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HUMAN RIGHTS DIMENSION OF A PANDEMIC: EVALUATION OF THE EFFECT OF COVID 19 ON THE RIGHT TO EDUCATION IN KENYA.

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DECLARATION

I, **Daisy Waitherero** do hereby declare that this is my original work and has not been submitted to any other University or Institution for any award.

I hereby now submit the same for the award of Master of Arts in International Studies Degree of the University of Nairobi.

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Daisy Waitherero (Candidate) This thesis has been submitted for examination for the award of Master of Masters of Arts in Diplomacy, for which the candidate was registered with my approval as the University of Nairobi Supervisor,

Signed...

Dr. Anita Kiamba

Supervisor

Dated: ....14ᵗʰ Dec. 2021...............

DEDICATION

I dedicate my work to my mother, Agnes Wambui Gatere, and late grandmother, Grace Njeri who have been a fort in my life and studies.

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List of abbreviation

CDC:	Centre for Disease Control
COVID-19:	The novel Corona Virus
ECCE:	Early childhood care and education
FDSE:	Free Day Secondary Education
FPE:	Free Primary Education
ICT:	Information and Communications Technology
NCCRCP:	National Coordination Committee for the Reaction to the Corona Virus Pandemic is the name of the committee
OECD:	Organisation for Economic Co-operation and Development
UNESCO:	United Nations Educational, Scientific and Cultural Organization
UNICEF:	United Nations Children's Fund
WHO:	World Health Organization

Abstract

The Covid-18 pandemic has had many political, social, economic, and cultural impacts on people's lives. The pandemic has altered regular human interactions. The education sector was among the worst-hit sectors by the pandemic. This study analyzes the human rights dimension of a pandemic: evaluation of the effect of covid 19 on the right to education in Kenya. The study was guided by three key objectives, to investigate the inequalities in the access to Education brought about by COVID-19 Pandemic, to examine the underlying Covid-19 factors hindering the right to access to education in Kenya and to evaluate the strategies that be employed to enhance optimal access to education in the Covid-19 and post-Covid periods. To analyze this, the study used the Classical Liberal Theory of Equal Opportunities advanced by John Locke in 1688. This study adopted the mixed-method design of data collection and make use of both qualitative and quantitative. The target population of the study 384 respondents comprising of Unesco officials, United Nations Office of the High Commissioner for Human Rights, Ministry of health officials, Ministry of Education officials, and Academicians. The quantitative data were analyzed through Statistical Package for Social Sciences Version 21 were as the qualitative data were analyzed through content analysis. The findings of the study were that the outbreak of the Covid-19 pandemic threatened access to education. The majority of the reasons caused by the COVID-19 pandemic have hampered access to education, which is a child's right under the Kenyan constitution. The study, therefore, recommends that The provision of an equal opportunity and inclusive way of making sure access to their right to education is also a move the government has to consider. This can be achieved through the government partnering up with various national media stations that are widespread to provide free learning classed for the students in the whole country.

Chapter One

Introduction

1.1 Background to the study

The world is currently struggling with the Covid-19 global pandemic. The pandemic has had many political, social, economic, and cultural impacts on people's lives. The pandemic has altered regular human interactions. The restrictions imposed to combat the epidemic had an

effect on day-to-day activities. Human rights are United Nations Assembly's 1948 universal declaration, which was later in1966 enhanced internationally by adding the covenant on civil and political rights, and this gave the legal treaty status of the 1948 Declaration. [1] On the other hand, Education is a fundamental human need in today's competitive environment alongside food, clothing, and housing, education is a critical component that plays a significant role in the new, developed world. Therefore anything that threatens the right to education necessitates a deeper analysis.

Pandemics are not a recent phenomenon in human history. Throughout history, a host of pandemics with catastrophic consequences have occurred. To this end, a global Pandemic is inevitable for mankind. One such global pandemic is the Covid-19 pandemic. According to some sources, the Covid-19 pandemic is the most severe since the 1918 Spanish influenza pandemic.[2]In response to the pandemic, the world embrace technology to counter most a number of restrictions that came along with combating the pandemic.[3]

The Pandemic has severe negative impacts across all spheres of life. The outbreak of the Covid-19 has disrupted the day-to-day lives of a number of people. The COVID-19 virus has had a worldwide impact on education, resulting in the near-complete closing of schools, colleges, and universities. As of April 26th, 2020, almost 1.8 billion students have been impacted as a result of institutional closures in response to the pandemic. According to UNESCO monitoring, 189 states had implemented national cessations and five had implemented local closures, affecting nearly 98% of the world's learner community.[4]

The year 2020 will be remembered by the Global pandemic of COVID-19. The closure of the learning institutions that was announced by the various government impacted the learning

process for many learners. Therefore the year 2020 remains one of the most challenging years terns of learning especially for finishing students. It is worth mentioning that most learning institutions were at their peak prior to the Covid-19. [5]

For Kenya, the Covid-19 pandemic has seriously affected different sectors in the country. Pre-Covid-19, the country was moving on steadily. Kenya's economy was growing steadily in the 2019-2020 financial year. A number of social, political, and educational activities were going as usual. In academics, the pandemic was announced barely 3 months into the first academic term. However, the normal school program was disrupted by the covid-19 pandemic.

The COVID-19 pandemic has had far-reaching effects beyond the rapid spread of the disease around the globe and the efforts to contain it. Globally, the Covid-19 pandemic has already caused one largest global recessions in the modern-day. The pandemic saw close to a third of the world population under lockdown in a bid to contain its spread. The Covid-19 pandemic was declared in Kenya on March, 27th. The government responded by putting in place restrictions and social-distancing protocols such as the closure of learning institutions.

The education sector was seriously hit by the Covid-19 pandemic. The pandemic impacted the normal school programs thereby affecting millions of learners following the closure of various learning institutions across the globe. The disruptions caused by Covid-19 affected almost all aspects of human lives however, health, economy, and learning institutions were the most affected. The closure of school means that a number of people lost their jobs but most importantly it disrupted the normal education of millions of students.[6]

In a bid to combat this pandemic, a number of measures were put in place to contain the spread of the pandemic. Among the most common measures were the need for social distancing, No

physical contact as well as the closer of social places schools included. These measures were highly disruptive, especially in schools. The schools remain one of the most populated places. Hence the enforcement of the COVID-19 restrictions meant that the normal learning programs had to be halted in order to combat the spread of the pandemic.[7]

In response to the above, various universities adopted different measures to engage in raising awareness and alarm about the pandemic. One of such strategies was the use of technology to enable access to distance online learning. According to Unesco majority of has access to online learning. Over 30% of learners especially those from developing countries could not access online learning at all.

The covid-19 epidemic has had a massive impact on schooling. According to Unesco, the pandemic has touched over 90% of the world's learners. That's 1.54 billion students in 185 nations who are not in school. Despite the difficulties governments have in dealing with this issue, human rights legislation makes it clear that these students maintain their right to education, and governments must continue to protect that right, as well as all other human rights. While other important requirements such as health, water, and sanitation are being addressed, educational needs must not be overlooked, since they have a similar negative impact if not addressed. The 'pile-on impact' of the coronavirus is that disruptions in schooling during the worldwide COVID-19 epidemic can have long-term consequences – especially for the most vulnerable.[8]

The right to education is protected under the International Covenant on Economic, Social, and Cultural Rights, as well as various regional social charters. Even a catastrophe as serious as the COVID-19 epidemic can't take away the right to education, even if it can change how it's

practiced and protected. Institutional closures have had far-reaching social and economic repercussions, affecting not just students, teachers, and families. Institutional closures in response to the coronavirus have resulted in a slew of economic and social problems, including digital literacy, learner debt, homelessness, and food shortages, as well as access to healthcare, health insurance, and the internet. It also led to unequal learning opportunities among various students as the students from poor backgrounds found it hard to access digital learning as compared with those from wealthy families.[9]

The reopening of the schools in Kenya saw a decline in the number of pupils and students who reported back to school. The pandemic had far-reaching effects that went beyond the health implications. For learners, access to education was affected. Even with the slow reopening in January, thousands of learners did not report back to school due to a number of covid related issues. This study therefore will analyze these issues by looking at the broader effect of the covid-19 pandemic on human rights and in particular the right to education.[10]

1.2 Statement of the problem

Education is an essential component of human society; its significance in life cannot be overstated, since a lack of education leads to a slew of social issues such as health problems, internal conflict, poor living conditions, and many others. Education also assists individuals in finding better solutions to their problems. However, the outbreak of the Covid-19 pandemic threatened access to education.[11]

The Covid-19 pandemic also came with economic and health impacts that had effects on the right to education. The pandemic has led to the loss of jobs, disruption of business, and stained

the finances of individuals. This has ripple effects on the ability of parents to maintain their children in school. The poverty conditions at home have placed learners at a high risk of facing other challenges like the right to education.[12]

The World Health Organization and UNICEF expressed worry over lengthy school closures due to COVID-19 in 2020, noting that they may increase the risks of adolescent pregnancy, poor nutrition, and permanent school dropouts for children in poorer nations. In Kenyan schools reopened in January 2021 to begin a new term and restart the school year that was disrupted by the COVID-19 outbreak last year. Kenya has one of the continent's longest school closures and is the last country in East Africa to fully reopen its schools. Despite the fact that 15 million children were supposed to return to school this week, the Kenyan independent daily the Daily Nation claimed that thousands of school-going children failed to report, due to covid related issues.[13]

This study, therefore, will analyze the human rights implications of the Covid-19 pandemic and in particular the right to education. The enforcement of the right to education has faced a number of challenges during the covid-19 period which has hindered the achievement of the right to education The study will analyze the covid-19 related factors that hinder access to education and thereby an impediment to the right to education In Kenya.

1.3 Research question

1. What are the inequalities in the access to Education brought about by the COVID-19 Pandemic?

2. What are the underlying Covid-19 factors hindering the right to access education in Kenya?

3.   What strategies can be employed to enhance optimal access to education in the Covid-19 and post-Covid periods?

1.4 Research objectives

1.4.1 General Objective

The human rights dimension of a pandemic: evaluation of the effect of covid 19 on the right to education in Kenya.

1.4.2   Specific objectives.

1. To investigate the inequalities in the access to Education brought about by COVID-19 Pandemic

2. To examine the underlying Covid-19 factors hindering the right to access to education in Kenya

3. To evaluate the strategies that be employed to enhance optimal access to education in the Covid-19 and post-Covid periods.

1.5 Literature Review

This section of the study analyzes the relevant literature on the subject area. The literature review has been done thematically as per the study's objectives.

1.5.1 The right to Access to Education

The World Charter of Fundamental Rights (1948), the Treaty Regarding Inequality in Education (1960), the Global Charter on Economical, Socioeconomic, and Intercultural Rights (1966), and

the Agreement on the Rights of the Child (1989) all establish the right to education at an international level.[14] Because the worldwide human rights structure isn't completely emphatic and doesn't uphold" privileges to free and mandatory ECCE in connection to fundamental and predominant" education, the international community frequently tends to rely on national and international proposed policies and guidelines to promote the growth of national education obligations during the stages of childhood. The Education 2030 Progress plan released subsequently emphasizes the significance of the ECCE era for children's long-term development well-being, and health. It also urges states to adopt domestic initiatives such as "comprehensive and equitable policies and regulations on the right to education. One of the suggested policies by the international bodies includes at least one year of free and mandatory excellent pre-primary schooling, with a focus on targeting socially underprivileged children like the children living with disabilities around the world through ECCE programs. Furthermore, as has been the norm in numerous nations for years, "basic education" can be expanded beyond elementary and junior secondary school to also include pre-primary education (e.g. Brazil and Thailand). With such initiations and initiatives in place, then international bodies such as UNESCO can push states to review their policies regarding free early childhood education as the countries continue to push towards the implementation of one hundred percent school enrollment by 2030. The right of education and policies governing it should be reviewed to better the education services offered to our children. Education is a sustainable project that will affect the whole world in the future, it should be given the priority it needs.

Grace describes the right to education as a socio-economical right. Education, as an empowering right, is the fundamental mechanism through which socially and economically excluded individuals and youngsters can rise out of hardship and gain access to the resources they need to

actively engage in society. Knowledge is critical for elevating ladies protecting minors against sexual predation, promoting equality, and conserving the ecosystem. Education is gradually being acknowledged as being one of the greatest economic investments that a country can offer but literacy is vital for more than simply utilitarian reasons: another of the delights and benefits of humankind is having a well-informed, and open mindset that can wander extensively and broadly.[15]

The writer's perspective elevates the right to education to the very same level as fundamentally social and economic rights such as accommodation, healthcare, and clean and comfortable surroundings. This argument is founded on the notion that, just like all the other socio-economic rights, the right to education aims to improve the person's standard of living. Inside the state party's control, a competent education system and programs must be provided in adequate numbers. What they need to operate is determined by a variety of circumstances, such as the developmental environment in which it operates however, all schools are likely to necessitate structures or other forms of extra insulation, as well as improved sanitation for all genders. To gear this right of good education, schools will also need amenities such as a bookstore, computer laboratories, and information and technology as well as access to clean water, educated professionals earning nationally reasonable wages, and curricula. Finally, the writer argues that educational institutions and programs must be open to all people, regardless of race or ethnicity.[16]

According to Idris, the right to education is a fundamental principle towards individual brilliance and the world around him. The aim is to motivate the youngster by improving his or her competencies, intellectual expertise human decency, personality, and confidence. In this regard, the term "education" refers to a diverse variety of life situations and educational practices

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that allow learners to build their identities both personally and socially. The relevance of fully establishing a person's individuality is that it allows them to thrive both as individuals and in social interactions. Personality, information, talents, dialect, beliefs, and so on, all have different implications and are acquired through social interactions, such as families, acquaintances, and the larger society. Individuals gain from knowledge on a variety of levels. Education is frequently referred to as a "multiplier right," implying that it can unleash and expand the experience of many other human rights such as social, political, economic, and fundamental freedoms. The author argues that with the right of education properly stipulated by the rule of law, then citizens will not be subjects of corruption, racism, and other forms f discrimination. A good example is the right of education opening up on individuals' political rights, and educate person will choose a good leader that will politically represent him. Lastly, the author describes the right to education as a basic need such as food shelter, and clothing, he strongly encourages the authorities of various countries to invest heavily in education.[17]

Webb on the other hand argues that the right to education is sustainable development for countries. Education and long-term development are inextricably linked. Because the goal of sustainable development is to eliminate hardship, financial incapability, and many other benefits. Education, for instance, improves everyone's chances of getting productive employment, making it a critical tool for lifting individuals out of poverty. Education also educates students that growth should impact individuals as well as societies as a whole. It enables individuals to see that economic development should be conducted in a way that provides long-term rewards while also respecting fundamental rights and environmental protection. Education sustainable development equips students from around the world with the information, abilities, ideas, and attitudes they need to solve the globally linked issues we face, such as global warming,

destruction of the ecosystem species extinction, poverty, and inequalities. Students and scholars of all levels must be prepared to come up with remedies to modern and future difficulties.[18]

According to Peters, Education should be transformational, enabling us to make intelligent conclusions and take personal and communal measures to improve our communities and protect the environment. Lastly, the author talks about the importance of sustainable development, an estimated worldwide population growth of about nine billion people in the next coming years will pose a challenge to the whole world. The author strongly suggests that through enhancing education as sustainable development, then innovation will take place and problems such as climate change, proper housing and planning, supply of local services to the people, and positive economic growth. With all this put into consideration, the only possible way to achieve it is through upholding the right to quality education, when the children are knowledgeable, then the future is secure.[19]

Brent and Elder on their part highlight the right to education for people living with disabilities in Kenya. Inequality was forbidden under the Constitution Of Kenya of 1963, but not specifically based on people living with disabilities. The legislation has now been superseded by the 2010 Constitution, which incorporates an official declaration guaranteeing the right to quality education to all Kenyans with disabilities. Kenya's government has adopted and signed various accords and treaties during the last few years, in addition to its existing law. The government cannot implement legislative changes unless lawmakers enforce an appropriate statute after international agreements are approved. Corrections are expressed within the agreements if there are differences between the treaties and state legislation. According to the Kenyan Ministry, of National education, approximately one million schoolchildren either with or without disabilities were not enrolled in just about any sort of formal learning in Kenya in 2008. Unemployment,

gender imbalances, inefficient appropriate educational norms, and unskilled instructors are cited by the Ministry of Education as factors of limitation of access to education. Even though the majority of disabled individuals attend domestic special institutions their right to live with their relatives in their home communities is being infringed. Several individuals with impairments are completely excluded from the educational system.

