

**ACCESS TO UNIVERSITY EDUCATION IN AFRICA UNDER
THE COVID-19 PANDEMIC: THE PROSPECTS AND
CHALLENGES OF THE INFORMATION COMMUNICATION
TECHNOLOGY TOWARDS BRIDGING LEARNING GAP
IN NIGERIA**

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Abstract

The COVID 19 was a contagious disease without any endorsed vaccine, at the initial stages, but exigencies compelled the introduction of preventive measures to curtail escalation, and such measures later got recognition as the ‘new normal way’ of doing things. The paper as such investigates the directives of the United Nations and other regulatory bodies as they conceived policies particularly that while the lock down directives were on, schooling and education should go on by distance arrangement. The paper observes that if education had to run while students studied from home, the role of Information communication technology and learning devices on networking, collaboration and interaction among students and academic staff cannot be over-emphasised. The paper notes that the pre-COVID-19 university access was not impressive on account of inadequate teaching infrastructure and learning environment. It argues that infrastructural deficit rather hindered most states in Africa taking full benefit of information communication technology and the internet for

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learning. The paper examines the issue of development and links it with good governance, investigating if successive governments' financial commitments to education in Nigeria had been adequate. It notes that if states have not done well in terms of giving the right infrastructure to grow a nation, university education's prospects of contributing to human capital enhancement cannot be realised. It observes that the high rate of patronage will not be justified with a declining standard of university education owing to public sector corruption and inadequate funding. The situation is not made better by the COVID-19 global pandemic and the inability to explore as appropriate, the online learning facilities. The hitherto inadequate access has been further compounded. The paper adopts doctrinal model of investigation just as it recommends good governance to effect development. It concludes that non access to teaching facilities during COVID-19 has further given a boost to the out-of school children population.

Keywords: Conventional Education; Access; COVID-19 Preventive Measures; On-Line Education; Digital In-Equality

Introduction

Education has positive links with development of human capital and of a state and on that account every state strives to make it available and accessible on terms that primary school education is made compulsory, available and free, while the higher levels of education are accessible on merit.¹ University education comes within the higher education bracket and its relevance is in the high level skills which a beholder gets and which gives him a greater stake in the labour market.² This benefit and many more explain the urge for university education from an increasing population in Africa, which is not backed by commensurate increase in carrying capacity

¹ Article 26(1) Universal Declaration of Human Rights, Dec. 10, 1948; Art 13(2)(a) –(c) International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966).

² L Lim “Challenging the narratives: Higher education institutions and agency in the creative economy” in JP Vickery(ed) Cultural Economies and Cultural Activism, (2016) 1 Law, Social Justice and Global Development 3; D Daniel etal “A philosophical outlook on Africa’s higher education in the Twenty-First Century: Challenges and prospects”, available at:<https://www.researchgate.net/publication/333871265_A_Philosophical_Outlook_on_Africa's_Higher_Education_in_the_Twenty-First_Century_Challenges_and_Prospects> (last accessed 18 October 2023) 3.

in existing universities or an increase in number of universities.³ Carrying capacities links with the state of infrastructure, such that the existing universities on account of persistent shortfall in budgetary allocation have not assisted in boosting access to universities.⁴

The paper considers access to universities in countries of Africa in contrast to what obtains in the Organization for Economic Cooperation and Development (OECD) countries, which enjoy impressive level of access and investigates why it is difficult for countries in Africa to replicate the same.⁵ The pre-COVID-19 university access rating is now examined in terms of financial commitments of states which were not only to education but to the state of social infrastructure. The poor access to education in Africa is further considered in terms of the state of development of the self and of the nation.⁶

The COVID-19 pandemic is also known as the coronavirus 2019 global disease and it is caused by severe acute respiratory syndrome.⁷ Given the fact that the virus was primarily spread in the course of close physical contact; and the circumstances that the COVID-19 virus had no endorsed vaccine,⁸ a set of measures were introduced for observance. The UNESCO mandates that the gates to all schools, including the universities be temporarily closed to staff and students, while the lockdown orders and physical distancing measures were observed and recommended the

³ AL Dahir "Africa has too few universities for its fast growing population", available at: <<https://qz.com/africa/878513/university-education-is-still-a-dream-many-in-africa-are-yet-to-attain/>> 5 January 2017 (last accessed 24 June 2023).

⁴ Daniel, et al (n 2) 4.

⁵ OECD "History" 19 May 2020; K Amaded "The OECD and Member Countries", 19 May 2020, available at: <<https://www.thebalance.com/organization-economic-cooperation-development-3305871>> (accessed 18 October 2023).

