instrument to meet the interdisciplinary content of the right to education.

In line with the preceding considerations, here follows a contribution to the drafting of the Convention on the Right to Education, based on this author's essay *Revolution of the Right to Education* (Brill/Sense, 2021).

### Annex

#### Convention on the Right to Education

#### Draft

#### Preamble

#### PART I

General theoretical-normative framework

Article 1 – Definition of education and of right to education

Article 2 – Highest human aptitudes

- 2.1 Rationality
- 2.2 Creativity
- 2.3 Morality

Article 3 – Superior values of education

- 3.1 Liberty
- 3.2 Reciprocity
- 3.3 Responsibility

Article 4 – Most general principles for interpreting and realising the right to education

- 4.1 Principles of the Ethics of Human Rights
- 4.1.1 Dignity and liberty

- 4.1.2 Equality and diversity
- 4.1.3 Universality and interdependence

4.2 Principles of the Ethics of the Right to Education

4.2.1 Primacy of the best interests of the subject of the right to education

4.2.2 Development of the human personality – free, full, harmonious

4.2.3 Primacy of education for human rights as Ethics of Humanity

4.3 Other principles

4.3.1 Priority of the right to education

4.3.2 Rightful education

4.3.3 Education throughout life

### PART II

Specific normative content

Article 5 – Right-holders

- 5.1 Individual right
- 5.2 Collective interest

Article 6 – Object

- 6.1 Purpose
- 6.2 Mediations
- 6.3 Expanded vision

Article 7 – Duty-bearers

- 7.1 Family
- 7.2 State
- 7.3 International Community
- 7.4 Everyone

Article 8 – Educational rights

- 8.1 Right to pedagogical responsibility
- 8.2 Right to be different
- 8.3 Right to respect for human dignity and rights in education
- 8.4 Right to learn the and in the mother tongue
- 8.5 Right to the whole object of the right to education
- 8.6 Right to a right to education school
- 8.7 Right to admirable education professionals
- 8.8 Right to an effective remedy

Article 9 – Quality education

Article 10 – Private education

Article 11 – Promotion and protection

### PART III

Final provisions

Article 12 – Reservations

Article 13 – Signature, ratification and accession

Article 14 – Entry into force

Article 15 – Denouncement

Article 16 – Amendments

Article 17 – Depositary and authentic texts

### Preamble

1. Considering that:

a. In the Charter of the United Nations (UN, 1945) the peoples reaffirmed “faith in fundamental human rights, in the dignity and worth of the human person” (Preamble).

b. The United Nations Educational, Scientific and Cultural Organisation (UNESCO, 1945) was created because “the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfil in a spirit of mutual assistance and concern” (Preamble).

c. The Universal Declaration of Human Rights (UN, 1948) was adopted because “disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind”, and proclaimed that “the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people” (Preamble).

d. The 1948 Universal Declaration has given rise to the International Human Rights Law, and human rights have progressively become the Ethics of Humanity and the Law of Law.

e. One of the human rights proclaimed by the Universal Declaration is the right to education (Article 26), whose normative content has been developed by numerous legal instruments and plentiful provisions.

2. Drawing from the present International Education Law that includes the following sources (in a chronological ascending order):

- Universal Declaration of Human Rights (UN, 1948)
- Convention Relating to the Status of Refugees (UN, 1951), Article 22
- Declaration of the Rights of the Child (UN, 1959), mainly Principles 5, 7 and 10
- Convention against Discrimination in Education (UNESCO, 1960)
- United Nations Declaration concerning the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples (UN, 1965)
- International Covenant on Economic, Social and Cultural Rights (UN, 1966), Articles 13 and 14
- Recommendation on Education for International Understanding and

Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (UNESCO, 1974)

- Convention on the Elimination of all Forms of Discrimination against Women (UN, 1979), Article 10

- Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Organisation of American States, 1988), Articles 13 and 16

- Convention on the Rights of the Child (UN, 1989), Articles 28 and 29

- Convention on Technical and Vocational Education (UNESCO, 1989)

- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (UN, 1990), Article 30

- African Charter on the Rights and Welfare of the Child (former Organisation of African Unity, 1990), Article 11

- World Declaration on Education for All: Meeting Basic Learning Needs, and Framework for Action to Meet Basic Learning Needs: Guidelines for implementing the World Declaration on Education for All (World Conference on Education for All, Jomtien, Thailand, 1990)

- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UN, 1992), Article 4

- Vienna Declaration and Programme of Action (World Conference on Human Rights, Vienna, Austria, 1993)

- Salamanca Statement and Framework for Action on Special Needs Education (Conference, Salamanca, Spain, 1994)

- Declaration and Integrated Framework of Action on Education for Peace, Human Rights and Democracy (UNESCO, 1995)

- World Declaration on Higher Education for the Twenty-First Century: Vision and Action, and Framework for Priority Action for Change and Development in Higher Education (UNESCO, World Conference on Higher Education, 1998)

- Dakar Framework for Action – Education for All: Meeting Our Collective Commitments (World Education Forum, Dakar, Senegal, 2000)

- Declaration of Amsterdam on the Right to and the Rights in Education (Conference, Amsterdam, Netherlands, 2004)

- The Right to Basic Education as a Fundamental Human Right and the Legal Framework for its Financing (Conference, Jakarta, Indonesia, 2005)

- Convention on the Rights of Persons with Disabilities (UN, 2006), Article 24

- Declaration on the Rights of Indigenous Peoples (UN, 2007), Article 14

## TOWARDS A CONVENTION ON THE RIGHT TO EDUCATION

- United Nations Declaration on Human Rights Education and Training (UN, 2011)
- International Charter of Physical Education, Physical Activity and Sport (UNESCO, 2015)
- Recommendation concerning Technical and Vocational Education and Training (UNESCO, 2015)
- Recommendation on Adult Learning and Education (UNESCO, 2015)
- Incheon Declaration (World Education Forum, Incheon, Republic of Korea, 2015)
- Education 2030 Framework for Action (High-level Meeting, UNESCO, 2015)
- Global Convention on the Recognition of Qualifications Concerning Higher Education (UNESCO, 2019)
- Recommendation on Open Educational Resources (UNESCO, 2019)

3. Taking stock of other jurisprudential, doctrinal and programmatic developments of the normative content of the right to education;

4. Recalling that the UNESCO Medium-term Strategy – 2002-2007 (31 C/4) included “the proposal of a consolidated normative instrument on the right to education” (para. 63);

5. With the aim to enhance the consistency, unity, readability and effectiveness of the present international normativity on the right to education;

6. Forward-looking, illuminated by our superior values and best knowledge, and believing that education is the sole hope for Humanity;

7. Faithful to UNESCO founding mission;

The General Conference of UNESCO adopts the following Convention on the Right to Education, whose form and content seek to fit into its particulars and stakes.

### PART I

#### General

theoretical-normative framework

#### Article 1

Definition of education and of right to education

States Parties to the present Convention share the following understanding:

1.1 The genetic worth underlying the ethical dignity of the human species is the substratum of its perfectibility or educability.

1.2 The human perfecting or education, broadly considered, consists in learning, lifelong and life large, through all influences and experiences, unintentional and intentional, which contribute to generating the

personality of each human being. Strictly understood, education is an intentional, organised communication process of learning the values, knowledge, competencies (capacities, skills), sentiments, attitudes, behaviours, through which the human communities ensure their survival, reproduce their identity and each of their members forms his or her personality.

1.3 For the purpose of the present Convention, education is understood in the strict sense, and the human right to education is amply defined as right to quality education as internationally agreed, supported by the needed general and individual conditions as required by the interdependence of human rights.

#### Article 2

Highest human aptitudes

States Parties to the present Convention agree that education should aim at the personal flourishing and social wellbeing – for happier lives and living together, enjoying our fabulous and powerful diversity – through the cultivation of the human perfectibility, that is, of the seeds of the highest aptitudes contained in the human genome, namely: Rationality, Creativity, Morality.

#### 2.1 Rationality

Rationality, as here understood, means the faculty of abstraction from the variety of the concrete, sensible, immediate world, empowering human beings with the liberty of conceptualisation and imagination. It is driven by the semiotic aptitude of the human species, that is, the ability for the creation and use of symbols or signs, notably language.

#### 2.2 Creativity

The liberty of rationality opens to a temporality transcending the present, made up of past and future, endowing human beings with the aptitude to creativity, that is, with the power to visioning, inventing and striving for possible better alternatives to the present human condition.

#### 2.3 Morality

Morality – the aptitude and need to make choices about the good/right and evil/wrong, the sense of life and how living together – is the most sublime fruit of the human species creativity and may be considered the most distinguishing dimension of the anthropological perfectibility.

#### Article 3

Superior values of education

States Parties to the present Convention recognise that Liberty, Reciprocity and Responsibility should be considered the highest expressions of a humanely developed personality and, therefore, the superior values of education.

#### 3.1 Liberty

Liberty should be the overarching value of education. Its highest form is autonomy that constitutes the quintessence of human dignity. Furthermore, it is the principle of legitimacy of the pedagogical value of the authority and the psychological and methodological condition of every true learning.

#### 3.2 Reciprocity

There is no human liberty without reciprocity, that is, the recognition of the equal liberty of others. Reciprocity should be regarded as the most humanising dimension of the development of the personality. It is inherent to the concept of human rights, implying duties: rights and duties are like the two sides of the Gold Medal of Human Dignity.

#### 3.3 Responsibility

Liberty and reciprocity imply responsibility. Responsibility is the highest manifestation of moral conscience as a sentiment of recognition of the common fragility and destiny, calling for empathy and solidarity. It has an individual and a collective dimension, all the more so that the world becomes increasingly interdependent.

#### Article 4

Most general principles for interpreting and realising the right to education

States Parties to the present Convention do not object to the following principles and understandings, which should guide the interpretation and realisation of the right to education.

#### 4.1 Principles of the Ethics of Human Rights

Human rights constitute an Ethics, because their source and sense are the worth and dignity of the human person, whose absolute primacy they consecrate. The Ethics of Human Rights concentrates the juice of the best fruits of the cultural plurality of the humankind, expressing the quintessence of the evolution of its conscience. Here is the most profound and transcendent significance of the Ethics of Human Rights: The Human Being should be a *God* for human beings. His temple *sanctum sanctorum* (the most sacred place) is Human Dignity.

Here are the overarching Principles of the Ethics of Human Rights:

##### 4.1.1 Dignity and liberty

The Principle of Human Dignity may be considered the supreme invention of Civilisation. It derives from equal belonging to the human species and its quintessence consists in the capacity for freedom exercised as autonomy.

##### 4.1.2 Equality and diversity

The individual and cultural diversi-

ty is as inherent to the human dignity as equality and liberty. Safeguarding their dialectical relationship is a crucial challenge for the survival and aggrandizement of the humankind.

##### 4.1.3 Universality and interdependence

Human rights are universal, by definition, a corollary of which is the principle of non-discrimination. They are interdependent because they interact. The right to life and the right to education epitomise their interdependence.

#### 4.2 Principles of the Ethics of the Right to Education

The right to education carries an ethical significance essentially because it is no longer a right over the human being, but a right of the human being. The Ethics of the Right to Education may be summed up in the following principles:

##### 4.2.1 Primacy of the best interests of the subject of the right to education

The principle of the primacy of the best interests of the subject of the right to education reflects the general principle of the primacy of the human rights subject and generalises the principle of the primacy of the best interests of the child in education. It should be held as the supreme principle of International Education Law.

##### 4.2.2 Development of the human personality – free, full, harmonious

What interest of the subject of the right to education could be higher than the free, full and harmonious development of his or her personality? This principle – that echoes a leitmotif of the history of the most advanced pedagogic thought – identifies the specific value of the right to education that should be the sense of all learnings.

##### 4.2.3 Primacy of education for human rights as Ethics of Humanity

The principle of the primacy of education for human rights as Ethics of Humanity reaffirms the traditional primacy of moral education and synthesizes the amplitude of its present conception as an imperative of learning the values the species has invented for being and living better: human dignity and rights.

#### 4.3 Other principles

##### 4.3.1 Priority of the right to education

The priority of the right to education – that is relative because of the human rights interdependence – reflects the human primacy always attributed to education. It is recognised by International Human Rights Law. Indeed, education is the greatest power and, therefore, the greatest responsibility of the human species.



## TOWARDS A CONVENTION ON THE RIGHT TO EDUCATION

4.3.2 *Rightful Education*

Education or learning throughout life is an ancient insight that has become an international principle. Nowadays, we know that human beings' educability changes, as they age, but never ceases, and can even increase. The aptitude, need and desire to learn have no age or satiety. Education is a human right from cradle to grave.

4.3.3 *Education throughout life*

Education or learning throughout life is an ancient insight that has become an international principle. Nowadays, we know that human beings' educability changes, as they age, but never ceases, and can even increase. The aptitude, need and desire to learn have no age or satiety. Education is a human right from cradle to grave.

**PART II**

## Specific normative content

*Article 5*

## Right-holders

**5.1 Individual right**

5.1.1 States Parties to the present Convention recognise that everyone within their jurisdiction – children, youth, adults – holds the human right to education, at least to free basic education, without discrimination of any kind, that is, without inequality of access and treatment, in particular because of:

- a. age, gender, disability or other personal condition;
- b. ethnic or national origin, including national minorities, nomadic peoples, migrants and refugees;
- c. other grounds and circumstances.

Differences of treatment are legitimate only on the basis of need or merit.

5.1.2 Special attention should be accorded to children, girls, women and illiterate adults in general, as well as to some other more vulnerable groups often discriminated against, marginalised and left behind.

5.1.3 As a child is dependent on adults and because every human being lives in communities, families and States are co-holders of children's right to education. Their rights are not own and competing rights, however, but rather responsibilities.

**5.2 Collective interest**

5.2.1 The right to education bears a particular collective dimension when it comes to some communities, such as indigenous peoples or national minorities, whose cultural identity is mainly protected through their educational institutions.

5.2.2 The right to education bears a general collective dimension too,

because it is a common or public and global good, entitling each nation to require from its members to gain basic education, and justifying international concern.

*Article 6*

## Object

States Parties to the present Convention, acknowledging that the object of the right to education comprehends its purpose and mediations, and should be open-ended, agree on the following:

**6.1 Purpose**

6.1.1 The aims of education shall be as follows:

- a. Developing the human personality – freely, fully, harmoniously – and the sense of the personal worth, dignity and uniqueness.
- b. Sowing the Ethics of Human Rights and other common cultural values compatible with its respect.
- c. Preparing for an autonomous and responsible life – as human being, parent, citizen, worker – in a democratic, pluralistic society and a globalised world.

6.1.2 The purpose of education is both individual and social, and learning to know, to respect and to appreciate the wealth of the human diversity should be a permanent concern of education. Yet, cultural beliefs, values, traditions and practices should not impair the ethical personal core of the right to education, which shall never be sacrificed to collective interests, let alone to inhuman purposes. Whichever forced indoctrination is not compatible with the human right to education.

**6.2 Mediations**

Mediations of the right to education comprise all factors of the educational phenomenon. They include persons, learnings, methods, materials, institutions and the cultural and social environment.

6.2.1 Because education is an essentially relational and communicational phenomenon, persons are the deepest and most far-reaching educational mediation, especially parents and education professionals.

6.2.2 The right to education requires providing learnings addressing the many-sidedness of the personality and existence of the human beings, as well as the variety of their talents and interests.

6.2.3 Education methods and materials shall be respectful of the human dignity and rights, excluding, therefore, any kind of offence to physical, psychological and moral integrity of children, in particular, as well as stereotypes.

6.2.4 Family and school are obviously the main educational institutions:

the role of family is unique, and the mission of school, which has become the central education institution in contemporary societies, is far-reaching.

6.2.5 After all, the most involving educational mediation is the whole cultural and social environment, which is the backdrop of whatever policies of education throughout life.

**6.3 Expanded vision**

The right to education, like every human right, is an open-ended concept. Its object includes the conventional content, even implicit, such as the recognition of studies, diplomas and degrees, as well as the agreed non-conventional one, notably new literacies and the right to Internet, when available.

*Article 7*

## Duty-bearers

States Parties to the present Convention are aware that responsible for the right to education are, at different levels, the family, the State, the International Community and everyone.

**7.1 Family**

Family, in its varying existential realities, is naturally the primary responsible for children's human rights. Its responsibility for the right to education includes creating a loving and stimulating environment, according to its resources, as well as fostering the desire to learn.

**7.2 State**

States are legally and politically the principal responsible for all human rights of everyone under their jurisdiction. Regarding the right to education, a State's main obligations concern family and school.

7.2.1 State shall value and treat family as the most deeply touching influence on the life and destiny of a human being and the wellbeing of society at large. Therefore, families' life conditions shall become a political priority, and parenting education should be a concern since the school years.

7.2.2 For achieving the full realisation of the right to education, every State undertake to maintain a public school system that shall offer:

- a. early childhood care and education
- b. primary education
- c. secondary education
- d. tertiary education
- e. vocational education
- f. education throughout life

7.2.3 A sound basic education, whatever its denomination, shall provide everyone with:

a. Common learnings: learning tools (literacy, numeracy, digitalcy) and fundamental learnings, which should include universal and other compatible values, essential knowledge and competencies (capacities, skills), notably for critical thinking, creative problem-solving, wise decision-making, collaborative work, as well as languages.

b. Optional learnings: learnings meeting the variety and wealth of individual talents and interests, including vocational guidance, education and training, for the sake both of everyone and the society at large.

7.2.4 A sound basic education shall be completely free, and all school levels shall become free as well. The extent of gratuity may vary according to each State's resources but shall take into account the principle of human rights interdependence.

7.2.5 If no one is to be left behind, a right to education policy shall be guided by the principles of inclusion and equity, so understood:

- a. Inclusive education is one that welcomes every child and adolescent, in particular, as he or she is, and strives to satisfy their different learning needs, without any discrimination.
- b. Equity in education is a principle of guarantee of a minimum tending to maximum of satisfaction of the right to education, giving more to those most in need, for the sake of real equality.

**7.3 International Community**

International Community carries a subsidiary responsibility for the right to education, notably by means of its intergovernmental organisations and institutions, when a State is not able or not willing to comply with its international obligations, implying co-operation and other appropriate action.

**7.4 Everyone**

The right to education, as every human right, is a general responsibility of individuals, civic organisations and social institutions, and is self-opposable too: each one has a duty towards his or her human dignity, as well as towards our common humanity, to do the utmost to realise her or his perfectibility or educability.

