

Oxfam India's submission to National Human Rights Commission's (NHRC) Committee of experts on 'Impact of COVID-19 pandemic on human rights and future response'

Recommendations for protecting educational and human rights of children during COVID-19

We are currently in the midst of an unprecedented crisis. More than 22 crore children have been affected by the closure of schools. If preventive measures are not taken, many of these children might never return even after schools reopen. It is estimated that girls from disadvantaged families might lose 50% of their total years of education¹, if pro-active measures are not taken. Millions of migrant families are returning back to their villages amidst this crisis and it is imperative that the rights of children to protection and education be upheld at this time. Cases of child abuse and safety have increased manifold during the lockdown, as evidenced by the two-fold increase in calls to helplines. In addition, there are concerns of food security because of the interruption in the supply of meals and supplementary nutrition under MDM and ICDS.

With delivery of education moving predominantly online, new issues of child safety and privacy have emerged along with exclusion of the vast majority of children, particularly in rural India. There are also reports of private schools violating children's Right to Education by excluding them from online classes or striking their name off the rolls for non-payment of fees. To protect the rights of children during these unprecedented times, we would like to submit a series of recommendations to mitigate the impact of the current crisis on the human rights of the most marginalized children:

- 1. Ensure child safety and protection from abuse and labour** – There has been a 50% increase² in calls reporting child abuse and violence on helplines nationally. A report by ILO and UNICEF³ estimates that a 1 % increase in poverty leads to a 0.7% increase in child labour. This is borne through the spike in calls to Childline⁴ India reporting case of child labour and stories that have trickled in from across the country – children in a village in Bihar selling scrap to support

¹ [Girls Education and Covid 19-Malala Fund](#)

² <https://www.thehindu.com/news/national/coronavirus-lockdown-govt-helpline-receives-92000-calls-on-child-abuse-and-violence-in-11-days/article31287468.ece>

³ <https://www.unicef.org/press-releases/covid-19-may-push-millions-more-children-child-labour-ilo-and-unicef#:~:text=Evidence%20is%20gradually%20mounting%20that,schools%20close%20during%20the%20pandemic.&text=As%20a%20result%2C%20more%20children,domestic%20work%2C%20the%20brief%20says.>

⁴ <https://timesofindia.indiatimes.com/city/noida/child-labour-cases-rise-during-lockdown-in-noida/articleshow/76916365.cms>

their parents⁵, an eight year old child taking up shoe-polishing⁶ and the disturbing case of 35 children in a Tamil Nadu factory who were forced to work 14 hours a day without a day off⁷. There are also concerns of a rise in bonded labour, with Bachpan Bachao Andolan reporting having rescued over 300 children⁸ involved in bonded labour.

To ensure child safety and protection from abuse and labour:

- Ensure that child protection mechanisms are treated as essential services
- Activate child protection committees at district and block level to monitor and respond quickly to cases of violence and abuse.
- Mobilise Panahayat Samitis to map at-risk and vulnerable children, and connect them to relevant social protection schemes
- Issue guidelines for teachers and SMC members to remain in touch with children in families with history of domestic violence to minimize possibilities of child abuse

With the advent of online classes, new issues of privacy, cyber bullying and abuse have cropped up. There have already been multiple instances of inappropriate content⁹ cropping up on learning platforms such as Zoom during online classes. In addition, there have also been instances of unauthorized people logging¹⁰ onto online classes and taking pictures of female students, highlighting privacy concerns. There are also concerns of children's data being collected without parental consent—in 2019, YouTube¹¹ was fined \$170 million for collecting children's personal data without parental consent. There have been guidelines¹² issued by the government regarding online classes but they are not binding in nature.