⁶ OF Olayinka 'Women's Right to Active Participation in Political Governance: The Issues, Prospects and Challenges in the Post-Beijing-Nigeria,' (2021) (8)(4) Int. J. Human Rights and Constitutional Studies 321.

⁷ World Health Organization, "Naming the Coronavirus disease (COVID-19) and the virus that causes it", available at: <[https://www.who.int/emergencies/diseases/novel-coronavirus-2019/technical-guidance/naming-the-coronavirus-disease-\(covid-2019\)-and-the-virus-that-causes-it](https://www.who.int/emergencies/diseases/novel-coronavirus-2019/technical-guidance/naming-the-coronavirus-disease-(covid-2019)-and-the-virus-that-causes-it)> (last accessed 24 June 2023).

⁸ L Spinney "Coronavirus vaccine: When will it be ready"? Available at: <<https://www.bbc.com/news/health-516654976>> (last accessed 24 June 2020); J Palca "Pfizer says experimental COVID-19 vaccine is more than 90% effective", available at: <<https://www.npr.org/sections/health-shots/2020/11/09/933006651/pfizer-says-experimental-covid-19-vaccine-is-more-than-90-effective>> (last accessed 12 November 2023).

adoption of e-learning.⁹ The paper notes that the ICT and learning devices can be deployed for staff and students networking, collaboration and interaction without the barrier of time and location. The work examines whether the UNESCO considers the peculiarities in Africa, the apparent digital inequality among university students, who were expected to learn from their homes deploying the communication technology with ultimate effect on access to education. The paper is divided into six sections, with the next section covering conventional education system. Section three explains introduced measures to curtail escalation of the virus, while section four covers distance education in place of physical learning. Section five essence of good governance towards having development. Section six makes a conclusion.

Conventional Education System

Education relates to levels of formal education, access to education, the standard and quality of education, and the conditions under which it is given.¹⁰ Education refers to a formal or professional instruction imparted within a national, provincial or local education system, whether private or public.¹¹ Formal education has to do with schools, colleges, universities and training institutions.¹² The World Bank defines formal education as the “hierarchically structured, chronologically graded ‘education system’”, running from primary school through the university and in addition to general academic studies, a variety of specialized programmes and institutions, for full-time technical and professional training.¹³

⁹ UNESCO “290 million students out of school due to COVID-19: UNESCO releases first global numbers and mobilizes response”, available at: <<https://en.unesco.org/news/290-million-students-out-school-due-covid-19-unesco-releases-first-global-numbers-and-mobilizes>>(last accessed 24 June 2023); UNESCO “COVID - 19 educational disruption and response”, available at: <<https://en.unesco.org/themes/education-emergencies/coronavirus-school-closures>> (last accessed 24 June 2023).

¹⁰ Art 1(2) of the UNESCO Convention Against Discrimination in Education, 1960; S Dahiya et al “Enhancing quality of education through Information and Communication Technologies”, (2018) 5/2 Journal of Emerging Technologies and Innovative Research p. 1220; SD Kanga “Forgotten or included? Disabled children’s access to primary education in Cameroon” (2013) African Disability Rights Yearbook 128.

¹¹ Kanga, “Forgotten or included”? Ibid.

¹² Art 13(2)(a)(b)(c) ICESCR, 1966; “informal non-formal and formal education – a brief overview of some different approaches infed.org”, available at: <<https://infed.org/mobi/informal-non-formal-and-formal-education-a-brief-overview-of-some-different-approaches/>> (last accessed 26 June 2023).

¹³ World Bank “Attacking rural poverty: How non-formal education can help”, available at: <<https://documents.worldbank.org/en/publication/documents->

A state has the duty to provide primary, secondary and higher levels of education, provided that the latter is made available on merit.¹⁴ The difference between higher education and other levels of education is the production of a high-level work force, raised to contribute to the social and economic development.¹⁵ The graduate as such has an opportunity of an enhanced qualification for job entry, and the prospect of a better standard of living.

The right to education is contained in a number of international and regional human rights treaties. Article 17 of the African Charter on Human and Peoples' Rights (African Charter) for instance, provides that every individual has a right to receive education.¹⁶ The Universal Declaration of Human Right in its provision on the right to education alludes to the essentiality of the element of access as it provides that education at the elementary stage shall be free and be made compulsory for everyone.¹⁷

Access to education is provided for under the right to education because the former is a condition precedent to the enjoyment of the latter.¹⁸ "Access" as such represents the extent to which academically qualified individuals who meet admission requirements,¹⁹ are able to secure admission and the prospects of successfully running through the education system.²⁰ Access to education entails that students who gain admission should graduate as at when due, except for disciplinary sanction(s) or for academic deficiencies. This calls for a stable academic calendar, where there are no irregular school closures such as obtains under the COVID-19 pandemic,²¹ which enhances students' drop-out

reports/documentdetail/656871468326130937/attacking-rural-poverty-how-nonformal-education-can-help>(last accessed 10 October 2023).