*Article 8*

## Educational rights

States Parties to the present Convention recognise that the right to education is a normative complex of rights and undertake to respect, protect and realise them. They can be systematised and understood as follows:

## TOWARDS A CONVENTION ON THE RIGHT TO EDUCATION

### 8.1 Right to pedagogical responsibility

*The first right of the subject of the right to education, as a child, is the right to the pedagogical responsibility of adults, primarily of mother and father. Pedagogical is the responsibility for children's right to education, with its affective and normative dimensions, that is, as right both to pedagogical love and to pedagogical authority: pedagogical is the love that knows the need children have of authority for the formation of their personality; pedagogical is the authority that, being respectful of human dignity and rights, is felt as an expression of love.*

### 8.2 Right to be different

*After the right to the pedagogical responsibility of adults, as a child, the most empowering right of the subject of the right to education, as a human being, is the right to be different. It is crucial for Humanity in becoming, because it is by means of education that the human species is reborn and can perfect itself, through its children, if they are not dispossessed of their right to be different and better than adults, including their beloved parents.*

### 8.3 Right to respect for human dignity and rights in education

*The right to be different is inseparable from the principle of equality by dignity and rights that is at stake especially in educational discipline. Moreover, children and students in general should be encouraged to participate in family, school, cultural and social life.*

### 8.4 Right to learn the and in the mother tongue

*The mother tongue is not a choice, it is an identity inheritance, bearing a worldview. And how to learn without understanding the language of teaching?*

### 8.5 Right to the whole object of the right to education

*The object of the right to education includes all levels and types of education and is open to an expanded vision of the learnings required by its purpose, without excluding controversial matters and including the material and immaterial conditions and factors of access and quality.*

### 8.6 Right to a right to education school

*A right to education school is a community, welcoming, humanist, empowering school that is a safe, healthy, comfortable, beautiful setting, inspired by the value of liberty and fostering personal autonomy and flourishing, open to the diversity of ages, needs talents and interests of the plurality of the subjects of the*

*right to education. In such a meaningful school, consistent with its civilisational mission, there is no place for dislike, underperformance, indiscipline, violence.*

### 8.7 Right to admirable education professionals

*Education professionals should be duly selected, educated and rewarded, with an empowering status, including academic freedom and desirable professional self-government. At the core of professionalism in education is example. In no other profession is example so inherently central, essential and professional. Education professionals' exemplarity should be understood as an exceptional incarnation of a blend of qualities, values and knowledge. As a consequence, they should be chosen from the best human beings.*

### 8.8 Right to an effective remedy

*The availability of an effective remedy for violations of human rights is a general legal principle. The right to education shall be justiciable, including the possibility of accessing international bodies as a last resort.*

### Article 9

#### Quality education

States Parties to the present Convention, aware that the right to education may be considered the most complex human right, mainly because of the plurality of its stakeholders, of the variety of its aims and contents, and of the cultural, sociological and psychological counterweight of the traditional pedagogical mindset, share the following vision of quality education:

9.1 The overarching criterion of quality education shall be its consistency with the primordial personal purpose of the right to education that demands a rightful education. Bearing an obvious cultural and social dimensions too, its conception should include a contextually variable perspective, compatible with its ethical core.

9.2 The conditions and factors of quality education are manifold – material and non-material, tangible and intangible, attuned to the individual uniqueness, needs and aspirations, as well as to the collective ideal and well-being – but its deepest and purest sources are the quality of parents' love and the personal qualities of education professionals.

This is a humanistic, holistic, empowering vision of quality education. It is a vision opposed to an education captured and misused by ethnic reflexes, cultural traditions, religious beliefs, partisan indoctrination or neoliberal economism. At the end of

the day, the right to education should be envisioned as right to learn to be human with the best human beings, because what should be mostly politically and pedagogically worthy is the magnitude of the human personality.

### Article 10

#### Private education

States Parties to the present Convention agree that:

10.1 Although the public service required by the right to education is an inalienable States' obligation, private entities are welcome for contributing to its universalisation and the enrichment of educational offer. States may fund private education, without any illegitimate distinction, but they shall give priority to funding public education and never sustain for-profit institutions.

10.2 As private providers can foster the commodification and marketisation of education, with effects of discrimination and impoverishment of education, public power is required to adopt and supervise compliance with regulations ensuring that families and private providers of education comply with international and national standards respectful of the normative integrity of the right to education.

States' international responsibility for human rights must never be privatised. There should not be liberties of education against the human right to education.

### Article 11

#### Promotion and protection

There shall be established an international body for the promotion and protection of the right to education, as recognised and understood in the present Convention, whose composition and functions will be discussed and proposed by an open-ended working group established by UNESCO Director-General, with the participation of the Special Rapporteur on the Right to Education and NGOs.

### PART III

#### Final provisions

### Article 12

#### Reservations

Reservations to this Convention shall not be permitted.

### Article 13

#### Signature, ratification and accession

The present Convention shall be subject to ratification by signatory States and open for accession by any State.

### Article 14

#### Entry into force

The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession. It shall enter into force with respect to any other State thirty days after the deposit of its instrument of ratification or accession.

### Article 15

#### Denouncement

This Convention cannot be denounced.

### Article 16

#### Amendments

This Convention may be amended by the General Conference of UNESCO.

### Article 17

#### Depositary and authentic texts

The instruments of ratification or acceptance of the present Convention shall be deposited with UNESCO Director-General.

In conformity with Article 102 of the Charter of the United Nations, the present Convention shall be registered with the Secretariat of the United Nations at the request of UNESCO Director-General.

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Convention shall be equally authentic.

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.



<sup>1</sup> [https://unesdoc.unesco.org/ark:/48223/pf0000378425\\_eng?1=null&queryId=304e004d-8af0-4359-9861-1f3aa19f660d](https://unesdoc.unesco.org/ark:/48223/pf0000378425_eng?1=null&queryId=304e004d-8af0-4359-9861-1f3aa19f660d)

<sup>2</sup> <https://unesdoc.unesco.org/ark:/48223/pf0000379727>



Espérant Sintondji

Steering Committee of the University Residents' Committee - BD-CR

# Human rights and education irregularities in the COVID-19 crisis



The right to education and human rights are inalienable principles of the human being whose sole objective is his full development. But these principles have too often received real blows during humanitarian crises or as a result of bad faith by politicians. Indeed, the crisis of COVID-19 which raged and shook the whole world with its restrictive measures, which in other countries were occasions of bullying, human rights violations and violations of the right to education, as some students were even prevented from accessing the places of training for lack of masks or mufflers put in force by the central authority. In other countries, some students have been quarantined and deprived of school for days just because there were contaminated individuals in their places of residence. Better still, the lockdown, which also lasted for weeks, led to the systematic closure of schools and training facilities. Thus, we can affirm that these different irregularities encountered during the COVID 19 crisis have caused the limitation of the right to education or the violation of the right to education in many countries. These violations were not only limited to restrictive measures. Before In anticipation of the lockdown and the health and security cordons imposed by the central authority, some parents deliberately chose to prevent their children from going to school under the assumption that the COVID-19 virus was circulating in the air, and they were harassed for days before the lockdown even

came into effect, which unfortunately further prolonged the suffering of these children.

At the same time, the States, in their desire to contain the disease and to defeat the fatality, have decreed that access to all public administrations is not only subject to the wearing of nose masks, but also to vaccination against COVID-19 with a vaccination pass. Some trade unionists have been refused access to meetings between members of the government and trade unions because they did not have their vaccination pass due to their non-negotiable refusal to be vaccinated. This prevention of access to meetings violates two rights: the right of representation and the right to unionize. Also certain craftsmen, were prevented from carrying out their various activities, because their activities seem to gather many people at the same time. These are the promoters of bars, nightclubs, entertainers or cultural promoters, who have been idle for weeks or months before being allowed to reopen their doors. The imposed sanitary cordons led to the blocking of roads in many countries and it was very difficult to leave one commune to another in the same region. And this violated the free movement of people and goods, thus putting a large number of cab drivers and transporters out of work on the one hand, and on the other hand, those who had the possibility of carrying out their activities within their own communes and regions of residence,

into partial unemployment. This state of affairs has only made the violation of human rights worse. Even worse, the vaccine pass has become the most formidable weapon, forcing citizens to be vaccinated against their will, even though many have denounced the dangerous and even deadly side effects of these vaccines.

This constraint violates in many major democracies, including France, the fundamental laws or conventions that govern the administration of a vaccine to a citizen. Even the United Nations has remained silent or inactive in the face of this situation, which has prevented many citizens of the world from traveling freely as they used to and from carrying out their activities, because many countries have imposed the vaccination pass in the travel documents. As a result, other states have taken advantage of the crisis to boost their economies, because each of them has set a price of their own choosing for obtaining or establishing the vaccine pass, the price of which varies from one country to another, despite the increase in purchasing power that has accompanied this crisis known as COVID-19. Even in the hospitals of some countries, wearing a mask remains a non-negotiable formality for accessing services and benefits, even though their governments have officially decreed that masks must be removed. The list is long when it comes to rights violations during this crisis that continues to shake citizens in some countries.\*

\*In Asia, some citizens have even recently been evicted from their homes on the pretext that these homes are too house or accommodate the quarantined. At the same time, acute lockdowns continue in countries where human rights are relegated to the back burner. Many have hidden behind this crisis to bully, abuse or violate human rights in one way or another. In some cases, it is even strongly recommended that all teachers get vaccinated before going to the classroom, and in the same period, certain activities concerning the advancement or development of their careers have been promoted just to force them to get vaccinated against their will. Other teachers would have even simulated illnesses by abandoning the learners in order to escape this vaccination imposed by the leaders. But education being the key to the development of any nation and at the same time a very sensitive sector, one must avoid making decisions that could jeopardize the smooth running of activities.

\*To mitigate all these irregularities generated by the COVID-19 crisis, the United Nations or major world organizations must take the bulls by the horns in order to regulate or restore human rights, the right to education and others, because whoever speaks of lockdown is also indirectly speaking of the cessation of these rights without mentioning it in his actions.



Ramakant Rai

Convener - National Coalition for Education (NCE) - INDIA

# Sustainable Development and Inclusive Education as a Human Right; An Indian context

*India is a signatory to or participated in the United Nations Rights of the Child, United Nations Standard Rules on the Equalization of Opportunities, the Jomtien Declaration on Education for All and the Salamanca Statement and Framework for Action.*

*A child with disability should be educated, empowered and developed in such a way that he/she should feel mainstreamed in the society and become a fellow of social development. (Anonymus)*

## Introduction:

During the year 2015 the UN member states signed Sustainable Development Goals in its General Assembly. World community has also signed in "Incheon Declaration" called "Education 2030". Having fully endorsed and embraced the vision, principles and targets of Education 2030, the member States, development partners and civil society organizations have the unique collective responsibility to carry the torch for this new global education agenda towards "ensuring inclusive and equitable quality education and lifelong learning opportunities for all" by 2030. This is a more ambitious goal than 'Education for All' (EFA) goal which remained unfinished in most of the countries including India.

Before we initiate the discussion on SDG let us clarify the inclusive education first. Sustainable Development Goals and the previous commitments in 'Education for All goal' prioritize inclusive education. *Inclusive education means education of all children, with and without disabilities together in regular schools. It is an approach, which takes into account unique characteristics, interests, abilities and learning needs of all children. It is an attempt to meet the unique needs of every child in a regular school setting*

*where all children, including those with disability, try to participate in all facets of school life. The goal is to provide accommodating and personalized education for all students within the context of a general educational classroom. The need of the hour is to develop a universal design of learning which makes learning joyful for all children.* Basically, both concepts stand for a wide-ranging view of education in the frame of correlative challenges and objectives.

## Why inclusive Education is important?

One must acknowledge that a fairly large number of children remain out of schooling system for biological, social, economic and systemic reasons and so on. A key point is that crucial opportunities emerge from positive synergies between initiatives addressing social inequalities and catering to special needs of children. We often argue that the Sustainable Development Goals and inclusive education stand for an encompassing view of educational development. Whereas the EFA goals and the MDGs assumed that enrolment was a worthwhile benchmark on its own, these other perspectives vindicate closer attention to the synergies between the levels and the types of education. A set of political and practical implications follows, not least concerning life-long education and learning, teachers' professional development, connections between education and other policy areas, and financing for educational development.

Wikipedia defines 'Inclusion' as an approach to educating students with special educational needs. Under the inclusion model, students with special needs spend most or all of their time with non-disabled students. Inclusive education seeks to address the learning needs of all children, youth and adults with a specific focus on those who are

vulnerable to marginalization and exclusion. It implies all learners, young people - with or without disabilities being able to learn together through access to common preschool provisions, schools and community educational settings with an appropriate network of support services. It aims at all stakeholders in the system such as learners, parents, community, teachers, administrators and policy makers to be comfortable with diversity and see it as a challenge rather than a problem. Inclusive education means the education of all children, with and without disabilities together in regular schools. It is an approach, which takes into account unique characteristics, interests, abilities and learning needs of all children.

Puri and Abraham (2005) say that the concept of inclusion is based on the premise that all children and adults are a part of society and that the community helps the development of resources where all children are equally valued and have the same opportunities for participation. Then they go on to say that it is an ongoing process and not a fixed state. Mani (2000) states that one of the main features of inclusive education is development of capacity of the general education system to meet the

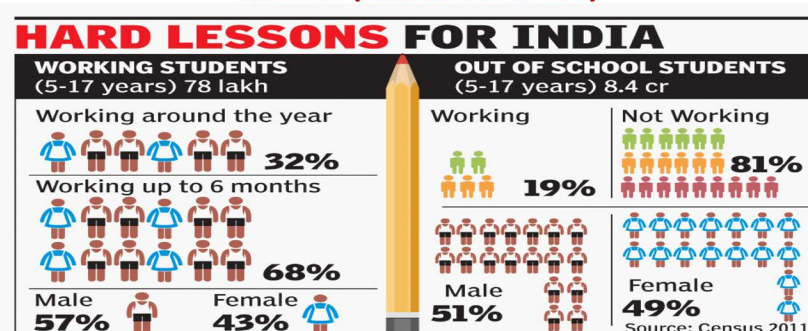
educational services for children with disabilities. He says that inclusive education enhances the communication between children with disabilities and non-disabled children. He points out that inclusive education does not only enable the possibility of enrolling more children with disabilities since one resource teacher can be made responsible for 20-30 students with disabilities rather than have one teacher manage just eight children as recommended for special education. He recommends orientation and short-term training programmes for general teachers to overcome their inhibitions about children with disabilities in general schools. He elaborates on the theme with his thoughts on how to conduct the preparation of inclusion at the school level, preparation for inclusion at the teacher education front and other support services that are imperative for effective inclusion.

## Children out of school; A case of exclusion in India:

Registrar General of India has pointed out that during the Census 2011, 8.4 Crore children are not in schools. Out of this huge number of out of school children 19% are working children (Child Labour). This is a sheer case of exclusion. (see table (1))

Table (1)

**8.4 Crore Indian children in 5-17 age group are not in schools (Census 2011 RGI)**



The school going aged children as guaranteed in RtE Act 2009



Sustainable Development and Inclusive Education as a Human Right; An Indian context

The Census 2011 enumerates school going aged children 233.52 Million. Out of this number only 199.71 Million were enrolled in the schools during the same academic year. In this way a huge number of 33.81 Million children remained out of school during the academic year 2011-12. This was the year when most of the Indian states notified state rules i.e. Right of Children to Free and compulsory Education Rules guarantying universal education for all the children in school going age i.e. 6-14 year. This further gives the indication of exclusion of 33.81 Million children in India. (see table 2)

**The Exclusion of disabled in India:**  
As per Census 2011, in India, out of the 121 Cr population, about 2.68 Cr persons are disabled' which is 2.21% of the total population. In an era where 'inclusive development' is being emphasized as the right path towards sustainable development, focused initiatives for the welfare of disabled persons are essential. This emphasizes the need for strengthening disability statistics in the Country. As per RGI report of Census 2011, 45% of India's disabled population is illiterate, as compared to compared to total 26% of all Indian illiterate population. Of persons

Table (2)

OUT OF SCHOOL CHILDREN (6-14 YEARS)	
CHILD POPULATION(Census Data 2011)	233.52 MILLION
ENROLMENT(DISE Data)	199.71 MILLION
OUT OF SCHOOL CHILDREN(AS PER DISE DATA)	33.81 MILLION
TOTAL OUT OF SCHOOL CHILDREN	33.81 MILLION

Children disappearing from schools: Another case of exclusion:

**Children disappearing from schools: Another case of exclusion:**  
A fairly large number of children are disappearing from our Elementary schools after the enactment of RtE Act 2009 in India. Table 3 shows that during 2011-12 only 663 children increased in elementary stage. In the following year 2012-13 the number further increased to the tune of 655211. Surprisingly in the following year 2013-14, 810690 children disappeared from schools. This trend is still continuing as 1232750 children in 2014-15 and 950398 children in 2015-16 disappeared from our schools including govt, and private schools.

with disability who are educated, 59% complete Class X, compared to 67% of the general population. Its an irony that the promise of universal access to education through the Sarva Shiksha Abhiyan (Education for All Movement), which promotes free and compulsory education for all children between the ages of six and 14, children with special needs form the largest out-of-school group in India doesn't seem to be effective fully. Some 600,000 (28%) special needs children between six and 13 years of age are out of school, according to the 2014 National Survey of Out of School Children report, at a time when India has almost universal primary school enrolment.

Table (3)

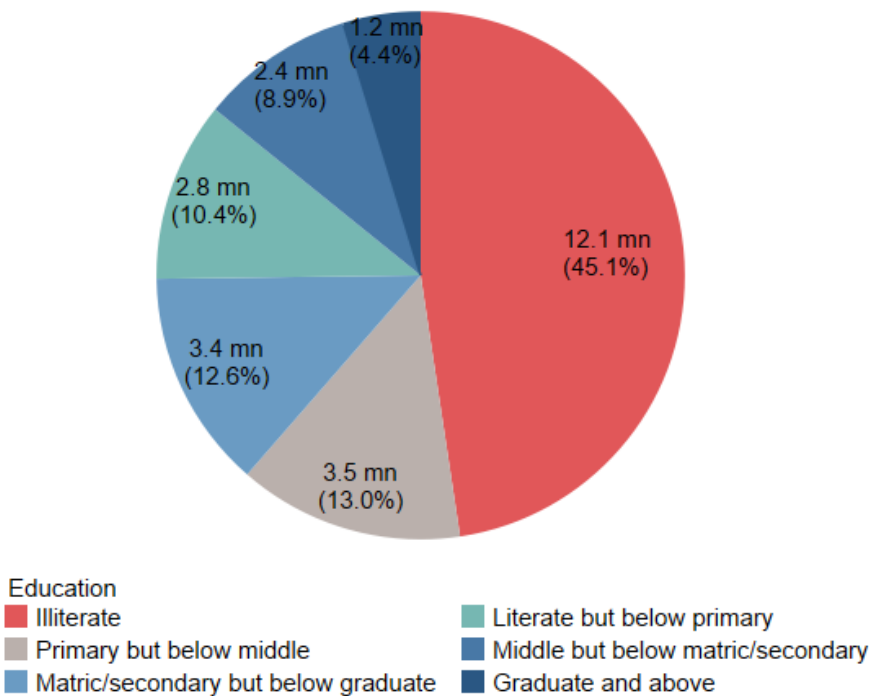
Status of Enrolment in Elementary Schools ( Govt+ Private aided +Pvt unaided)

Academic Year	Primary Schools	Upper Primary	Combined Elementary	Numbers
Year	Grade 1 to 5	Grade 6 to 8	Grade 1 to 8	increase/decrease +/-
2011-12	137099984	61955154	199055138	+663
2012-13	134784272	64926077	199710349	+655211
2013-14	132428440	66471219	198899659	-810690
2014-15	130501135	67165774	197666909	-1232750
2015-16	129122784	67593727	196716511	-950398

Source: DISE report NUEPA, MHRD Govt of India.

Chart 1

45% Of Indians With Special Needs Are Illiterate



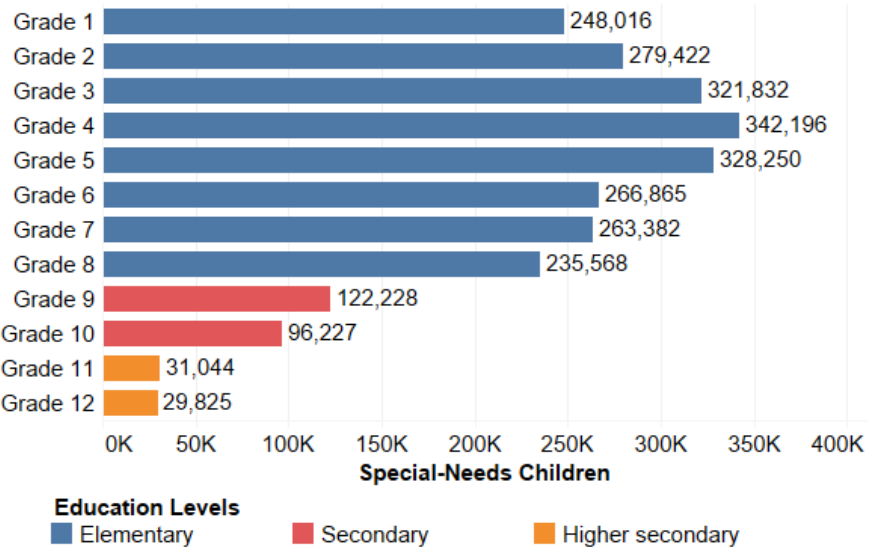
Among children with special needs, as many as 44% of children with more than one disability are out of school, and children with mental (36%) and speech (35%) disabilities are more likely to be out of school than those with other kinds of disability.

