

**CHALLENGES IN THE DISCHARGE OF STATE OBLIGATIONS ON
EDUCATIONAL RIGHT OF CHILDREN DURING COVID-19:
NIGERIA AND ETHIOPIA IN FOCUS**

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ABSTRACT

Covid-19 has metamorphosed into a deadly pandemic across the universe since its outbreak in December, 2019. It continues to threaten human existence and particularly children who are vulnerable by their very nature. At a point, it interrupts children's right to education across the universe. Efforts of governments towards discharging their obligations on educational rights of children under the laws met series of challenges. Nigeria and Ethiopia, like their counterparts across the globe, resorted to total lockdown and stay at home as part of the measures to contain the spread of Covid-19. This has consequently impacted negatively on the educational right of children in the two countries. Against the foregoing backdrop, this paper, relying on doctrinal method of legal research, seeks to examine the challenges in the discharge of State obligations on educational right of children during Covid-19 using Nigeria and Ethiopia as a case study. The paper x-rays the extent of the effect of Covid-19 on the children's educational right in Nigeria and Ethiopia by investigating the adequacy or otherwise of the various measures put in place by the governments to cushion the effect of the pandemic on the children's educational right. The paper also examines the various challenges faced by the governments in the two countries while discharging their obligations towards educational rights of the children. The paper concludes that the efforts put in place by the two governments to cushion the effect of Covid-19 on the educational right of the children were inadequate. For future purpose, the paper recommends, amongst others, provisions of adequate facilities in educational institutions and adequate training of teachers in technical-know-how required for virtual learning at period of lock down.

Keywords: Covid-19, Legal Obligation, Educational Right, Children, Nigeria, Ethiopia.

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1. INTRODUCTION

The menace of Covid-19 pandemic is felt by the nooks and crannies in the world over. Every sphere and sector of human endeavour has been negatively affected. The United Nations Educational, Scientific, and Cultural Organization (UNESCO) asserted that 70% of the students across the universe were affected due to closure of schools with a view to contain the spread of Covid-19.¹⁸³ In order to ensure continuity of education during the lockdown period, UNESCO recommended remote learning system for governments all over the globe.¹⁸⁴ To this end, the Nigerian government resorted to teaching of the children remotely with the aid of radio and television programming;¹⁸⁵ while the primary and secondary schools also adopted virtual learning method.¹⁸⁶

Against the foregoing backdrop, this paper seeks to examine the effect of Covid-19 on the educational right of children in Nigeria by examining, amongst other, the measures put in place by the Nigerian government to cushion the effect of the pandemic on the children's educational right; the challenges bedeviling the efforts of the government in cushioning the effect of covid-19 on the children's educational right; the comparative analysis with Ethiopia with a view to proffering recommendation(s).

2. CONCEPTUAL ANALYSIS

Covid-19 is an acronym of coronavirus disease discovered in December, 2019 in the city of Wuhan City, Hubei Province, China.¹⁸⁷ At the time of its outbreak, it was regarded as an epidemic disease. It originated from coronaviridae family and is single-stranded RNA with the shape of crown.¹⁸⁸ The previous outbreak of the virus include Severe Acute Respiratory Syndrome (SARS)-CoV in 2003 and the Middle East Respiratory syndrome (MERS)-CoV in 2012.¹⁸⁹ Thus, Covid-19 is also referred to as Severe Acute Respiratory Syndrome Corona

¹⁸³ See 'COVID-19 Educational Disruption and Response', published by UNESCO, p. 1, available at <https://en.unesco.org/covid-19/educationresponse> accessed on 17 May, 2020.

¹⁸⁴ *Ibid*

¹⁸⁵ O. Okunnu, 'Coronavirus: Lagos, Kano go use Radio, TV to take Students', *BBC NEWS-PIDGIN*, 05 April, 2020, p. 1, available at <https://www.google.com/amp/s/www.bbc.com/pidgin/amp/tori-52175073> accessed on 17 May, 2020.

¹⁸⁶ O. Kolawole, 'How Nigeria is handling Interruption in School Activities,' p. 1, available at <https://techpoint.africa/2020/04/15/pandemic-and-academic-activates/> accessed on 17 May, 2020.