For prevention of child abuse and bullying during online classes:

- Develop binding regulations that need to be strictly followed by schools delivering online classes

⁵ <https://indianexpress.com/article/india/school-shut-no-mid-day-meal-children-in-bihar-village-back-to-work-selling-scrap-6491830/>

⁶ <https://timesofindia.indiatimes.com/city/noida/child-labour-cases-rise-during-lockdown-in-noida/articleshow/76916365.cms>

⁷ <https://www.aljazeera.com/ajimpact/rescue-35-child-workers-triggers-probe-india-factory-hub-200806180656736.html>

⁸ https://www.huffingtonpost.in/entry/migrants-children-bonded-labour-covid-coronavirus_in_5ef84287c5b612083c4ea6d9

⁹ <https://bangaloremirror.indiatimes.com/bangalore/others/oops-porn-pops-up-in-zoom-class/articleshow/75814680.cms>

¹⁰ <https://www.moneycontrol.com/news/business/covid-19-impact-are-indian-schools-ready-for-transition-to-online-mode-of-teaching-5396931.html>

¹¹ <https://www.theguardian.com/technology/2019/sep/04/youtube-kids-fine-personal-data-collection-children->

¹² https://www.mhrd.gov.in/sites/upload_files/mhrd/files/pragyata-guidelines_0.pdf

- Issue guidelines to regulate digital platforms, including Ed-tech platforms offering online classes
- Develop a grievance redress mechanism for parents to report instances of child bullying, abuse and issues of privacy

2. Provide unconditional access to cooked meals/dry rations –36% children¹³ in India are underweight and therefore, have lower resistance to infections. Supplementary nutrition through ICDS and Mid-Day Meals plays a major role in supporting nutritional needs of children. Unfortunately, multiple reports show that a large percentage of children have been deprived of these meals during the lockdown¹⁴. A rapid assessment by Oxfam in Uttar Pradesh found that 92%¹⁵ children did not receive their Mid-day meal during the ensuing lockdown. Estimates by the Right to Food Campaign show that a disruption in Anganwadi services has deprived 6.4 crore¹⁶ children of their right to food.

To ensure food security of children during this difficult time,

- Ensure home delivery of cooked meals/dry rations under the Mid-Day Meal as well as ICDS scheme
- Provide unconditional access to entitlements (without documentation such as Aadhar) under ICDS & MDM
- Put in place rapid response team for quick resolution of grievances and ensure 100% coverage of beneficiaries under the two schemes
- Enforce orders for ensuring uninterrupted supply of food to students residing in residential schools and hostels.

3. Facilitate unconditional entry into schools for migrant children and reopen seasonal hostels – Lakhs of migrants and their families are returning home to their villages. It is imperative to facilitate admission of migrant children into nearby government schools and Anganwadis, without asking for any documentation or identity proof. Past experience shows that making Aadhar mandatory has denied migrant children access to admission and benefits under the Right to Education¹⁷. Making access to education conditional (by asking for Aadhar) is in contravention of the Right to Education and Article 26 of the Universal Declaration of Human

¹³ NFHS 2015-16

¹⁴ <https://www.hindustantimes.com/education/children-in-62-surveyed-homes-discontinued-education-amid-pandemic-save-the-children-report/story-rAVQCjfr7ff7CIP6zpaRP.html>

¹⁵ See Annexure 2

¹⁶ <https://www.counterview.net/2020/08/eight-crore-children-16-crore-pregnant.html>

¹⁷ <https://scroll.in/article/834418/by-making-aadhaar-mandatory-delhis-government-schools-are-shutting-their-doors-to-migrant-children>

Rights. In addition, the sudden closure of seasonal hostels during the advent of the lockdown¹⁸ has left migrant children to fend for themselves and in many cases, left them with no option to join and support their parents by joining the workforce.