A higher percentage of children with hearing disability, orthopaedic /locomotive disability and visual disability go to school, with only 20%-30% failing to do so, according to this 2014 UNESCO report.

in the schools. This was the traditional exclusion from mainstreaming the disabled children by social interaction and upbringing in normal schools. This approach had far reaching adverse consequences on their overall development. And finally the separate schooling system remained excluded, and neglected. Most of the approaches have been to address the physical disability of child leaving behind other important socio economic, psychological, gender and other impediments affecting the education access and continuation in school systems.

Chart 2

89% School-Going Children With Special-Needs Are In Elementary School, 2% In Higher Secondary



The policy mind set about disabled children:

Traditionally every policy and initiative talked about separate schools for disabled children as they might not cope up with normal children

The recent move about running general school for common children as well as disabled children has been widely welcomed. The Ministry of HRD promotes inclusive-education

## Sustainable Development and Inclusive Education as a Human Right; An Indian context

model where such children study in regular classrooms. The DISE data gives the picture that almost 90% of govt primary schools have ramps (the only consideration for disabled children is provision of ramps). There is acute shortage of teachers for differently abled children, teaching learning material and training to teachers in general.

### The preparedness of our schooling system for disabled children:

The Eighth All India School Education Survey (8th AISES) with reference date 30 September 2009, regarding schooling facilities for children with disabilities are as under:

- Out of a total 12,99,902 schools in the country, only 2,74,445 (21.11%) schools adhere to inclusive education for disabled children. Out of 2,74,445, the proportion of primary, upper primary, secondary and higher secondary schools adhering to inclusive education are 1,65,966 (60.47%), 77,757 (28.33%), 18,084 (6.59%) and 12,638 (5.07%), respectively.
- The number of teachers who have received training of at least two weeks in inclusive education is 80,942 (1.32%) out of the 58,76,273 total Teachers.
- The number of schools where special educator/ resource teachers never visited is 5,54,882
- (42.69%) whereas the schools where special educators/resource teachers visits the schools frequently or sometimes is 7,45,020 (57.31%).
- There are 8,35,287 differently abled students enrolled at all stages in the country. This comprises of children with different disabilities viz., visual impairment (29.16%), hearing impairment (14.47%), orthopaedic (locomotor) disability (25.05%), intellectual impairment (22.35%), multiple impairment (4.20%) and others (4.77%).
- Out of the total enrolment of differently abled students, 52.27%, 28.78%, 15.51%
- and 3.45% are enrolled at Primary, Upper Primary, Secondary and Higher Secondary stages respectively.
- Over the period of time from 2002 to 2009, the number of differently abled students suffering from hearing, orthopaedic and Intellectual impairment have decreased by 3.98%, 68.05% and 15.59% respectively. However there is a increase of 17.36% Visually impaired students in the country. There is a drastic decrease in the orthopaedic students over the period of two surveys.
- There are 7,60,327 students with visual, hearing, orthopaedic and intellectual impairment. Out of this the degree of disability is known for 65.93% students.

- Out of the total schools in the country, 10.47% have Handrails, 43.62% have Ramps, 3.81% have adapted laboratory and 7.64% have adapted lavatory.
- 8,35,287 differently abled students are enrolled in 55,574 schools which comprises of 22,192 (39.93%) primary; 10,730 (19.30%) upper primary; 16,054 (28.89%) secondary and 6,598 (11.87%) higher secondary schools.
- Out of the 12,99,902 schools, Braille books are available in 89,145 (6.86%), Braille Slate and Stylus in 88,775 (6.83%), Taylor Frame in 88,399 (6.80%), Abacus in 1,08,441 (8.34%), Hearing-aid in 94,882 (7.30%), Computer and Software in 1,00,334 (7.72%) and Audio-visual in 1,09,647 (8.44%) schools.

### Policy and legislative developments in India since 2000

In India, the focus on children with disabilities is under the purview of two separate ministries, namely, the Ministry of Social Justice and Empowerment (within this the Department of Disability Affairs), and Ministry of Human Resource and Development. While the former has the overall responsibility of persons with disabilities, the latter specifically focuses on educational provision for children and young adults with disabilities.

#### Sarv Shiksha Abhiyan (SSA)

The Sarva Shiksha Abhiyan (SSA) - or Education for All - is India's flagship elementary education program. Sarv Shiksha Abhiyan (SSA) categorically brings the concerns of children with disabilities, or those termed as "children with special needs (CWSN)" under the framework of "inclusive education" (IE) and argues for a "zero rejection policy" so that no child is left out of the education system (SSA, 2007). The programme places CWSN under the category of 'special focus groups' and re-emphasizes the importance of educating them. It notes that:

SSA will ensure that every child with special needs, irrespective of the kind, category and degree of disability, is provided education in an appropriate environment. SSA will adopt 'zero rejection' policy so that no child is left out of the education system.

In more recent years, a clear shift is evident where the government has moved away from advocating a dual system (mainstream and special) to a broader understanding of inclusion. While such flexibility might be regarded as a positive step, it is not surprising that this has resulted in many different models of 'inclusive education' being operative across the country- raising concerns about the quality and effectiveness of provision. Making similar observations,

the SSA Joint Review Mission (2013) concluded "that there are inter-State and even intra-State differences in the implementation and even in the understanding of what constitutes Inclusive Education; but it must be appreciated that the process of institutionalizing inclusion of Children with Special Needs (CWSN) into mainstream schools, is now taken as a state obligation/mandate and not as an option or a welfare program"

#### Right to Education Act, 2009

The Right of Children to Free and Compulsory Education Act 2009 enshrined that all the disabilities are included under the blanket term of 'disadvantaged group'. With respect to children with disabilities, the Act specifically aims at promoting the clauses of the UNCRPD, 2006. In relation to the education of children with disabilities it proposes the provision of a range of educational services which include access to infrastructural support, personnel support, training of teachers, management of resources, planning and monitoring and parental contribution.

#### Under the RTE Act amendment 2012 it makes provision as under;

*'(3) A child with disability referred to in sub-clause (A) of clause (ee) of section 2 shall, without prejudice to the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, and a child referred to in sub-clauses (B) and (C) of clause (ee) of section 2, have the same rights to pursue free and compulsory elementary education which children with disabilities have under the provisions of Chapter V of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995: Provided that a child with "multiple disabilities" referred to in clause (h) and a child with "severe disability" referred to in clause (i) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 may also have the right to opt for home-based education.'*

#### Specific legislative and policy developments in relation to children with disabilities:

In 2006, the Ministry of Social Justice and Empowerment (MSJE) developed the *National Policy for People with Disabilities* (GoI, 2006) which recognized people with disabilities as an important asset to the country's human resources, and focused on their physical, educational and economic rehabilitation. In relation to education, it specifically noted:

Education is the most effective vehicle of social and economic empow-

erment. In keeping with the spirit of the Article 21A of the Constitution guaranteeing education as a fundamental right and Section 26 of the Persons with Disabilities Act, 1995, free and compulsory education has to be provided to all children with disabilities up to the minimum age of 18 years<sup>15</sup>...There is a need for mainstreaming of the persons with disabilities in the general education system through Inclusive education.

#### The new Law: Rights of a person with disability act 2016

The rights of a person with disability act 2016 was passed by Lok Sabha on 16th December 2016 after it was passed by Rajya Sabha on 14th December 2016.. It received the presidential assent on 27th December and has replaced the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The types of recognised disabilities have been increased from existing number of 7 to 21 with the residuary power to central government to add more types of disabilities as and when required.

Discrimination has been defined. Discrimination in relation to disability, means any distinction, exclusion, restriction on the basis of disability which is the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination and denial of reasonable accommodation.

The 2016 act, in contract with the Convention on the Rights of Persons with Disabilities 2006 adopted by UN General Assembly, lays down the following principles for the empowerment of persons with disabilities:

- (a) respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- (b) non-discrimination
- (c) full and effective participation and inclusion in society
- (d) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity.
- (e) equality of opportunity.
- (f) accessibility.
- (g) equality between men and women.
- (h) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Continue on next page ►



## Sustainable Development and Inclusive Education as a Human Right; An Indian context

*The term inclusive education was also fore fronted in the 11<sup>th</sup> Five year plan (2005-2012) which adopted the term 'inclusive growth' as its focus. Under the period of the plan, MHRD developed the Action Plan for Inclusive Education of Children and Youth with Disabilities, 2005, which noted:*

*In its broadest and all-encompassing meaning, inclusive education, as an approach, seeks to address the learning needs of all children, youth and adults with a specific focus on those who are vulnerable to marginalization and exclusion. It implies all learners, young people - with or without disabilities being able to learn together through access to common preschool provisions, schools and community educational setting with an appropriate network of support services (<http://www.ncpedp.org/eductn/ed-isu2.htm#3>)*

#### Recommendations for research and policy

- The identification of children with disability is the responsibility of school teachers in camps and issuing of the disability certificate is the responsibility of Community

Health Centers. Unfortunately this process only covers the children already in the schools. Mechanism should be developed to include out of school children

- Focusing on early assessment to detect difficulties before age 6 is crucial. However, the current RTE act does not make education compulsory before the age of 6, which constitutes a missed opportunity for children with the most complex and stigmatized forms of disability.
- The teachers training curriculum does not comprehensively inculcate the disability issue with the provisions of amended law. The training of teachers should inculcate to address achieving inclusion within learning systems. Teachers should be trained with provisions of laws and sensitive approaches to be adopted with disabled children in schools.
- The infrastructure and teaching learning material should be adequately arranged in all the schools to cater the need of disabled children.
- A segregated data should be maintained at community as well as school level to include the planning and logistics of disabled children in the schools.
- More researchers must explore the pedagogical teaching and

learning approaches in the schools for different disability affected children.

- Education being concurrent subject SDG goals should be taken to inculcate the schooling provisions; preschool, elementary level, post elementary as well as in skill development programmes(TVET) for gainful employment of disabled children.

6. WCEFA. (1990) World Declaration on Education for All, Inter-Agency Commission for the World Conference on Education for All, 1990.

7. Hemlata, CONCEPT AND PRACTICES IN INCLUSIVE EDUCATION, *MIER Journal of Educational Studies, Trends & Practices* November 2013, Vol. 3, No.2 pp. 195-206

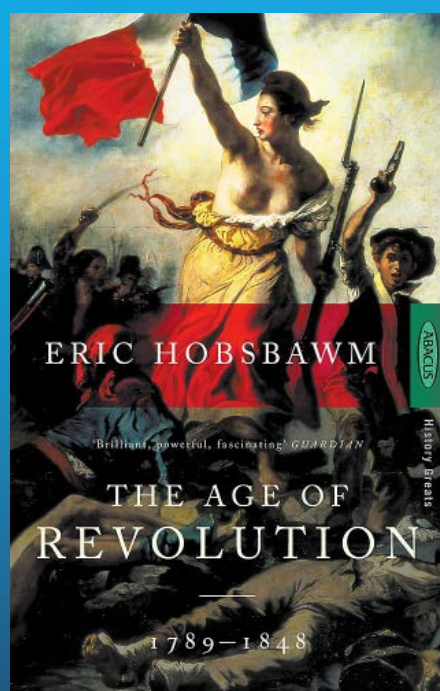
8. Puri, M., & Abraham, G. (2005). *Handbook of Inclusive Education for Educators, Administrators, and Planners*. New Delhi : Sage Publications Pvt. Ltd.

9. Prachi Salve, *IndiaSpend.com* & Swagata Yadavar, *Indiaspend.com* DISABILITY RIGHTS "Why nearly half of India's disabled population is illiterate" Daily Brief SCROLL.IN Friday, November 3rd 2017

The author can be contacted at National Coalition for Education (NCE) [cosar.lko@gmail.com](mailto:cosar.lko@gmail.com)

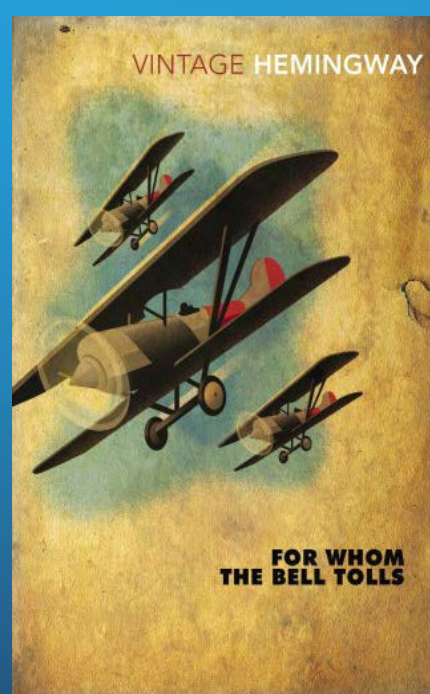
#### References

1. Xavier Rambla, Universitat Autònoma de Barcelona (ESP) Margarita Langthaler, Austrian Foundation for Development Research (ÖFSE) Vienna, June 2016. The SDGs and inclusive education for all. From special education to addressing social inequalities. (14) Briefing paper, ([http://www.oefse.at/fileadmin/content/Downloads/Publikationen/Briefingpaper/BP14\\_SDGs.pdf](http://www.oefse.at/fileadmin/content/Downloads/Publikationen/Briefingpaper/BP14_SDGs.pdf))
2. 8<sup>th</sup> All India School Education Survey, National Council of Educational Research and Training(NCERT) as on 30<sup>th</sup> September 2009, MHRD Govt of India.
3. Indumathi Rao, Regional Coordinator, CBR NETWORK (South Asia) Inclusive Education in Indian Context 2003
4. The Salamanca Statement and Framework for Action on Special Needs Education. World Conference on Special Needs Education: Access and Quality, Salamanca, Spain, 7-10 June 1994. UNESCO and Ministry of Education and Science, Spain 1994.
5. Jönsson, T. (1995) Inclusive Education. UNDP, Geneva



#### THE AGE OF REVOLUTION E. J. Hobsbawm

*Eric Hobsbawm traces with brilliant analytical clarity the transformation brought about in every sphere of European life by the Dual revolution - the 1789 French revolution and the Industrial Revolution that originated in Britain. This enthralling and original account highlights the significant sixty years when industrial capitalism established itself in Western Europe and when Europe established the domination over the rest of the world it was to hold for half a century.*



#### FOR WHOM THE BELL TOLLS Ernest Hemingway ISBN: 9780099289821

*High in the pine forests of the Spanish Sierra, a guerrilla band prepares to blow up a vital bridge. Robert Jordan, a young American volunteer, has been sent to handle the dynamiting. There, in the mountains and the intense comradeship of war. And there he discovers Maria, a young woman who has escaped from Franco's rebels. FOR WHOM THE BELL TOLLS is Ernest Hemingway's finest novel, a passionate evocation of the pride and the tragedy of the Civil War that tore Spain apart.*

Sombhojen Limbu

Assistant Professor at the Kathmandu University, School of Law - NEPAL - Sombhojen.limbu@ku.edu.np

# The Federal Democratic Constitution and Constitutionalism

## Its roadmaps to deliver social welfare state in Nepal



### 1. Introduction

The Constitution of Nepal 2015 is the 7<sup>th</sup> Constitution in the period of seventy years for a Constitutional development history of Nepal. One of the many features of this Apex law of land is the federal democratic republican which is unprecedented in the history of Nepal. Similarly, the fact, previous the Constitutions were drafted by Constitution Commissions or by the nominee representatives of the respective power held authorities but the existing Constitution was drafted and promulgated by the Constituent Assembly who were elected by people and conferred special mandate to draft the Constitution of Nepal.

“Constitutionalism suggests the limitation of power, the separation of powers and the doctrine of responsible accountable Government”<sup>1</sup>. Charles H. McIlwain says “constitutionalism is connotes in essence limited government or a limitation on government. It says constitutionalism is the antithesis of arbitrary power”<sup>2</sup>. The apex law has inducted such doctrine in Nepal<sup>3</sup> even concern all authorities have agreed by in written form to be complied it.

Judiciary of Nepal has order a writ of mandamus against the President of Nepal to appoint Prime Minister, pursuant Sub-Article 2 & 5 of Article 76 of the Constitution of Nepal, to the opposition leader of House of Representative<sup>4</sup>. It has raised a question of the separation of power among the State’s limited power such as the exclusive

power to appoint a Prime Minister belongs to the House of Representative in the Constitution. It might be violated the universally established principle of constitutionalism and a fundamental doctrine of *Marbury V. Madison case (1803)* case. It was not a first incident to reverse the President decision by the recommendation of the Council of Minister to dissolve the House of Representative. On December 20, 2020, the first time the President dissolved the House of Representative under this Constitution then the Apex Court ruled out the decision of the President was unconstitutional on 22 February 2021.

A judiciary is the main pillar to protect, promote, enforce the values, and spirits of the existing Constitution. The private attorneys are the part of judiciary and they would enhance independent and the rule of law. The Constitution inducts “the Supreme Court shall have the final authority to interpret this Constitution and laws”<sup>5</sup>. However Nepal Bar Association, lawyers’ organization, has “on protest for weeks as demanding the removal of the Supreme Court Chief Justice *Cholendra Shumsher Rana* from the post”<sup>6</sup>. It creates deep standoff within the judiciary and stakeholders to implementing independence of Judiciary and the rule of law in the Country. As of today the Executive and Legislature authorities are being reluctant to mitigate the stalemate of Judiciary and they might be neglected strengthening the federal democratic Constitution in Nepal.

Prof. M.P Jain says “a written Constitution, Independent of judiciary with power of judicial review, the doctrine of the rule of law and separation of power, free election to legislature, accountable and transparent democratic government, and fundamental rights of the people, federalism, and decentralization of power are some of the principles and norms which promote constitutionalism in a country”<sup>7</sup>. I would say no more discussion required for either the Constitution in Nepal has enshrined or not these principles are absolutely injected.

The former six Constitutions had its own distinct features and modalities. At the first time *Rana* regime introduced “Government of Nepal Act 1948”<sup>8</sup> in 1948. It was post-independence periods and they had promised to introduce reforms in Nepal. They invited “Mr. Sri Prakasa, a Congress leader from U.P, and the late Cr. R.U. Singh, of Lucknow University, to assist in the preparation of Constitution for Nepal”<sup>9</sup>. It was the evidence Nepal has started to reception of law from outside of its own traditional values. “Nepal’s 1951 Interim Constitution featured a modified version of the British principle of King-in-Council as executive powers were vested in the King and the Council of Ministers”<sup>10</sup>. However there was no clear indicator how the King formulated this Constitution but influenced by Freedom fighters who were educated aftermath of the Second World War and quit India movement against British Empire in India. Similarly “The Constitution

of the Kingdom of Nepal 1959”<sup>11</sup> was promulgated it was third Constitution of Nepal while drafting the Constitution “British constitutionalist Sir Ivor Jennings (1903-1965) as constitutional advisor to the Nepal Government. Mr. Jennings visited Kathmandu for one month from 28 March to 24 April 1958 then he was employed by the British Foreign Office (FO) upon the request of the Nepali monarch, King Mahendra Bir Bikram Shah, to advise the small Commission charged with the drafting of the Constitution of the Kingdom of Nepal 1959 – the third constitutional document in the country’s history”<sup>12</sup>. It was the first history the receipting of Parliamentary System in Nepal. Sir Ivor Jennings fully supported the commission to introduced election process, formulation of the cabinet under this Constitution for a model of Parliament system in Nepal. Even today we have the same practices in the federal democratic republican Constitution of Nepal.