¹⁴ Article 26(1) UDHR, n 1).

¹⁵ Lim "Challenging the narratives", above at note 2, at 3; Daniel, et al "A philosophical outlook on Africa's higher education", above at note 2, at 3.

¹⁶ African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act Cap. A9, Laws of the Federation of Nigeria, 2004.

¹⁷ Article 26(1) UDHR, above at note 1.

¹⁸ Right to education is contained in international and regional instruments like Art 13(2)(a)(b)(c) ICESCR, 1966; Article 11 of the African Charter on the Rights and Welfare of the Child (1990); and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003).

¹⁹ Art 13(2)(a)(b)(c) ICESCR, 1966, above at note 1; Art 26 (1) UDHR, 1948, above at note 1.

²⁰ Daniel et al "A philosophical outlook on Africa's Higher Education", above at note 2, at 4.

²¹ UNESCO "COVID - 19 educational disruption and response", above at note 18; OF Olayinka "Institutional autonomy and the realization of objects of universities in

rates. In which case, when a student secures admission, the learning environment should support his development and should not be frustrating to the extent that he is expelled or has to abandon his academic programme.

The conventional education or formal education as such requires physical access to education; given a traditional classroom setting with the “chalk and talk” or the “face-to-face” learning process.²² The conventional education prescribes a standard, which gives conditions under which education runs.²³ This is based on the assumption that if education shall accomplish the full development of the human personality, it has to meet a set standard.²⁴ A system where certain countries in Africa undertake a similitude of education and turn round endorsing same as “education” is rather an act in self-deceit, just as “mis-education” produces half-baked graduates. The next section examines how COVID-19 pandemic disturbs the learning and impartation of knowledge in the formal and conventional setting.

The Covid-19 Pandemic

Non-Pharmaceutical Management of the Pandemic

The COVID-19 pandemic is also known as the coronavirus 2019 global disease, which is caused by severe acute respiratory syndrome.²⁵ Most people in their forties and beyond are prone to ailments such as diabetes, heart disease, respiratory disease, hypertension, coupled with failing body immunity which expose them more to Coronavirus infection. The Centre for Disease Control advises that this category of people stay more at home to avoid community infection.²⁶

Nigeria”, Unpublished LLD Thesis, University of Pretoria, 2015, at 143; Olayinka “Managing the COVID-19 pandemic”, available at note 6 above, at 13; OF Olayinka “University students’ right to fair trial: How adequate is legal protection”? (2020) 7/3 International Journal of Human Rights and Constitutional Studies at 248.

²² M Telmesani “Faculty’s perceptions of online education: A qualitative study”, available at: <<https://umanitoba.ca/faculties/education/media/Telmesani-10.pdf>> at 11, 13 (last accessed 24 June 2023).

²³ Art 1(2) of the UNESCO Convention against Discrimination in Education 1960. Kanga “Forgotten or included”? above at note 10.

²⁴ UDHR, above at note 2; OF Olayinka “Managing the COVID-19 pandemic and the effect on access to university education in Africa”, 13 July 2020, available at: <researchgate.net> at 12.

²⁵ WHO, above at note 7.

²⁶ CT Leffler & M Hogan “Age-dependence of mortality from novel coronavirus disease (COVID-19) in highly exposed populations: New York Transit Workers and Residents and Diamond Princess Passengers”, 7 May 2020, available at <researchgate.net> at 4.

The novel coronavirus overwhelmed the best healthcare systems in the world, which was a huge concern to humanity; it makes the healthcare more precarious in Africa, which was already engaged with diseases such as malaria, measles and cholera.²⁷

COVID-19 pandemic threatened the existence of man just as the confirmed COVID-19 cases surpassed nine million and was still counting.²⁸ Scientists as such worked towards developing vaccines and effecting treatments to put a stop through the treatment of cases of attack.²⁹ Vaccines strengthen and immune the body against viruses and bacteria attack, such that disease-causing germs are destroyed.³⁰ This informs the efforts of WHO and partners as they work together in tracking the pandemic, advising on critical interventions, distributing vital medical data, all in a bid to find a vaccine.³¹

Notwithstanding that not less than 20 life-threatening diseases already have vaccines, COVID-19 was yet to have a vaccine to prevent the virus.³² The option to manage the COVID-19 virus was thus informed by the absence of the right vaccine for Corona Virus.³³ In the circumstances however, the pandemic had to be prevented pending the production of the right vaccine.³⁴ Thus, recourse was made to non-pharmaceutical interventions that were effective in preventing further spread of the virus. The WHO considered the manner of transmission of the Corona Virus and prescribed managerial principles for the observance of various countries. Consequently, social distancing was adopted as an aspect of the non-pharmaceutical countermeasures (NPCs), which aimed at minimising physical contact between individuals with a view of reducing the possibility for new infections.