To facilitate entry of migrant children in schools:

- Map migrant children and facilitate their entry into nearby government schools without any documentation/identify proof
- Ensure unconditional access for children to all school entitlements- MDM, textbooks and uniforms
- Reopen closed seasonal hostels

4. Stop school closure and reopen closed schools – It is estimated that 1 crore girls¹⁹ in India could be out of school after this crisis, of which migrant girl children are likely to be worst affected. Yet, the government has closed over 150,000 schools permanently over the past three years (with plans to close more) which will further increase dropouts. In most states, the process of closure has been taken centrally, without consultation with the communities concerned. This has also often not been done keeping in mind the convenience of the students, including making sure that the new schools are within the RTE norm of 1 km walking distance. There is ample evidence to suggest that the educational rights of students are being violated in the process.

With millions of migrants and their families having returned to their villages, already closed schools must be reopened to cater to the massive increase in demand and a stay must be issued on further school closure. Odisha²⁰ has already declared that no government schools will face closure in this year. Further, maintaining physical distancing norms will be possible only in small schools (low enrolment schools), reinforcing the need to reopen such schools.

To protect the rights of children to education,

- Ensure that a stay order is imposed on further school closure
- Issue guidelines for all states to reopen closed schools enabling every child across the country to access a school within a 1 km walking distance.
- Map migrant children to identify areas to be prioritised for school reopening

¹⁸ <https://www.thequint.com/news/india/closure-of-seasonal-hostels-leaves-migrants-children-in-the-lurch-amid-covid-19-lockdown>

¹⁹ ibid

²⁰ <https://odishatv.in/odisha-news/no-odisha-schools-to-face-closure-admissions-in-all-from-june-8-minister-455664>

5. Ensure uninterrupted access to education by employing a combination of low-tech, accessible and inclusive learning aids instead of expensive digital learning materials that are not accessible to most of India's populations – only 15% rural households have access to the internet²¹. There have already been multiple cases^{22,23,24} of student suicides due to the helplessness of not being able to access education digitally. These are cases of gross human rights violation, in contravention of the UNESCO Convention against Discrimination in Education 1960. There have also been disturbing reports of children across the country taking extreme and unsafe measures to access the internet, including climbing atop water tanks²⁵, trees²⁶ and hills²⁷, indicating the limitations of digital education and their implications for exclusion of children. A rapid assessment by Oxfam²⁸ found that 75% government school parents struggled to support their children in accessing education that was delivered digitally. Children from disadvantaged backgrounds will lose an estimated 40%²⁹ of their previous year's learning due to their interrupted access to education.

To ensure that uninterrupted access to education for all children:

- Use inclusive means such as including a few pages of printed material of daily exercise for children along with the MDM and ICDS rations being distributed
- Ensure delivery of textbooks to all children in government schools to enable students to return to the realm of learning
- Facilitate physical classes to support a gradual transition to the reopening of schools. One way to do this is by issuing instructions to begin *Mohalla* classes (while maintaining physical distancing)³⁰, in areas with low infection rates. There are reports of teachers

²¹ National Sample Survey on Education 2017-18

²² <https://www.timesnownews.com/mirror-now/in-focus/article/with-no-computer-or-smartphone-16-year-old-student-commits-suicide-after-failing-to-attend-online-classes/609273>

²³ <https://mumbaimirror.indiatimes.com/news/india/kerala-malappuram-district-reports-second-suicide-of-class-10-student-over-online-classes/articleshow/76440526.cms>

²⁴ <https://nenow.in/north-east-news/assam/assam-with-no-smartphone-15-year-old-student-commits-suicide-after-failing-to-attend-online-classes.html>

²⁵ <https://www.hindustantimes.com/education/school-children-in-odisha-climb-water-tank-to-bridge-digital-divide-on-education/story-ZDi83Thu4NsUyquocCtZeN.html>

²⁶ <https://timesofindia.indiatimes.com/city/rajkot/kids-climb-atop-trees-tanks-for-online-classes/articleshow/76929319.cms>

²⁷ https://timesofindia.indiatimes.com/city/goa/wrapped-in-tarpaulin-students-trek-3km-to-a-surla-hill-to-attend-classes-online/articleshow/77044737.cms?utm_source=twitter.com&utm_medium=social&utm_campaign=TOIDesktop

²⁸ See Annexure 2

²⁹ <https://www.brookings.edu/research/summer-learning-loss-what-is-it-and-what-can-we-do-about-it/>

³⁰ Important to ensure that this does not lead to exclusion of Dalit students

across various states, such as Madhya Pradesh³¹ and Haryana³² already implementing this. As part of this, the teacher can teach 4-5 students in each *Mohalla* class for a few hours, reaching out to all students at least twice a week. B.Ed. and D.Ed. students along with other educated youth in the village can be roped in to provide support during these classes.