King Mahendar dissolved the elected parliament and abolished the third Constitution. He promulgated “The Constitution of Nepal 1962”<sup>13</sup> was the fourth Constitution. It had restricted basic doctrines of constitutionalism in Nepal. We had a written Constitution but no constitutionalism. The King was above the law and he could exercise all power according to the Royal *Shah* family interest actually there was no political freedom, independency of Judiciary and free and fair election in the country. It was introduced an original soil based



## The Federal Democratic Constitution and Constitutionalism Its roadmaps to deliver social welfare state in Nepal

*Panchayat* system we had been a century long practices. The King Mahendra introduced the same practices in the Constitution and tries to avoid all type of invasion from outside in the name of democratic system.

In 1990 “the Constitution of the Kingdom of Nepal” was promulgated, a fifth Constitution, by late King Birendra Shah. This law of land was the more democratic in connection with constitutionalism doctrines were precisely inducted. It had recognized a doctrine of judicial review, Independence of Judiciary, free and fair election, fundamental rights as Prof. M.P Jain says indicators to strengthen constitutionalism in a country. The late King’s power was constitutionally limited and completely the similar practice of Commonwealth Parliament system. However judiciary reviewed the validity of the parliament power either if they violated conferred power or not in the Constitution in order to enable the doctrine of constitutionalism. Under this constitution Judiciary had reversed the enacted laws by parliament and a decision of the executive on the ground of the supremacy of the Constitution. We have inducted new principles and practices via judicial activism in prevailed system.

### 2. New era for Nepal in Democracy

It has the new era begun “almost simultaneously the autocratic Rana regime in Nepal was overthrown by a combination of revolutionary elements and the late King Tribhuvan”<sup>14</sup>. The Rana family had ruled one hundred and four years as *de facto* power over the Royal Shah family in Nepal. The Shah family was *de jure* ceremonial Kingdom due to limited power to rule the country till overthrown the Rana regime in 1950. “The King took this desperate step to win his own and his people’s freedom from the autocratic rule of the *Rana* family, which had monopolized all important offices since 1846 and held the Kings and other members of the Royal family as virtual prisoners after the manner of the Shogunate in Japan”<sup>15</sup>. Late king Tribhuvan took a great bold decision against the *Rana* regime as to restore people sovereignty and democracy in Nepal.

Freedom and independency movement, aftermath of the second world war and quit India of East Indian Company, directly influenced to revolutionary elements and the Royal in Nepal. “The Indian freedom movement, which reached its climax in the “Quit India” movement of 1942, inevitably influences the Nepalese people, particularly those who had stayed for long periods in India”<sup>16</sup>. The group had convinced the late King to emancipate the country from the *Rana* Family rule.

Nepal does not have a long history of a written law “precisely because no codification of the law on the scale of the *Ain* had been attempted before, it is not always clear whether or not particular provisions are innovations. There can, however, be no doubt that Jain is right to see it as a fundamentally conservative document”<sup>17</sup> “However else the *Ain* may have reflected foreign influence, there are adequate grounds for suspecting that it helped plant the idea of codification in Jang’s mind. It is true that Nepal’s own history offered precedents, for there existed already law codes of sorts ascribed to the fifteenth-century Kathmandu ruler, Jayasthiti Malla, and Rama Shah, a seventeenth-century king of Gorkha, and Prithvi Narayan Shah”<sup>18</sup>.

What we have done for over seventy years it has completely been our on trial and error into the previous Constitutions. We have never analysis why changed the Constitutions and unable to comply such failed Constitution’s doctrines in Nepal. We could have changed the leaders and attitudes of us but often replaced the Constitutions. Instead to replace political parties and leaders we introduced a new Constitution with influence by receipts laws from unfamiliar systems and most of them failed in our practices.

### 3. Democracy and its surrounding challenges

“Democracy cannot be imposed from outside. Societies must develop their own genuine and sustainable forms of democracy organically, from within”<sup>19</sup>. The incident to Mr. Hamid Karzai led government, backed by USA, in Afghanistan toppled down by Taliban fighters in 2020 the best example how democracy does not work imposed from the outside.

What is democracy? It may common understanding as people would participate for policy formulation, decision making and enforcement for their own betterment by themselves. A vital question is whether it has been consistently existed or not in the respective society would strength the values of democracy. Obviously impose from outside democracy could not exist consistently due to difference of culture, religion and way of living in respective society. “Long back, former President of the United States of America, Abraham Lincoln said, “Democracy is a government of the people, for the people, and by the people.”<sup>20</sup>. He further says “democracy is defined as a form of government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usually involving periodic free elections”<sup>21</sup>. “Democracy has been defined in many ways. Bryce believes that “Democracy really means nothing more or less than the

rule of the whole people, expressing their sovereign will by their votes”<sup>22</sup>. MacIver observes, “Democracy is not a way of governing, whether by majority or otherwise, but primarily a way of determining, who shall govern, and broadly to what ends”<sup>23</sup>.

A report suggests that challenges to Indian democracy are Illiteracy, poverty, gender discrimination, casteism, communalism, religious fundamentalism, regionalism, corruption, criminalization of politics, political violence”<sup>24</sup> Indian democracy is the model to other countries how they lead forward it despite the above mentioned surrounding stalemate.

A journalist took interviewed some Nepalese experts regarding to Nepal’s Democracy Challenges then published in the Kathmandu Post “there are some indicators what are the challenges such as failed to strengthen and build system and institutions friendly to the people, instability of government, leaders need to be made accountability, even it says democracy will face some challenges like it is facing today for some decades more told by Prasai”<sup>25</sup>.

The Constitution of Nepal has accepted values of the rule of law, separation of power and checks and balance principles. The executive, parliament and judiciary have their own limited areas of accountable and responsibility confers such power by the Constitution. However the power exercise by concern authorities seem odd and controversial such as Ordinance amended the Constitution<sup>26</sup> then appointed fifty two Constitutional Commissions’ members after approved the proposed name of members by simple majority of Constitutional Council it is completely against the provision of Article 284 of the Constitution<sup>27</sup>. Later a writ has filed at the apex court to challenge the Ordinance which has been jurisdiction to the Constitutional bench as of now it has been *sub-judiced* and appointees tenure are being uncertainty and reluctant to discharge full authorities.

Parliamentary Session in 2021 (Bill Session) had completely been disturbed by the opposition members from the first day as their demand would to resign the Speaker of the House of Representative and remove fourteen parliament members who have elected or nominated by their party then later the mentioned members formed a new party eventually the government abruptly ended the Session<sup>28</sup>. It shows how the sovereign people could exercise their power via their elected representative in the Parliament. Hence such practices are being setback to strengthen the existing system in Nepal.

Judiciary is not exceptional from the controversy one of the most controversy decisions was the Apex court order a writ of Mandamus against the President of Nepal to appoint Mr. Sher Bahadur Deuba as Prime Minister of Nepal by seventy two hours from the decision of case<sup>29</sup>. It is completely against the principle of the separation of power as the Prime Minister shall be elected by exclusive power to the House of Representative. It is an absolute and inherent power to the House of Representative members as the Supreme Court shall not have rights to issued Mandamus writ against the Article 76 of the Constitution for determining to appoint someone to be a Prime Minister as the Head of Executive. A large mass including the member of the House of Representative would be surprised in such the court order against the President. It has now been a popular slogan saying that the Prime Minister of Nepal has appointed by the order of Mandamus instead the House of Representative. Even some political experts strongly opposed the decision as they argue the Court shall not have right to interfering to appoint the Prime Minister through elected representatives in Parliament of Nepal.

In addition the federal Constitution might not implement property among the federal, provinces and local level authorities such as provinces and local level authorities would still rely on to the federal government decision instead they do have exercise their own power delegated in the Constitution. The province executives could often argue that the central government does not allow them to work independently and provincial parliament expresses their dissatisfaction as the federal parliament has often prevented to exercise enumerated power confers in the Constitution<sup>30</sup>. However there is strong suspicion that the capability of the province leaders in order to enforce the enumerate power might doubtful and unable to understand properly because they do not have mature experience in this areas. So the center is still reluctant to extend these powers to them independently as per the Constitution.

### 4. Judiciary and its role to deliver objectives of the Constitution;

Judiciary is at the center point to safeguard fundamental freedoms for people and ensure limited governments under the constitutionalism in Nepal. Independency of Judiciary is one of many majors feature of the Constitution along the power to interpret laws and Constitution. It shall have accountable to ensure the rule of law, separation of power and exclusive power to judicial reviews in order to state’s authorities accountable toward the Constitution.

## The Federal Democratic Constitution and Constitutionalism Its roadmaps to deliver social welfare state in Nepal

The Constitution of Nepal shall have assured a constitutional responsibility to limit power of the executive and the legislature determines by the Supreme Court of Nepal<sup>31</sup>. Judiciary of Nepal has delivered number of verdicts in the cases of limited power of them and revoked some decisions which are being inconsistent with the doctrine of the constitutionalism. The House of Representative dissolved case had declared violation of limited power by the Executive along with explicitly violated procedural of Article 76 of the Constitution<sup>32</sup>. It shows the power to judicial activism in order to limit the power of the executive as per the Constitution.

Recently Honorable Judge at Supreme Court of Nepal, Hari Krishna Karki, submitted a Supreme Court panel report on rampant corruption in judiciary to the Chief Justice at the Apex Court<sup>33</sup> regarding to eliminate corruption in Judiciary indicates there are many areas to reform by judiciary including appointment of Judges to identify middle men to spoil justice system in Nepal. It has forwarded major identify areas to spread corruption in judiciary as completely threat a justice system in Nepal. Threat to justice means obviously challenges to the existing system in a country if justice might not deliver properly it means increased injustice and a regime could run against the rule of law. A report indicates Judges, Lawyers, family members of Judges, Employees at Judiciary, Political leaders including a part of executive could involve in mess up games for justice. In the same report suggested that the Chief Justice must stand to implement the recommended points in order to eliminate corruption in Judiciary.

About thirty thousand cases are being *sub-judiced* at the apex court of Nepal as of today, every year it has been increased nearly two thousand cases. A judge may deliver verdict for fifteen hundred cases, in present moment, out of twenty one judges at the apex court. Interesting records prevailed that some cases have been *sub-judiced* more than a decade in the same court despite a Supreme Court Regulation says earlier registered referral cases at Supreme Court will be decided<sup>34</sup>. A decade for seeking justice in the same court means completely injustice as delay justice is denial justice and it is mandatory responsibility for administration of Supreme Court shall have to refer a priority case to a bench for hearing. A hearing bench's verdict in a case is one of the very lengthy and complicate process for justice seekers in Supreme Court. There are many reasons despite Judiciary has committed to deliver justice in timely. Registered case numbers have very high, tiny dispute related cases are being approached in

the Court and lack of systematic case referral system at the bench are major causes delaying for settlement.

Similarly unprecedented practiced held in Judiciary of Nepal as Supreme Court Judges boycotted hearing a case at bench saying to resign Chief Justice, Cholendra Shamsher Rana, had been alleged involving in corruption activities. Almost thirty days on refusing to set on the bench by the Judges at Supreme Court of Nepal in order to reform the judiciary and control corruption in the Judiciary. A demand was resignation of the Chief Justice and implements justice Karki's report "The Supreme Court of Nepal has become sharply divided with judges taking the unprecedented step of boycotting their Benches on Monday, holding up hundreds of cases. Judges are calling for the resignation of Chief Justice Cholendra Shumsher Rana, accusing him of making deals with political parties, especially with Prime Minister Sher Bahadur Deuba, and even securing a ministerial berth for one of his relatives. On Tuesday, a 14 out the 20 judges met Rana and insisted that he resigns to save the dignity and credibility of the judiciary<sup>35</sup>. It was unprecedented incident in judicial history as SC Judges demanded the resignation of the Chief Justice in Nepal. It may indicate how the corruption could play vital roles in judiciary because Judges have indicated the Chief Judge suspected to involve mislead justice system in Nepal. Eventually Ninety eight members of the House of Representative signed and registered a motion of impeachment against the Chief Justice at the Secretariat of Parliament of Nepal<sup>36</sup>. The impeachment case is being under consideration at the House of Representative. It shows nexus-with-power challenges to eliminate corruption as a high profile person might suspect for involvement and mostly the authorities could reluctant to take in action. Pending to decide a motion of impeachment against the Chief Justice would clearly indicate how ordinary citizen could be satisfied the justice delivery in the county. As polarization of the House of Representative members on the motion of impeachment itself explicitly setback to purification our judiciary and lack of will power to implement a Karki's report as well.

Justice never compromises regardless of money, power, race, origin, caste and religion etc. Cited by a writer as Justice Antonia Scalia says only when there is a sound government structure, including an independent judiciary, do those "words on paper" acquire practical meaning and are right enforceable" an alleging to incapability of Parliament members one of many examples in Nepal to spoil corruption in Judiciary and violating purity of the separation of power by

various means such as to appoint a judge, influence on judgment in favor to them etc. So in fact as the opposition party at the House of Representative has clearly vowed they could not vote in support to the motion of impeachment instead discussion on against allegation to the Chief Justice as per the Constitution of Nepal<sup>38</sup>. Structure seems completely unfair even they disturbed on the process for discussion which are the exclusive power to the House of Representative to impeach or remove the Chief Justice. So how ordinary people believe justice for victim could be delivered by Judiciary under such circumstances. So the justice Karki's report clearly indicated corruption mess up to justice and justice seekers in Judiciary.

Extra-legal entity formed under the government alliance parties, compromised five senior leaders, mostly they would decide important issues in order to support the Executive and Parliament decisions. It is quite considerable because the Constitution of Nepal has been introduced few years back it needs multiple strengthen supports by various ways. Justice Breyer once said "following the law is a matter of custom, of habit, of widely shared understanding as to how those in government and members of the public should.....act when faced with a court decision they strongly dislike. That habit and widely shared understanding cannot be achieved without a struggle; it is a long gradual development based on experience"<sup>39</sup>. It means extra-legal entity would be required in order to achieve the goals of justice as per the law of land. But what is their Constitutional position? If they undermined the sovereign decision exercise by the House of Representatives and the responsibility, accountability of the Executive who might take responsibility either the Constitution or a member of Extra-entity? And most of their decisions have revealed tiny circle decision for benefits instead enable the spirit of the Constitution.

The opposition party at the House of Representative has disturbed the Parliament Meeting from the first day of the Session as demanding to step down the Speaker. They alleged the Speaker roles seem a party cadre instead impartial and unable to decide the application submitted by the opposition leader demanding to revoke fourteen parliament members elected from their party. Political leaders are the actors to drive the Constitution in every country either its democratic or autocratic whatever. They need to understand the true spirit and destination of the Constitution for this purpose they should discussion and follow the set up guidelines with healthy and decent manner. Disturbed the House Session means to some extent it is completely setbacks

and deadlock the Constitution and its destination. The incidents occurred around us seem complicated challenges to achieve the social justice via the existing Constitution.

### 5. The existing Constitution and its provisions towards to social welfare

The Constitution 2015 has accepted Nepal is a multiethnic, multilingual, multi-religious, multicultural and geographically diversity<sup>40</sup>. It promotes egalitarian community everyone can live with own distinct diversity characteristic in Nepal. Nepal adopts a secular state and everyone can live with dignity and liberty in under democratic values and system. There are thirty one fundamental rights<sup>41</sup> in the Constitution which are mandatory to implement by state machineries for citizens of the Country in order to secure welfare society.

Inclusiveness is one of the major features of this Constitution to privilege Constitutional rights for selected groups such as women, ethnic, *Dalits*, *Madhesi*, geographically backwards and intellectual disability groups etc. To some extent the Judiciary seems very positive to interpret the meaning of the constitutionally privilege for specifically confine groups for their betterment.

The Constitution confers directive principles, policies and responsibility to state machineries<sup>42</sup> while they formulating policies and programs they should give priorities for recognized guidelines according to the prevailed provisions. Actually State's policies are national integrity, fraternity, prosperity, security, and build up political system, social and cultural transformation, finance, industries, and commerce including social justice and inclusion are the mandatory for state. Unfortunately such rights are not remediable it says such rights shall not be remediable by the Court<sup>43</sup>. These provisions are just revealed teeth without power to bite or break anything for enabling justice either to follow or reject no one can monitor or accountable to it.

Inclusiveness is one of vital feature of the Constitution and it has applied to measure via many means delivering social welfare so one of them is inclusion which is the foundation to proceed achieving social welfare in Nepal<sup>44</sup>. There are many questions around us who need to social welfare justice in Nepal it is common to ask everyone in term of case, gender, race, geographical location etc. The Constitution says equality is also part of social welfare on proviso part of Article 18 of the Constitution says "Special provisions by law for the protection, empowerment or development of the citizens including the socially or



## The Federal Democratic Constitution and Constitutionalism Its roadmaps to deliver social welfare state in Nepal

culturally backward women, *Dalit*, Indigenous people, *Madhesi*, *Tharu*, *Muslim*, Oppressed class, *Pichhada* class, minorities...backward region and indigent *Khas Arya*<sup>45</sup>. It shows the specific groups would need equality because of they had structurally excluded in the past by state and treated them second class citizen in their own home country. In addition rights to religion<sup>46</sup>, language and culture<sup>47</sup> are guaranteed in the Constitution for them as well. Right to *Dalits*, women, children and ageing people rights are also guaranteed in the Constitution. It shows regardless of their caste, race, religions, geographical location and birth they need to special treatment by state and lead them toward social welfare in the country. This Constitution is very young in term of put forward its objectives so the concern groups need to follow the state's accountability toward enforcement efficiency as well. Obviously it could not get success over night it takes over decades but need to keep monitor by concern authorities either they would move properly or not by their accountable action.

Social welfare itself is a complicate to measure via government accountable Amartya Sen indicates "Economic unfreedom can also breed social unfreedom, just as social and political unfreedom can also foster economies unfreedom"<sup>48</sup>. State's rescues distribution equally and access to policy formulation and enforcement for excluded groups deserves exclusive rights to get participation on this process only the existing political system confers freedom for them. Meanwhile, 'transformative social protection' is a more recent concept that is often rights based and seeks to transform existing inequities through sensitization, empowerment and advocacy along with transfers (Ellis et al. 2009:7)<sup>49</sup>. So freedom is one of many elements for understanding a path to social welfare. Widow women below the age of 60 have received Nepal government allowance by the order of the Apex Court of Nepal<sup>50</sup>. Nepal's Constitution has incorporated such rights but it is very hard to believe such rights ensure socio-economic justice due to lack of good governance and rampant corruption in the state machineries.

A Constitution is pre-fixed rules to overcome such types of discrimination, prejudice in order to ensure welfare for women, *Dalits*, Indigenous, *Madhesi* so inclusion is one of commencement points to enable welfare them in order access to resources and policy making body. State promises that 33% for women, 27% for Indigenous, 20% for *Madhesi*, 9% for *Dalits*, 4% for people from the backward areas, 5% for person with disability<sup>51</sup> in all apparatus for inclusion are their fundamental rights. It is the funda-

mental step by enacted law to deliver social justice in Nepal.

The existing Constitution has just been for few years so there are many cases regarding to interpretation of its provision in term of social justice under consideration at the Apex Court. However SC has interpreted the same grounds to enforce social justice in term of strengthening the Constitution. *Sabina Damai*<sup>52</sup> case recognized equality women and men in term of obtain a citizenship by a child despite the Constitution allows equal status. It says authority must obey the equal status for parents to obtain a child citizenship. Authority might reluctant offering citizenship to seekers with certify by a mother. So single mother, non-identify father, divorce mother, and adoptee child has seemed problem to obtain a citizenship by a child.