There is a great cry from universal, obligatory schooling. The government is not to take all the blame because they have built special schools around the country, the community however still holds to the barbaric belief that people with disabilities are not entitled to an education. The author strongly rebukes this notion and clearly states that educating community members will change their thinking towards the physically impaired people and their right to education. Disability is not inability.[20]

Bloch talks about the right to education for women in Sub-Saharan Africa. The author states that the gender-based topic in Sub-Saharan Africa has brought so much attention since the early years of the nineties' earlier years before the United Nations and other regional bodies came in, the enrollments of the African girlchild into the education system was so much lower as compared to that of the boychild. The African people were guided by strict locally formed notions that women had no place in education and that they only had a role to play in Family development. In the last decade, however, sub-Saharan Africa has recorded a high number of Women professionals including doctors, lawyers, pilots. This shows that the right to education among women was strictly implemented by many countries within the region in context. The author strictly highlights that the term 'African woman' had a very huge impact on the empowerment of women through education. Girls in Africa were born with the notion that African women had no place in education and the society at large. This notion was able to inflict a lot of impact on the younger

girls because they felt worthless and discriminated against in society. For the African nations to grow, I believe that the author's concept towards spearheading the right of education to African women should be a priority. However, the boychild should not also be forgotten in the process. Economic and social success is brought by gender equality and a non-discriminatory rule of law.[21]

Czerepaniak states that during calamities and crises, such as the COVID-19 health epidemic the right to free and mandatory pre-primary education is a key preventative measure for young kids and their communities. Educational institutions have a double beneficial impact: they create a loving atmosphere for students while also acting as a support system. Under usual circumstances, educational institutions offer children a safe and secure setting in which they can receive mental engagement and lay the groundwork for their success and growth throughout all domains of development such as social, language, emotional and physical. The pandemic has hit the whole world and affected most of the school-going children.[22]

The right of education should provide free and mandatory education through this trying moment that the whole world is facing. Most parents lost their employment status due to the imposed lockdown in most countries hence unable to get the money necessary for tuition fees for their kids. The children's right to education should not be compromised by the Covid 19 pandemic. The children need that emotional and mental support as they witness the growing rates of deaths caused by this pandemic. I believe that schools can provide a much safer environment for children during this pandemic period, teachers and educators are trained on humanitarian grounds and they can impact useful knowledge on students relieving them of the stress caused by this pandemic especially in their homes. The covid 19 period is not a time to weaken the education sector but instead, it should enable countries to push towards enhancing the right of

free and compulsory education with a full transit even through the pandemic. Investment in education will lead to faster economic and social recovery after the pandemic period.[23]

1.5.2 Effects of Covid-19 on the Access to education

According to Onyema, Eucheria, and Obafemi in their research paper looking at the effects of the COVID-19 on the learning sector, they discovered that the coronavirus pandemic had several negative impacts on the educations sector than positive. Some of the negative impacts outlined by the researchers were the disruption of the normal learning routines, the students learning loans increased, some staff in the learning institution lost their jobs and finally, proper access to education and research materials were limited due to inaccessibility of the library and the one on one interaction with the lecturer. The research has also shown that several students and lecturers depended on the new technology to help them continue with the online classes during the COVID 19 pandemic. But due to the poor infrastructural development such as low network coverage, perennial power outrage, whereas some areas lacked power, the learning institutions were unable to run smoothly dues to such shortcomings. Data was gathered using a standardized questionnaire distributed to 200 respondents from around the world, including educators, learners, parents, and legislators. STATA/Regression was used to evaluate the data gathered. Interruption of the learning process, restricted access to learning tools like the laboratories for technical students, loss of employment by the staff in learning institutions, increased student loans, decreased funds from the government to the education sector, research constraints, and finally, lack of learning interest from the students due to the usual schedules are some of the reported consequences, according to the report. The findings support Onyema's previous statement that the COVID -19 pandemic caused several challenges in the educational

institutions, resulting in fewer educational opportunities for disadvantaged children and those residing in interior parts of developments in education sectors.[24]

Mhlanga and Moloi in their study state that the Coronavirus pandemic has interrupted educational practices and its presence tends to limit educational opportunities for those who are vulnerable. It disrupted learners and educators, as well as erected a number of obstacles to education and learning. COVID19 shutdowns, according to the report, have the potential of increasing school debts. other obvious effects are the pressure it puts on the guardians and parents of the student and even and the learning institution at large institutions. Ben, Mathew, and Kristen say that Learners who are already dealing with the stresses of urban poverty may be further stressed by the closing of their education. The research acknowledges the importance of technologies in schools, especially during times of crisis. In the context of the new educational setting, demands for versatility in curriculum, and the need to strengthen creativity and innovation in curriculum, Onyema previously stated that integrating new technology in a learning institution is no longer an option, but a necessity for all learners. The research will add to the increasing body of information about the impact of the COVID -19 pandemic on the field of education and the necessities of the new technological advancement in the classroom or learning institution.[25]

They went ahead and looked at the correlation between the coronavirus pandemic and the digital skills or the digital transformation in the learning sectors. Their main objective was to see how the new pandemic has affected the South Africa learning sectors in terms of digital transformation. They narrowed down during the lockdown. The research monitored the frequency at which the institutions were using the 4.0 industrial revolution. The research was

conducted using the primary data such as the daily papers, periodical magazines, peer-reviewed articles, journals, observation among others. The research indicates that throughout the shutdown in South Africa due to the COVID -9 pandemic, a range of 4.0 Industrial Revolution technologies was implemented in schools ranging from basic level to secondary and then tertiary learning institutions, with educational practices shifting to e-learning. These findings highlight the country's government has put in place several pockets of excellence that have the ability to learn into the 4.0 industrial revolution thereby increasing excess to education. the fact that there has been inadequate space availability in the country, the access to tertiary education in several instances has been an issue. While the disease outbreak has caused widespread human misery, it has created a good opportunity to evaluate the accomplishments and shortcomings of deployed technologies, as well as the expenses involved with the new technologies, and to scale these technologies to increase accessibility.[26]

Ngwacho looks at the effects of the coronavirus pandemic in Kenya's education sector. He bases his focus on the problems facing students during this pandemic and ways to mitigate such challenges. The research was a theoretical analysis that focused on secondary sources of information used in discussing the problems and countermeasures for coronavirus in Kenya's education industry, with the main focus on students. The finding showed that the coronavirus had several harms in the educational sectors. He found out that the institutions were unable to fund school activities such as daily meals, kits, and other essential learning equipment. The report's results showed that the disease outbreak had greatly damaged schools' ability to fund school-related expenses like educational equipment and learning materials. The country's government's adoption of online learning to promote home-based learning. Online education has been

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enhanced by providing the lessons through the radio station, television channels, and the internet-based, learners from poor, disadvantaged, and marginalized households had little access to such learning platforms, further exacerbating inequity in educational access and quality. The research concluded that navigating these barriers was necessary to ensure sustained access to high-quality, equitable, and unbiased learning during and post corona pandemic. Education administrators and shareholders must effectively enforce the planned strategies to ensure that learning continues in academic institutions through the pandemic and post.[27]

The suspension of the learning institution due to the COVID-19 pandemic does not have an equivalent impact on all learners. Learners from less privileged financial backgrounds have felt its negative impacts significantly more than learners from more privileged backgrounds. This is because the suspension of learning necessitated the change of normal learning routine to home-based learning where the student communicated with their teachers through the online platforms. The online-based study needed power, the internet, and smartphones or computers which were not readily available for the underprivileged. To combat the spread of the coronavirus, several governments have encouraged parents and schools to assist learners with the necessary equipment in continuing to study at home by online learning. They have also surged learners to learn from home-accessible radio stations, YouTube, and TVs. The lessons that were put forth by the government on the radio stations and being aired on the television are only beneficial to students who are in the urban centers and can easily access, power, and such equipment. The student in the rural areas had fewer chances of accessing such facilities. For instance, in the Ethiopian set up only 20% reside in the urban area meaning about three-quarters of the student are living in rural areas finding it difficult to access the electricity, network coverage is so poor

plus the signals hence some did not get the privilege to enjoy the lessons that were being aired on the TVs and radio stations.[28]

Students are involved in helping their parents with farm activities which include agriculture, looking after cattle, and basic chores in the house. Some students even asked for the examination to be postponed to the afternoon due to the work they had in the fields during the morning period. Some students said that they had the responsibility to look after their ailing parents/grandparents/other members of the family and also take them to the hospital. By evening, when they return home, it becomes hard for them to keep up with the classes. Parents who have children with low grades say that it would be much better if they let the children repeat the upcoming academic year.

Maurine and McNally say that aside from being enjoyable for the students, school hours help them develop social skills and knowledge. When learners are away from their regular school routine, they face physical, social, and psychological consequences. Several of these learners are now taking online courses and spending more of their time on virtual class platforms, putting them at risk of online harassment. The increasing adoption of online studies is exposing students to harmful and very violent things on the internet. They are also very vulnerable to cyberbullying. Several families are depending entirely on technology and digital platforms to help their sons and daughters in their education during this period of a pandemic. This might be due to their parents' illiteracy or their busy schedule or their inability to adjust to the abnormal ways. But the mistake they do is not changeling them to the dangers of the internet.[29]

The financial distress caused by the lockdown due to the Covid-19 Has had serious socioeconomic repercussions for Kenyans, especially the poor population in informal

settlements. The authors emphasize the need for the government to implement COVID-related policies that are adapted to the socioeconomic background in order to minimize needless financial fallout that leads to a reduction in wages, making it difficult for households to cope with the hardship brought about by Covid-19.[30]

According to author Eastone Owino, Kenya has been hard hit by the COVID-19 infections. According to him, infection rates appear to be exacerbated by high levels of poverty as well as inadequate basic access to basic resources such as water and adequate sanitation. Furthermore, the health sector is underdeveloped, and although Kenya has implemented reforms to combat the increasing number of diseases, the interventions have taken a toll on the country's economy. Some of the steps he mentions include curfews to enable residents to travel freely, the closing of high-population areas such as schools and churches, and the provision of proper hygiene and social distancing. This meant that education could no longer continue.[31]

According to Ozili ad Arun, since the start of COVID 19, Life has become unbearable to most. During the pandemic, income gradually diminished as household income declined. When a drop in household income due to unemployment or unpaid leaves has an effect on students' ability to have alternative access to education.

Beyond the rapid spread of the disease and attempts to control it, the COVID-19 pandemic has had far-reaching consequences. Globally, the Covid-19 pandemic has already sparked one of the most severe global recessions in recent history. In order to stem the outbreak of the pandemic, almost one-third of the world's population was put under quarantine. On March 27th, Kenya announced a Covid-19 pandemic. The government reacted by imposing sanctions and social-distancing protocols, such as the closing of educational institutions. [32]

Owing to shortened communication hours for students to interact among themselves and a lack of consultation with their lecturers and educators while having distance learning has posed numerous challenges, the outstanding one according to the research paper is learner's academic performance which has a possibility of suffering. This was witnessed in their performance from the class assessments and even end terms examinations. Availability, price, versatility, learning pedagogy, duration of the lessons, and education-related policies are all problems with e-education. Several countries face significant challenges in terms of maintaining a stable Internet link and gaining access to digital devices. Also, economically disadvantaged children cannot buy these online learning devices, another impact of online schooling increases the student contact to the screen duration that might interfere with their sight in the near future. Evaluation of the learners by the teachers, guardians, or the students themselves during the online classes is very challenging. Several teachers do trials and errors in this sector of learning because exam theft is very easy. The method used to administer online exams differs depending on the comfort and experience of the supervisors as well as the accessibility of the students. Many schools and organizations have yet to implement appropriate plagiarism-checking initiatives, owing to the large population of students.[33]

1.5.2 Measures to address the effect of Covid-19 on Access to education

Zhang argues that during this time of the pandemic, home-based learning or online learning is the best way to keep the education system ongoing. But to the third world countries, it comes with numerous challenges unlike to the developed countries. These developing countries lack proper it to tackle or attend online classes. Most of their parents do not have the adequate skills to help their sons and daughters with the Information and Communication Technology tools such

as desktops and computers, TVs, among others which is very essential when taking distance learning. For the learners to fully benefit from the online learning or the home-based learning accessibility of computer and proper working internet is a must but for the case of the schools and students in the third world countries both the essential learning, infrastructure is not guaranteed at all. Additionally, educators and other staff should be well conversant with the platforms offering online learning for example the zoom and the google classroom among others. Teachers face challenges in the field of technology as well as a shortage of facilities. Several privately owned schools do not pay their employees' salaries, while others may pay just half of what they were supposed to be getting on a monthly basis. COVID-19 has an effect on low-income families since several learners do not have accessibility to the required equipment to be used in distance learning. The closing of physical schools and the introduction of distance learning resulted in students spending less time studying, tension, and a lack of desire to learn.[34]

Njenga while assessing the effect of coronavirus in Kenyan education, the suspensions note the new challenges for the privately learning institutions schools, which depend solely on the institutional fees to operate their activities, unlike government learning institutions, that are receiving state funding for their operations. This has resulted in their educators being unpaid for several months. As a result, more than 300,000 teachers have returned to their homes. While the privately-owned schooled have switched to online learning hence there is a cut-off of the pay and the number of tutors. The Kenya Institute of Curriculum Development, via cloud computing for Kenyan education, Television, radio stations, applications, and smartphones, has stepped up in keeping the learners engaged and reduce the loss of critical studying time, according to the report. These new methods of learning, while successful, can only help a small number of

learners with the accessibility of devices such as computers and smartphones in their homestead. Owing to a shortage of power, web access, and digital technologies, studies will be disrupted for a large number of learners. This might exacerbate the disparities in educational equity, accessibility, and generally, the quality provided.[35]

According to Eastone, The government has put in place a plan to minimize the effects of COVID-19. The nation has already formed a committee to respond to the COVID-19 pandemic. The National Coordination Committee for the Reaction to the Corona Virus Pandemic is the name of the committee (NCCRCP). The committee will assess the pandemic's effects and make practical recommendations to mitigate the pandemic's impact. The committee would be able to assist the government in not only mitigating the effects of the pandemic but also in developing future plans for preparedness and cushioning her people. Analysts have also measured how much Kenya stands to lose and how to restore stability.[36]

Sumitra, P., & Chhetri, R notes during the pandemic, A big number of students lack access to smartphones or TV at home moreover poor internet connection. A large population also has less or no income caused by the closure of many businesses and offices. The cost of data is also comparatively high compared to the average income which is earned, and the need to constantly and continuously access the internet is an expensive business to the farmers. The face-to-face video classes which are taken online are encouraged by many people; however, some of the economically disadvantaged students taking these classes have said that these online classes use a lot of data packages. This leaves the teachers in a quagmire as to whom they should give a listening ear to and what are the proper tools to put into use. Some say that pre-recorded videos would be the solution; however, this would limit the teacher-student interactions. It is quite hard

to come up with a proper system that will cater to the learning needs and also be convenient to all the learners.[37]

1.5.3 Gaps in the literature review

The above literature has given an overview of the right to education and the effects the covid-19 pandemic has had on access to education. as noted, the education sector is severely affected as millions of students by the pandemic. However, there exists a gap in analyzing the challenge of attaining the right to education during the pandemic. In particular, the above literature fails to clearly show how the right to access to education was addressed in the pandemic. The literature on the measures to curb the impact of covid-19 on education lacks consideration of the inequalities to access to education brought about by the covid-19 pandemics.