- 6. Issue central guidelines to prevent private schools from hiking fees and setup a helpline for parents** – An estimated 12 crore³³ Indians have lost their jobs and 84%³⁴ households have suffered a loss in income. However, this has not stopped schools from hiking³⁵ their fees and collecting fees for services not being provided currently. A rapid assessment by Oxfam³⁶ found that close to 40% parents were charged hiked fees despite guidelines and notifications by state governments. Failure of parents to pay fees has led to children being barred³⁷ from attending online classes and having their name cut off the rolls³⁸, a clear violation of their Right to Education. The National Commission for Protection of Child Rights (NCPCR) has already issued a notification (F. No. NCPCR/2020-21/SF/EDU) advising states to devise solutions such that the best interests of the child are met and that no child is harassed by the school for non-payment of fees.

To protect rights of children in private schools:

- Ensure issuance of a notification under the provisions of Section 10 (2) (1) of the Disaster Management Act, putting in place a moratorium on private schools hiking fees until normalcy is restored
- Institute a helpline for parents to report grievances and ensure that they are responded to within 48 hours

³¹ <https://www.bhaskar.com/local/mp/khandwa/khargone/news/39-out-of-69-children-did-not-have-mobiles-class-on-khatiya-deo-conducted-studies-by-ringing-bell-in-open-ground-127461900.html>

³² <https://www.tribuneindia.com/news/schools/lacking-smartphones-nuh-goes-for-mohalla-paathshala-119574>

³³ CMIE

³⁴ <https://www.thehindubusinessline.com/economy/84-of-households-witness-drop-in-income-well-to-do-families-suffered-least-study/article31592026.ece>

³⁵ <https://timesofindia.indiatimes.com/city/nagpur/parents-protest-against-fee-hike-by-city-school/articleshow/77422020.cms>

³⁶ See Annexure 1

³⁷ <https://timesofindia.indiatimes.com/city/delhi/students-barred-from-online-classes-over-fee/articleshow/75089374.cms>

³⁸ <https://www.hindustantimes.com/gurugram/education-dept-allows-fee-collection-by-pvt-schools-no-clarity-on-annual-hike/story-KNiiZDVqXosfXJQgT4q4BM.html>

- Ensure issuance of a notification to provide children enrolled under Section 12(i)c with devices and free data packs to access digital classes being delivered by private schools; A PIL³⁹ on this issue has already been filed in the Delhi High Court

7. Plan for school reopening, ensuring that they are safe to attend and there is a plan to make up for lost instructional time – Stop use of schools as quarantine centres and ensure that schools that were used for quarantine/ration distribution centres are thoroughly disinfected prior to re-opening. In a rapid assessment by Oxfam⁴⁰, 40% government school teachers reported that their schools were being used as quarantine centres. Currently, only 54% schools have toilet, drinking water and handwashing facilities⁴¹. There is also an abject lack of basic health care facilities. Additionally, it is estimated that children from disadvantaged backgrounds will lose 40%⁴² of their previous year’s learning due to the lost instructional time, a crucial factor to plan for, as part of school reopening.