### 6. Conclusion

Social justice itself is wider areas and generally not possible to cover entire prospective to understand in depth way. The Constitution of Nepal has made promise for achieving justice to all citizens under the existing political system. A history shows there were exclusion practices applied by state and its discriminatory policies for particular groups in the structural systematic way in the name of to fulfill a tiny group interest. It has proved that every supreme laws uncovered injustice and exclusion practices in Nepal. Fundamental law has realized that without social justice to exclude groups in terms of economic empowerment, inclusion in all institutions, restore their dignity and identity the exiting political system might not able to strengthen forever.

Political leaders have multiples responsibility and accountability toward prevailing system as justice is the foundation to deliver equality to all regardless of their castes, origin, languages, gender etc. However there are many contentious issues discharged by the leaders either they are being a member of the House of Representative or the Executive. So ordinary people particularly those who realized they belong in marginalized or excluded section they are being more victimized and exploited by such performance of concern authorities in the country. Thus they need to understand or be united how to overcome and standoff against exploitation by state's systematic structural policies which has been still not uncovered in practices.

Undermined by stakeholders to comply the spirits of constitutionalism might be consequence to lead frustration and demotivation for social justice stipulated in the Constitution. For six years period of promulgation of the Constitution it faced a lot of

unprecedented challenges such as Ordinances amended the Constitution, the House of Representative dissolved twice in a first tenure of the members, political leaders' refits inside or outside of parties and a cabinet instability might be examples to set back for social justice from the federal Constitution.

Ordinary people could expect change might happen overnight in areas of basic needs for them as confers provisions in the Constitution. It might be possible to deliver basic promised made if the government could have done better than the existing situation but they did not. Frustration may going up against the leaders and the existing system mentioned in the supreme law which could very costly and unbearable by this Constitution if we would not reform our attitudes and performance accountability. We talk a lot and made unbelievable promise to ordinary citizen but deliver capacity seems little as of today so there are many challenges to deliver the social justice from the current model of accountable and responsibility by stakeholders in Nepal.

Philosophy in the Department of History, School of Oriental and African Studies, University of London February 1987, page 357

<sup>18</sup> Ibid, page 358

<sup>19</sup> Electoral Integrity A Kofi Annan Foundation Initiative, Conference Report Democracy in Southeast Asia: Achievements, Challenges and Prospects, Kuala Lumpur, Malaysia, 2-3 September 2017

<sup>20</sup> Challenges to Indian Democracy, Module-4 Contemporary India: Issues and Goals <https://www.nios.ac.in/media/documents/SecSocSciCour/English/Lesson-23.pdf> (4 January 2022)

<sup>21</sup> Ibid

<sup>22</sup> Ibid

<sup>23</sup> Ibid

<sup>24</sup> Ibid

<sup>25</sup> Anil Giri, Nepal's Democratic Challenges, The Kathmandu Post, published on February 19, 2021. <https://kathmandupost.com/politics/2021/02/19/nepal-s-democracy-challenges> (5 January 2022)

<sup>26</sup> K.P Oli government issues Ordinance on Constitutional Council Act aimed crisis in ruling party, The Kathmandu Post, Published at 15 December 2020.

<sup>27</sup> Article 284 of the Constitution of Nepal 2015

<sup>28</sup> UML's two conditions for ending the stalemate in Parliament, people review, published March 23, 2022. <https://www.peoplesreview.com.np/2022/03/23/umls-two-conditions-for-ending-the-stalemate-in-parliament/>

<sup>29</sup> Sher Bahadur Deuba Vs. the President Office of Nepal (Decided on July 12, 2021)

<sup>30</sup> Schedule 6,7,8 & 9 of the Constitution of Nepal 2015.

<sup>31</sup> Article 128 (2) of the Constitution of Nepal 2015

<sup>32</sup> Sher Bahadur Deuba Vs. the President Office of Nepal (Decided on July 12, 2021)

<sup>33</sup> Hon'ble Supreme Court Judge Hari Krishna Kari, Supreme Court Panel Reports rampant corruption in judiciary, 2021, submitted to Chief Justice of Nepal.

<sup>34</sup> Section 74 (5A) Supreme Court Regulation of Nepal 2074

<sup>35</sup> By Yubraj Ghimire, Strike in Nepal Supreme Court: why judges want Chief Justice to quit, The Indian Express, October 27, <https://indianexpress.com/article/explained/strike-in-nepal-supreme-court-why-judges-want-chief-justice-to-quit-7592419/>

<sup>36</sup> Tika R Pradhan, Rana suspended as ruling parties move a proposal to impeach him, The Kathmandu Post, February 14, 2022 or <https://kathmandupost.com/national/2022/02/14/rana-suspended-as-ruling-parties-move-a-proposal-to-impeach-him>

<sup>37</sup> Geert Corstens, *A Democratic State Governed by the Rule of Law: What Does this Mean?* Translated by Annette Mills from the original Dutch, Understanding the Rule of Law, HART PUBLISHING, OXFORD AND PORTLAND, OREGON 2017, Page 1

<sup>38</sup> Article 101 (3, 4 & 5) of the Constitution of Nepal 2015.

<sup>39</sup> Geert Corstens, *A Democratic State Governed by the Rule of Law: What Does this Mean?* Translated by Annette Mills from the original Dutch, Understanding the Rule of Law, HART PUBLISHING, OXFORD AND PORTLAND, OREGON 2017, Page 2

<sup>40</sup> Article 3 of the Constitution of Nepal 2015.

<sup>41</sup> Part III of the Constitution of Nepal 2015.

<sup>42</sup> Part IV of the Constitution of Nepal 2015.

<sup>43</sup> Article 55, of the Constitution of Nepal 2015.

<sup>44</sup> Article 4, of the Constitution of Nepal 2015.

<sup>45</sup> Proviso of the Article 18(3) of the Constitution of Nepal 2015.

<sup>46</sup> Article 26 of the Constitution of Nepal

<sup>47</sup> Article 32 of the Constitution of Nepal

<sup>48</sup> Amartya Sen, Development as Freedom, PUBLISHED BY ALFRED A. KNOPE, INC, New York 2000. Page 8

<sup>49</sup> Kristie Druca, Social Inclusion and Social Protection in Nepal, A thesis submitted for the degree of Doctor of Philosophy School of Humanities and Social Sciences, Deakin University 2016. Page 31

<sup>50</sup> Kabita Pandey Vs. Govt. of Nepal (decision no 8411) the Supreme Court of Nepal..

<sup>51</sup> Sombhojen Limbu, A Critical Review of Proportional Representation for Social Justice under Article 42.1 of the Constitution of Nepal 2015; Challenges towards its Implementation. International Journal of Social Sciences Arts & Humanities, Vol. 9. No. 1. 2022, page 16 <http://www.crdeepjournal.org/wp-content/uploads/2022/02/Vol-9-1-2-IJSSAH.pdf> (13 May 2022)

<sup>52</sup> Sabina Damai Vs. Government of Nepal (Decision No 8557)

Shazia Hasnain

Assistant Professor, Aliah University - INDIA



Santoshi Halder

Professor, University of Calcutta - INDIA

# Academic and social life of higher education students during the COVID-19 pandemic: exploring the needs of alternative teaching-learning in an Indian context



## Abstract

The pandemic situation due to Covid-19 led to the complete shutdown of all countries worldwide, and the education sector suffered greatly with the closure of all educational institutes. Students were subjected to a great deal of anxiety and disturbances, which would have a long-drawn effect on their educational and social lives. Studies have been conducted to explore the students' situation in such a pandemic focusing on their well-being and adjustment to the new mode of learning. The present study collected data from 216 students from different institutions in West Bengal, India assessing their academic and social life. The students' opinion was sought regarding online teaching-learning and their interaction in social life. It was found that students were overall satisfied with the way online classes were being conducted. A percentage of them were dissatisfied and neutral about the teaching-learning in online mode. Infrastructure at home was adequate for some students, while others expressed dissatisfaction with the infrastructure at home. The study highlights the importance of improving online teaching-learning facilities for those students who had difficulty accessing online learning. The students seem to interact more with their family members and close friends in their social life, which is a good indicator of their well-being. However, they were not comfortable talking or communicating with the lec-

turers/ teachers and administrative staff, which points out the need to train teachers and staff to deal with students' mental health problems by communicating with them regularly.

**Keywords:** Covid-19, India, educational institutes, online learning, academic, social

## Introduction

The impact of Covid 19 has been felt worldwide in all areas of human life. The plan of action followed by the different countries for preventing the disease was isolation and social distancing, and it took a toll on people's lives (Shen et al., 2020, as cited in Singh et al., 2020). The education sector worldwide was affected majorly by the declaration of a complete shutdown of educational institutes. The United Nations (2020) reported that Covid 19 impacted education to a great deal affecting 94% or 1.6 billion students around the world. The Indian education system is the third-largest in the world after the United States and China (Sheikh, 2017), and it was also affected drastically. UNICEF (2021) reported that Covid 19 led to the closure of 1.5 million schools across India, and it affected both teachers and students. This situation led to a paradigm shift in the mode of education at all levels, with online teaching-learning taking centre stage (Bao, 2020; Wang & Zhao., 2020). Online learning emerged as a panacea in the pandemic situation. Ample on-

line platforms were available before the lockdown in universities; however, its full-fledged utility was realized only during the pandemic (Chakraborty et al., 2021; Nash, 2020). According to the UN's International Telecommunications Union (UNESCO, 2020), 47% of the population from developing countries used the internet, which increased to 86% during the pandemic. Undeniably the pandemic provided people with an opportunity to develop digital learning (Dhawan, 2020), which is the need of the hour. Online education has advantages like control over the content and adapting the process of teaching-learning according to learners' needs (Suresh et al., 2018). On the other hand, online teaching also has challenges like "accessibility, connectivity, lack of appropriate devices, social issues represented by the lack of communication and interaction with teachers and peers" (Aboagye et al., 2020, as cited in Coman et al., 2020).

With the adherence to government guidelines, online teaching-learning began that subsequently revealed the disparity existing in the society between the privileged who have internet access and devices for online classes and the ones who have none of the facilities for attending the online classes (Bania & Banerjee, 2020; Dreesen et al., 2020). Kundu 2020 (as cited in Agoramoorthy, 2021) emphasized the poverty prevalent in India, particularly in the rural areas where there is a slow network and

students are unable to access online education. This disparity led to many being deprived of education during this pandemic, and subsequently, the Right to Education of students was violated. According to Article 26 of the Universal Declaration of Human Rights, 1948, "Everyone has a Right to Education," and Article 13 of the International Covenant on Economic, Social and Cultural Rights, 1966 states that "Higher education shall be made equally accessible to all...", however, the pandemic situation manifested itself and showed that practically education became inaccessible for many. This resulted in anxiety and mental stress among the students (Cao et al., 2020; Chorpita et al., 2020; Islam et al., 2020).

With the emergence of the pandemic, students' stress and anxiety aggravated, affecting their mental health (Salari et al., 2020). Studies have established that higher education students are stressed due to one reason or the other (Edjah et al., 2020), the main stressor being academic demands (Pascoe et al., 2020), inadequate educational facilities, and long hours of study (Yikealo et al., 2018). Higher education students are usually concerned about completing their studies and pursuing higher education or getting a job (Ranta et al., 2020; Chandasiri, 2020) and this stress increased for many during the pandemic. With complete dependence on online teaching and the unavailability of adequate



## Academic and social life of higher education students during the COVID-19 pandemic: exploring the needs of alternative teaching-learning in an Indian context

resources at home, the classes for many were not a smooth experience. In some countries, the students have shown increased levels of symptoms of anxiety and depression during the pandemic, such as the study on students from North America and Europe (Nelson et al., 2020) and China (Gao et al., 2020).

In a developing country like India, it was the first time that online education had been tried at a massive level (Muthuprasad et al., 2021), and considering there were many technical constraints and a lack of appropriate resources, it was pertinent to find out college and university students' opinion about their academic and social life.

### Studies on the impact of Covid 19 on the students' academic life

With the advent of Covid 19, several studies have been conducted worldwide on the impact of the pandemic on the life of school, college, and university students. The present study reviewed some works focused on the higher education students' situation during the pandemic. It aided in developing an insight into how the pandemic has impacted the students' academic and social life.

Higher education students feel stressed due to their academics, and as Yang et al. (2021) stated that "students have academic stress and academic stressors refer to academic demands (environmental, social or internal demands) that cause a student to adjust his or her behavior." With the change in the education world, academics were not the same for students, and their causes of academic stress too changed in nature.

Aristovnik et al. (2020) conducted a study on a large scale whereby data was collected from higher education students in different countries worldwide. The study reported that the most dominant forms of online lectures were real-time video conferences. In this study, the students reported positively regarding lectures, seminars, tutorials, and mentorship. At the same time, dissatisfaction was prevalent in countries and rural areas inflicted with poverty, leading to a lack of online teaching-learning facilities. Students also reported that though well-adjusted to the new online teaching, they had difficulty focusing during online instruction.

Another study by Radu et al. (2020) reported the impact of covid 19 on engineering students in Romania. The results indicated that students were satisfied with the measures taken for online teaching, but some expressed dissatisfaction with the online teaching process. Some reasons for dissatisfaction listed were lack of infrastructure, inadequate practical classes, and a sedentary lifestyle leading to health issues.

Muthuprasad et al. (2021) conducted

a study on agricultural students and found that most of them were adjusted to online classes. Only rural students with unstable internet faced a problem in online classes. Students preferred recorded lessons with quizzes at the end for effective learning. Practical classes were not suitable in the online mode, so a hybrid mode of classes was suggested in the study.

### Impact of online teaching on interaction

Qamar and Bawany (2021) conducted a study on the undergraduates in the universities of Pakistan and found that both the teachers and students were concerned about the lack of interaction. Teachers could not gauge the level of understanding the students had about the topic as they were reluctant to interact. The same situation was revealed by Chakraborty et al. (2021), who conducted a study on undergraduates in India and concluded that most students preferred not to show themselves in online classes and were reluctant to answer questions. Overall, students considered online classes to be a viable option for education. But they emphasized that online classes were stressful, affecting their health and social life. Students in the study by Radu et al. (2020) reported the negative aspect of online teaching being the lack of communication between teacher and students and overall lack of socialization. A study on Saudi Arabian university students (Alghamdi, 2020) found that social interaction was promoted to some extent in online teaching, which was a positive aspect. Students indicated high to moderate agreement with the positive and negative impacts of covid 19 on their social and educational aspects of lives.

As widespread studies have covered the impact of the pandemic on the life of higher education students, it was pertinent to delve into the academic and social life of higher education students from India. There are studies on the impact of Covid 19 on Indian students, but few studies have covered how the students perceive online education and how they are dealing with their social life. The present study covers the gap and adds to the literature by analyzing the impact of Covid 19 on college and university students using an online questionnaire.

### The rationale for the study

The present study is an endeavor to explore the impact of Covid-19 on the academic and social life of the students from the colleges and universities of West Bengal. The study will add to the existing literature by comprehending the extent to which higher education students are coping with online classes and the support they are garnering from the institutions and teachers. Secondly, the social aspect of their lives will help them understand their social life in this pandemic and how they cope with

subsequent isolation. Furthermore, the study was conducted on higher education students as previous research has shown that adults in the age group of 21 years and above are more concerned and worried about future job prospects and economic conditions, which adds to their stress (Ahmed et al., 2020; Huang & Zhao, 2020). Knowing the areas where students have difficulties, teachers and institutes can devise a roadmap to deal with the present situation and similar situations if it arises in the future.

### Objectives

The following objectives were investigated in the study:

- Analyzing the impact of Covid 19 on the academic life of higher education students.
- Determining the infrastructure facilities at home for the online classes.
- Investigating the impact of Covid 19 on the social life of the higher education students.

### Method

#### Participants

The participants in this study were 216 students from different colleges and universities of West Bengal (Table 1). There were 82% female and 18% male students. With respect to age groups, 20% were in the age group of 16 to 21 years, 73% were in the age group of 22 to 25 years, and 7% were in the age group of 26 to 35 years. 1% of the participants were from Doctoral background, 87% were pursuing a Master's degree, and 13% were pursuing Bachelor's degree. With respect to the field of study, 36% were from Arts and Humanities, 5% from Natural and Life Science, 2% from Applied Science, 2% from Commerce, and 55% from Social Sciences. All the participants had voluntarily consented to fill out the online questionnaire.

**Table 1**  
Demographic details

Criteria	Parameters	No. of Cases (N=216)	Percentage (N=216)
Gender	Female	177	82%
	Male	39	18%
Age	16 to 21 years	43	20%
	22 to 25 years	157	73%
	26 to 35 years	16	7%
Level of Study	Doctoral Degree	2	1%
	Master's Degree	187	87%
	Bachelor's Degree	27	13%
Field of Study	Arts and Humanities	78	36%
	Natural and Life Science	11	5%
	Applied Sciences	4	2%
	Commerce	5	2%
	Social Sciences	118	55%
Religion	Hinduism	175	81%
	Islam	31	14%
	Jainism	1	0%
	Others (Polytheist, Atheist, Humanity)	9	4%

### Instrumentation

The questionnaire used in the study was adapted from a questionnaire designed by Aristovnik et al. (2020) entitled "Impact of the COVID-19 Pandemic on Life of Higher Education Students." The online questionnaire was designed to collect data from higher education students worldwide. The present study adapted a questionnaire and included demographic information about the participants. It comprised questions on the impact of covid 19 on the academic life which had 12 questions, availability of infrastructure at home for online classes that comprised two questions, impact of covid 19 on the social life that had two questions, and emotional life which included one question and general life circumstances which had thirteen questions. The present study focuses on academic life, the availability of infrastructure at home, and the social life of higher education students. The data was collected through a google form.

### Analysis

The collected data of 216 students were tabulated in excel sheets, and the percentage was calculated for each item in each question.

### Results

#### Academic Life

The questions related to academic life covered the areas such as satisfaction with the organization of lectures during the pandemic, the dominant form of lectures, level of satisfaction of with online classes/lectures, dominant forms of online tutorials and seminars, different communication modes used by teachers and students, online supervisions, the preferred method of online supervision, provisions made by lecturers in online classes, the amount of workload, level of satisfaction with lectures and supervisions, satisfaction with teaching and administrative support, view on teaching-learning online.

#### Satisfaction with Organization of lectures during Covid 19

As indicated in Table 2, 46% of the students were satisfied with the online presentations sent to the students, 45% of students were satisfied with the online video conference, and 43% showed satisfaction with written communication such as chat and forums. The percentage for "very satisfied" was low for all the forms of online classes. Special attention needs to be given to those students who were neutral in their response to organization of lectures. It could be that the colleges and

## Academic and social life of higher education students during the COVID-19 pandemic: exploring the needs of alternative teaching-learning in an Indian context

universities they belong to do not have appropriate arrangements for online studies.