1.6 Justification for the Study

1.6.1 Academic Justification

The study also bridges the gap in understanding covid-19 related factors that have affected the right to access education in Kenya. The covid-19 pandemic continues to have far-reaching effects on every aspect of human life. For learners, the pandemic has disrupted their normal learning process. However, for thousands, the pandemic has infringed on the right to access education. This, therefore, calls for a deeper understanding of this new phenomenon.

1.6.2 Policy Justification

There is a need to understand the human rights dimension of the Covid-19 pandemic in Kenya. In particular, the right to access education has been seriously affected by the pandemic. This

study will assist the policymakers to understand issues at stake in addressing the human rights implication of covid-19. This will help in formulating new policies and frameworks that will address the access to all learners during the covid-19 period and in the post-covid-19 period.

1.7 Research Hypotheses

1. Covid -19 has led to inequalities in the access to education between the poor and the rich learners.

2. Poverty caused by Covid-19 is the major hindrance to access to education in Kenya

3. Government intervention will enhance optimal access to education in the Covid-19 and post-Covid periods.

1.8 Theoretical framework

This study will use the Classical Liberal Theory of Equal Opportunities advanced by John Locke in 1688 and further adopted by Njeru & Orodho. According to John Locke Liberalism is a policy that prioritizes individual liberty and equality; it stresses individual rights and equality of opportunity. Liberal ideas advocate for the protection of fundamental rights to all people while attempting to avoid discrimination. Individuals can follow their own vision of life within the framework of state law under procedural liberalism. Classical liberalism stresses the rights of individuals and states that society must be structured to allow the individual to have a decent life in the manner that he chooses.[38]

Njeru & Orodho, reference the Classical Liberal Theory of Equal Chances promoted by John Locke. Njeru & Orodho supports the perspective of the necessity for equal opportunities in

education for all learners.[39] When it comes to education, measures must be put in place by society and state to "organize education to be accessible to all learners. The classical Liberal Theory of Equal Opportunities asserts that a learner is born with a level of talent that is congenital and cannot be substantively changed. As a result, education programs and mechanisms should be designed to address and remove obstacles of any kind be it social, economic, political, geographical, or gender, that impede students from fully developing their natural abilities, which would propel them to social advancement.

According to the Classical Liberal Theory, as advocated by Njeru & Orodho, equitable access to educational structures will promote social mobility. To this end, the theory notes that educational programs and structures should be designed with the aim of removing barriers such as sociocultural, socioeconomic, and ecological causes, as well as institution-based dynamics that prevent students from benefiting from their latent talents. School should be made accessible to all poor, marginalized, and vulnerable students. This is because education is a great equalizer.

The emergence of pandemics such as COVID-19 a which force schools to close unexpectedly for prolonged periods became a hindrance to access to learning opportunities. The reopening of schools didn't offer much difference as some learners were unable to resume learning due to a number of covid related factors.

1.9 Research Methodology

In this section, the study explains the methodology that was used to analyze the role of media in conflict resolution.

1.9.1 Study design

This study adopted the mixed-method design of data collection and make use of both qualitative and quantitative data at the same time. This ensured data gathered is adequate for a comprehensive analysis and final authoritative conclusion. Comparing data from both sources allowed me to get an unbiased angle to my research results and enhance my general overview of the subject under study. The study employed a descriptive case study research design since the study is aimed at establishing the effects of the pandemic on the right to education. Descriptive case studies are best placed to investigate in-depth a phenomenon that requires an exhaustive approach.[40]

1.9.2 Study Site

The study site was Kenya. The focus was all the learning institutions within Nairobi Country. Nairobi is the capital of Kenya host other learning institutions. As a country, Nairobi was also the worst hit by the Pandemic.

1.9.3 Target Population

The target population of this study was the over learners who were impacted by the covid-19 pandemic, Unesco officials,United Nations Office of the High Commissioner for Human Rights, Ministry of health officials, Ministry of Education officials, and Academicians.

1.9.4: Sampling Technique and Sample Size

The study employed purposive sampling approaches. Purposive sampling was used in identifying the respondents from the 8 main categories of the target population. By employing the purposive

sampling method, the study examined the human rights dimension of a pandemic: evaluation of

the effect of covid 19 on the right to education in Kenya. Purposive sampling ensured that the

information acquired is relevant to the study.

Mugenda and Mugenda (2003)[41] advise a formula for use when the target population is less than 10,000. This study adopted the same formula to determine the desired size of the study sample:

$$nf = n= \qquad 1 + n/N$$

Where nf = the desired sample size (when the population is over 10,000)

n = the desired sample size (when the population is more than 10,000)

N = the estimate of the population size

n= N/ (1+N (e) 2)

n= =10,000/ (1+10,000(0.05)2)

n= 10,000/ (1+ 10,000(0.0025)

n= 384

Target population	Sample size
Learner (pupils and students)	290
Unesco officials	30
United Nations Office of the High Commissioner for Human Rights officials	20
Officials from the Ministry of Health	22

Officials from the Ministry of education	22
Total	**384**

1.9.5 Data collection methods

This study used primary and secondary data concentrating on data linked to the human rights dimension of a pandemic: evaluation of the effect of covid 19 on the right to education in Kenya. While aiming at gathering as much accurate primary data as possible for this study. The secondary data was gathered from document/literature reviews, books, articles, journals, magazines, websites/blogs, existing studies, and public reports on the Covid-19 effects on the right to education. The study also relied on primary data in form of interviews and questionnaires as the main tools of collecting primary data.

1.9.6 Validity of data collection instruments

The data collection instruments settled on, the questionnaires and face-to-face interviews along with in-depth queries into pre-existing coverage of the case study dispute are valid to the data that was relevant to this study. This is because the information gathered was current or recently current and therefore directly respond to both the research questions and the hypotheses.

1.9.7 Reliability of data collection instruments

Through triangulation, this study adopted the mixed-method design of data collection to ensure that all data possible is collected. To boost trustworthiness, the design of the data collection instruments was characterized with explicit, logical, and inclusive questions. The information regarding the specific tool was be inspected, cross-checked, and scrutinized to make sure that it gives accurate and consistent results.

1.9.8 Data Analysis and presentation

Both quantitative and qualitative techniques was used for the analysis of the collected data. The qualitative data shall be summarized and categorized according to the themes and presented thematically. Analysis of quantitative data shall be through Statistical Package for Social Sciences Version 21 to generate frequency distributions, percentages, and inferential statistics. This gave accurate and consistent responses to the research questions. Descriptive statistics such as mean and percentages were calculated and presented in tables and charts. Inferences such as correlation and chi-square measure of variables' independence were computed. This established the strength of relationships between the study variables. The qualitative data were analyzed through content analysis and triangulation.[42]

1.9.9 Ethical Considerations

While conducting the research, all respondents will be assured of the confidentiality of the information shared and also advised on the objective of the study. No human rights was abused or overlooked while conducting this study. While conducting the study, the questionnaire was efficiently administered to the respondents. They wase made aware of the intention of the study

and afterward their approval was achieved assuring them that the information they give out was confidential. For purposes of anonymity, the respondents did not write down their names on the questionnaire. The researcher and the supervisor are the only people to access that information.

1.9.10: Scope and Limitation of the study

The study covers the human rights dimension of a pandemic: The effect of Covid-19 on the right to education.

The study foresees limitations in collecting data due to the global pandemic Covid-19 which has led to restrictions that limit free movement and free interactions. The study will also explore internet-based data collection methods like the google-forms in some options where the physical/ face-to-face interview becomes a health risk.

1.10 Chapter Outline

Chapter 1: The introduction chapter gives background information on pandemics and the right to education. It also contains the research problem, research questions objectives, study hypotheses, justification. Moreover, this chapter presents the relevance of media to conflict, literature review, theoretical framework as well as the methodology used in this study.

Chapter 2: This chapter will be an extension of the literature review guided by the Classical Liberal Theory of Equal Opportunities.

Chapter 3: This chapter will investigate the inequalities in the access to Education brought about by the COVID-19 Pandemic. The chapter will also examine the underlying Covid-19 factors hindering the right to access to education in Kenya.

Chapter 4: This chapter will evaluate the strategies that be employed to enhance optimal access to education in the Covid-19 and post-Covid periods.

Chapter 5: This chapter will contain the conclusion, recommendation, and suggestions for further study.

CHAPTER TWO

THE RIGHT TO EDUCATION AND COVID-19

2.1 Introduction

The previous chapter gave an introduction to the study. This chapter will analyze the literature both empirical and theoretical on the Right to Education and Covid-19. The emergence of the

Covid-19 pandemic has widened educational disparities around the world.[43] Although the covid crisis is new, it has caused a lot of havoc to society. The pandemic has caused educational interruptions as well as worldwide health problems that have proven challenging for international healthcare providers to address. Currently, every country in the world has felt the effect of the pandemic. The pandemic has not been in existence for long and it has brought about a new normal. Individuals are restricted from leaving their homes and association is limited. The pandemic has also affected the economy as many businesses have been shut down. By April 2020, more than one million infected cases were recorded and close to 220 fatalities were recorded. According to Alvarez, the United States through its president implemented the defense production act in response to the pandemic.[44] The US Congress approved a 2 trillion dollar budget to help in the fight against the pandemic. The funds were to be used to purchase health equipment and provide relief packages to the affected parties. The pandemic wreaked havoc across every element of human life around the world, including learning, studies, games, leisure, mobility, worshiping, societal events and parties, economy, corporations, and governance. Education was one of the most vulnerable dockets as the right to education was hugely affected.

2.2 The right to education

According to Husain, all children are entitled to the right to education. To analyze the scope of this right, this study analyzes the elements of its elements of what?[45] The right to education's scope must be regarded as covering all aspects of the freedom protected by international human rights law standards. Specific constraints about the right to education are highlighted in several articles. The articles include Articles 13 and 14 of the International Covenant on Economic, Social, and Cultural Rights. The articles cover not only the right to education but also other

rights that bear correlation with the right. Examples are the freedom to practice religion, right against discrimination, right to privacy, right of association, and right to work.

Articles 13 and 14 of the International Covenant on Economic, Social, and Cultural Rights define a few aspects that form the context of the right to education. Additional items can be deduced from the articles. Aspects of the quadruple 'a' framework outlined by the previous High Commissioner on the Right to Education have a significant correlation.[46] This approach separates four interconnected and critical aspects of the right to education. They include;

A nation's education systems and curricula must be available in huge proportions, both via state-owned institutions and private investors. Availability is one of the core elements of the right to education. Individuals are entitled to the right to education. Education is however diverse and comes in different forms. Some scholars argue that primary education is critical for the growth of peoples' brains and reasoning. Primary education, therefore, qualifies to be termed as a basic need. According to Sujata (2012), due to the significance of primary education on one's life, the supreme of India acknowledges the right to education as being equally important as the right to life.[47] The United Nations Educational, Scientific, and Cultural Organization as well as other international agencies provide guidelines and enforce the right to education in the world.[48] Reading, writing, numerical skills, health expertise, cleanliness, and hygiene, communication skills like vocabulary, eloquence, and fluency, and analytical thinking can all be considered as basic education. Furthermore, the convection concerning children's rights in article 29 states that basic education should involve certain training of practical ideas and skills. Basic education should acknowledge the social or cultural setting of the students. For instance, tutors can decide to offer basic education in learners' local language so that they may understand better.

Education and educational facilities should be accessible to learners. The learners should not be discriminated against in any way be it socially, religiously, financially, or physically. The basic concept of the right to education states that learners should not be deprived of the opportunity to learn. The right implies that people are entitled to the freedom of accessing quality education. In other words, individuals are entitled to a fair and equitable right of entry to all learning institutions established by the government. For instance, depriving individuals of access to learning centers because they pertain to a particular ethnic group, religion, country or race is violating the right to education. Romani people in Europe are denied education which is a form of segregation.[49] All societal groups are entitled to education equally. The government should therefore provide the learners with education and opportunities equally. Boys, for example, should not be privileged than girls or vice versa. A bizarre example is the case of Afghanistan. In Afghanistan, the Taliban militia restricted females from accessing learning institutions or gaining education in any way. The females found reading were killed brutally.[50] A rather complicated scenario is the custom and habit in several Developing nations' where learning institutions require female learners to reveal their pregnancy condition regularly. The learners are expelled or suspended immediately they are found to be pregnant. According to Quansahan, an appeal court in Botswana reviewed a similar case and determined the practice as being oppressive towards females.[51] Accessibility to education encompasses two aspects, the physical aspect, and the financial aspect. Physically the schools should be within the reach of the learners. Financially, schools need to be relatively affordable for the majority of the population.

The structure and content of learning systems, comprising of the curriculum and tutoring practices, must be useful, socially acceptable, high-quality, and should be centered on the

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learners. The structure of the education systems encompasses a clean and comfortable atmosphere for teaching and learning. Another aspect of the right to education is the freedom to choose one's learning institution or system without experiencing interference from the government or any third party; this is particularly evident in religious subjects. The government should recognize the right parents have of choosing which religious subject their kids' are taught

Learning must be versatile to cope with the shifting requirements of society. Moreover, education systems should consider the diversity of the backgrounds from which the learners come. Quality of learning at the institutional level is also an essential aspect of the right to education although it is indefinite and thus difficult to quantify. The right to education dictates that every student is entitled to high-quality education quality education is obtainable, inclusive, valid, as well as adaptive to students' requirements. The government should produce high-quality education. Additionally, it should formulate strategies to ensure excellence is sustained in learning institutions. While evaluating the quality of education, the government must consider a variety of criteria, including education programs that can evaluate the learners' performance, teachers' wellbeing, and the condition of the learning environment.