¹⁸⁷ F.D. Gennaro, et al, 'Coronavirus Diseases (COVID-19) Current Status and Future Perspectives: A Narrative Review' *International Journal of Environmental Research and Public Health*, 17, 2690, 2020, p.1

¹⁸⁸ *Ibid*

¹⁸⁹ *Ibid*

Virus 2 (SARS-COV-2).¹⁹⁰The so-called covid-19 has been a source of serious headache to medical researchers/experts across the universe because no one has been able to discover specific antiviral treatment or vaccine for the disease.¹⁹¹Infected patients are just being given supportive care with a view to alleviating the symptoms.¹⁹²

The salient feature of the virus is that it is a rapidly transmittable disease.¹⁹³ This makes it to easily spread across the global within the span of about three (3) months. The World Health Organization (WHO) were baffled with the situation and declared the coronavirus as a global pandemic on the 11th of March, 2020.¹⁹⁴As at the month of April, 2020, China has been reported to have successfully contained the coronavirus with the European Countries like Italy, France, United State of America and the United Kingdom continue to be the worst hit Countries.¹⁹⁵ African continent also shares from the horrible experience of Covid-19 as the confirmed cases and deaths continue to rise on daily basis.¹⁹⁶

Covid-19, indeed has had negative effect both globally and nationally on every sphere of human endeavour particularly educational sector being the fulcrum of their paper.¹⁹⁷

3. GENERAL GLOBAL EFFECT OF COVID-19

The general effect of Covid-19 could be perceived from two (2) main perspectives. i.e. global and national perspectives.¹⁹⁸On the global perspective, the effect of Covid-19 springs from the various health tips recommended by the World Health Organization (WHO) geared towards

¹⁹⁰Y. Yang, *et al*, 'The Deadly Coronaviruses: The 2003 SARS Pandemic and The 2020 Novel Coronavirus Epidemic in China', *Journal of Autoimmunity*, xxx (xxxx) xxxx, pp. 1-3

¹⁹¹F.D. Gennaro, *et al*, 'Coronavirus Diseases (COVID-19) Current Status and Future Perspectives: A Narrative Review' *International Journal of Environmental Research and Public Health*, p. 5

¹⁹²*Ibid*

¹⁹³ S. Nadeem, 'Coronavirus COVID-19: Available Free Literature Provided by Various Companies, *Journals and Organizations around the World*', *Journal of Ongoing Chemical Research*, Volume 5, Issue 1, 2020, p. 7.

¹⁹⁴ F.D. Gennaro, *et al*, 'Coronavirus Diseases (COVID-19) Current Status and Future Perspectives: A Narrative Review', p. 2

¹⁹⁵B. Salzberger, T. Gluck, and B. Ehrenstein, 'Successful Containment of Covid-19: the WHO-Report on the Covid-19 Outreach in China', *Springer*, 17 March, 2020, pp. 1-3, available at https://www.researchgate.net/publication/33998586_Successful_containment_of_COVID-19_the_WHO-Report_on_the_COVID-19_outbreak_in_China accessed on 16th May, 2020.

¹⁹⁶P. K. Ozili, 'COVID-19 in Africa: Socioeconomic Impact, Policy Response and Opportunities', *International Journal of Sociology and Social Policy*, pp. 1-35, available at https://www.researchgate.net/publication/340610720_COVID-19_in_Africa_Socioeconomic_Impact_Policy_Response_and_Opportunities/link/5eba4b79928510dab5ff3/download accessed on 16 May, 2020.

¹⁹⁷*Ibid*

¹⁹⁸See 'Global Economic effects of COVID-19' published by Congressional Research Service, Updated 1 May, 2020, pp. 1-73 available at <https://crsreports.congress.gov> accessed on 16 May, 2020. See also, F. Boissay, and P. Rungcharoenkitkul, 'Macroeconomic Effects of Covid-19: An Early Review', *BIS Bulletin*, No. 7, 17 April, 2020, pp. 1-7

containing the spread of the pandemic. These tips include avoidance of crowded place, maintenance of social/physical distancing, covering of nose and mouth with face mask, avoidance of social and religious gathering to mention but a few.¹⁹⁹ In response to the WHO health tips, stay at home and total/partial lock down became the global order with its consequential effect especially on the global economic structure. To this end, the world experiences another global economic melt-down with businesses closing down thereby given rise to the increase in global unemployment rate.²⁰⁰

The oil producing countries across the universe were not spared as the price of crude oil in the global market continues to fall on daily basis. The global lock down also affected the air travel with aviation industries being exposed to unprecedented loss and the threat of employment.²⁰¹ Some health workers across the globe were reported leaving their employment due to the fear of contraction of the virus. There was global apprehension of the coronavirus. The loss of business, economic melt-down and fall in the price of crude oil affected most countries which led to budgetary readjustments.²⁰² The International Monetary Fund (IMF) became the last resort for financial aid to the already oiling economies across the globe among others.²⁰³

The global lock down thus affected educational sector as physical learning became paralyzed due to the medical advice on maintenance of physical distancing.²⁰⁴ Most educational institutions especially in the Europe went virtual as alternative means of ensuring continuity of educational activities.²⁰⁵ The institutions who were not prepared for virtual leaning became powerless in the situation.