As part of school reopening:

- Make adequate WASH facilities (water, soap and functional toilets) available in all schools before they reopen
- Develop a process and criteria to certify schools as safe to open
- Build capacity of teachers and SMC members in Standard Operating Procedures to be followed when schools reopen
- Instruct states to recover lost instructional time by designing and delivering a 45-day accelerated learning curriculum (focused on foundational skills) that supports a smooth transition for students back to school

³⁹ <https://www.thehindu.com/news/cities/Delhi/pil-in-delhi-high-court-seeks-free-laptop-phones-to-poor-kids-for-online-classes-during-covid-19-lockdown/article31535837.ece>

⁴⁰ See Annexure 2

⁴¹ UDISE 2016-17

⁴² <https://www.brookings.edu/research/summer-learning-loss-what-is-it-and-what-can-we-do-about-it/>

Annexure 1: Status of education in private schools

The data for this status report was collected through self-reported data filled via Google form. A total of 418 parents across five states- Bihar, Chhattisgarh, Jharkhand, Odisha and Uttar Pradesh participated in the survey. It suffers from the limitation of a self-selecting sample since the data was filled online, which means that all respondents had access to a digital device and technical know-how to enter data on a Google form. Further, the limited sample size and self-reported data also mean that the findings are not representative of private school experiences across these 5 states. However, what this status report does offer are insights into the experiences of private school parents during the pandemic with regard to making fee payments and their challenges in supporting children to access education through digital mediums. Key findings are given below:

1. 39% parents were charged hiked fees despite the lockdown and physical closure of schools

Of the states involved in the survey, Bihar, Chhattisgarh, Jharkhand and Uttar Pradesh issued notifications directing schools to not hike their fees or pressurize parents in making fee payments during the lockdown. Odisha⁴³ issued an appeal from the CM's office requesting schools to consider reducing/deferring payment of fees.

Despite notifications and pleas from state governments directing private schools to consider reduction/deferment of fees during the lockdown, 39% parents reported having to pay hiked fees for the upcoming academic year. In the case of Uttar Pradesh and Odisha, over 50% parents had to pay hiked fees. While UP had issued guidelines preventing fee hikes, Odisha had not. Despite this, a significant percentage of parents in *both* states had to pay hiked fees. This highlights the need for development as well as stronger enforcement of private school regulation to protect the rights of parents, particularly during a time where over 80% households have suffered a loss in income.

2. 35% parents in Odisha pressurized to pay fees during lockdown

In states (UP, Bihar, Jharkhand and Chhattisgarh) that had issued a clear notification directing schools to not pressurize parents to pay fees, only 8% parents reported being pressurized by the school through constant reminders and messages. However, in Odisha where no clear guidelines were issued, 35% parents reported being pressurized by the school to make fee payments during the lockdown. This clearly indicates that existence of a regulation is the first step in protecting rights of parents.

3. 15% parents were charged fees for uniforms and textbooks, despite schools being closed

At a time when all schools have closed, 15% parents were still charged fees for uniforms, textbooks and workbooks. While UP, Jharkhand and Chhattisgarh had issued notifications directing schools to not hike their fees, there was no clarity about whether schools could charge fees other than the tuition fee. Despite this, only 8% parents in these states reported being

⁴³ <https://www.outlookindia.com/website/story/india-news-odisha-govt-requests-pvt-schools-slash-fee-or-extend-deadline-for-payment/350455>

charged fees for uniforms and textbooks. However, in Odisha, where no guidelines were issued, close to 50% parents reported collection of fees for uniforms and textbooks despite protests⁴⁴ and demands by the Odisha Abhibhabak Mahasangha (Parents Association) for waiver of these charges, indicating the need for clear guidelines and regulation by the state government, to protect the rights of parents.