In 2019, the first corona patient was reported in Wuhan, China. The world health organization termed the virus COVID-19. COVID 19 represents the coronavirus disease of 2019. The pandemic is considered to be the deadliest pandemic the world has ever experienced. The disease is contagious making its transmission easy. The number of fatalities caused by the virus increased rapidly. According to the world health organization (2020), scientists argue that the virus mostly affects older individuals and patients with diseases such as diabetes and lung diseases. The major signs of infection include having difficulty when inhaling and exhaling,

fever, sore throat, and coughing. By 2020, scientists had not yet developed a vaccine or cure for the virus. The world health organization however provided safety protocols that can mitigate the spread of the virus. The WHO suggests that individuals should maintain good hygiene, disinfect their hands and surfaces with sanitizers, cover their noses when coughing, and wear protective equipment such as masks and gloves. Moreover, people should avoid contact with their faces and other people. The WHO urged everybody to self-quarantine in the homes and maintain a social distance of 2 meters when in crowded places.

The world did not expect the pandemic to impact it the way it did. The world health organization stated safety protocols that would help contain the spread of the covid 19 viruses. Different nations around the world were forced to embrace safety protocols as the new normal. Moreover, countries added their policies depending on their governments. Governments shut the economy and businesses were forced to close. Many workers had to work from home while others lost their job completely. This had serious implications on the economic ability of some parents to provide home and online schooling for their children.[52]

The regulations were so serious that other countries even used their armed forces to ensure the protocols were followed. The demand for safety equipment like a mask, sanitizers, and other protective gear was on the rise. Superpower countries such as the US and the UK enhanced research activities in avid to discover a vaccine or how to contain the virus. Top-notch scientists, nurses, and doctors were deployed to assist the infected population as the existing hospitals were becoming overburdened. Gatherings such as football events and other sporting events were banned as they contributed to the spread of the virus. Important football events such as the champion league had to play without fans. Different countries adopted different protocols to

mitigate the spread of the virus but most if not all closed learning institutions as the health of the learners was a priority.[53]

According to Madeline, schools in the US were shut down and examinations and graduations postponed. Madeline argues that several learning institutions may fail to be reopened after the pandemic has subsided.[54] The highest numbers of infected cases were reported in New York and California. New infections kept increasing even though the government had implemented the safety protocols issued by the world health organization. There was a time when the number of infections in the US was higher than that in China. Approximately 60 million learners were impacted by the closure of schools in America and 11 million learners in Spain. According to El Pais workers who work in learning institutions in Madrid such as chefs and caresses were impacted by the closing of schools. Spain decided to enforce the safety regulations after 849 of its citizens died in a day from the virus. In the Middle East Monitor, learning institutions in Saudi Arabia were closed to contain the virus.[55] This was a directive of the education ministry in the country. The ministry added that all learning institutions must however transition smoothly in online learning to enable learning to continue.

According to Michael, several private and public schools were closed in Australia. Some of the schools transitioned to e-learning while others did not. Learners were forced to continue learning from home. The government of Australia supported the opening of schools during the pandemic. Australian prime minister stated that since the younger generation is resistant to the virus compared to older people, learning institutions should continue operating. He added the closure of schools adversely affects the economy as well as the health docket. According to ABC News (2020), teachers and parents expressed concern as the authorities highlighted a strong argument

for retaining the operations at learning institutions. Australia barred public gatherings exceeding two individuals, and a budget of 18 billion USD was allocated to combat the transmission rate and impact of the virus. Institutions in Italy remained closed until further notice, and troops were dispatched to assist in enforcing the regulations. Although Italy's government tried to contain the virus, the nation emerged as a hotspot for the pandemic, with 969 related fatalities in one day.[56]

Every learning institution in India was shut down. The authorities implemented a "Janata" lockdown, requiring all individuals to remain indoors to prevent the spread of the virus. The law enforcement officers moved from place to place to raise awareness concerning the myths and facts of the coronavirus. The president of France, President Macron, stated that all learning institutions in the country should be shut down via a television broadcast.[57]

Whereas other nations closed their learning institutions, others, such as Singapore, Australia, Brazil, and Sweden, left their schools open. This was also a strategy for mitigating the virus. The unexpected shutdown of institutions was a response action to prevent further transmission of the virus. Schools closure had adverse effects on the right to an education that many all learners are entitled to.[58]

2.3 Impact of corona virus on the right to education

According to Wikipedia, the Covid 19 pandemic disrupted education globally.[59] Since the virus spreads through the air, public gatherings were discouraged. Governments shut down schools and tertiary institutions to prevent the virus from spreading. These reactive protocols impacted learners' right to education. Statistics from UNESCO (United Nations Educational, Scientific and Cultural Organization) reveal that more than one hundred countries in the world imposed

nationwide curfews and other restrictions.[60] The regulations deprived more than half of the student population in the world of the right to education. The prime minister of Great Britain, Boris Johnson argued that imposing the regulations was necessary as it helped in flattening the curve. The prime minister had earlier opposed the implementation of the regulations or safety protocols. A few examples of nations that shut their learning institutions include the US, China, Spain, Italy, Ethiopia Japan, Senegal, Germany, South Korea, India, and many others. The closing of learning institutions hugely affects the economy as well as the social setting. Many people in society are affected by the closure of schools, right from the young to the old. It also deprives the citizens of their right to education. Less privileged or disadvantaged people in the community suffer the most from the closure of learning institutions.[61]

The effect the coronavirus pandemic has had on the right to education may continue if an effective remedy is not developed promptly. The deadly virus continues to spread each day. According to Andrey Azoulayals, the director-general of UNESCO argued that the rate at which the coronavirus has impacted the education sector is unmatched. Andrey adds that if the situation continues then the right to education is in jeopardy. The director-general was recorded by the VOA news in 2020. Undoubtedly, the closing of schools affects learners, teachers, parents, guardians, and the community. Moreover, school closure can reduce the learners' interest in school as well as their performance. When the learners are left at home with nothing to do, they tend to engage in social ills such as crime, drugs, and early pregnancies. The Centre for Disease Control (CDC) also relayed their viewpoint concerning the situation of schools and learning. The CDS argues that closing schools make learners gather idly at their homes. According to Brummet states closure of schools is a very influential activity that can affect many involved

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parties.[62] Quentin argues that the quality of tutoring and learning will surely depreciate. Additionally, Quentin argues that special learners such as those with disabilities usually require more guidance and physical support. Such parties are therefore adversely affected by the closure of schools. Technology has however presented a solution for the problem by allowing learners to learn virtually. Virtual learning cannot be compared to physical learning where the learners can physically interact with their tutors. Furthermore, it is not correct to assume that all learners can access the technology needed to join the virtual learning platforms. The low technological endowment makes it difficult for learning to be optimized amid the coronavirus pandemic. Mathematical frameworks and analysis conducted during previous pandemics imply that closing of learning institutions reduces the cases of new infections by a quarter. The closing of schools also postpones the optimal level of infections by two weeks. According to Erika and Nicholas, the closing of learning institutions is one of the most effective methods of reducing the spread of the virus.[63]

School closure entails shutting learning institutions due to emergencies, health hazards, and strikes or due to government regulations. Closing of schools is a technique that is used to achieve different objectives. For instance, the Nigerian government usually shuts down schools to deal with cults, terrorists, or violent activities in the school premises. According to Ben and Mathew (2010), in the United States, during president's Obama regime utilized the technique of school closure to renovate approximately 5,000 schools.[64] The schools were installed with new facilities and equipment. It is evident how sometimes closing schools can be beneficial. In this case, schools are shut down because of the coronavirus pandemic. This type of school closure

negatively impacts the society and economy. According to Wikipedia, the number of students out of learning institutions was approximately 1.3 billion as of 23rd March 2020.[65]

The closing of schools can either be responsive or proactive. Erika and Nicholas go ahead to say that school closure due to the Covid 19 is responsive. The reactiveness particularly affects learners, teachers, workers, and parents. The proactive nature of school closure is seen in the long run. A report by OECD, reveals that the closing of schools amid the pandemic has presented new challenges.[66] Virtual learning, the substitute for face-to-face learning, has proven to be difficult in many aspects. It has taken time for both the learners and teachers to shift efficiently to online learning. Moreover, other learners usually access basic needs, food, and shelter, from schools. When schools are closed for a long time, learners and parents are affected adversely. The learners struggle to acquire smartphones or laptops to join e-learning platforms. Parents on the other hand strain to provide basic needs such as food for their families. Parents also have to create time to monitor if the children are learning. The closing of schools exerts pressure on healthcare providers. Hospitals are filled as new patients are admitted daily. Healthcare providers are forced to work overtime to help the patients. Only a few hospitals have the equipment to handle coronavirus patients which increases the pressure on a few hospitals.[67]

The pandemic has disrupted school calendars. Graduations times, and classes have collided which poses a huge challenge to the students and teachers. The pandemic presents an economic crisis that makes it difficult to work or earn profits. Many employees are retrenched or given pay cuts to survive the tough economic times. Some learners may therefore fail to return to school since their parents cannot afford to pay the fees. This kills the ambitions and potential of the

students. Students are exposed to numerous social ills driven by peer pressure. Since the students are at home and idle, they tend to engage in crimes or drugs.[68]

2.4 Impact of coronavirus on the right to education In Kenya

The president of Kenya ordered all schools and tertiary institutions to be shut down on 15th March 2020. The policy was implemented following the emergence of the Coronavirus in the country. The regulation brought to halt all learning activities affecting close to 17 million students in the country. In addition to affecting learners and parents, the pandemic presented numerous economic and social challenges. Unemployment, unplanned pregnancies, marriage conflicts, sexual ills, and hunger are some of the challenges. Less privileged or poor families have the heat of the pandemic the most. [69]

With technology presenting a remedy for the education crisis in the form of e-learning, new challenges developed. Many learners could not access digital education mainly because they lacked the equipment, electricity, or internet access. According to the standard newspaper, less privileged parents strain more than rich parents when it comes to providing technological equipment for e-learning for their children. The disparity that exists between the rich and the poor is therefore increased. The right to education is therefore affected especially for poor households. Children in informal settlements have particularly been denied access to education by the circumstances. Such households cannot afford digital equipment such as smartphones or laptops. Parents additionally have insecurities concerning their privacy which makes them not give their kids' smartphones. Moreover, some areas in the country are connected with electricity

or networks. Less privileged families feel the effect of such setbacks. Despite all these setbacks, they are still expected to compete favorably with well-off families.[70]

e-learning does not engage students physically, therefore the results and performance of the learners may be affected. Some learners usually have learning disabilities that require special attention and support from tutors. Learning from online platforms may therefore prove to be difficult for such students. Children from poorer families are may lack support from their parents. First, their parents may lack the funds to purchase smartphones and laptops. Secondly, their parents may lack the knowledge needed to support their young ones in their learning. Furthermore, the parents usually prioritize providing basic needs for their kids rather than supporting their kids through their homeschooling. The children's right to education is therefore hugely affected. Even though online learning is effective, it cannot be compared to face-to-face learning.[71]

Apart from schools providing education to children, they act as a sanctuary for many people in society. Students, as well as members of the public, usually depend on schools for basic needs such as food. Schools usually feed numerous students and workers. School closure has hugely affected the ability of such students to access food which impacts their growth and nutrition. The economic crisis which has led to unemployment and pay cuts has worsened the situation. Feeding programs offered by learning institutions improve the number of students in schools encourage the students to go to school and increase food security in society. According to the commonwealth, many young people are affected by the closure of schools especially with the economic crisis that has left many parents unemployed. The students' academic lives can have died unless their parents take the initiative of embracing e-learning.[72]

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According to Tarus there are various challenges involved with implementing e-learning in Kenya. Tarus argue states that e-learning is part of Kenya's objectives for vision 2030.[73] Kenya hopes to provide its population with quality and inclusive online education for the majority of its learners before 2030. E-learning has presented a lot of setbacks for the tutors and the learners. Since online learning has not been in practice for a long time, the framework for its success has not yet been developed. According to Tarus, the University of Nairobi for instance implemented the first e-learning strategy in 2004, Kenyatta university in2005, Jomo Kenyatta University of Agriculture and Technology in 2006, Moi University in 2007. During the pandemic, the transition period was narrow which made it extremely difficult for the learners and teachers to accept the new normal. E-learning can only be thriving if the senior stakeholders involve the learners and tutors in decision making. Stakeholders in the education sector lacked adequate insight concerning the nature and structure of online learning. How should the timetables be developed? Which assessment techniques should be used to evaluate the performance of the student? What is the cost of sustaining online learning? All these constraints should be understood by the stakeholders if online learning is to thrive. As a result, much inefficiency has been faced to implement online learning.[74]

According to Jelimo learners lack the technological equipment to allow them to participate in online classes.[75] The Kenyan government in 2019 initiated a project to improve digital access in the country. The project is part of the country's vision 2030 which has been in place even before the coronavirus pandemic. According to Wambugu the Kenyan government has documented the ICT education laws in three papers; the e-government strategy, national ICT laws, and sessional paper 1 of 2005.[76] These documents explain the scope of the government's ICT project.

Wambugu argues that the ICT project has not been actualized in many areas due to various reasons. Incorporating the IT frameworks in programs is slow, insufficient experts to run the systems, insufficient funds. The project's objective was to supply laptops to learners in school and it was worth 24.6 billion. Jelimo states that some learning institutions received the laptops however others did not. The government argued that the project was too costly. Moreover, schools that were lucky to receive the laptops could not effectively use them due to a lack of expertise. Wambugu adds that schools lack the framework for teaching their learners how to use computers. Many schools lack the expertise to teach students how to use laptops. Online learning has therefore proven to be difficult to implement especially in remote counties.[77]

The coronavirus pandemic has caused the death of breadwinners in families. Children in such families have resorted to seeking employment to fend for their families. Such households prioritize accessing food over accessing education. Children have been forced to seek employment in areas such as constructions sites, shops, and other income-generating activities. Young girls have particularly engaged in sexual activities with older men to raise funds. The girls engage in such activities to be able to purchase sanitary pads and provide food for their families. Sexual exploitation has therefore increased significantly because young girls are vulnerable. The coronavirus pandemic has led to an increase in teenage pregnancies.[78] Young girls have therefore fallen victim to early marriage which deprives them of the right to education. Petty adds that teenage girls have also been exposed to abortion, sexually transmitted diseases, and trauma. [79]

2.5 Conclusion

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Kenya as a whole should strive to mitigate all the setbacks to education presented by the coronavirus pandemic. Learners have the right to quality and inclusive education as stipulated in Article 53 of the Kenyan constitution. It is the role of the government to ensure learners are availed with the quality education that incorporated a majority of the student population in the country. The number of deaths and new infections is constantly on the rise. The government, learners, teachers, and parents should therefore embrace the new method of learning, digital learning since it is not clear when the pandemic will fully subside. According to Jose (2020), the coronavirus pandemic has presented unique and unexpected setbacks in the education sector. Jose argues that government should incorporate new policies that strive to improve access to education. Inclusivity can be increased by considering the constraints during government planning.