4. SPECIFIC EFFECT ON EDUCATION

It is undoubtedly that right to education is one of the rights enjoyed by children and duly protected by the law.²⁰⁶ However, due to the menace of Covid-19, the Governments across the

¹⁹⁹See 'World Health Organization Coronavirus Disease (COVID-19) Advice for the Public' available at <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public> accessed on 16 May, 2020.

²⁰⁰F. Boissay, and P. Rungcharoenkitkul, 'Macroeconomic Effects of Covid-19: An Early Review', pp. 2-5

²⁰¹ See 'Aviation Relief for African Airlines Critical as COVID-19 Impacts Deepen' available at <https://www.iata.org/en/pressroom/pr/2020-04-23-02/> accessed on 16 May, 2020

²⁰²To this end, Nigerian President has submitted a proposal for budgetary readjustment to the National Assembly in view of the apparent effect of Covid-19 on the Country's economy.

²⁰³ For instance, the International Monetary Fund (IMF) approved a loan of about 3.4Billion US Dollars to Nigeria to cushion the effect on Covid-19 pandemic.

²⁰⁴S. Burgess, and H.H. Slevertsen, 'Schools, Skills, and Learning: The Impact of COVID-19 on Education', available at <https://voxeu.org/article/impact-covid-19-education> accessed on 16 May, 2020.

²⁰⁵F. Zubascu, 'Universities in Lockdown: the Good, the Bad and Ugly of online Teaching', available at <https://sciencebusiness.net/covid-19/news/universities-lockdown-good-bad-and-ugly-online-teaching> accessed on 16 May, 2020.

²⁰⁶F.F. Abdulrasaq, 'An Appraisal of Legal Response towards Child Trafficking in Nigeria', *Joseph Ayo Bablola University Law Journal*, Vol. 1, No. 1, 2014, p. 151.

made order for lock down, stay at home, ban on inter-state travels as well as total restriction of movements.²⁰⁷ The primary effect of this on education is the closure of all educational institutions. Education which is the catalyst for national development was suspended totally in across the universe with a view to containing the spread of Covid-19. This is because, it is believed that educational activities would give room for crowd thereby enhancing the spread of the deadly virus.

All private and public primary and secondary Schools as well as private and public tertiary institutions were closed down indefinitely on the order of the governments at international, regional, national and State levels. This has resulted into a setback in most institutions' academic calendars. The academic progress of students was affected negatively with no hope of the specific time educational activities would be reopened. The most saddened aspect of it all is the truncation of the educational progress of the children in the secondary and primary schools.²⁰⁸ This is because students at the tender ages need close monitoring and constant supervision in order not to retard their educational progresses. And this is best achieved through their instructors/teachers' physical teaching in their various schools.²⁰⁹ Little wonder extra moral and vacation classes are usually organized to closely monitor their educational progresses.²¹⁰

Therefore, the ugly situation brought to fore by the incident of the Covid-19 pandemic denies the children of the foregoing activities. The resultant effect of the situation led to unprecedented stagnant progress in the children's education globally.²¹¹ For instance, in the West African region, the popular West African Examination Council (WAEC) and the National Examination Council (NECO) were cancelled indefinitely.²¹² With this, the admission processes of students to tertiary institutions in the Countries were abysmally affected.

²⁰⁷ See Covid-19 Regulations, 2020 No. 1 (which ordered lockdown); and Covid-19 Regulations, 2020 No. 2 (which further extended lockdown period)

²⁰⁸ *Ibid*

²⁰⁹ K. Sieberer-Nagler, 'Effective Classroom-Management & Positive Teaching', *English Language Teaching*, Vol. 9, No. 2, 2016, pp.163-172

²¹⁰ *Ibid*

²¹¹ *Ibid*

²¹² J. Rossiter, and M. K. Abreh, 'COVID-19 Has Forced Exams To Be Suspended Across West Africa: Should They Be Overhauled Before They Restart', *Center and Global Development*, March, 20, 2020, available at <https://www.cgdev.org/blog/covid-19-has-forced-be-suspended-across-west-africa-should-they-be-overhauled-they> accessed on 17 May, 2020.

5. EFFECT ON CHILDREN'S RIGHT OF EDUCATION IN NIGERIA

Effect of covid-19 is negatively felt by all and sundry. The virus has brought an abnormal situation to every individual (old or young). A situation where people are powerless to exercise their normal fundamental rights.²¹³ This situation has not spared right to education in Nigeria, especially educational right of children.

In view of the foregoing, this paper examines the effect the ravaging Covid-19 had on educational right of children in Nigeria from five (5) angles. The effect ranges from Lack of Access to Conventional Education, Switching to Virtual Learning, Strange Educational Environment, Increase in the Cost of Access to Education and Rural Area Experience.