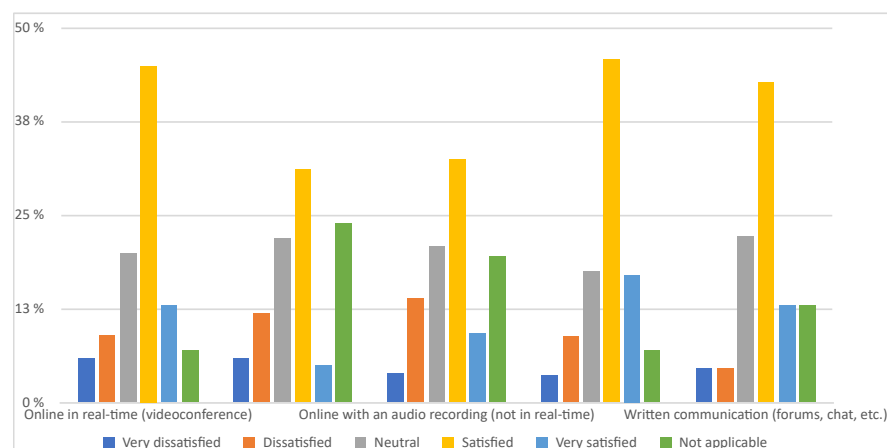
**Table 2**

*Organization of lectures during Covid 19*

	Very dissatisfied	Dissatisfied	Neutral	Satisfied	Very satisfied	Not applicable
Online in real-time (videoconference)	6%	9%	20%	45%	13%	7%
Online with a video recording (not in real-time)	6%	12%	22%	31%	5%	24%
Online with an audio recording (not in real-time)	4%	14%	21%	32%	9%	19%
Online by sending presentations to students	4%	9%	18%	46%	17%	7%
Written communication (forums, chat, etc.)	5%	5%	22%	43%	13%	13%

**Figure 1**

*Organization of lectures during Covid 19*



### Dominant forms of online lectures

The most dominant forms of online lectures revealed that a maximum of students (61%) used video conferences, online sending of presentations (13%), audio recording (10%), and video recording (10%). This indicates that most of the institutions followed the video conferencing mode for delivering lectures (Table 3; Figure 2)

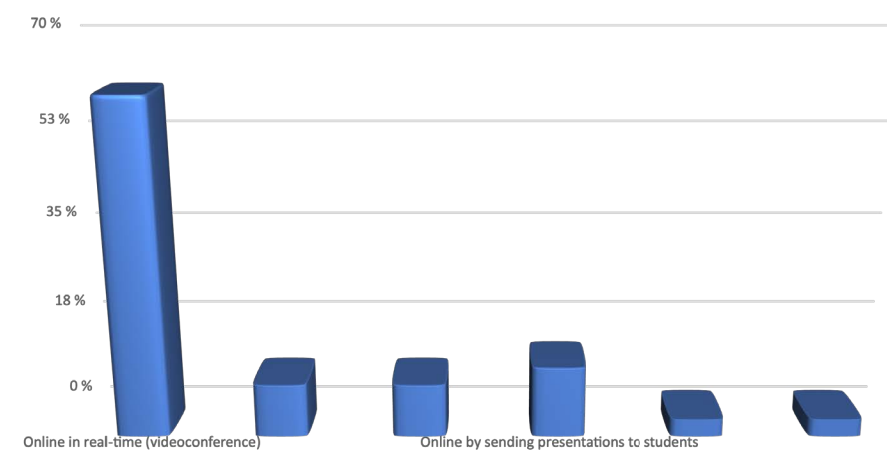
**Table 3**

*Dominant forms of online lectures*

Online in real-time (videoconference)	61%
Online with a video recording (not in real-time)	10%
Online with an audio recording (not in real-time)	10%
Online by sending presentations to students	13%
Written communication (forums, chat, etc.)	3%
other	3%

**Figure 2**

*Dominant forms of online lectures*



### Level of satisfaction and dissatisfaction with different forms of online tutorials/seminars and practical classes

Table 4 and Figure 3 indicate the satisfaction level of the students with online lectures and tutorials. While 43% were satisfied with online video conferences, 19% remained neutral and only 11% were very satisfied. For lectures with video recording, 33% were satisfied, and 18% were neutral, while 26% marked not applicable. 31% were satisfied with audio-recorded lectures, 17% were neutral, and 25% said it was not applicable to them. For online presentations, 43% of the students were satisfied, 15% were very satisfied, and 15% expressed a neutral position. For written communications, 37% were satisfied, 20% were neutral, and it was not applicable for 19%. While most of the students were satisfied with online teaching, tutorials, and seminars, some were dissatisfied, neutral and some wrote inapplicable. This indicates that either they had hurdles in attending classes and tutorials or they were not interested in online classes.

**Table 4**

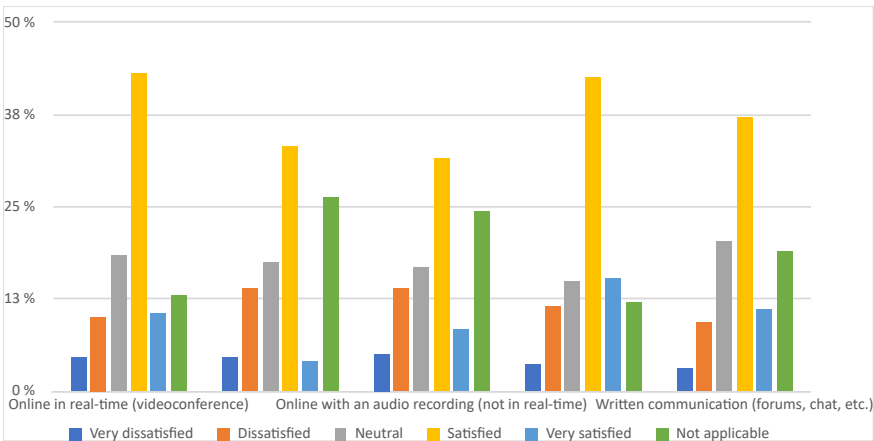
*Level of satisfaction and dissatisfaction with different forms of online tutorials/seminars*

	Very dissatisfied	Dissatisfied	Neutral	Satisfied	Very satisfied	Not applicable
Online in real-time (videoconference)	5%	10%	19%	43%	11%	13%
Online with a video recording (not in real-time)	5%	14%	18%	33%	4%	26%
Online with an audio recording (not in real-time)	5%	14%	17%	31%	8%	25%
Online by sending presentations to students	4%	12%	15%	43%	15%	12%
Written communication (forums, chat, etc.)	3%	9%	20%	37%	11%	19%



Academic and social life of higher education students during the COVID-19 pandemic:  
exploring the needs of alternative teaching-learning in an Indian context

**Figure 3**  
*Level of satisfaction and dissatisfaction with different forms of online tutorials/seminars*

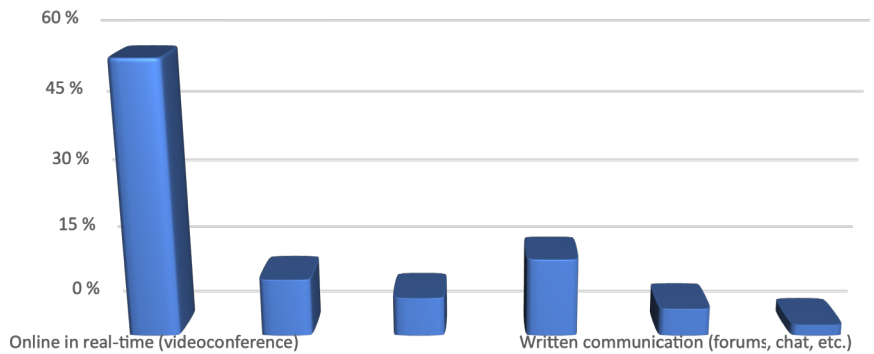


**Dominant forms of online tutorials/seminars and practical classes**  
Similar to the response on dominant forms of lectures, maximum participants, i.e., 56%, reported that online tutorials, seminars, and practical classes were held through video conference, while 16% stated that tutorials and seminars were conducted by sending presentations online. 12% reported that video recordings were used for tutorials and seminars (Table 5; Figure 4)

**Table 5**  
*Dominant forms of online tutorials/seminars and practical classes*

Online in real-time (videoconference)	56%
Online with a video recording (not in real-time)	12%
Online with an audio recording (not in real-time)	8%
Online by sending presentations to students	16%
Written communication (forums, chat, etc.)	6%
Other	2%

**Figure 4**  
*Dominant forms of online tutorials/seminars and practical classes*

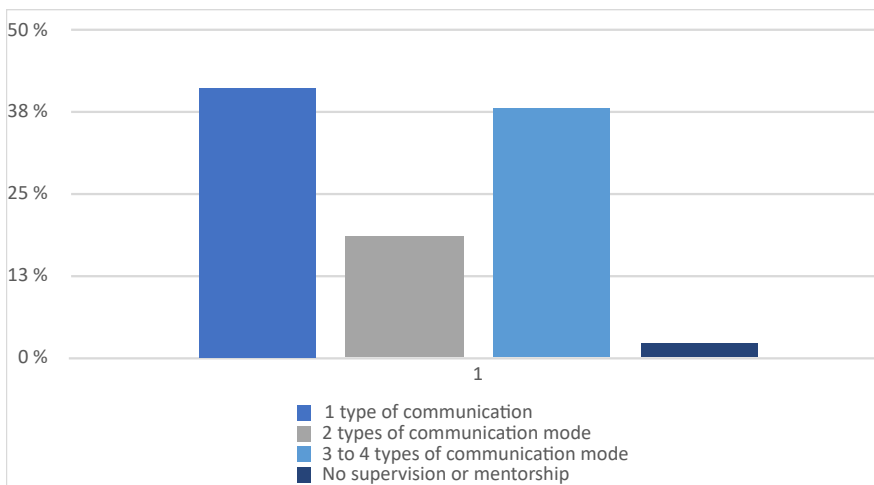


**Communication mode/modes used for online classes**  
Participants were asked to mention how they received teachers'/supervisors support after on-site classes were cancelled. Multiple answers were accepted to this question. It was found that 41% of participants received support through 1 type of communication, while 38% used 3 to 4 types of communication, namely video conference, video recording, audio recording, sending presentations, and written communications. 19% reported using two types of communication modes (Table 6; Figure 5). Only 2% of students stated they had no supervision. It was found that maximum students selected video calls, email communication, and social networks.

**Table 6**  
*Communication mode/modes used for on-site classes*

1 type of communication	41%
2 types of communication mode	19%
3 to 4 types of communication mode	38%
No supervision or mentorship	2%

**Figure 5**  
*Communication mode/modes used for online classes*



**The preferred method of online supervision/mentorship**  
Table 7 indicates that the preferred method of online supervision was video call, with 53% of participants selecting the video call option. 17% of participants selected social networks (Facebook messenger, WhatsApp, WeChat), and 13% selected email communication. 7% had no provision of mentorship and supervision (Figure 6).

## Academic and social life of higher education students during the COVID-19 pandemic: exploring the needs of alternative teaching-learning in an Indian context

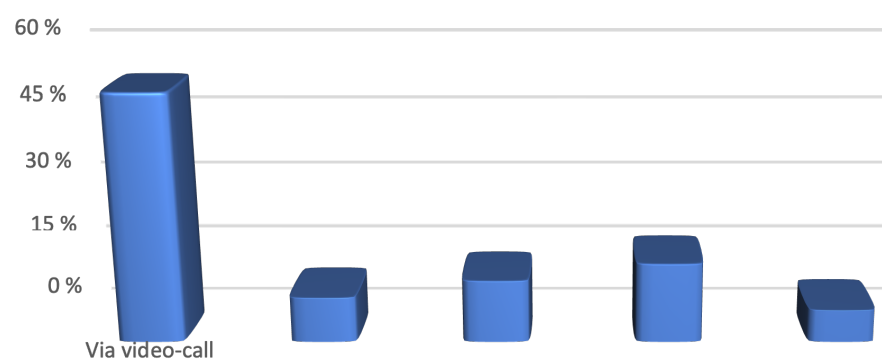
**Table 7**

*The preferred method of online supervisions/mentorships.*

Via video-call	53%
Via voice-call	10%
Via email communication	13%
Via texting on social networks (Facebook messenger, Viber, WhatsApp, WeChat, etc.)	17%
Not applicable (I had no supervisions/mentorships)	7%

**Figure 6**

*The preferred method of online supervisions/mentorship.*



### **Provisions made by lecturers after the cancellation of on-site classes**

49% of the participants agreed that lecturers provided them with assignments and homework regularly, 19% strongly agreed, and 17% were neutral about it. For feedback by lecturers on assignments, 44% agreed, 17% strongly agreed, and 23% held a neutral position. 48% agreed, and 21% strongly agreed that their queries were answered by teachers timely. 49% of the participants agreed, and 23% strongly agreed that lecturers were open to students' suggestions and adjustments of online classes. 45% agreed, and 24% strongly agreed that they were informed about the examination pattern in the new situation, while 19% were neutral about it (Table 8, Figure 7).

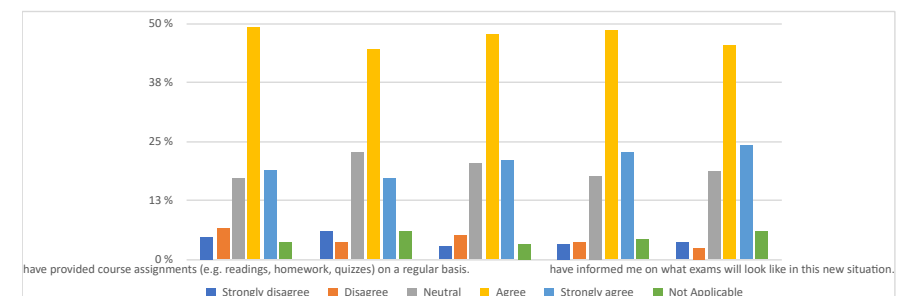
**Table 8**

*Provisions made by lecturers after the cancellation of on-site classes*

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	Not Applicable
Have provided course assignments (e.g. readings, homework, quizzes) on a regular basis.	5%	6%	17%	49%	19%	4%
Have provided feedback on my performance on given assignments.	6%	4%	23%	44%	17%	6%
Have responded to my questions in a timely manner.	3%	5%	20%	48%	21%	3%
Have been open to students' suggestions and adjustments of online classes.	3%	4%	18%	49%	23%	4%
Have informed me on what exams will look like in this new situation.	4%	2%	19%	45%	24%	6%

**Figure 7**

*Provisions made by lecturers after cancellation of on-site classes*



### **Amount of workload**

The participants were asked about the workload after the cancellation of on-site classes, and most of them, i.e., 29% stated that the workload was the same, 27% said it was smaller, and 15% said it was larger (Table 9, Figure 8).

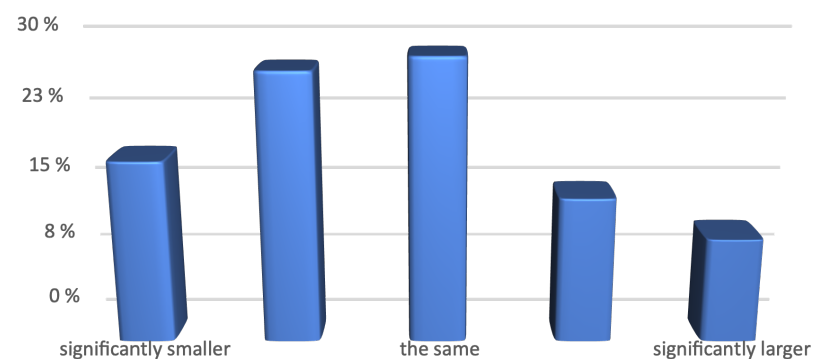
**Table 9**

*Amount of workload after the cancellation of on-site classes*

significantly smaller	19%
smaller	27%
the same	29%
larger	15%
significantly larger	11%

**Figure 8**

*Amount of workload after cancellation of on-site classes*



### **Level of satisfaction with lectures and supervisions**

Concerning lectures, 46% of students were satisfied, 17% were very satisfied, and 19% expressed a neutral position. 40% were satisfied with the tutorials/seminars and practical classes, 15% were satisfied, and 17% were neutral. Supervisions and mentorship were satisfactory for 38% of participants, very satisfactory for 14% of participants, 25% of the participants were neutral, and 12% declared it was not applicable in their situation (Table 10, Figure 9).

**Table 10**

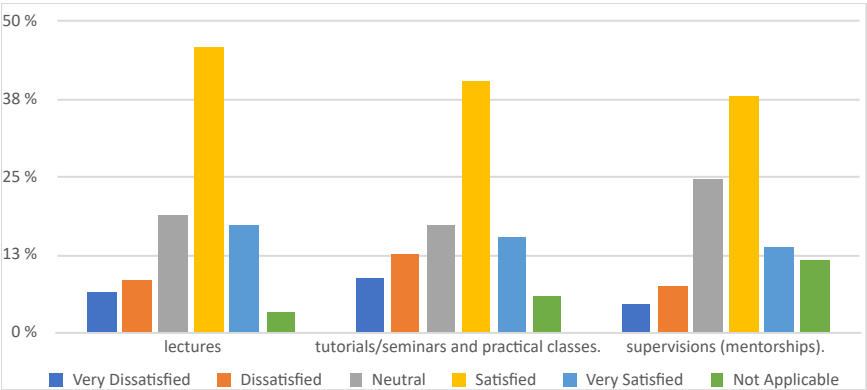
*Level of satisfaction with lectures and supervisions after the cancellation of on-site classes*

	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Not Applicable
lectures	6%	8%	19%	46%	17%	3%
tutorials/seminars and practical classes.	9%	13%	17%	40%	15%	6%
supervisions (mentorships).	5%	7%	25%	38%	14%	12%



Academic and social life of higher education students during the COVID-19 pandemic:  
exploring the needs of alternative teaching-learning in an Indian context

**Figure 9**  
*Level of satisfaction with lectures and supervisions after the cancellation of on-site classes*

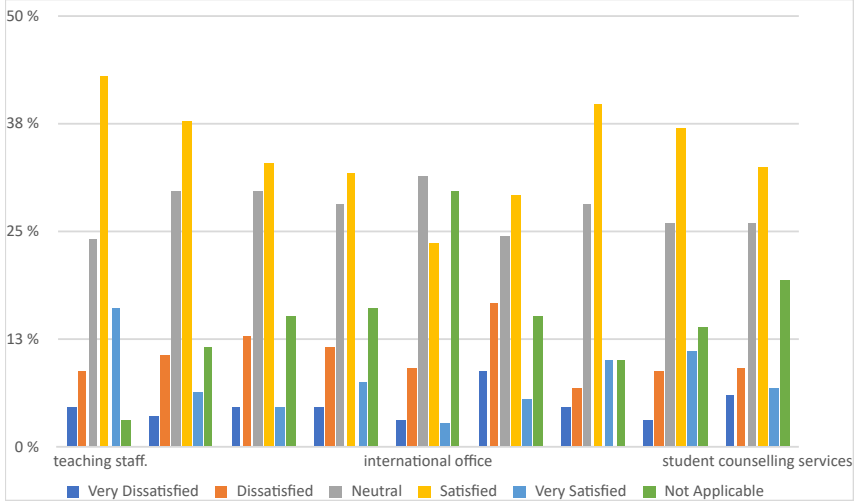


**Satisfaction with teaching and administrative support**  
As far as teaching staff is concerned, 43% of the participants were satisfied, 16% were very satisfied, and 24% held a neutral position. 38% were satisfied with technical support, only 6% were very satisfied, and 30% were neutral. Concerning the students' affairs office, 33% were satisfied, 30% were neutral, and 15% were not applicable. Regarding finance and accounting matters, 32% were satisfied, 28% were neutral, and 16% selected not applicable. Library public relations, 29% were satisfied, 25% were neutral, 17% were dissatisfied, and 15% marked not applicable, indicating library services were not appreciated. Statement on public relations (websites and social media information, showed that 40% of students were satisfied, 28% were neutral, 10% were very satisfied, and 10% of students stated it was not applicable to them. With the Tutors 37% were satisfied, while 26% were neutral, 14% selected not applicable. Concerning student counselling services, 32% of students were satisfied, 26% were neutral, 19% selected not applicable, and 9% were dissatisfied, and 6% were very dissatisfied (Table 11; Figure 10).