CHAPTER 3

THE UNDERLYING COVID-19 FACTORS HINDERING THE RIGHT TO ACCESS EDUCATION IN KENYA.

3.1 Introduction

The closure of schools on 26th April 2020 provides a challenge for both teachers and learners on the course of action in the education sector. For learners, in particular, lack of closure of school means that their right to education was momentarily curtailed. The right to access education for learners faced a serious challenge as each parent had now to look for ways of imparting knowledge on their children who were at home for an unknown number of days as the government struggled to keep a check on the spread of COVID-19. This chapter analyzes the underlying covid-19 factors hindering the right to access education in Kenya.

3.2 The inequalities in the access to education brought by covid-19

The Kenya Government rolled out a number of containment measures as proposed by UNESCO, UNICEF, WHO, and World Bank this included the closing of educational institutions – schools, ECDE centers, colleges, and universities. The closure took place on 15th March 2020; this brought to a halt all academic and extra-curriculum activities. Kenya remains focused on the 2030 Agenda for Sustainable Development, Kenya is also among the 193 United Nations Member States and has played a leading role in matters of development and Education. Thus closure of schools meant much to Kenya as a country and its learners. Nationally the Government is obligated to comply with Article 53(1) (b) of the Constitution of Kenya (2010) to afford every child, free and compulsory quality Basic Education. Indeed, Article 43 (1) (f) of the same constitution unequivocally provides that every person has the right to Education. (Kenya constitution 2010) hence this was an infringement to the right to education to the learners.[80]

In this section of the study, this work looked at the inequalities poised by the advent of the COVID-19 Pandemic, to the learners in different parts of the country and at the different levels of the learners. The focus of the study was to investigate the inequality, in this case, the rural learners were hard hit together with the urban pupils in the slums such as Kibera and Mathare, both are in Nairobi, whose access to the essentials were as slim as their counterpart in the rural areas, the other group whose were severely affected were the girls, while at home the girls increased the likelihood of getting pregnant.[81] The girls in the rural areas were the most at risk of getting pregnant due to being out of school. For women, education is also crucial: having a 'secondary school education or higher' seemed to reduce the risk of being a victim of partner violence, suggesting a degree of confidence and empowerment.[82]

According to Belinder Atieno who was then in form four and was preparing for her national Kenya Certificate of Secondary Education, she said that the school closure due to COVID-19 in March 2020, school closure has serious social implications on them. The majority of the girls were left at home alone while their parents went to work. While at home the girls were vulnerable including the risk of being pregnant,[83]

The learning process was switched to online. However, this presented a number of challenges like shallow learning and inequality in access to education. , that the content of the online teaching materials was a bit shallow and lacked the academic rigor as presented in class. He went on to say that the interaction was so limited that the lectures were put on a fixed time by the Zoom managers. Extensions have to be reset and by the time of reset, it had disrupted the smooth delivery of learning and the additional cost incurred.

The biggest inequality existed on the access of facilities of online learning, like computers, laptops, and telecommunication learning, thus learning through organized television learning programmers in different stations. The inequality manifested in the access between the rural and the urban pupil, the rural child in Kenya lack access to the gadgets such as computers, laptops, and data connectivity, in cases where the rural child used his or her mobile phone to access education while at home, the data purchase was almost impossible. This brought another inequality even among the rural child where the level of poverty is varied; we have the rural bourgeoisies' like the teachers, nurses, chefs, and their assistants whose level of income is good, much of online learning was offered by private and international schools and not public schools whose learners had to wait for the opening of schools.[84]

By late April 2020 all schools and colleges were closed by the order of the government and stayed out up to March this year, this led to the breakdown of societal norms as the school going children had to be at home for the longest time of their education life, thus much inequality took place when schools closed and attempts were made to continue getting the much-needed education. The instituted utilization of distance learning programs exposed the learners to lots of inequality as such programmes were available to only a small section of the learners while the majority of rural pupils were totally left in the dark.[85]

Education remains the key to a prosperous life, from a human rights perspective, education is an international equalizer as children of both the rich and poor meet in school. Education is one of the social rights, thus anything that bars anybody from attaining his or her education is abusing such learners' rights. The paper notes that the shock of the advent of COVID-19 changed a lot of the normal and people had to adopt a very new way of life that curtailed movements and association which are the tenets of human rights the world over. The adoption of the social distance made the schools close thereby denying the children the right to go to school or to education and this went against the right of the child to education and each and every child should be accorded the right to equal educational opportunity.The other infringement of the child's right was on curtailing of their association and movements. through digital platforms is very discriminative to the very poor families in an attempt to get an education since they are not able to buy the digital gadgets this in itself perpetuates inequalities as the poor child misses out in such opportunity, hence discriminatory. In Sub-Saharan Africa countries, 89% of learners have no access to home laptops and computers, 82% have no access to the internet and roughly 56 Million students Live in places not served by mobile networks according to UNESCO. [86]

The closure of the schools has impacted very heavily in the right of the poor child who is not in a position to afford even the simple masks. The substitute for the closure was of schools was a digital platform form of learning. Their only hope was to be in the class physically for delivery of teaching by the teachers and nothing else. To make matters worse the closer of the library was very devastating because when the schools closed, the library became the alternative reading place with books but when it was closed because of fear of the spread of COVID-19, the pupil from poor backgrounds became more disadvantaged by such closure of libraries. The halting of schools operations by President Uhuru Kenyatta on March 15th, 2020 as well as library services was a very huge blow to the right of the child to education and association, the result above was an inequality to some children who were now left with no alternative as most could not afford books at home. The above was further aggravated by the economic slump of all world economies and Kenya was not spared by the effect of the economic recess, thus the parents were largely unable to coop by the resultant hard economic times. The people of the earnings of the world are dependent on the world's economic instability and the Kenyans case is the Kenyans economic stability, as Kenya became an epicenter of the virus, the economy suffered irreparably and in such economic recess the poor who are the majority were worst hit and the same applied to their dependants who included the children who are school going. In locked counties, everything went down, the general populace was unable to do their things such as paying bills and the result was so devastating.[87]

The influx of all the school children who were at home for the longest time in Kenyan history, had great effects on the security of the child, both boy and girl child, to the boy most found the stay at home to be very boring hence ventured out and got the influence to bad behaviors and

most girls in Kenya were exposed to sexual advances and indeed most became pregnant. The exposure to a very non-conducive environment was an affront against their rights, some school children had to get into the act of fetching something that was not there before. The prolonged stay at home by learners exposed them to many hazardous situations and this led to infringement of their rights, among boys were anti-social behaviors and among girls were reported cases of rape and defilements by members of the communities who also found themselves staying at home for a long period.[88]

The above had an effect on the school dropouts, the defiled and raped girls found it difficult to go back to school because of the shame, and again in order to take care of the resultant children, some boys also opted out of school after having a taste of the social life. A sizable number found life out of school better or some of their parents were unable to pay the school fees due to the resultant hard economic times. Many parents lost their well-paying jobs and businesses.[89]

Closely associated with the above was the stagnations, as schools were closed in March 2020, a big number of candidates were preparing for their exams and were already in their top gears, the same was for college students whose final or end of the semester was just about. Such closure was a big blow to them, most of them were psychologically affected and never recovered fully from the setback they were put in. the same happened to secondary and primary learners. Such learners have up-to-date content with the discrimination of their former associates.[90]

The learners who while out of school were victims of the COVID-19 when schools resumed were subjected to discriminations and stigmatization, such discrimination was a real infringing to their right of association as most learners never wanted to associate with them, thus COVID-19 made them be seen in a different prism from the what they were seen as before the advent of the

disease. This happened both at the society level and at school or college, none really appreciated that they were fully healed.[91]

The alternative form of learning for those who could afford was through the use of Zoom, this had a lot of challenges for the learners, they were not taught how to utilize Zoom, most students didn't know how to use it, this was because before breaking for the longest holiday because of the COVID-19 in March 2020, no preparation was done to prepare the students for such mode of learning, it was done in a great hurry with a lot of uncertainties. The government didn't have a plan for anything other than the preventive measures. The Cabinet Secretary for health took over the media through continuous briefings as the Cabinet Secretary for education was nowhere to give policy direction on the education and the way forward. Thus the learners for a better part of the COVID-19 holidays lacked a clear direction. The learners were put in a state of confusion as they were put in a very awkward position.[92]

Associated with the above was the loss of talents development that is associated with the schools otherwise referred to as co-curriculum activities in schools, the football, rugby, basketball, hockey, and athletics among others, were a sum loss to the learners. This is to state that most talents fizzled out along the way as learners with such talents had nowhere to practice with the rest of the learners, according to Cliff Odhiambo, a once talented rugby player, who said the banning of any social gathering killed his rugby talents and he is no longer a rugby player nor is he interested to go back to the rugby pitch, this was a classical example of a lost talent due to the COVID-19. The above was not the only case but several other cases that are spread across the country. The sporting meetings which were a great place for talent search and identifications were all put a halt at the detriment of the learner.

The other flagrant abuse of the learners' rights was the use of schools as quarantine centers, this was seen as an impediment to a speedy reopening of schools, and the government was put in catch 22 as to when to open schools and where to place the ever bulging number of victims of COVID-19. The use of schools as isolation centers was indeed an abuse of the right of the learners.

According to a secondary teacher Mr. Steven Waweru, when the opening of schools finally took place the government failed to provide adequate marks, water buckets, and soaps or sanitizers to the learners, the above was left to the parents who were already facing financial difficulties. This was seen as an abuse of the learner's human rights. The Wellness and protection of the student's well-being were seen not to have been taken into account adequately by the government. It would then be said based on the foregoing that Kenya still has challenges to overcome as COVID – 19 fits of rage on and has slowed down greatly teaching and learning in the country. This has affected the Syllabus coverage has been terribly affected.[93]

The turn to digital teaching had much effect on the poor families who tried to play the catch-up game with the affluent learners who come from well to do families, this had put both the learners and their parents to forgo many things in order to march those who had already joined in digital learning. The other thing was that some very good teachers left their former schools in form of transfers, retirements while others in private schools opted to join the government teaching post midway at the expense of the learners. This was occasioned by a lack of payments of salaries to private school teachers as private schools are solely dependent on the fees paid by the parents who stopped paying fees once the learners were out of school. The private schools also lacked

government subsidy programmes, such happenings were abuse to the Kenyan learners in private schools.[94]

3.3 The underlying Covid-19 factors hindering the right to access to education in Kenya

The 2010 Kenyan constitution in Article 53(1) states that all children have the right to free and requisite education. Furthermore, Articles 43(1) (f), 53(1) (b), and 55(a) 0f Chapter 4 obligate the government and guardians to expedite quality education for all children in Kenya. However, the confirmation of the first COVID-19 case in Kenya back on March 13th, 2020, led to the unexpected closing of learning institutions in the nation two days later, which led to the interruption of education for 18 million pupils countrywide. On July 7th, 2020, the Ministry of Education declared that the 2020 academic calendar had been void due to COVID-19. The Ministry of Education formed a COVID-19 response and recovery plan that intended to alleviate the consequences induced by the development of COVID-19. The Cabinet Secretary in charge of the Education docket accompanied by the Director-General in the Ministry of Health assured Kenyans that the right to life of the Kenyan learners was a pre-eminence throughout the pandemic, "Kenya has no apologies for locking up schools to safeguard the children of Kenya because every child has a right to live."Notwithstanding the state facing difficulties ensuring that social distance was kept amongst the students when they recommenced school, students waiting to sit their final exams reported back to school on October 12th, 2020. However, the Head of State issued a directive to the ministry to provide face masks and facilitate the erection of handwashing stations within schools as written by Ambani in 2020.[95]

The Kenyan education system incorporates an 8-year mandatory pre-school and primary education accompanied by secondary education. The Kenyan government has endeavored to provide free education in Kenya by introducing Free Primary Education (FPE) in 2003 and Free Day Secondary Education (FDSE) in 2008 to assist indigent children. However, the more well-to-do students attend private and boarding institutions. Approximately 70% percent of children in Kenya hails from a rural background and face a curtailment of well-funded academies, inexperienced tutors, and poor book and learning aids supplies. An immediate hurdle the administration met was the incapability to render efficient and convenient remote learning chances for its children. The immediate shutdown of learning institutions brought about by the outbreak of COVID-19 not only hurt the affected learners and their tutors but also led to multiple economic and social challenges amongst many households. The disadvantaged children and impoverished homes in urban areas have been affected most by the closure of learning institutions. The closing of academies has left parents discouraged as they have to supervise their kids' tutoring while at home. The closure of schools due to COVID-19 has been challenged as most parents are not knowledgeable enough to home school their children and at the same time provide for their basic needs.