5.1 Lack of Access to Conventional Educational System

Conventional education in this sense refers to educational setting which allows children to learn in a physical class room situation.²¹⁴ Thus, access to this conventional educational system is denied as a result of the lock down and stay at home order coupled with ban on social gathering/crowded places and maintenance of physical distancing. It is not gainsaid that children are vulnerable²¹⁵ and as such require and deserve close monitoring and supervision in their educational progress. This can only be achieved through the conventional educational system i.e. physical learning at schools. The process of imparting knowledge on the children is tedious compared to that of the adults that can easily understand or can even learn with less supervision.²¹⁶ That is why the conventional educational system has been designed especially for children to properly develop them with a view to realizing their potentials in life. So, since the close down of schools by order of the appropriate authority due to Covid-19 pandemic, it has resulted into lack of access to conventional educational system carefully designed for children by their very nature. Because, it must be noted that children's right to education is elastic. It includes right of access to the most suitable means of educating them. The reason being that, the law enjoins that in every situation, the best interest of the child must be observed.²¹⁷

²¹³ See 'Coronavirus COVID-19 Outbreak in the EU Fundamental Rights Implications' published by European Union Agency for Fundamental Rights in Slovakia on 23rd March, 2020, pp.1-14

²¹⁴ K. Sieberer-Nagler, 'Effective Classroom-Management & Positive Teaching', p. 163

²¹⁵ F.F. Abdulrazaq, 'General Legal Framework and Responses to Child Labour Practice in Nigeria: A Focus on Kwara State', *Novena University Law Journal*, Vol. 1, 2017, pp. 55-56

²¹⁶ K. Sieberer-Nagler, 'Effective Classroom-Management & Positive Teaching', pp. 163-172

²¹⁷ F.F. Abdulrazaq, 'General Legal Framework and Responses to Child Labour Practice in Nigeria', pp.64-65

5.2 Virtual Learning Mode

Switching to virtual learning came to force as a result of the lock down leading to lack of access to conventional educational system in Nigeria. Thus, in order not to make children dullard during the pandemic, most schools have resorted to virtual learning system.²¹⁸ The schools leading in this regards are the private primary and secondary schools in Nigeria. Virtual learning is the opposite of conventional education system which involves physical classroom learning. The virtual learning which is described as learning through online is a distant learning system. The pertinent question is whether the distant learning system is suitable for children at tender age. Of course, the answer is in the negative. This is because, distant learning through virtual means is primarily designed for adults and matured students.²¹⁹ The ingenuity of the schools switching to virtual learning method for children in Nigeria is appreciated. But the truth be told that the virtual learning method is a distant system which is not suitable for children's educational growth. This is because, the children are meant to be closely nominated so as to achieve proper educational advancement.²²⁰ This therefore, cannot be achieved through the newly adopted virtual learning for children in their respective schools.

5.3 Strange Educational Environment

The close down of schools with a view to containing Covid-19 has denied children access to the convectional educational system thereby making most primary and secondary schools to switch to virtual learning method. The aftermath of the foregoing is that children now find themselves in strange educational environment.²²¹ The virtual learning is popular in the West but strange to the Nigerian educational system. This will therefore take a great of time for children to get used to it. The effect of this is that it would lead to stunted growth of the children in their academic progress.

5.4 Access to Education Affordable to all

Nigeria is a country that has not launched free and unlimited WIFI for its citizen. With the new shift to virtual learning, it imposes extract cost of data subscription on the part of the parents. This is because, without subscribing to data for online browsing, there would be no access to the virtual learning. This indeed has adversely affected the indigent parents as many children

²¹⁸ O. Kolawole, 'How Nigeria is handling Interruption in School Activities,' p. 1.

²¹⁹ S.S. Baharom, 'An Analysis on Adult Learners' Satisfaction in Online Education Programmes', *IJIM*, Vol. 12, No. 7, 2018, pp. 70 -82

²²⁰ K. Sieberer-Nagler, 'Effective Classroom-Management & Positive Teaching', pp. 164-167

²²¹ See 'Education and Covid-19 in Nigeria: Tackling the Digital Divide', available at www.worldliteracyfoundation.org/education-and-covid-19-in-nigeria/ accessed on 17 May, 2020.

are denied access to affordable education.²²² Many parents are already finding it difficult to pay the school fees of their children as are when due. The indirect imposition of extra cost of data will definitely compound their situation. More so, when they are in a very difficult and unproductive period of lock down as a result of Covid-19.

5.5 Experience at the Rural Area

The situation of the inhabitants of the rural area calls for concern. The children at rural area mostly attended public school with conventional educational system. The children of this area were also affected by the lock down resulting to the closure of schools. Most of the rural areas in Nigeria are very remote to various telecommunication servers and battling with abject poverty.²²³ The simple implication of this is that virtual learning methods will meet a dead lock due to inability to afford data subscription and the necessary gadget needed for virtual learning. The rural area experience was not put into consideration when the idea of switching to virtual learning was being proposed. The simple fact is that there are still most dwellers of rural area that do not know what is going in the public domain due to poor telecommunication services.²²⁴ Thus, the children's right to education would be adversely affected.