**Table 11**  
*Satisfaction with teaching and administrative support*

	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Not Applicable
Teaching staff.	5%	9%	24%	43%	16%	3%
Technical support or IT services	4%	11%	30%	38%	6%	12%
Student affairs office.	5%	13%	30%	33%	5%	15%
Finance and accounting	5%	12%	28%	32%	7%	16%
International office	3%	9%	31%	24%	3%	30%
Library	9%	17%	25%	29%	6%	15%
public relations (websites and social media information)	5%	7%	28%	40%	10%	10%
Tutors	3%	9%	26%	37%	11%	14%
Student counselling services	6%	9%	26%	32%	7%	19%

**Figure 10**  
*Satisfaction with teaching and administrative support*



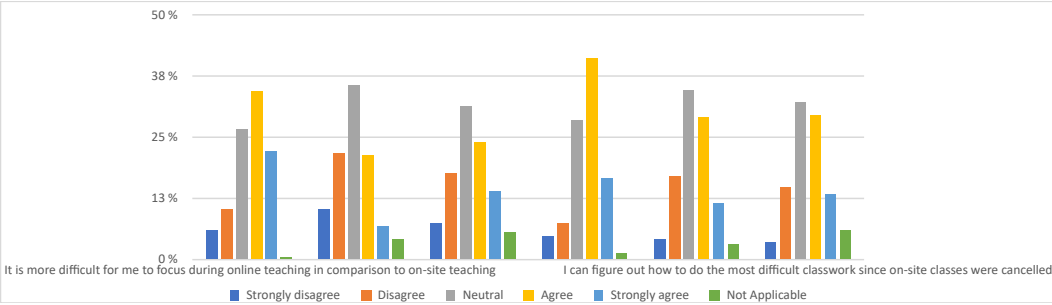
**View on new teaching and learning environment**

Participants were asked about their level of agreement with the teaching and learning environment whereby a mixed response was procured. Focusing on online teaching compared to on-site teaching was difficult for 34% of the students, and 22% strongly agreed, while 27% were neutral, and a small percentage disagreed (10%) and strongly disagreed. Regarding improvement in performance in online classes, 21% agreed, while 22% disagreed and 36% were neutral. Regarding performance deterioration, 24% of the students agreed, 18% disagreed, and 31% held a neutral stance. For adaptation to a new teaching-learning environment, 41% agreed, 17% strongly agreed, and 29% neutral. Mastering the skills taught in online classes, 29% of the participants agreed, 35% were neutral, 12% strongly agreed, and 17% disagreed. For being able to do the most difficult task in online classes, 30% of the participants agreed, 32% were neutral, 13% strongly agreed, and 15% disagreed (Table 12; Figure11).

**Table 12**  
*View on new teaching and learning environment*

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	Not Applicable
It is more difficult for me to focus during online teaching in comparison to on-site teaching	6%	10%	27%	34%	22%	0%
My performance as a student has improved since on-site classes were cancelled	10%	22%	36%	21%	7%	4%
My performance as a student has worsened since on-site classes were cancelled	7%	18%	31%	24%	14%	6%
I have adapted well to the new teaching and learning experience	5%	7%	29%	41%	17%	1%
I can master the skills taught in class this year even on-site classes were cancelled	4%	17%	35%	29%	12%	3%
I can figure out how to do the most difficult classwork since on-site classes were cancelled	4%	15%	32%	30%	13%	6%

**Figure 11**  
*View on new teaching and learning environment*



Academic and social life of higher education students during the COVID-19 pandemic: exploring the needs of alternative teaching-learning in an Indian context

Infrastructure and Skills for studying at Home

Two questions were asked regarding infrastructure at home for online studies and the computer skills of the students.

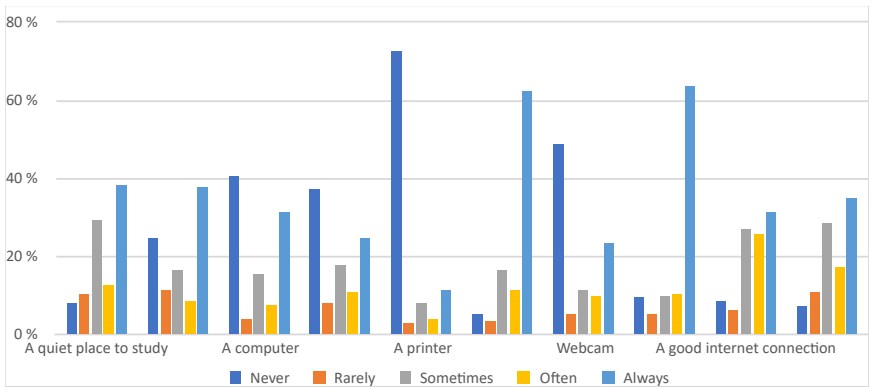
Access to infrastructure at home for online studies

Regarding infrastructure, 38% had a quiet place to study, while 30% sometimes had access to a quiet place. 38% of the participants had access to desks, and 25% never had a desk facility. 41% of the participants never had a computer with them, indicating their problems while doing assignments online. In comparison, 31% always had a computer, and 16% sometimes had access to a computer. 38% never had the required software and programs, 25% always had the necessary software and programs, and 18% sometimes had it. 73% never had a printer with them. Headphones and microphones were accessible for most of the students, with 63% stating that 63% always had headphones and microphones. 49% of the students expressed that they did not have the facility of a webcam. In comparison, 24% always had access, and 12% sometimes had access to a webcam. 64% of the participants always had office supplies with them as it is the basic requirement which is easily available at reasonable rates. Only 10% of students said they never had office supplies. Regarding the internet connection, 31% always had an internet connection, while 26% said they often had an internet connection, and 27% said that sometimes they had internet. 35% of participants always had course study materials, 29% sometimes had access to course materials, and 18% often had course materials with them (Table 13, Figure 12).

Table 13  
Access to infrastructure at home for online studies

	Never	Rarely	Sometimes	Often	Always
A quiet place to study	8%	11%	30%	13%	38%
A desk	25%	12%	17%	9%	38%
A computer	41%	4%	16%	8%	31%
Required software and programmes	38%	8%	18%	11%	25%
A printer	73%	3%	8%	4%	12%
Headphones and microphone	6%	4%	17%	12%	63%
Webcam	49%	6%	12%	10%	24%
Office supplies (notebooks, pens, etc.)	10%	6%	10%	11%	64%
A good internet connection	9%	6%	27%	26%	31%
Course study material (e.g., compulsory and recommended literature)	7%	11%	29%	18%	35%

Figure 12  
Access to infrastructure at home for online studies



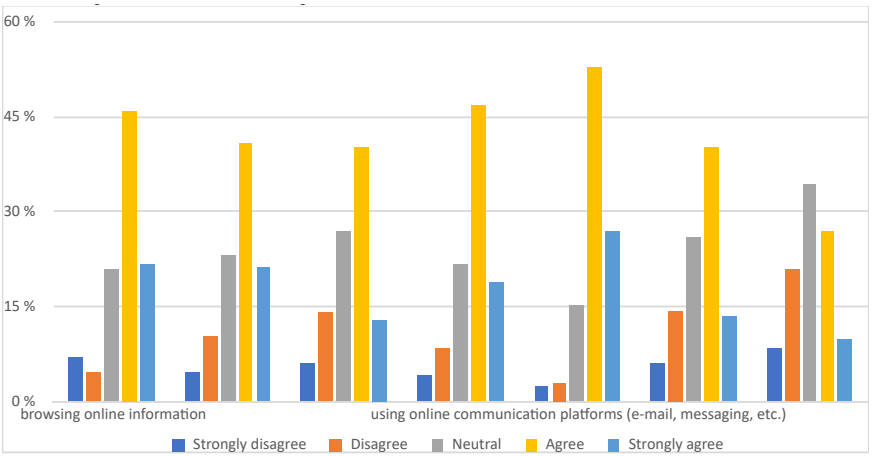
Students' opinions about their computer skills

46% of the participants knew how to browse information online, 22% strongly agreed that they knew how to browse, and 21% were neutral. 41% agreed, and 21% strongly agreed that they knew how to share digital content. 23% were neutral in this regard. Regarding knowledge about using online teaching platforms (Big Blue Button, Moodle), 40% agreed, 13% strongly agreed while 14% disagreed, and 27% were neutral. Using online collaboration platforms (zoom, skype), 47% agreed, 19% strongly agreed, and 22% were neutral. Regarding using online communication platforms (email, messaging), 53% agreed, 27% strongly agreed, and 15% were neutral. As for the software and programs required for studies, 40% agreed, and 13% strongly agreed that they knew to operate necessary software and programmes. 26% were neutral, and 14% disagreed. Regarding applying advanced settings in software and programs, 34% took a neutral position, 27% agreed, 10% strongly agreed, and 21% disagreed (Table 14; Figure 13).

Table 14  
Students' opinions about their computer skills

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
browsing online information	7%	5%	21%	46%	22%
sharing digital content.	5%	10%	23%	41%	21%
using online teaching platforms (Big Blue Button, Moodle, Blackboard, GoToMeeting, etc.)	6%	14%	27%	40%	13%
using online collaboration platforms (Zoom, MS Teams, Skype, etc.).	4%	8%	22%	47%	19%
using online communication platforms (email, messaging, etc.)	2%	3%	15%	53%	27%
using software and programmes required for my studies	6%	14%	26%	40%	13%
applying advanced settings to some software and programmes	8%	21%	34%	27%	10%

Figure 13  
Students' opinions about their computer skills



Social skills Communication

The social dimension aims to understand the frequency of interaction of the participants with the people around them.

Frequency of communication with people during a pandemic

Participants' communication frequency with close family was good, with 30% stating that they spoke to the close family members several times a day and 19% stated that they spoke several times a week. 11% did not communicate with their family members, 13% spoke two or three times a month, and 13% spoke once a week. Maximum participants (31%) indicated that they were not in contact with distant family members, while 24% communicated two or three times a month and 22%



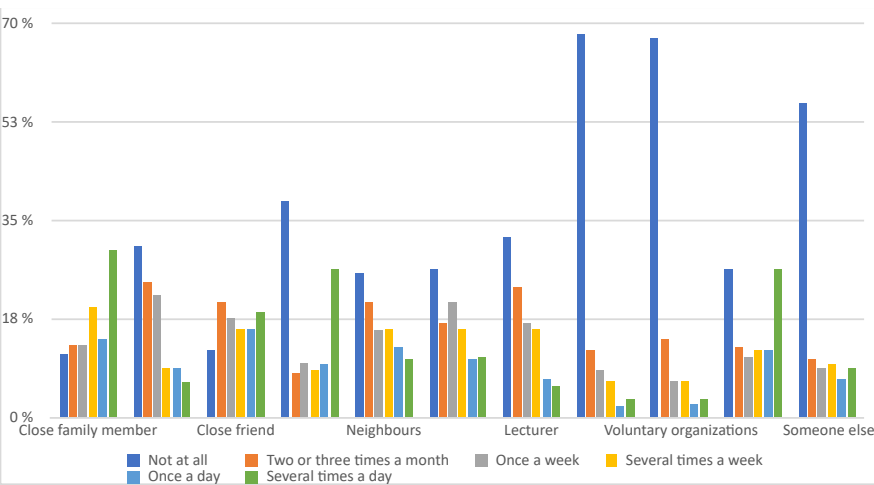
Academic and social life of higher education students during the COVID-19 pandemic:  
exploring the needs of alternative teaching-learning in an Indian context

spoke once a week. 19% spoke to close friends several times a day, 20% spoke two to three times a month, and 18% spoke once a week. 38% of the participants did not communicate with their roommates, while on the other spectrum, 26% spoke to roommates several times a day. Participants' responses showed that 26% of them did not communicate with neighbors at all, while 20% communicated two or three times a month and 16% several times a day. 26% of participants never communicated with their colleagues from the course, and 20% communicated once a week. Regarding communication frequency with lecturers, 32% never communicated with lecturers, and 23% communicated two to three times a month. The frequency of communication with administrative staff and voluntary organizations was scarce. 68% of participants stated they did not communicate with the administrative staff and voluntary organizations. Communication with social networks was divided, with 26% stating that they never communicated with social networks and 26% stated they communicated several times a day. 56% of participants expressed that they never communicated with "someone else" during the pandemic (Table 15; Figure 14).

Table 15  
Frequency of communication with people during a pandemic

	Not at all	Two or three times a month	Once a week	Several times a week	Once a day	Several times a day
Close family member	11%	13%	13%	19%	14%	30%
More distant family member	31%	24%	22%	9%	9%	6%
Close friend	12%	20%	18%	16%	16%	19%
Someone I live with (e.g., roommate)	38%	8%	10%	8%	9%	26%
Neighbours	26%	20%	15%	16%	13%	10%
Colleague from my course	26%	17%	20%	16%	10%	11%
Lecturer	32%	23%	17%	16%	7%	6%
Administrative staff	68%	12%	8%	6%	2%	3%
Voluntary organizations	68%	14%	6%	6%	2%	3%
Social networks	26%	13%	11%	12%	12%	26%
Someone else	56%	10%	9%	9%	7%	9%

Figure 14  
Communication with people during pandemic



The closest person to confide in

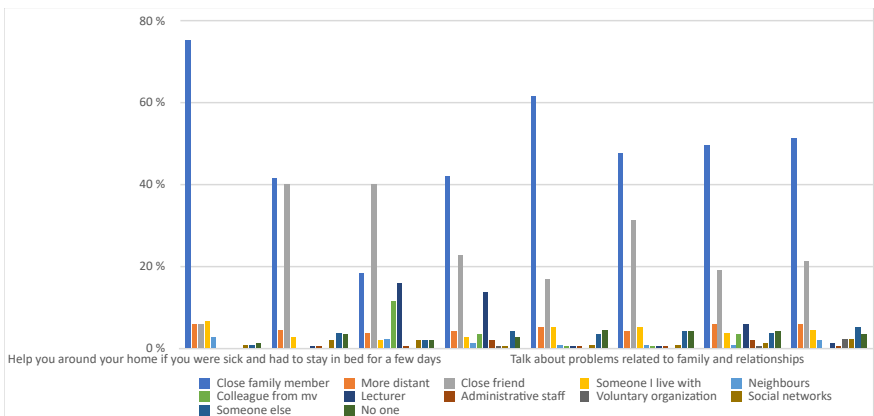
Participants chose close family members when faced with a problem in covid times. 75% stated they would consult their family members if they fell sick, and 42% said they would turn to their family members if they felt depressed. In matters related to lectures and studies, 40% stressed that they would turn to their close friend. For future education, 42% said they would consult their family members. Regarding personal finances, 62% of participants said that they would turn to their family members. Regarding problems related to family and relationships, 48% said that they would consult their close family member, and 31% said a close friend.

50% of participants said they would consult their close family members on issues related to a professional career. Regarding covid 19 crisis, 51% of participants selected their close family friends while 21% selected their close friends (Table 16; Figure 15).

Table 16  
The closest person to confide in

	Help you around your home if you were sick and had to stay in bed for a few days	Be there for you if you felt a bit down or depressed and wanted to talk about it.	Talk about problems related to studying issues (lectures, seminars, practical work)	Talk about problems related to future education	Talk about problems related to personal finances.	Talk about problems related to family and relationships	Talk about problems related to a professional career in the future	Be there for you if you would like to talk about the COVID-19 crisis.
Close family member	75%	42%	19%	42%	62%	48%	50%	51%
More distant	6%	5%	4%	4%	5%	4%	6%	6%
Close friend	6%	40%	40%	23%	17%	31%	19%	21%
Someone I live with	6%	3%	2%	3%	5%	5%	4%	5%
Neighbours	3%	0%	2%	1%	1%	1%	1%	2%
Colleague from mv	-	0%	12%	3%	0%	0%	3%	-
Lecturer	-	0%	16%	14%	0%	0%	6%	1%
Administrative staff	-	0%	0%	2%	0%	0%	2%	0%
Voluntary organization	-	-	-	0%	-	-	0%	2%
Social networks	1%	2%	2%	0%	1%	1%	1%	2%
Someone else	1%	4%	2%	4%	3%	4%	4%	5%
No one	1%	3%	2%	3%	5%	4%	4%	3%

Figure 15  
Closest person to confide in



Discussion

Academic Life

The survey conducted in this study revealed that Covid 19 had impacted the academic life of some the higher education students. With a drastic change in the platforms used for the teaching-learning process, the dominant forms of online learning preferred by institutes and students were video conferencing, followed by online sending of presentations. The areas of students' dissatisfaction were identified as follows: (a) While maximum students were satisfied with online video conferencing and online presentations sent to them, a sufficient percentage of students expressed a neutral position in this regard. (b) Students were satisfied with online seminars and tutorials. Yet, one cannot ignore a fair percentage of dissatisfied students and others who held a neutral position and those who found it

## The Federal Democratic Constitution and Constitutionalism Its roadmaps to deliver social welfare state in Nepal

inapplicable in their situation. This points out the lack of uniformity in universities and colleges regarding online seminars and tutorials so that some students did not experience the online seminars and tutorials. (c) Many students pointed out that they used one type of communication: video conference, while a good percentage used more than two types of communication modes. This shows the disparity in the facilities that students have while studying online. (d) Many agreed that provisions made by lecturers in online classes were good in terms of providing assignments, feedback, and being open to suggestions. Few percentages disagreed, strongly disagreed, and were neutral, indicating that their online classes did not include assignments and classes were not interactive. (e) Regarding workload, opinion was divided where some said it reduced and few found the workload to be large enough. (f) Students were satisfied with lectures, online supervision and tutorials, and practical classes. The percentage of "very satisfied" students was less, and a fair percentage of students were not satisfied with these online teaching procedures. (g) Regarding satisfaction with teaching and administrative support, many were neutral with regard to IT services, students' affairs office, tutors, and students counselling services which indicates a lack of proper services from these support systems. (h) Many students agreed that it was difficult to pay attention in online classes. (i) Students were unsure whether their performance improved in online studies and therefore expressed a neutral position.

In similar studies conducted worldwide, mixed results were reported concerning the academic life of higher education students. As the universities and colleges varied in their platform of conducting classes and also giving assignments, the students had a different experience. For instance, Dutta (2020) found that students were satisfied with online classes and appreciated the teachers' efforts. Similarly, learners in the study by Gonzalez et al. (2020) reported that Covid 19 situation had impacted their learning positively as they were able to enhance their learning. On the contrary, the Afghan students (Hashemi, 2021) stated that the covid situation negatively impacted their academic performance and revealed their dissatisfaction with online teaching. Even the undergraduate medical students in the study by Sharma et al. (2020) were dissatisfied with the online teaching. Practically online teaching cannot supplement the face-to-face interaction between teacher students. In on-site classes, the students understand the concepts better and interact better, and this was

stressed by the university students from Mizoram in a study conducted by Mishra et al. (2020). The students in Mishra et al. (2020) study appreciated that education was continuing during the pandemic but found it difficult to attain conceptual clarity on all the topics. In the present study, some students showed satisfaction with online classes through video conferences and sending of recorded learning materials, but some students were dissatisfied and neutral about the effectiveness of online learning. This indicates that while the students who could attend the classes with all the facilities at their disposal may have found it convenient, those with restricted infrastructure and devices at home may have found it difficult to attend the classes regularly. Dissatisfaction also emerges when online teaching does not cater to the needs of the students, and they find it uninteresting. Undoubtedly, it is challenging to keep a class engaged in online teaching and provide feedback to all if there are many students (Pokhrel & Chhetri). In Indian classrooms, there are many students, and with online teaching and intermittent internet connections, it may not be easy to discuss and give feedback to every student.

Regarding workload, the student's opinion in the present study was divided when asked about the workload with some accepting it has reduced, while few accepting it had increased. In a study by Yang et al. (2020), too much workload is positively associated with stress, leading to physical and mental health problems. Too many assignments and online work may not be possible for all the students, particularly those with limited infrastructure at home, which may lead to stress.