Apart from physical separation and other personal characteristics, caregivers' worries are considered to have been impacted by: aby being a reluctance to assist their kids in learning from home using the internet; this is caused by lack of exposure to the new technology advances or insufficiency of technical forms for children with special needs; monetary difficulties.[96]

A similar scenario in which Kenyan learning institutions were closed was during the 1982 attempted coup where schools were closed for nine months. This closure of schools has led to the

break and loss of studying as many children and families grapple with the introduction of online classes excluding many students who can't access the internet. This has resulted in many students straggling in academic work. The closure of schools for a longer period has led to negative effects on children's bodily and mental well-being. A rise in school truants due to untimely pregnancies, early unions of children among some communities, and absolute closure of certain private schools have been felt due to the COVID-19 pandemic. Most of the factors brought about by the COVID-19 outbreak have limited access to education which is a child's right as embedded in the Kenyan constitution. There is a necessity for the state and various stakeholders in the education sector to devise stratagems that will guarantee access to quality, evenhanded and comprehensive education as indicated in Article 53 of the constitution adhering to the international and national guidance for social distancing, quarantine, and self-isolation. This paper delves into the challenges on the right to access education among the Kenyan children brought about by the prevalence of COVID-19.[97]

3.3.1 Economic impact of COVID-19 on the education sector

With the emergence of COVID-19 majority of economic activities have been slowed down as a result of sets of containment measures put in place by the government to curb the spread of COVID-19. According to the 2020 Kenyan Economic Survey, the government had to re-invent its economic policies to help alleviate the sting caused by the COVID-19 pandemic hence overshadowing pro-growth aspects further affecting the less privileged families. Families that were vulnerable and living in unpropitious states were affected by the deterioration in Economic growth in 2020. These families would heavily rely on casual jobs and businesses to support their subsistence. Many companies retrenched their staff for an unknown period.[98] This led to many

households being driven to severe poverty as their breadwinners were rendered incomeless. The intricate economic times led to families being unable to afford school fees and even having a difficult time providing food to the children. Schools have been unable to operate other schools even opted for alternative means of supporting their institutions. Parents have been unable to provide face masks and sanitizers which were required when schools resumed their studies as they prioritize other basic needs like food before considering the purchase of face masks. Education systems remain underfunded, as evidenced by a large number of public and private schools currently unable to pay their staff and those that have been forced to convert school premises into small pastoral and agricultural farms in order to make money.[99]

3.3.2 Financial strain on learning institutions

Learning institutions were hard hit by their immediate closure at the onset of the COVID-19 pandemic according to a report by Basillioh Mutahi and Mercy Juma. The introduction of free education meant that public schools relied heavily on government aid to expedite the running of their projects and with their closure, these institutions were left paralyzed. With the introduction of distant schooling to support distance education and online tutoring through various social media platforms, most public schools did not have the resources to facilitate their teacher's involvement in online teaching. Professor Kisau noted that with the closing of education institutions, most private schools would be incapable of paying the salaries of their teaching and non-teaching staff. This is because the schools profoundly relied on privately sponsored students to meet their budgetary commitments.[100]

The Kenya Private Schools Association (KPSA) says that private learning institutions in Kenya account for a fifth of the Kenyan children. The Kenya Private Schools Association estimates that

there are 10,000 private primary and secondary schools. Evaluating the impact COVID-19 had on the education sector in Kenya, Njenga pointed out that private primary and secondary schools in Kenya would be hit hard with the closure of schools compared to public schools that relied heavily on government aid. The schools opted for online classes to try and generate income for their survival though this method was not effective as it faced various challenges. 95% of the 300,000 staff members in private schools were sent on unpaid leave as reported by the KPSA chief executive Peter Ndoro. This circumstance compelled them to opt for other medians of income creation during the pandemic. A BBC feature on the impact of COVID-19 on private schools found a school in Central Kenya, The Mwea Brethren School had turned its classes to rear poultry, and on the chalkboards which once used by students vaccination charts for the poultry were written. Joseph Maina owner of The Brethren School said that he resonated with the poultry business since he had a loan that he was yet to complete payment and with the closure of schools he was unable to service his loan.[101]

South African Broadcasting Corporation (SABC) aired a documentary on the severe effects due to the COVID-19 pandemic, where parents were unable to send their children back to school due to financial strains. Parents were unable to afford school fees for their children when the schools eventually opened, inability to purchase new school uniforms as most of the previous uniforms were outgrown due to the prolonged stay of children at home, purchase of schoolbooks and learning aid materials, and the purchase of face masks and hand sanitizers which was a necessity when students reported back to school. The SABC reported that despite the Kenyan government setting aside 7 million face masks for the distribution among the households that couldn't unable to afford them, most parents did not trust the government in protecting their children due to its

ill-preparedness. Due to several companies retrenching their workers, most students were unable to cater for their tuition fees and ended up taking various jobs to help with the provision of school fees and food in their families.[102]

A standard newspaper article reveals that most parents were not well-suited to support the school-related charges such as education materials and everyday internet bundles, thereby students from such families are disadvantaged compared to their equals who can sustain these items. These further widen the imbalance rift and deters their ability to access quality teaching and advanced learning. For example, kids from marginalized communities whose progenitors may be illiterate have narrowed study materials, and participation to engage in their kids' education. Dekha, a 14-year-old girl in Kenya, said her school sends revision papers to parents via WhatsApp twice a month. "A marking scheme is sent once the students have made an attempt and the papers are meant to be marked by the parents." Moreover, power and the internet cost are usually irregular, restricting the constant use of the resources for education. Going to an Internet café to access the Internet throughout the COVID-19 pandemic was limited due to the closure of several superfluous stores and stipulations on travel. The cost of accessing the internet is frequently limiting for lower-income households. Wi-Fi and data providers made free Internet service available for 60 days during the pandemic to households, but if families did not have the hardware materials they couldn't access the education.[103]

As of 2016, 50% of Kenyans did not have access to the Internet (United Nations Economic and Social Council, 2016), while children often do not have access to the Internet, laptops, or the Internet-enabled smartphones to carry out their work (Human Rights Watch, 2020) despite past government promises to provide all children with this equipment. This lack of access combined

with the cost of Internet data is worsened in more rural areas, creating a digital divide that is separating the large majority of Kenyan students from education.[104]

Njeru and Orodho advance the perspective of the need for equal opportunities in education for every learner. The classical Liberal Theory of Equal Opportunities asserts that each pupil is born possessing an unusual measure of the ability which to some more significant rim is intrinsic and cannot be substantively changed. Hence, learning policies and arrangements ought to be structured in a way that eliminates hurdles of any form bar that obviate intelligent pupils from more subordinate economic rearings from reaping full gain of inherent abilities, which fast-track them to social development. While the progenitors for students from well-to-do settings bear digital devices to advance studying from the ease of their homes, the reverse for the disadvantaged students is true. Such disadvantages present challenges for the marginalized families and learners who must compete with their more privileged peers during national examinations.[105]

3.3.3 Inequality in terms of access to education

Extensive impoverishment and marginalization of some communities created more challenges in accessing education among children during the COVID-19 pandemic. The Human Rights Watch in 2020 singled out that the vulnerable children who would be limited to equal access to education were the children living with disabilities, the ones living in areas that had endless clashes and high insecurity, and the children living in abject poverty. Before the pandemic, children with disabilities were already failing to receive adequate support, while those in conflict zones had to frequently pause their learning from school due to current upsurges in incendiary and rampageous activity.[106]

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The choice of education institutions in Kenya is made based on a family's income. Private schools differ so much from public schools both in infrastructure and the quality of education offered. Private schools have advanced infrastructure and the teacher-to-student ratio is within the desirable range. With fewer than 10% of students owning digital training materials such as computers, iPads, and laptops, while only 18% have access to studying by the internet and 26% have access to power in rural districts exhibiting evident incongruities in remote education as discussed by Al-Samarrai, Gangwar & Gala. Equal opportunity is an obligation that all people should be handled likewise, unhampered by feigned limitations or biases except when distinct differences can be explicitly supported (Drylie, 2020). On his seventh presidential address on the COVID-19 pandemic, President Uhuru Kenyatta stated that the Ministry of Education had been allocated 6.5 Billion to secure 10,000 educators and 1,000 ICT interns to help digital running and also develop the infrastructure in schools to facilitate social distancing.[107]

Children residing with various disabilities were faced with more challenges when the pandemic hit the country. Persons living with disabilities are accorded the right to access education in Article 54 of the Kenyan constitution. The article further states that the institutions of learning should be modified to accommodate the persons living with disabilities. The Global Disability Rights reported that 67%of persons living with disabilities in Kenya come from families that reside in abject poverty. Children with disabilities face barriers to accessing quality, comprehensive education in Kenya. However, with the permanence of special needs schools and adjustment of n-special needs schools to include children living with disabilities, there has been a lower turn up of Children with disabilities in schools. In primary schools, only 38%of children

living with disabilities are admitted and, 19% of the persons living with disabilities are in secondary schools.[108]

The onset of the pandemic has had a severe impact on the children with disabilities as many can't access the requisite pieces of equipment such as Braille's to assist in their education. Moreover, there is a shortage in the number of tutors to take care of the learning needs of the children due to the pandemic. Children living with disabilities are at higher risk of contracting the virus due to their underlying medical condition. The Center for Disease Control and Prevention noted that children living with disabilities may not be able to observe the necessary measures put in place to avoid the spread of the COVID-19 virus and hence are more vulnerable to getting the virus. The adoption of online learning has left out children with disabilities as the online instructions have not been modified or made accessible to them. The tutors specializing in providing education to children living with disabilities have not been able to provide education to the special needs children since the internet did not favor the use of various materials used by children with special needs. The pandemic has also resulted in many children with special needs not returning to school as parents are cautious in preventing their children from contracting COVID-19.[109]

A Pew Research Center report by Schumacher and Kent in 2020 analyzed the use of smartphones in various African countries. In Kenya, it was found that 36% of Kenyans had smartphones, 40% had mobile phones and the remaining 24% had neither of them. Even though a majority of the households had smartphones, only a few used smartphones to access the internet. As per a UNESCO report in Abidjan about 56 million children reside in places that have mobile network providers serving them. In Kenya, only 17 million children who resided in the urban areas were able to access the internet while those from rural areas were not in a position to

do so rendering online study unequal among the children. A teacher in the Mathare slums within Nairobi said that none of her students had internet access enabled smartphones making online education among her students indispensable. A 15-year-old student said that he relied on his mother's phone to access platforms such as YouTube and Google as his school was not offering online studies. Even students who were able to access the internet were limited to the resources they would download for the studies as they had limited data. This limited the impact online studying would have on the children. Makena a 17-year-old girl from Nairobi said that she had to prioritize the use of limited internet data by downloading materials for studying mathematics and science leaving out subjects such as English, Swahili, and Christian Religious Education which she relied on knowledge from the textbooks and school notes she had. The given examples are only a few scenarios that represent the inequality in access to quality education brought about by the introduction of online classes during the COVID-19 pandemic. The Kenyan government had commenced a project to issue laptops to all learners in the country but unfortunately, this has not been realized despite it being a 30 million project. (Ouma, 2020)In the meantime, the government has introduced virtual learning sessions online, on television, and on the radio, but most students cannot access these lessons as they do not have electronics or reliable internet access at home. Lack of access to radios, television, computers, the internet, and data left many students unable to engage in remote learning. "There were lessons offered on Warsan Radio," said a 16-year-old in Garissa, Kenya, "But I never tuned in because we don't have a radio." Even for those students who can access them, the lessons are lecture-style, and a teacher is not present to help students understand a concept.[110]

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Inadequate and uneven distribution of resources has played a major role in the inequality of access to education amongst students. The effect of uneven resource distribution is experienced by learners in public schools most. The onset of COVID-19 has changed the dynamics of education delivery and this has disadvantaged students in public schools compared to their counterparts in private schools. The majority of the students in public schools come from poor backgrounds and are beneficiaries of free primary and day secondary education. Even in cases where there has been the availability of remote learning for public schools students, the attendance has been minimal hence it has not been effective. The opportunities to study from home for these students are limited as the children don't have conducive environments at home to foster their learning. A news report on Nation talked about a student in the slums of Kibera who would go to study in the washroom late at night to avoid disturbing his siblings and mother in their single room structure. Despite intervention by the government, the prolonged closing of schools deepened education inequality. This is evident as the rich families were found to be well prepared to cope up with the pandemic by hiring private tutors for their children and providing internet connection to their children. As a result children from disadvantaged families have sloped back academically compared to their peers. [111]

With little notice, the overall approach to teaching and learning via traditional classroom became untenable., and little was planned to replace it. This issue confronted governments all throughout the world, but it was particularly acute in several developing countries, whereby there was a significant imbalance in provision between those who are fortunate ' and the unfortunate population, mostly in rural areas. While many governments rapidly established educational television and radio programs, such programmes were available to learners who had accessibility

to TVs or radio. Again, internet based-learning was only available to those who had access to the internet. While 59 percent of respondents said their state's reaction to the pandemic was satisfactory, 31% believed they had not taken enough into account teachers' perspectives on learning, and only 36% believed the government's initiatives would be successful in maintaining learning progress moving forward via distant education.

Whereas there is a necessity for online learning was obvious immediately the start of the COVID_19 pandemics, reaching out to learners effectively was more difficult. The higher learning institution was given complete autonomy, and their reactions differed depending on their resources and resourcefulness. Priority was frequently given to continue with examination classes, i.e. those classes obtained at both the elementary and secondary school levels, there are primary and secondary school leaving certificates. The bulk of students and instructors, on the other hand, had never taught or learned beyond the classrooms. Many governments responded by running educational programs on TV channels and radio channels, sometimes in liaising with the private sector, unfortunately not all were well prepared. Some countries were successful in their initiatives. Others, though, did not. This did not always imply that they were wealthy or poor. It became evident soon that advanced technical approaches were not always the answer for the bulk of learners.[112]

The suspension of colleges, or any other learning institutions across the world due to governments' preventive measures towards curbing the spread of COVID-19 is estimated to have impacted more than 1.6 billion learners. Because of the separation, electronics has been seen as the best (if not the only) way to keep school systems running. The necessity to change to distant or virtual learning has many advantages, one being the chance for rapid advancement in the areas of virtual learning, that might be there for decades.[113]

Looking at how flexibility is incorporated into the major elements of teaching and studying when migrating to a flexible modality. One important factor to consider is curricular flexibility. The curriculum includes the curriculum that has been recommended, developed, taught, or implemented, assessed, and learned. The curriculum is concerned with curricular programming, teaching, and learning design, assessment of learning essential, and the teaching and learning to surround. In the midst of the epidemic, changing the sorts of evaluation measures is a crucial factor. Limiting criteria and focusing on the most important projects that assess long-term learning outcomes, such as case scenarios, problem-based activities, and capstone projects is necessary. To make sure that learners develop competencies, authentic evaluations must be strengthened. When adjusting the curriculum in the face of the pandemic, it's important to remember that initiatives and evaluation assignments should be based on the needs of the students, including their safety and well-being.[114]

3.3.4 Social problems

With the extended closure of schools during the COVID-19 pandemic, children in urban informal settlements i.e Kibera and Mathare slums are facing a high risk of education disruption due to various social problems. There have been heightened solicitudes about children being involved in drug and substance misuse, child labor, early marriages, and teenage pregnancies. The girl child is at a greater risk of having their freedom to obtain tutoring obstructed by the before-mentioned incidents as opposed to the boy child. Current media stories referring to health data from the state have pointed out an uptick in adolescent pregnancies associated with school closures. Additional records show that poor pastoralist communities continue submitting their daughters up for early marriages to the more affluent households to secure monetary

compensation, thereby imperiling the studying of several adolescent ladies. Adolescent guys similarly are reported to be involved in the wrong societal evils in the wake of extended school closures.[115]

The COVID-19 plight has highlighted that schoolhouses are not only significant as education providers but additionally as a point to react to socio-emotional wants and preserve the welfare of defenseless schoolchildren. Schools can ideally be a secure haven for defenseless learners, rendering mental assistance, responding to their socialization calls, and building a spirit of fellowship. A teacher in the informal settlement of Mathare in Nairobi, Kenya, explained how the pandemic heightened the previously terrible subsistence circumstances for many of her students: "They live among siblings and extended line kin in miniature dwellings and lack essential things like food. Most of the parents to these children have lost their sources of livelihoods due to the pandemic making their already strained living conditions much worse." Elsewhere in Nairobi, at beginning of May, the government ousted more bounteous than 8,000 people in a couple of informal settlements. They brought in excavators to demolish homes, churches, shops, and schools. Rehema N. said, "All my books and school uniform got lost in the chaos." Not only are academies an essential source for scholarly knowledge, but they are also institutions of critical wellness study, nutrition, eye health, and sexual and reproductive health were all educated in classrooms or after school groups and also good coexistence with community members.[116]