Therefore, a cursory look at some of the effects of Covid-19 on educational right of the children in Nigeria raises an important question that; are government to be blamed for the current situation? This shall be addressed below.

6. STATE OBLIGATIONS UNDER THE LAWS

The importance of education in the life of every child cannot be over-emphasized. Education determines their personalities when they become adults. That is why education has been established as one of the inherent rights of children. Apart from the role of the parents in ensuring that children are enrolled in school as of right, the government also have enormous responsibility to make affordable education to the children.

Article 28 of the United Nations Convention on the Right of the Child²²⁵ provides:-

Article 28

²²² See Article 28 of the United Nations Convention on the Right of the Child, 1989

²²³ A.E. Nasikak-Abasi, and E.J. Udah, 'The Determinant of Rural Poverty in Nigeria', *International Journal of Agricultural Management & Development (IJAMAD)*, 3(2), June, 2013, pp. 141-151.

²²⁴ Y.A. Adediran, *et al*, 'On Issues and Challenges of Rural Telecommunications Access in Nigeria', *African Journal of Education, Science and Technology*, Vol. 3, No. 2, April, 2016, pp. 16-25.

²²⁵ See Article 28 (1) (a), (b), (c), (d), and (e) United Nations Convention on the Right of the Child, 1989.

1. *States parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:*
 - a. *Make primary education compulsory and available free to all;*
 - b. *Encourage the development of different forms of Secondary education, make them available and accessible to every child, and take appropriate measures such as introduction of free education and offering financial assistance in case of need;*
 - c. *Make higher education accessible to all on the basis of capacity by every appropriate means;*
 - d. *Make educational and vocational information and guidance available and accessible to all children;*
 - e. *Take measures to encourage regular attendance at schools and the reduction of drop-out rates.*

From the foregoing provision of the United Nation Convention, it is clear with respect to the primary and secondary education of children that, it is their right which the government must safeguard. The United Nation Convention is an international treaty which is not binding on the State parties as a matter of course. Its abidingness requires domestication. Interestingly, Nigeria is a party to the Convention and in line with the position of its grund norm,²²⁶ has some domesticated it as Child Rights Act. It is worthy of note before that before the enactment of the Child Right Act, the educational objectives of the government of the Federal Republic of Nigeria aptly seeks to achieve free compulsory and universal primary education, among others. Therefore, the position that the provision of the educational right in the Nigerian Constitution is not justiciable is no longer the law. The provision of Section 15 of the Child Rights Act reads:-

1. *Every child has the rights to free, compulsory and universal basic education and it shall be the duty of the government in Nigeria to provide such education.*
2. *Every parent or guardian shall ensure that his child or ward attends and completes his-*
 - a. *Primary school education; and*
 - b. *Junior Secondary education.*

Thus, the government of Nigeria have the responsibility of ensuring that children right to education in Nigerian is safeguard and enforced to the latter. However, the menace of Covid-

²²⁶ See section 12(1) of the Constitution of the Federal Republic of Nigeria, 1999 as Amended.

19 has denied the children's right to education in Nigeria despite the robust provision in the law. The pertinent question therefore is that, can the government be said to have been justified for making some orders that abruptly affected the children's right to education in Nigeria? To answer this question, recourse shall be made to section 45 (1) (a) of the Constitution of Federal Republic of Nigeria, 1999 as amended (hereinafter referred to as the Constitution) which permits the government to restrict and derogate from fundamental rights inclusive of children's right to education.

Section 45 (1) (a) of the Constitution gives room for suspension or derogation from fundamental rights "in the interest of defence, public safety, public order, public morality or public health." It is important that such derogation/ suspension of the fundamental rights must have been provided by any law validly enacted in a democratic dispensation. This is where the Quarantine Act, 1926 comes to play. The combined effect of the provisions of Section 1, 2, 3, 4, 5, 6 and 7 of the Act empower both the President and the Governors to declare any area as an infected area(s) and prescribed steps to be taken to prevent the spread and transmission of disease.

To this end, various regulations²²⁷ were made with a view to containing the spread of Covid-19 which resulted in order for lockdown and stay at home with its attendant effect on the educational right of the children in Nigeria. The action of the government is justified in law. Be that as it may, it is therefore important to examine the steps put in place by the government to cushion the effect of Covid-19 on the educational right of the children in Nigeria.