### **Infrastructure at home**

Another area that was surveyed in this study was the availability of infrastructure at home and computer skills. Maximum students revealed that they had adequate computer skills, and many of them knew how to browse online, share digital content, and use software and programs. The present study showed that maximum students did not have a quiet place to study, and desks, computers, and webcams were not available for many of them. Some of the students reported that they never had the necessary software and programs. A good internet connection was not available at all times for many students. Even Dutta (2020) found that limited internet facilities and mobile data became a hurdle for students as after attending online classes the students were left with no data for assignments. Bania and Banerjee (2020) pointed out that lower socioeconomic backgrounds students face a problem in online

studies due to a lack of infrastructure. Considering the fact that many parents had lost their jobs (Jha & Kumar, 2021) and the pandemic had led to financial constraints in many homes, not all students had the essential requirements for online classes.

### **Social life**

Social interaction with people around is an essential aspect of mental and physical well-being. Due to the pandemic, many students were bereft of face-to-face interaction and communication. A decrease in social interaction impacts mental well-being with high-stress levels (Jiao et al., 2020; Kawachi & Berkman, 2001). In a study, Saeri et al. (2018) concluded that social connectedness is a strong predictor of mental health. Elmer et al. (2020) conducted a study on students from Switzerland and found that lack of social interaction affects mental well-being. The present study found that students communicated with their close family quite frequently, and some interacted with their close friends. However, there were not many students who interacted with lecturers and administrative staff. While some took an interest in interacting on social media, others were not interested in social network interaction. When asked to select the person they would approach in the first instance when faced with any problem, the majority mentioned their closest family member, and the next option was their closest friends. Options of neighbors, social networks, lecturers, and administrative staff were not selected by many.

It cannot be denied that online classes helped fill the gap of interaction and allowed students to interact online in some way or the other (Alghamdi, 2020; Burns et al., 2020), but it was not the same as face-to-face interaction. In the present study, it was not known whether the online classes substituted the need of the students to interact with people, but it shows that most of them frequently interacted with close family and friends. They rarely or never interacted with teachers/lecturers and administrative staff. This implies the students were hesitant to talk about their studies or about problems in life with their teachers, and this area certainly needs improvement by the institutes.

### **Conclusion and Suggestions**

To conclude, the present study highlighted that the pandemic had mixed effects on the academic and social life of the higher education students from different strata of the society and from the different colleges and universities of West Bengal. The study adds to the existing literature by presenting the students' opinions on their academic and social life. The students' dissatisfaction and their neutral stand on some topics

related to online education indicated that there is a lot to be done for the student community to improve their academic and social life. The results enlighten the teachers and administrators about a section of students who are not availing the benefits of online teaching-learning due to some hurdles in their lives. Moreover, the study points out the way interaction with teachers and administration is minimal and needs improvement.

The pandemic has taught the teacher and students community a new mode of teaching that was prevalent before but had never been used thoroughly. Higher education students are likely to be stressed about the future, and online teaching adds to their stress. While some students smoothly adjusted to their classes, many struggled with the lack of devices and internet issues. The universities' administration needs to consider the plight of such students and offer solutions in some form so that they do not lose out on their education, for instance, providing free devices. Secondly, teachers should be trained in the post-covid situation to deal with online classes and they should be well equipped with the knowledge of various e-learning platforms. Teacher training programs need to include planning and execution of e-lesson so that future teachers can be prepared for such situations. Team teaching, discussion, and interactive strategies can motivate the students in online classes (Mishra et al., 2020). Also, there is a need to prioritize Open Educational Resources and open-source technologies, and they should be accessible to both teachers and students (UNESCO, 2020). Thirdly recording the lecture and making it available online, and taking tests from time to time may help those who have internet issues. Lastly, online counseling sessions and workshops can be arranged for a small group of students regularly to solve the problems faced by the students in personal and academic life.

### **Limitations of the Study**

The present study had its shortcomings which can be overcome in future studies. The gender of the sample in this study was biased, with more female students than males. The sample was not a representative one in terms of the level of study, academic disciplines and age. Furthermore, the data collected was quantitative, so the researchers could not fully fathom the reasons for a particular choice of option. Future studies with an amalgamation of quantitative and qualitative design with a representative sample may yield insightful results. Furthermore, studies comparing rural and urban students will help explore the problems faced by the students in different areas.



## The Federal Democratic Constitution and Constitutionalism Its roadmaps to deliver social welfare state in Nepal

**Conflict of interest:** The authors have no conflict of interest

**Fundings:** There was no funding to conduct the study.

**Acknowledgement:** The authors wish to express their gratitude to Mr. Aleksander Aristovnik for permitting us to use the tool he developed with his co-authors. The present study was inspired by the original study conducted by \*Aristovnik, A., Keržič, D., Ravšelj, D., Tomaževič, N., & Umek, L. (2020).

The authors would like to thank the participants of the study who voluntarily took part in the study and shared their experiences during the COVID-19 pandemic.



### References

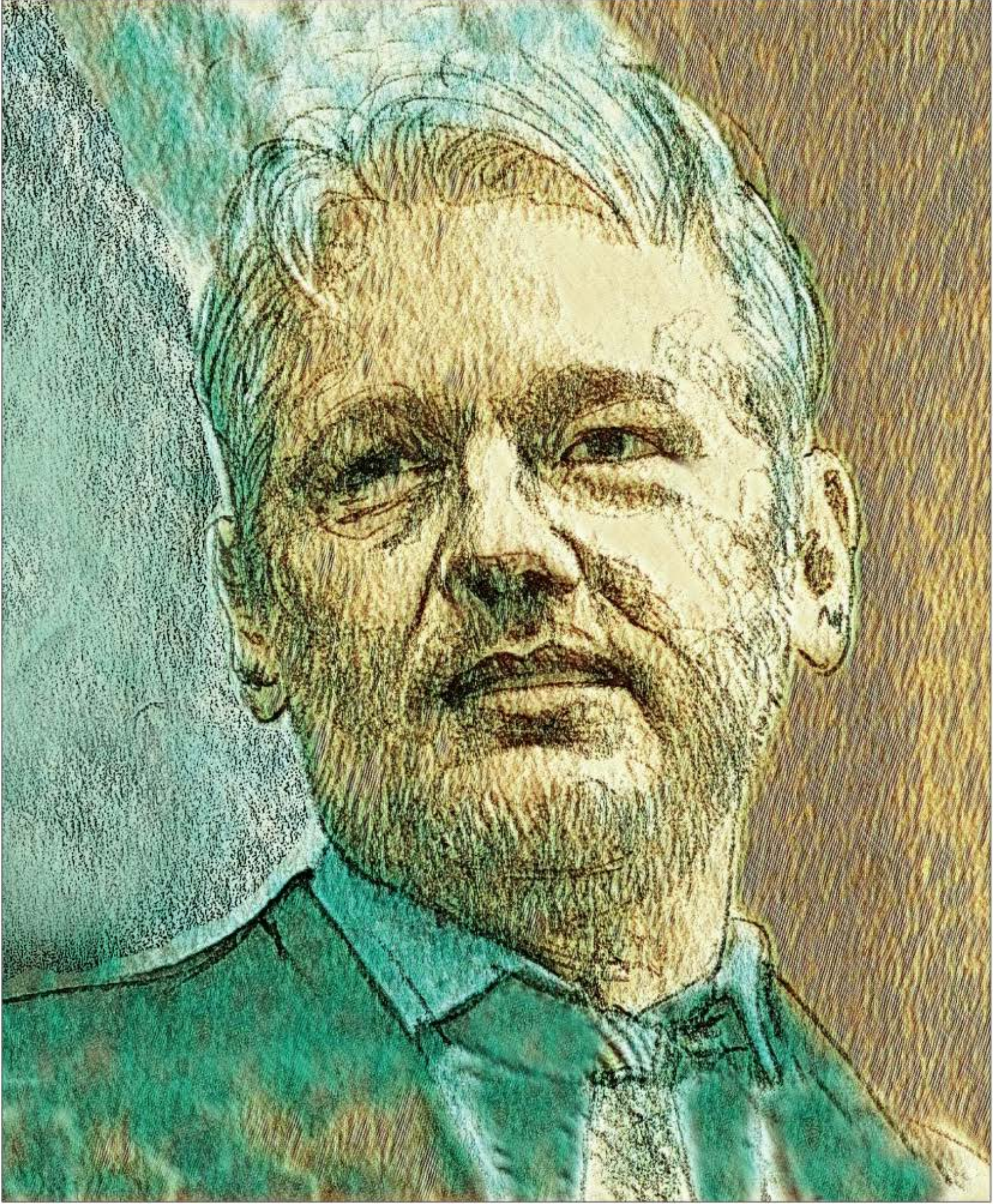
- Aboagye, E.; Yawson, J.A.; Appiah, K.N. COVID-19 and E-Learning: The Challenges of Students in Tertiary Institutions. *Soc. Educ. Res.* 2020, 1–8.
- Agoramoorthy, G. (2021). India's outburst of online classes during COVID-19 impacts the mental health of students. *Current Psychology*, 1–2.
- Ahmed, M. Z., Ahmed, O., Aibao, Z., Hanbin, S., Siyu, L., & Ahmad, A. (2020). Epidemic of COVID-19 in China and associated psychological problems. *Asian journal of psychiatry*, 51, 102092.
- Alghamdi, A. A. (2021). Impact of the COVID-19 pandemic on the social and educational aspects of Saudi university students' lives. *Plos one*, 16(4), e0250026.
- \*Aristovnik, A., Keržič, D., Ravšelj, D., Tomaževič, N., & Umek, L. (2020). Impacts of the COVID-19 pandemic on life of higher education students: A global perspective. *Sustainability*, 12(20), 8438.
- Bania, J., & Banerjee, I. (2020). Impact of Covid-19 Pandemic on Higher Education: A Critical Review. *Higher Education after the COVID-19 crisis*.
- Bao, W. (2020). COVID-19 and online teaching in higher education: A case study of Peking University. *Human Behavior and Emerging Technologies*, 2(2), 113–115.
- Burns, D., Dagnall, N., & Holt, M. (2020, October). Assessing the impact of the COVID-19 pandemic on student well-being at universities in the United Kingdom: A conceptual analysis. In *Frontiers in Education* (Vol. 5, p. 204). Frontiers.
- Cao, W., Fang, Z., Hou, G., Han, M., Xu, X., Dong, J., & Zheng, J. (2020). The psychological impact of the COVID-19 epidemic on college students in China. *Psychiatry research*, 287, 112934.
- Chakraborty, P., Mittal, P., Gupta, M. S., Yadav, S., & Arora, A. (2021). Opinion of students on online education during the COVID-19 pandemic. *Human Behavior and Emerging Technologies*, 3(3), 357–365.
- Chandasiri, O. (2020). The COVID-19: impact on education. *Journal of Asian and African Social Science and Humanities*, 6(2), 38–42.
- Chorpita, B. F., Daleiden, E. L., Malik, K., Gellatly, R., Boustani, M. M., Michelson, D., Knudsen, K., Mathur, S., & Patel, V. H. (2020). Design process and protocol description for a multi-problem mental health intervention within a stepped care approach for adolescents in India. *Behavioral Research Therapy*, 133, 103698.
- Coman, C., Țiru, L. G., Meseșan-Schmitz, L., Stanciu, C., & Bularca, M. C. (2020). Online teaching and learning in higher education during the coronavirus pandemic: students' perspective. *Sustainability*, 12(24), 10367.
- Dhawan, S. (2020). Online learning: A panacea in the time of COVID-19 crisis. *Journal of Educational Technology Systems*, 49(1), 5–22.
- Dreesen, T., Akseer, S., Brossard, M., Dewan, P., Giraldo, J. P., Kamei, A., ... & Ortiz, J. S. (2020). Promising practices for equitable remote learning: Emerging lessons from COVID-19 education responses in 127 countries.
- Dutta, A. (2020). Impact of digital social media on Indian higher education: alternative approaches of online learning during Covid-19 pandemic crisis. *International journal of scientific and research publications*, 10(5), 604–611.
- Edjah, K., Ankomah, F., Domey, E., & Laryea, J. E. (2020). Stress and its impact on academic and social life of undergraduate university students in Ghana: A structural equation modeling approach. *Open Education Studies*, 2(1), 37–44.
- Elmer, T., Mepham, K., & Stadtfeld, C. (2020). Students under lockdown: Comparisons of students' social networks and mental health before and during the COVID-19 crisis in Switzerland. *Plos one*, 15(7), e0236337.
- Gonzalez, T., De La Rubia, M. A., Hincz, K. P., Comas-Lopez, M., Subirats, L., Fort, S., & Sacha, G. M. (2020). Influence of COVID-19 confinement on students' performance in higher education. *PloS one*, 15(10), e0239490.
- Hashemi, A. (2021). Effects of COVID-19 on the academic performance of Afghan students' and their level of satisfaction with online teaching. *Cogent Arts & Humanities*, 8(1), 1933684.
- Huang, Y., & Zhao, N. (2020). Generalized anxiety disorder, depressive symptoms and sleep quality during COVID-19 outbreak in China: a web-based cross-sectional survey. *Psychiatry research*, 288, 112954.
- Islam, M. A., Barna, S. D., Raihan, H., Khan, M. N. A., & Hossain, M. T. (2020). Depression and anxiety among university students during the COVID-19 pandemic in Bangladesh: A web-based cross-sectional survey. *PloS one*, 15(8), e0238162.
- Jha, P., & Kumar, M. (2020). Labour in India and the COVID-19 Pandemic. *The Indian Economic Journal*, 68(3), 417–437.
- Jiao, W. Y., Wang, L. N., Liu, J., Fang, S. F., Jiao, F. Y., Pettoello-Mantovani, M., & Somekh, E. (2020). Behavioral and emotional disorders in children during the COVID-19 epidemic. *The Journal of pediatrics*, 221, 264.
- Kawachi, I., & Berkman, L. F. (2001). Social ties and mental health. *Journal of Urban health*, 78(3), 458–467.
- Mishra, L., Gupta, T., & Shree, A. (2020). Online teaching-learning in higher education during lockdown period of COVID-19 pandemic. *International Journal of Educational Research Open*, 1, 100012.
- Muthuprasad, T., Aiswarya, S., Aditya, K. S., & Jha, G. K. (2021). Students' perception and preference for online education in India during COVID-19 pandemic. *Social Sciences & Humanities Open*, 3(1), 100101.
- Nash, C. (2020). Report on digital literacy in academic meetings during the 2020 COVID-19 lockdown. *Challenges*, 11(2), 20.
- Nelson, B. W., Pettitt, A., Flannery, J. E., & Allen, N. B. (2020). Rapid assessment of psychological and epidemiological correlates of COVID-19 concern, financial strain, and health-related behavior change in a large online sample. *PLoS One*, 15(11), e0241990.
- Pascoe, M. C., Hetrick, S. E., & Parker, A. G. (2020). The impact of stress on students in secondary school and higher education. *International Journal of Adolescence and Youth*, 25(1), 104–112.
- Pokhrel, S., & Chhetri, R. (2021). A literature review on impact of COVID-19 pandemic on teaching and learning. *Higher Education for the Future*, 8(1), 133–141.
- Qamar, T. Q., & Bawany, N. Z. (2021). Impact of COVID-19 on Higher Education in Pakistan: An Exploratory Study. *IJER: International Journal of Educational Research and Innovation*, (15), 503–518.
- Radu, M. C., Schnakovszky, C., Hergelegiu, E., Ciubotariu, V. A., & Cristea, I. (2020). The impact of the COVID-19 pandemic on the quality of educational process: A student survey. *International journal of environmental research and public health*, 17(21), 7770.
- Ranta, M., Silinskas, G., & Wilska, T. A. (2020). Young adults' personal concerns during the COVID-19 pandemic in Finland: an issue for social concern. *International Journal of Sociology and Social Policy*, pp1209–1219
- Right to Education, 2014. [https://www.right-to-education.org/sites/right-to-education.org/files/resourceattachments/RTE\\_International\\_Instruments\\_Right\\_to\\_Education\\_2014.pdf](https://www.right-to-education.org/sites/right-to-education.org/files/resourceattachments/RTE_International_Instruments_Right_to_Education_2014.pdf)
- Saeri, A. K., Cruwys, T., Barlow, F. K., Stronge, S., & Sibley, C. G. (2018). Social connectedness improves public mental health: Investigating bidirectional relationships in the New Zealand attitudes and values survey. *Australian & New Zealand Journal of Psychiatry*, 52(4), 365–374
- Salari, N., Hosseini-Far, A., Jalali, R., Vaisi-Raygani, A., Rasoulpoor, S., Mohammadi, M., ... & Khale-di-Paveh, B. (2020). Prevalence of stress, anxiety, depression among the general population during the COVID-19 pandemic: a systematic review and meta-analysis. *Globalization and health*, 16(1), 1–11.
- Sharma, K., Deo, G., Timalisina, S., Joshi, A., Shrestha, N., & Neupane, H. C. (2020). Online learning in the face of COVID-19 pandemic: Assessment of students' satisfaction at Chitwan medical college of Nepal. *Kathmandu University Medical Journal*, 18(2), 40–47.
- Sheikh, Y. A. (2017). Higher education in India: Challenges and opportunities. *Journal of Education and Practice*, 8(1), 39–42.
- Singh, S., Roy, M. D., Sinha, C. P. T. M. K., Parveen, C. P. T. M. S., Sharma, C. P. T. G., & Joshi, C. P. T. G. (2020). Impact of COVID-19 and lockdown on mental health of children and adolescents: A narrative review with recommendations. *Psychiatry research*, 113429.
- Shen K., Yang Y., Wang T., Zhao D., Jiang Y., Jin R., Zheng Y., Xu B., Xie Z., Lin L., Shang Y., Lu X., Shu S., Bai Y., Deng J., Lu M., Ye L., Wang X., Wang Y... *Diagnosis, Treatment, And Prevention Of 2019 Novel Coronavirus Infection In Children: Experts' Consensus Statement*. World Journal of Pediatrics : WJP; 2020. Global Pediatric Pulmonology Alliance; pp. 1–9. PubMed.
- Suresh, M.; Priya, V.V.; Gayathri, R. Effect of e-learning on academic performance of undergraduate students. *Drug Invent. Today* 2018, 10, 1797–1800.
- United Nations (2020). *Policy Brief: Education during Covid 19 and beyond*. [https://www.un.org/development/desa/dspd/wpcontent/uploads/sites/22/2020/08/sg\\_policy\\_brief\\_covid-19\\_and\\_education\\_august\\_2020.pdf](https://www.un.org/development/desa/dspd/wpcontent/uploads/sites/22/2020/08/sg_policy_brief_covid-19_and_education_august_2020.pdf)
- UNICEF (2021) <https://www.unicef.org/india/press-releases/covid-19-schools-more-168-million-children-globally-have-been-completely-closed>
- UNESCO *Universities Tackle the Impact of COVID-19 on Disadvantaged Students*. (2020). Available online at: <https://en.unesco.org/news/universities-tackle-impact-covid-19-disadvantaged-students> (accessed May 24, 2020).
- UNESCO (2020) *Education in a Post-Covid World: Nine ideas for Public action*. Available online at: <https://en.unesco.org/news/education-post-covid-world-nine-ideas-public-action>
- Wang, C., & Zhao, H. (2020). The impact of COVID-19 on anxiety in Chinese university students. *Frontiers in psychology*, 11, 1168.
- Yang, C., Chen, A., & Chen, Y. (2021). College students' stress and health in the COVID-19 pandemic: the role of academic workload, separation from school, and fears of contagion. *PloS one*, 16(2), e0246676.
- Yikealo, D., Tareke, W., & Karvinen, I. (2018). The level of stress among college students: A case in the college of education, Eritrea Institute of Technology. *Open Science Journal*, 3(4).

**Santoshi Halder:**  
<https://orcid.org/0000-0002-6967-5853>

*All correspondence for this chapter should be made to Santoshi Halder.*

**Email:**  
[santoshi\\_halder@yahoo.com](mailto:santoshi_halder@yahoo.com)  
[shedu@caluniv.ac.in](mailto:shedu@caluniv.ac.in)





İllüstrasyon: Ömer Yapraklıoğlu

# JULIAN ASSANGE

---