Challenges in regards to nutrition and food insecurity are bound to be dire. Diet plays a significant part in cognitive growth and academic performance for learners. Several leaners globally depend on discounted or free meals at schools. When institutions close, diet is especially compromised for children in schools where food is provided. In the United States, institutions'

lunch programs are the second-largest anti-hunger undertakings after diet stamps. Each year, approximately thirty million students depend on institutions to supply low-cost or free meals like breakfast, lunch, and dinner. In Washington, about 45 percent of the states' 1.1 million learners registered in public and charter institutions are legible for subsidized institutional meals. About 520,000 schoolchildren and their households may be affected by food uncertainty as a consequence of school cessations. In Alabama, where statewide institutional closures as of 18th March 2020 affected approximately 720,000 learners, the state Superintendent declared that staff in institutions excessively affected by poverty would create food sharing networks to deliver food for school children who depend on school meals. Similarly, in KenyaLearning institutions also played a critical role in the provision of some basic needs such as food. Besides missed learning opportunities, students from poor backgrounds are also losing access to the meals that are made available by the World Food Programme (WFP) and the Government of Kenya through The School Feeding Program that was initiated in 2009. It is estimated that in 2018 the government provided access to daily meals to 1.5 million children in 4,000 public schools across the country all of whom are currently deprived of this service. Learners' learning outcomes are likely to be affected. Unplanned Institutional closures negatively affect learners' learning outcomes. Being in School provides vital learning and when institutions abruptly close, learners and youths are dispossessed chances for growth and development.[117]

Play is crucial as far as learning is concerned. Gergen submits that it is only by means of play that the intellect of humanity is uncovered. By means of play, learners are able to explore, create experiments, adapt, learn, communicate, socialize, and learn problem-solving techniques. Further play permits learners to build and have an extension of their skills and knowledge in the process

of interaction with others, environment, and own on their own prolonged school closures resulted to stress on parents and guardians on the provision of childcare and management of distance learning while leaners are out of their institutions of learning. In the absence of substitute options, employed parents frequently leave learners on their own when institutions close and this can result in hazardous behaviors, such as amplified substance abuse and influence of peer pressure. It has been proved that protracted closures of schools compounded with restricted movements with acute challenges around space among poor households have exacerbated cases of exposure to pornographic materials, drug and substance abuse, increased rape, Gender-Based Violence (GBV) including defilement of children.[118]

To support efforts by MoH in reducing the spread of COVID-19, many of the libraries were momentarily closed. In the United States, frequent main states publicized public library cessations, such as San Francisco, Los Angeles, New York, and Seattle, affecting two hundred and twenty-one libraries. In Kenya, library services were put on halt as from March 15th, 2020 when President Uhuru Kenyatta ordered for the closure of all schools and other public converging places in the country after Kenya reported its first COVID-19 case. For learners minus library and other educational learning resource centers and internet at home, this escalates the struggle of coping up with distance learning.[119]

3.3.5 Gender biasness

The state has made great strides in achieving gender equality in primary and secondary schools. It has supervised an advance in 12% of the passage of girls from primary to secondary school from 2018 to 2019. However, the impact of the COVID-19 pandemic on education may cut back on the gains that Kenya has made in gender evenhandedness and embodiment. There have been

concerns that the more girls stay away from school that they will be unable to resume studies once the learning institutions were opened. The main driver of girls dropping out of school is poor family backgrounds where they are forced to stay home and work due to their impoverished backgrounds. Girls encounter unprecedented obstacles to advance to follow formal learning from a distance. Taisha S a 16-year-old girl in Kenya, said her school offered no materials or guidance during school closures, so she got in touch with her science teacher. "He said he would not be able to go to anyone's home, but they could come to his house.[120] As girls, we feared going to his house, but I hear the boys have been going." A primary school teacher in Nairobi, Kenya, said "With the lockdown, all family members are staying in the house morning to evening. I have had some of the girls call to inform me that they are harassed by their fathers or uncles." Daughters are usually demanded to take on childcare duties and house tasks. Taisha also said, "My chores have increased of course because schools have closed." She said that she sometimes missed distance learning classes on television because of her chores at home. Zawadi also a 16-year-old girl in Nairobi, said she spends almost five hours a day looking after her younger siblings: "There's much more to do with siblings because I am also acting as a teacher to the younger ones." If kids require to apply technology to read, and access to devices or data is in compact supply, boys usually end up getting more access to these resources than girls.

Many students shared feelings of stress, anxiety, isolation, and depression, which they linked to the lack of contact with their school community. "It's stressful when I have to study all alone," said Makena in Kenya. "I tend to think a lot about school and my friends," said 15-year-old Kioko from Kenya. "It makes me sad. I know my school has a counselor, but we were never given contacts after we closed and before this, I had never gone to him." Disproportionately, girls, particularly from low-income settings, remain at more elevated peril of social ostracism

from school opportunities.[121] Recognizing the pre-existing gender incongruities, girls, that previously encounter austere constraints to learning such as female genital mutilation (FGM) and forced early child marriage, are presently at risk of being disclosed to sexual brutality and exploitation, child marriage, and child trafficking). Schoolhouses have traditionally rendered protected harbors for girls, which implies that not attending school endangers them to greater risks of sexual violence and exploitation, child marriage, and child trafficking (Odhiambo, 2020). This is evidenced by new local statistics, which dispense an uptick in early pregnancy, child labor, and sexual acts in trade for meals or wages due to the extenuating happenings performed by COVID-19 (Kenya Citizen News TV, 200). These outrages are usually unreported. Something that persists is that unwritten expectations of the position of adolescent girls are to care for the house and young children, limiting their capacity to engage in learning online.[122]

3.4 Conclusion

In conclusion, the closure of schools in Kenya was a real setback to the Kenyan learners, their rights of association, to education, to a safe environment, and to fair competition in school, activities were suspended during the ongoing COVID-19 containment measures. Back in school, their right to health was compromised and the government failed to fail to provide masks to schools, water, water buckets, soaps, and sanitizers to the learners thus exposing them to COVID-19 attack.

CHAPTER FOUR

THE POST-COVID-19 STRATEGIES BEING EMPLOYED TO ENHANCE OPTIMAL ACCESS TO EDUCATION

4.1 Introduction

The Corona virus pandemic has wreaked havoc on the globe's educational institutions, negatively affecting nearly 1.6 billion learners in almost all the countries in the world. Shutdowns of schools and other learning spaces have affected about 95% of the world's students, while it has affected almost all the learners in middle-class countries and developing countries.

As a result of this situation, most of the vulnerable children, adolescents, and grownups − individuals who are living in impoverished or remote regions, females, refugees, disabled people, and internally displaced people who are jeopardizing their opportunities to finish their schooling. Learning disruption may have an effect beyond this generation, wiping out years of progress, especially in the promotion of girls' and young women's educational accessibility and commitment. About 23.8 million additional children and youth from nursery school to higher

learning institutions may dropout out or be unable to return to school in the next academic year as a result of the pandemic's economic effects alone.

Beyond the classroom, the education disturbance during the COVID-19 had is having far-reaching implications. Academic institution shutdowns restrict the supply of important services to disadvantaged students. This chapter hence analyzes the post-covid-19 strategies being used to ensure optimal access to education.

4.2 Demographic characteristics of the respondents

In this chapter, the study relied on the primary sources of data and the demographic characteristics of the respondents are presented below

4.2.1 Response rate

Out of the 384 questionnaires and google forms sent out, the response rate was 77% with 296 questionnaires and google forms being returned to the researcher.

Mugenda and Mugenda affirm that if the rate of response is 50% then it is considered okay for data analysis, on the other hand, a response rate of 60% is considered good for data analysis, whereas over 70% response rate is excellent for data analysis. In this study, the response rate was 7% from the questionnaire, Interview guide, and google forms. This rate was good enough for data analysis as it gave a good representation of the study's respondents and hence accurate data.

Presented in Figure 4.1, 2021

4.2.2 Gender response rate

The majority of the respondents were male given that the Kenyan society is male-dominated were men at 59% were more willing and ready to respond to the physical questionnaire. Females at 41% were more okay with the google forms. The gender factor is important in the study in that the study ascertained how the respondents were represented based on their gender.

Presented in figure 4.2, 2021

4.2.3 Age of the respondents

The youths aged between 18-35 were the majority at 44% as youths were the main target of the study. This was followed by the 46-65 age bracket at 31% who were mostly social officials from the target population who were also of keen interest to this study.

The age factor was significant to the study given the fact that this study mostly targeted the youths who are aged between 18-35%. Hence the youths formed the majority of the respondents. The age between 46-65% were mostly senior employees of various organizations and institutes that were targeted by the study. They gave their experience opinion of the subject of the study.

Presented in figure 4.3, 2021.

4.2.4 Level of education

In terms of the level of education, the majority of the respondents were Graduate and college students. From the data, the majority of the respondents were literate. Based on the level of education, the respondents were highly informative for the study.

Presented in figure 4.4, 2021

4.2 Ensuring continuity of learning process

The majority of the respondents stated that the government has responded to the impact of covid-19 on the right to education by ensuring continuity of the learning process through procedural re-opening of physical learning. In Kenya, governments have begun to open educational institutions. The first step was through online learning. Teachers and students have viewed the shift to a distance learning approach as an opportunity to be more creative. The development of COVID-19 has caused fear, stress, and other concerns among citizens in different parts of the globe, notably among educational groups such as learners, teachers, and guardians.[123]

Barriers to learning are reduced when Universal Design for Learning is used. Barrier-free learning necessitates consideration of the necessity for every student to be in a classroom. Whenever a teacher organizes classes following the Universal Design for Learning as a guiding framework, she examines how to be teaching children with varying needs in languages, teaching styles, sensory inputs, perception, culture, or degrees of background knowledge. She takes into account both the kid who lacks the confidence to speak up in class and the student who excels in specific subject areas. Educators are considerably more likely to create access to learning by proactively structuring lessons and selecting curriculum and class activities that allow for numerous learning routes. Successful access leads to successful learning and knowledge gain.[124]

Given the limitation of distant learning because especially on the inequality of availability of technology, and remoteness at homes, The government went ahead to resume normal physical learning albeit at a slower pace and with caution. The teacher must consider the various requirements and learning preferences of all of his students when he creates each session. The teacher's choice of multiple and flexible instructional delivery modalities, as well as curricular materials, should be made in such a way that all pupils in the classroom learn well. Including all

learners' requirements in flexible instructional planning and delivery eliminates barriers to the education process and raises the chances that each student will get teaching and thrive in gaining knowledge and capabilities.[125]

According to the majority of the respondents, the resumption of normal was a major boost towards the access to education for all students irrespective of their background or social status.

4.3 Providing equitable and inclusive access to good learning conditions

Further, the respondents agreed that the government provided equitable and inclusive access to goods for better learning conditions although more needs to be done. Education is a basic human right that allows youngsters to develop to their greatest potential. During times of crisis, this right is not suspended. There has never been a greater need to ensure that every child may continue to access education and learning in the midst of unprecedented learning institutions shut down as a result of the COVID-19 pandemic. During and after the epidemic, all stakeholders must work together to keep children and teenagers safe, supported, and learning. We must endeavor to guarantee that the most vulnerable children, such as those living in poverty, those with disabilities, girls, and children and youth affected by crises, do not fall farther behind.

The COVID-19 pandemic has presented governments, schools, and parents with an enormous and unprecedented challenge in their efforts to maintain high-quality learning. A certain proportion of learners, particularly the disabled individuals and the underprivileged, are in danger of increased marginalization as governments try to manage learning continuation while preserving learners' safety and general health well-being.[126]

Technology is still being used to alleviate learning loss during the COVID-19 pandemic. Although the learning through television channel and radio stations has reduced, Online internet-

based learning and aided distance learning is still being used. However, the technology unavailability between some learners, which includes accessibility of online learning tools, electricity, the Wi-Fi or data to access the internet, and teacher skill, is increasing the learning gap between the privilege and the non- privileged, particularly for learners who are disabled face the added challenge of inability to get learning content.

During this period of corona virus, it is predicted that exclusion from education has increased, leaving 40% of disadvantaged students in developing nations completely unsupported in their education.

The government and other international donors have also helped to these efforts by adding materials that can promote online learning, but we realize that this method has limits. There are dozens of resources available on the internet and even the most brilliant and knowledgeable teachers might become exhausted sifting through them. When it comes to virtual learning, accessibility to digital infrastructures — such as smartphones, personal computers that are laptops, and Wi-Fi or data for internet access – is an issue of equality. The National government in collaboration with the County government ensured that all students have accessibility (not only the ones who have the ability to afford it), but provided a friendly environment for learners to resume classes. In the face of COVID-19, hardware and infrastructure were employed differently, and current resources might not even be adequate to meet the requirements in most circumstances.[127]

There is a potential to improve education systems around the world by utilizing the ideas used during this crisis. Few countries have education plans that are crisis-sensitive. The COVID-19 disaster provides an opportunity to "rebuild better" and correct prior flaws in education

institutions, such as ensuring that all students have access to proper sanitation. WASH systems that are strengthened may be able to help prevent the spread of infectious diseases.

4.4 Supporting education for the disadvantaged students

Multiple lockdowns and extended absences from school or other settings are likely to have had an impact on most students, though the extent of that impact may not be recognized for some time. Learners from vulnerable and disadvantaged groups may be the worst hit in terms of the impact on their well-being as a result of their specific needs and pre-existing impediments to learning.

One of the problems that teachers and students with disabilities faced as a result of the epidemic were the inability to follow the kids' customized learning plans. This should be addressed as part of this cooperation so that every student with a disability can continue to learn according to his or her own plan. The process for developing and updating the plans will be enhanced, and indicators will be added so that professionals can assess how well the plans fit the requirements of children.

In these situations, learners with impairments are more likely to be excluded. Many remote learning choices, for example, are inaccessible to blind and deaf students. Depending on their disability, children with disabilities may require additional assistance, such as simplified messages and sign language assistance to comprehend health and safety precautions. In some cases, parents and families are unable to assist their children in learning to communicate using sign language or Braille. Children with disabilities, like many other children, may rely on school lunches for nourishment, which is no longer available in many nations. Additionally, youngsters may require behavioral help and may be especially sensitive to changes in routine. Children with

disabilities are at risk of being discriminated against and isolated as schools reopen. Children and teachers will have to accept, modify, and apply new social and classroom standards in the "new normal," where personal safety will be paramount and learning supports may be scarce.[128]

Teachers have found it challenging to provide the services and supports that students with disabilities (SWD) require in distant settings, independent of school or student demographics, and this is likely to result in even greater learning losses. SWD should continue to be emphasized for in-person learning despite these challenges and the risk of learning losses. State and local education agencies should think about how they'll prioritize and expand in-person learning options for people with disabilities.[129]

4.5 Distribution of food and other humanitarian assistance

Despite initial shocks and ongoing access challenges, humanitarian partners have made essential modifications, reprioritized as needed, and deployed innovative programming to ensure the sustained and secure delivery of humanitarian aid. This has helped to avert a worsening crisis and the loss of more lives. WFP's shared services infrastructure has been a critical enabler for humanitarian operations to continue. [130]

Although there are no concrete confirmations on deadlines for the approval of prospective candidates, there is optimistic news on safe and effective vaccine advancements in the coming year. It will be critical to make vaccines widely available in the most vulnerable humanitarian situations. Vaccines for the most vulnerable populations, such as refugees, internally displaced people, and asylum seekers, must be thoroughly integrated into national planning processes. The private sector's support and involvement in the manufacture and delivery of vaccinations to the world's most vulnerable individuals will be critical.