7. DISCHARGE OF LEGAL OBLIGATION BY NIGERIAN GOVERNMENT TOWARDS CHILDREN'S EDUCATIONAL RIGHT DURING COVID-19

Nigerian government acknowledge that it is an ugly situation for children to indefinitely stay at home due to close down of schools. The official statement of United Nations Educational, Scientific, and Cultural Organization (UNESCO) indicated that in the pandemic situation, educational sector is part of the receiving end. As at 13th April, 2020, UNESCO stated that about 70% of the world learners have been affected as a result of close down of schools.²²⁸ To cushion the effect, UNESCO therefore recommended remote learning through virtual

²²⁷ See for instance, Covid-19 Regulations, 2020, No. 1 (which ordered lockdown); and Covid-19 Regulations, 2020, No. 2 (which further extended lockdown period).

²²⁸ See 'COVID-19 Educational Disruption and Response', published by UNESCO, p. 1.

method.²²⁹ This includes adopting distance learning mechanism and creation of open educational applications with a view to providing platform for teachers to impart knowledge on the children remotely.²³⁰ However, the position of the Nigeria government as per the recommendation of virtual learning method by UNESCO remains unclear. What is glaring is that the Federal Government and the various State Governments have resorted to the use of radio and television programming as tools to reach out to the Nigerian pupils and students remotely. To this end, the public owned federal and state television and radio stations have scheduled their activities to this effect with wide publicity.²³¹

To augment the effort of the government in this regards, some Non-Governmental Organization have partnered with some state government for radio and television station teaching method.²³² The private radio and television have also joined in the race to organize various lessons on the subjects being taught at the primary and secondary school levels with a view to reaching out remotely to the millions of students in Nigeria. In the same vein, the West Africa Examination Council (WAEC) had also released its official website for students to browse different categories of their subjects' syllabus with the aid of previous questions and answers.²³³ This is done with a view to preparing the students for the already postponed WAEC examination.

So far, some children have been benefiting from the different efforts put in place to cushion the effect of Covid-19 on their educational right. It is important to interrogate at this juncture whether the effort by the Nigerian government is adequate in the circumstance. To successfully determine the adequacy or otherwise of the governmental efforts, it is imperative to examine the challenges encountered so far by the children in taking the advantage of the alternative measures.

8. **CHALLENGES ENCOUNTERED**

As brilliant as the governmental effort is towards cushioning the effecting of Covid-19 on the children educational right in Nigeria, there are various challenges being encountered by the

²²⁹ *Ibid*

²³⁰ *Ibid*

²³¹ O. Okunnu, 'Coronavirus: Lagos, Kano go use Radio, TV to take Students', *BBC NEWS-PIDGIN*, 05 April, 2020, p. 1.

²³² Y.D. Ladipo, and A. Adebore, 'COVID-19 is Exacerbating the Problem of Educational Inequity in Nigeria', *Nairametrics*, 9th May, 2020, p. 1 available at <https://nairametrics.com/2020/04/18/covid-19-exacerbating-the-problem-of-educational-inequity-in-nigeria/> accessed on 17 May, 2020.

²³³ E. Osanyande, 'Nigeria: COVID-19 – WAEC Provides Online Resources for 2020 Candidates', *AllAfrica*, 9 April, 2020, available at <https://allafrica.com/stories/202004090186.html> accessed on 17 May, 2020.

children which are preventing the realization of the intendment of the government. This paper therefore categorizes the challenges under four (4) sub-heading as discussed below.

8.1 Challenge of Poverty

The World Poverty Clock currently indicates that the 50% of the Nigeria population live in abject poverty.²³⁴ The children from poverty-ridden families definitely bear the brunt in the recent pandemic. This is because, most poor families in Nigeria are still battling with how to meet up with three (3) square meals a day let alone being able to afford radio or television sets that would enable them to take advantage of the alternative measures put in place by the government to cushion the effort of Covid-19 on the children's educational right. The Nigerian government presumed that all houses in Nigeria should have access to radio and television sets. This presumption is not correct as most poor families even perceive radio and television sets as luxurious of life. Poverty therefore remains the biggest challenge to the effort of the government in cushioning the effect of the pandemic on educational right of the children in Nigeria.

8.2 Challenge of Educational Inequality

The primary intendment of the Child Right Act with respect to the right of children to education is to make education is that the government should make education accessible to every Nigerian child without discrimination and on equal opportunity. However, the poverty level of most Nigerian families have brought to fore the era of education inequality.²³⁵ This is so because the alternative learning/teaching measures vide virtual means, radio or television stations are only accessible for those who can afford it. Thus, since the lockdown and closure of schools across the federation, some children have benefitted from the so called alternative measures because their parents are well to do and can afford it. Greater number of children have lagged behind because their families face the problem of survival let alone thinking of providing them the necessary materials needed to take advantage of the measures put in place by the government.