4. Only 41% parents said that education was delivered during lockdown; WhatsApp was the most commonly used medium of 'delivery'

In the cases where education was delivered, these are the modes that were used:

- WhatsApp - 57%
- YouTube - 22%
- Zoom - 22%
- Phone calls between the teacher and student - 22%
- SMS- 9 %
- Written paper assignment- 5%
- Radio/TV was used by 3%

This question was in the form of a checklist where parents could pick multiple options as responses. This analysis provides some us a sense of how many schools are actively 'delivering' education and how many are simply disseminating information. Without going into the pedagogical effectiveness of different mediums, it is evident from the list that there is only medium i.e. Zoom that can facilitate online 'teaching' while the other mediums (WhatsApp, YouTube and Phone calls) can only be used to share information or provide supplementary resources. **Thus, children in only a fifth of the households experienced some form of structured teaching while the vast majority simply received resources or instructions via WhatsApp, Youtube and phone calls.** Despite this, 39% parents reported fee hikes by schools, almost twice the percentage of parents that reported a structured form of education delivery during the pandemic.

5. 82% parents faced challenges in supporting their children to access digital education; Signal and internet speed were the biggest issues

Only 18% parents did not face any issue in accessing digital education; the remaining 82% faced a combination of challenges including the following:

- Signal/internet speed issues- 53%
- Data is too expensive- 32%
- Don't have device-23%
- Difficulty in negotiating software- 19%
- No challenge-18%
- No internet connection- 18%

Digital education requires a stable internet connection along with adequate data. However, these two preconditions constitute the biggest hindrances in accessing digital education. For over half the parents, internet speed and signal is an issue while for a third, data is too expensive. This is

⁴⁴ <https://odishatv.in/odisha-news/admissions-in-odisha-allowed-to-protect-interests-of-private-schools-parents-association-456228>

followed by more fundamental challenges of not having the right device, internet connection or being unable to navigate the software. Despite the sample consisting of parents belonging predominantly to urban areas and being digitally literate, 82% still faced challenges in supporting their children to access digital education. This highlights the short-falls of depending solely on digital mediums for education delivery and the need for looking at other mediums that are more inclusive and provide universal access.

Annexure 2: Status of children and teachers from government schools

The data for this status report was collected through self-reported data filled via Google form. A total of 740 parents and 488 teachers across five states- Bihar, Chhattisgarh, Jharkhand, Odisha and Uttar Pradesh participated in the survey. The limitations of a small sample and self-reported data mean that the findings are not representative in nature. However, what this status report does offer are insights into how education is being delivered during the lockdown, challenges in accessing it and issues being faced by teachers during this time. Key findings are given below:

- 1. 35% children are not receiving mid-day meals**
 - 35% children are not receiving mid-day meals, 53% are receiving dry ration, 8% are receiving cooked meals and 4% are getting DBT.
 - In UP, 92% children are not receiving mid-day meals while in Chhattisgarh, this figure is 55%
- 2. 80% parents report no education being delivered during lockdown**
 - Close to 60% of parents surveyed reported that teachers are not in touch with them/their children; in UP, this figure stands at 72%
 - Over 80% parents reported that education is not being delivered during the lockdown; In cases where education is being delivered, only digital are being modes with WhatsApp being most prevalent
- 3. Over 75% parents report issues in supporting children to access education digitally; key issues include**
 - Internet speed and cost- 57%
 - Unable to find time due to household chores- 17%
 - Lack of device- 15%
- 4. 83% children have not received textbooks**
 - Despite MHRD guidelines and demands by parents, over 83% children have not received textbooks for the next academic year
 - Less than 5% children have received any additional physical learning materials from the government to supplement delivery through digital modes
- 5. 40% teachers report schools being used as quarantine centres; fear for students' safety**
 - Over 40% schools are being used as quarantine/ration distribution centres; in Chhattisgarh, this figure is over 60%
 - In schools being used as quarantine/ration distribution centres, 97% teachers are fearful for the safety of their students when schools reopen
- 6. Only 10% teachers given PPEs for field duties during pandemic**
 - Of teachers who were allocated field duties during the pandemic, only 10% were given PPEs and less than 20% were provided additional allowance/hazard pay. Majority of the

teachers-close to 75%, were provided neither protective equipment nor hazard pay. Less than 1% teachers were protected by insurance.