The humanitarian community will remain on the ground to provide a thorough COVID response where it is most needed. This will necessitate taking action on three major requests. First, Member States must provide early financial assistance to help alleviate the pandemic's direct and indirect effects. This is especially important in the most vulnerable areas and countries at risk of famine. Secondly, the Member States and non-state armed groups must allow safe and unrestricted humanitarian access to those who are in critical need. Third, international humanitarian, human rights, and refugee law must be respected by all parties. COVID-19 is a virus that has no boundaries.

Furthermore, the COVID-19 response plan aims to safeguard the most vulnerable people's ability to meet additional food consumption and other basic needs by preserving their productive activities and assuring access to social safety nets and humanitarian aid. It also aims to keep the supply chain for key commodities like food and agricultural inputs, as well as essential nutritional commodities like ready-to-use therapeutic diets for malnourished children, running smoothly.

4.6 Ensuring social development of students

The majority of the respondents agreed that the social development of the student is an important mechanism to ensure optimal access to education. Even before COVID-19, many adolescent girls, particularly those from low-income areas and the poorest neighborhoods struggled to get an education. As per a recent UNICEF study, about a 1/3 of teenagers mostly the girl child from the poorest families have never gone to school, and only 25% of them from the poorest set up in the developing country finish primary school. Emergencies deepen existing imbalances and reinforce the current learning dilemma.

As a direct effect of COVID-19, 68 percent of respondents in Kenya skipped a meal or ate less. Adolescent girls are at a higher risk of child marriage, sexual abuse, and child labor as a result of the economic burden on families and communities. School and test fees could be waived, making it easier for girls to return to school. Other techniques, such as money transfers to the most vulnerable females, have also proven to be successful.

Since the healthcare and learning institutions were not fully ready or equipped to handle such emerging needs, support is required to identify effective methods that will be advantageous to all students and their families, strengthen digital and technological techniques, and offer rapid training to experts in the use of these emerging technological service delivery choices. Given that most countries have closed their schools and governments are encouraging parents and caregivers Guardian and caregivers who choose to remain at home with their kids are in control of all parts of their kid's development and are accountable for offering them the life experience and potential they need to look for and take care of them. as well as to enable their learning, health, and wellbeing.[131]

Parents must have the ability to acquire crucial information and assistance in coping with their emerging realities, demands, and changes, as well as get help and resources to care for their own welfare and mental health, in order to execute these various duties while balancing their own mental health. They also seek information on the action the central government, local governments, and large entities can offer in supporting their children's learning, care, and well-being, and also any aid available to help their families obtain essential items. All information and services given must take into account the diversification of households, acknowledging the various settings that are in place, like woman families, households with teenage mothers, and

households with same-sex parents, among others, so that answers can be tailored to various contexts and wants.

4.7 Conclusion

Schools are an integral aspect of a community's infrastructure, and all communities should make returning to and remaining in in-person instruction a primary goal. Schools provide kids with secure and supportive learning environments that promote social and emotional development, provide access to important resources, and help them achieve better life outcomes.

As countries rebuild and reinvent themselves in response to COVID-19, there is a chance to speed discussions about how to best promote high-quality education for all. Coalitions of evidence-to-policy organizations, implementation partners, academics, donors, and governments should build on their experiences in the months and years ahead to establish education-for-all policies that draw on extensive research from J-PAL and similar groups. Long-term, evidence-based decisions and programs that take into consideration country-specific circumstances have the potential to improve pedagogy, assist teachers, encourage students, improve school governance, and address a variety of other aspects of the learning experience. One good result of the pandemic may be that it may motivate us to address the numerous remaining worldwide educational concerns sooner than we expect.

We recognize that recovering a stronger education system from this global pandemic is a noble goal that will necessitate both financial and human resources. However, we believe that defining such a vision is critical and that it can steer the future amidst the multiplicity of decisions that education leaders face every day. With the pandemic's devastating effects falling disproportionately on the most vulnerable young people, it's tempting to return to a global

education narrative that prioritizes school attendance above all else. This, on the other hand, would be a mistake. There are enough instances of educational innovations that provide access to relevant learning for people inside and outside of the classroom to inspire us to aim higher.

CHAPTER FIVE

FINDINGS, CONCLUSION, AND RECOMMENDATIONS

5.1 Summary of the key findings of the study

The study sought to understand the underlying impacts COVID-19 has had on the human right to access education in Kenya. The pandemic's development has expanded educational inequality throughout the globe. The pademic has disrupted schooling as well as created global health issues that have been difficult for international healthcare practitioners to resolve. The extent of the right to education must be seen as including all dimensions of freedom protected by

international human rights law norms. Articles 13 and 14 of the International Covenant on Economic, Social, and Cultural Rights describe a few facets of the right to education with one of the most important aspects of the right to education being its accessibility. The World Health Organization announced safety standards that would aid in the containment of the Covid 19 viruses hence various countries throughout the globe were pushed to accept safety regulations as the new normal. Varied nations used different measures to slow the spread of the virus, but the majority, if not all, shuttered learning facilities since the health of the students was a top concern. The coronavirus has had an unprecedented effect on the education sector. Furthermore, assuming that all learners have access to the technology required to participate in virtual learning platforms is incorrect. Because of the poor technical endowment, it is challenging to maximize learning amid the coronavirus epidemic.

The study states that the shock of the introduction of COVID-19 affected a lot of the usual and people had to embrace a new way of life that curbed movements and associations, which are foundations of human rights across the globe. The implementation of the social distance caused schools to shut, depriving children of the chance to attend a school or to education, which violated the child's right to education, and every kid should be provided the right to equal educational opportunity. The digital platform is particularly unfair to very poor families attempting to receive an education since they are unable to purchase digital devices, which perpetuates inequities as the poor kid loses out on such a chance, thus discriminating.

5.2 Conclusion.

Education is also important for women: having a secondary school education or higher' seems to minimize the chance of becoming a victim of partner abuse, implying a sense of confidence and

empowerment. According to John Wafula, who had reservations about the conduct of online courses and exams, on the course most students had difficulties in joining the Zoom classes, this was due to three factors, one was a lack of technical know-how in joining the Zoom classes and using technology in general, the teachers who were the convener of the classes while the classes were already on mostly.

The disparity in access between rural and urban students was manifested in the rural child's lack of access to gadgets such as computers, laptops, and data connectivity; in cases where the rural child used his or her mobile phone to access education while at home, data purchase was nearly impossible. This created another inequity, even among rural children, where the level of poverty varies; we have rural bourgeoisies' like teachers, nurses, chefs, and their assistants, whose level of income is high; much of online learning was provided by private and international schools rather than public schools, whose students had to wait for school to open.

As Kenya became an epicenter of the virus, the economy suffered irreparably, and in such economic recess, the poor, who are the majority, were hardest hit, as were their dependents, which included school-age children. The influx of all the school children who had been at home for the longest time in Kenyan history had a significant impact on the security of the child, both boy and girl child, with the boy most finding the stay at home to be very boring and thus ventured out and got the influence to bad behaviors, and the majority of girls in Kenya were exposed to sexual advances and indeed most became pregnant. Learners' prolonged stay at home exposed them to many hazardous situations, which resulted in violations of their rights; among boys, there were anti-social behaviors, and among girls, there were reported cases of rape and defilement by members of the communities who also found them staying at home for an extended period. Learners who were victims of COVID-19 while out of school were subjected to

discrimination and stigmatization when school resumed; such discrimination was a real infringing on their right of the association because most learners did not want to associate with them; thus, COVID-19 caused them to be seen in a different prism than what they were seen as before the disease's arrival. The alternative mode of learning for those who could afford it was through the use of Zoom. This had a lot of challenges for the learners, they were not taught how to use Zoom, most students didn't know how to use it, this was because no preparation was done to prepare the students for such a mode of learning, it was done in a great hurry with a lot of uncertainties before breaking for the longest holiday because of the COVID-19 in March 2020, it was done in a great hurry with a lot of uncertainties.

The use of schools as quarantine facilities was considered as a barrier to a timely reopening of schools, and the administration was caught in a catch 22 as to when to restart schools and where to house the ever-increasing number of COVID-19 sufferers. The use of schools as isolation centers was an egregious violation of students' rights. Based on the preceding, it can be concluded that Kenya still faces issues, as COVID – 19 continues to flare and has significantly slowed down teaching and learning in the nation. The COVID-19 epidemic has resulted in an increase in school truancy owing to premature pregnancies, early child marriages in certain regions, and the complete shutdown of several private schools.

The majority of the reasons caused by the COVID-19 pandemic have hampered access to education, which is a child's right under the Kenyan constitution. Concerns have been raised concerning youngsters becoming engaged in drug and substance abuse, child labor, early marriages, and adolescent pregnancies. Being in school gives essential learning, and when institutions unexpectedly stop, students and youngsters lose opportunities for growth and development. Further play allows learners to build and extend their skills and knowledge through

interaction with others, the environment, and on their own. Prolonged school closures have put a strain on parents and guardians in terms of providing childcare and managing distance learning while students are away from their institutions of learning. In the lack of replacement choices, working parents commonly leave students on their own after institutions shut, which may lead to risky behaviors such as increased drug usage and peer pressure.

Prolonged school closures, along with limited mobility and severe issues surrounding space among impoverished families, have been shown to worsen incidences of exposure to pornographic materials, drug and substance addiction, increased rape, Gender-Based Violence (GBV), and child defilement. Many libraries were temporarily closed to help the Ministry of Health's attempts to reduce the spread of COVID-19. For learners who do not have access to a library or other educational learning resource centers, as well as the internet at home, dealing with distant learning becomes more difficult. The state has made significant progress toward gender equality in elementary and secondary institutions.

5.3 Recommendations

The impact of the coronavirus pandemic on the right to education may persist if a viable treatment is not established quickly. Although infinite and hence impossible to define, quality of learning at the institutional level is also an important part of the right to education. The government must examine a range of factors for assessing the quality of education, including education programs that may assess learner performance, teacher well-being, and the state of the learning environment. Kenya aspires to deliver excellent and inclusive online education to the majority of its pupils by 2030. Because online learning has not been widely used for a long time, the foundation for its success has yet to be established. In 2019, the Kenyan government

launched a program to increase internet access in the nation. The initiative is part of the country's 2030 vision, which was in existence before the coronavirus outbreak. Kenya as a whole should seek to offset all of the educational failures caused by the coronavirus outbreak. According to Article 53 of the Kenyan constitution, learners have the right to a high-quality, inclusive education. It is the government's responsibility to guarantee that learners have access to high-quality education, which includes the vast majority of the country's student population. Because it is unclear when the epidemic will be finished, the government, learners, instructors, and parents should embrace the new form of learning, digital learning. Provision of free materials for online learning; Partnerships with various national media stations; Provision of equitable and inclusive access to learning through Parental engagements and financial help are just but the few the Kenyan government may help ensure equitable access to education by students in Kenya.

The state and various stakeholders in the education sector must devise strategies to ensure access to quality, evenhanded, and comprehensive education, as stated in Article 53 of the constitution, while adhering to international and national guidelines for social distancing, quarantine, and self-isolation. Inclusion may be promoted by taking restrictions into account during government planning. As a result, learning policies and procedures should be designed in such a manner that no barriers of any kind prevent clever students from less affluent economic backgrounds from reaping the full benefit of their innate skills, hence accelerating their social progress. The government ought to secure both financial and material support to the students from various backgrounds so as to enable them to have access to education which is their basic human right. The use of a holistic approach to address the concerns that are facing students be it emotionally or socially by the Kenyan government is important.

The provision of an equal opportunity and inclusive way of making sure access to their right to education is also a move the government has to consider. This can be achieved through the government partnering up with various national media stations that are widespread to provide free learning classed for the students in the whole country. This could be borrowed from the move by the French Ministry of education and the Portuguese who broadcasted classes on national television and through the media houses distributed educational resources that would guide the parents throughout the pandemic. In the UK the government went for an all-inclusive online education by distributing resources useful for children with special needs through the Dyslexia Assist program and National Autistic Society.

The distribution of electronic devices and free learning material was a move that the government ought to have adopted during the pandemic. Countries like Chile distributed up to 125,000 free computers which would aid in the studies of vulnerable students. UNHCR sought to find ways and partner with the government to ensure that even refugee students could access education. The Slovenian government and Roman government also distributed learning materials to students from dilapidated backgrounds to aid in their study over the outbreak of the virus. The Kenyan government could borrow from these initiatives and set aside resources to ensure students from vulnerable backgrounds are not left out in the quest to access education during the pandemic.

The Kenyan government also ought to adopt a counseling program to help families and students faced with various challenges such as FGM and girls who face the risk of early marriages. Such an initiative by the Kenyan government would not only ensure the well-being of students mentally but might also reduce the chances of suicides among students facing such challenges Such programmes have been witnessed in other developed countries. An example is the Kids

Help Phone in Canada which offers E-mental support to students during the pandemic; Kidshelpline in Australia and Telefono Azzurro in Italy are other examples of initiatives by the governments o provide free confidential mental health services online.

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Appendix I: Interview Guide for Key Informants

Dear Respondent,

RE: COLLECTION OF DATA.

My name is **Daisy Waitherero,** I am a Master's student at the Institute of Diplomacy and International Studies, **University of Nairobi**. At the moment, I am carrying out research on the "**Human rights dimension of a pandemic: Evaluation of the effect of covid 19 on the right to education in Kenya".** You have been chosen to take part in this research; however, your participation is completely voluntary. I humbly request that you honestly complete the Interview guide,

Thank you so much for your cooperation and response

1. What is your gender?

Female   [   ]

Male   [   ]

Prefer not to say   [   ]

2.   What is your age?

18-35 Years   [   ]

36-45 years   [   ]

45-65 years   [   ]

Above 65   [   ]

3.   Level of education:

Primary   [   ]

Secondary   [   ]

College   [   ]

Undergraduate   [   ]

Graduate   [   ]

Post Graduate   [   ]

4.   Has the Covid-19 virus had an impact on right to access education in Kenya?
5.   Do inequalities exist in the access to education due to the presence of the Covid-19 pandemic in Kenya?
6.   What are some of the inequalities that have been brought about by Covid-19 in right to access education?
7.   Do you believe that there are underlying factors brought about by Covid-19 hindering access to education?
8.   If yes in the question above, then what are the underlying factors hindering access to education due to Covid-19 pandemic?
9.   For the following factors, rank them in a scale of 1 being low impact to 5 being high impact in terms of their impact in hindering access to education.

Factors	1	2	3	4	5
Economic impact on education sector					
Financial strain on learning institutions					
Inequalities in terms of access to education					
Social problems					
Gender biasness					

10.   What strategies can be employed to enhance access to education during the Covid-19 pandemic period?

11.   How can access to education be optimally continued post Covid-19 period?

12.   What can be done to better ensure that the problem of inequalities and hinderances to education access are effectively addressed?

APPENDIX 2: INTRODUCTION LETTER FROM IDIS, UNIVERSITY OF NAIROBI

APPENDIX 3: NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY, AND INNOVATION RESEARCH LICENSE

APPENDIX 4: SIMILARITY INDEX REPORT

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