8.3 Challenge of Power Supply

Power supply is still a biggest problem in Nigeria.²³⁶ Ever since the transition to democratic dispensation, billions of Naira have expended on the power project without any success. As it

²³⁴ See 'World Poverty Clock Updates for Nigeria, 2020' available at <https://worldpoverty.io/headline> accessed on 17 May, 2020.

²³⁵ Y.D. Ladipo, and A. Adeboli, 'COVID-19 is Exacerbating the Problem of Educational Inequity in Nigeria', p. 1

²³⁶ A.S. Sambo, et al, 'Electricity Generation and the Present Challenges in the Nigerian Power Sector', p. 14, available at <https://www.researchgate.net/publication/228399732> accessed on 17 May, 2020

were, Nigeria cannot boast of 24 hours uninterrupted power supply. Thus, the epileptic power supply situation in the country makes the alternative learning measures put in place by the Nigerian government to die on arrival.²³⁷ The intended remote learning through radio and television stations can only thrive in a country where steady power supply is guaranteed. Also, the virtual learning method is negatively affected. The reason being that various materials/gadgets needed for the actualization of the remote learning such as android smart phones, desktop/laptop etc. are electricity dependent. They needed to be charged constantly in order to serve the purpose of the virtual leaning. Thus, in the situation of lack of stable power supply, the alternative learning means becomes exercise in futility.

8.4 Challenge of Adequate Expertise/Technical-Know-How

Lack of adequate expertise or technical-know-how is a great challenge to the virtual learning method. This is because what Nigerian educational system is used to is the conventional physical classroom method. The virtual learning method requires considerable skills on the part of teachers. Most teachers in Nigeria are unprepared for the virtual learning method as the Covid-19 came unannounced.²³⁸ That is why some school especially the public schools in Nigeria are yet to embrace the virtual remote learning recommended by UNESCO with a view to cushion the effect of Covid-19 on the educational right of children.²³⁹ The children of public primary and secondary schools are at the receiving end.

9. ETHIOPIAN EXPERIENCE

Ethiopia is country within the continent of Africa. The country, just likes other countries in the continent, was not spared from the effect of Covid-19 especially on the educational sector. Ever since the confirmed cases of Covid-19 in Ethiopia, the country had responded to the menace of Covid-19 with a view to containing the spread of the deadly virus. Thus, this section of this paper compares the situation in Nigeria with that of the Ethiopia. In doing so, the comparative analysis will be examined under the three (3) main subheading viz: Response of Ethiopia Government to Covid-19 Pandemic, Effect of Covid-19 on Educational Right of Children and Challenges Faced by the Children.

²³⁷Ibid

²³⁸ Y.D. Ladipo, and A. Adebiori, 'COVID-19 is Exacerbating the Problem of Educational Inequity in Nigeria', p.

1.

²³⁹Ibid

9.1 Government's Response to Covid-19

Ethiopia is one of the African countries hit by the Covid-19. Immediately the confirmed case of Covid-19 increased to 5 in Ethiopia, the country's Prime Minister on 16th March, 2020 banned public events, social gathering and ordered closure of schools across the country. All these were done with a view to containing further spread of Covid-19.²⁴⁰ When the total confirmed cases rise to 35, the government of Ethiopia prepared for a worst case scenario with the country being locked down. To this end, the government finalized the draft of Government Inter-Agency Ethiopia Covid-9 Multi-Sectional Preparedness and Response Plan.²⁴¹ The sole objective of this is to put everyone on their toes in the country so as to collectively fight and contain the pandemic. The situation did not leave a blink of hope for educational sector in the country. Bearing in mind that educational activities has been halted in the country, the government devised other alternative means to ensure continuity of general education especially among the pupils and students of primary and secondary schools respectively.²⁴² The Ministry of Education in Ethiopia adopted e-learning for secondary schools and multi-media channels such as radio and television programming for primary schools.²⁴³ The response to Covid-19 in Ethiopia is similar to the Response of the Nigeria government. The slight difference therefore is that the position of the Nigerian government is unclear regarding switching to virtual learning as this was taken up by the school operators themselves in Nigeria. That is why, it is the private schools in Nigeria that are taking the lead in the virtual learning of children.

9.2 Effect on Children's Right of Education in Ethiopia

The effect of Covid-19 on educational right of children in Ethiopia are mainly the lack of access to Convectional Educational System and Adoption of Distance learning for children's education.²⁴⁴ As explained above in paragraph 5.1 and 5.2 with respect to the case of Nigeria, the Conventional Educational System which entails class room physical teaching cannot be compared to the distance learning method for children's education. Owing to the enormous advantages of the conventional educational system, the adopted distance learning method can never be a substitute for it. With the closure of schools in Ethiopia thereby forcing the government to adopt distance learning method for children's education, the children are at a

²⁴⁰A. Getachew, 'COVID-19: Ethiopia Closes Schools, Bans Public Events', p. 1, available at <<https://www.aa.com.tr/en/africa/covid-19-ethiopia-closes-schools-bans-public-events-/1767683>

²⁴¹ See ETHIOPIA COVID-19 Situation Report No. 3 of 27 April, 2020.

²⁴²*Ibid*

²⁴³*Ibid*

²⁴⁴*Ibid*

great disadvantage. For instance, close monitoring, supervision, demeanour and bodily language observation that can be achieved in the class room physical teaching method are not realizable under the distance learning method.²⁴⁵ This goes a long way in negatively affecting the education growth of the children. Further still, the mandatory class room exercise or class work cannot be compared to homework assignment. For the class work, the teacher ensures the children personally participate.²⁴⁶ The case is the reverse for homework, because in most cases, children fail to do their homework or they were being assisted by their parents, this therefore shows the lapse of the distance learning. The reason being that, the major way of assessing children's performance under the distance learning is by giving them home assignment. Worst still, the radio and television programming do not present the teacher second opportunity to check or mark the assignment or receive feedback from the children. Feedback is a very important tool for teachers to understand the reaction of the children to his teaching and to determine which teaching method suitable for their learning.²⁴⁷ It is therefore observed that the effect of Covid-19 on the educational right of children in Ethiopia is similar to the Nigerian situation.

9.3 Challenges in Ethiopian Experience

There are a number of challenges being faced by children in the new face of education. First and foremost, poverty raises the main concern.²⁴⁸ For the distance learning to thrive, availability of certain devices and gadgets in a sine qua non. Thus, not all families can procure the needed devices for distance virtual learning method. The scenario of educational inequality was also ushered in.²⁴⁹ It is reported that for the virtual learning recommended for secondary schools in Ethiopia, only private schools had sprung to action. The children that attended public schools continue to suffer set back in their educational progress. Also, the mechanism put in place by the government for children's education during the Covid-19 pandemic overlooked the pre-school children who are mostly in kindergarten. This segregation would grossly affect their educational progress.

The inevitable challenges faced by children also includes coping with the apprehension of Covid-19 pandemic.²⁵⁰ It is not a gain-saying that knowledge is best acquired in a settled and

²⁴⁵ K. Sieberer-Nagler, 'Effective Classroom-Management & Positive Teaching', pp. 164-167

²⁴⁶ *Ibid*

²⁴⁷ *Ibid*

²⁴⁸ B.H. Hailu, 'Education Response to COVID-19: How can Basic Education be implemented in Ethiopia?', *The Education and Development Forum*, p. 1, available at <https://www.ukfiet.org/2020/education-response-to-covid-19-how-can-basic-education-be-implemented-in-ethiopia/> accessed on 17 May, 2020

²⁴⁹ *Ibid*

²⁵⁰ *Ibid*

peaceful environment. The Covid-19 has presented negative learning environment with the daily updates of the casualties across the universe. The deadly virus continue to raise the apprehension of the parents, teachers and the vulnerable children. In fact, the situation has been likened to war situation which the major concern is how to survive it. Thus, until normalcy returns after successful containment of the deadly virus, the serene and peaceful learning environment would not be ascertained.

10.CONCLUSION AND RECOMMENDATIONS

This paper revealed that Covid-19 has had negative effect on the educational right of children in Nigeria. Children are being subjected to remote learning system vide virtual method as well as through radio and television programs which is not best for proper supervision and monitoring in their educational progress especially at the tender age. The situation in Ethiopia is similar to what is obtainable in Nigeria. The government's effort in response to the menace of Covid-19 on education in Nigeria is commended. However, the effort appears inadequate in the face of various challenges faced by the Nigerian children which include poverty, era of educational inequality, epileptic power supply and lack of adequate expertise. It is therefore recommended as follows:

- a. Menace of education has to be tackled. The government therefore needs to introduce and sustain programs that will alleviate poverty in the country. If this is achieved, it will eradicate educational inequity;
- b. Problem of epileptic power supply needs to adequately tackled.to give room for the remote learning introduced as a result of closure of educational institutions;
- c. In the meantime, government should provide solar radios to the inhabitants of rural areas and other families who could not afford radio and television. This will also eradicate the era of educational inequity;
- d. School teachers, especially at the public primary and secondary schools should be adequately trained in the proficiency of technology and technical-know-how required for online learning;
- e. Remote learning through virtual method, radio and television should be permanently sustained. This will give children proper exposure so that when the arises in the future to close down schools and switch to virtual and other remote learning, it would not be strange to the children and will enhance them to cope adequately;

- f. Every public primary and secondary schools should be adequately equipped to successfully under the virtual learning method; and
- g. In designing virtual learning method for children education, best interest of the children at the urban and rural areas should be the focus point. The government should also put the interest of children from poor background into consideration.