²⁷ N Adebowale, “Coronavirus: Four of Nigeria’s 36 States without a single infection, death in over 20 days”, available at <<https://www.premiumtimesng.com/health/health-interviews/416983-coronavirus-four-of-nigerias-36-states-without-a-single-infection-death-in-over-20-days.html>> (accessed 26 September 2023).

²⁸ S Radcliffe “Here’s exactly where we are with vaccines and treatments for COVID-19” above at note 17.

²⁹ Radcliffe “Here’s exactly where we are with vaccines and treatments for COVID-19”, *ibid.*

³⁰ WHO “Vaccines and immunization”, available at: <https://www.who.int/health-topics/vaccines-and-immunization#tab=tab_1> (last accessed 26 September 2023).

³¹ WHO “Vaccines and immunization”, *ibid.*

³² WHO “Vaccines and immunization”, *ibid.*

³³ Spinney “Coronavirus vaccine”, above note 17.

³⁴ CDC “Coronavirus Disease 2019 COVID-19 Centers for Disease Control and Prevention”, available at: <<https://www.cdc.gov/coronavirus/2019-ncov/index.html>> (last accessed 26 June 2023).

At the community level, citizens were mandated to observe physical distancing, avoidance of mass gathering, self-quarantine, limiting travel, avoiding crowded areas, using no-contact greetings, and general physical distancing. Social distancing was an aspect of the non - pharmaceutical counter-measures, which aimed at minimizing physical contact between individuals, with a view of reducing the rate of new infections.³⁵ Personal protective measures included regular hand wash, respiratory hygiene, cough etiquette and the use of facemasks and minimizing the sharing of objects and routine cleaning of public spaces.³⁶

Flowing from the global regulation, many other preventive measures were implemented in different countries of the world. There were state regulations on travel restriction, closure of countries' border to foreigners,³⁷ to curb the spread of the corona virus. The suspension of all incoming and outgoing flights and nationwide lockdowns were just some of the measures adopted to hold the spread of the virus.³⁸ Nigeria implemented a lockdown, applicable to Lagos, Abuja and Ogun, being the three major states that host not less than 30 million people, in a bid to limit the spread of coronavirus.³⁹ The Government also effected an inter-state lock-down, just as it assured that the freedom forsaken by its citizenry was desirable to stop the further spread of the virus.⁴⁰

Consequently, UNESCO mandated that the gates to all schools, including the universities be temporarily closed to staff and students except for members of staff rendering essential services,⁴¹ in an attempt to contain the spread of COVID-19.⁴² As of 7 June 2020, approximately 1.725 billion learners representing 98.5 per cent of the world's student population were

³⁵ Olayinka "Managing the COVID-19 Pandemic", available at note 24, at 8, 9 & 10.

³⁶ RM Anderson "How will country-based mitigation measures influence the course of the COVID-19 epidemic?" available at: <[https://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736\(20\)30567-5.pdf](https://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736(20)30567-5.pdf)> (last accessed 26 July 2020).

³⁷ A Salcedo, S Yar and G Cherelus "Coronavirus travel restrictions, across the Globe", available at: <<https://www.nytimes.com/article/coronavirus-travel-restrictions.html>> (last accessed 21 July 2020).

³⁸ Salcedo, Yar, and Cherelus "Coronavirus travel restrictions, across the Globe", *ibid*.

³⁹ F Mbah "Nigeria announces lockdown of major cities to curb coronavirus" 30 March 2020 Al Jazeera News.

⁴⁰ M Buhari "Nigeria: Lockdown continues as long as necessary" 12 April 2020 Twitter Handle, Government of Nigeria.

⁴¹ UNESCO "Education: From disruption to recovery", available at: <<https://en.unesco.org/covid19/educationresponse>>(last accessed 18 October 2020).

⁴² UNESCO "COVID-19 educational disruption and response" available at : <<https://learningportal.iiep.unesco.org/en/blog/covid-19-educational-disruption-and-response>>(last accessed 18 October 2020).

at home over the school closures in response to the directive of UNESCO. COVID-19 and shut down of educational institutions have been having a huge effect on graduate students and their research activities.⁴³

In the late March 2020, the WHO and other health bodies substituted the term "social distancing" with "physical distancing", so as to allow interpersonal relationships other than by physical contacts.⁴⁴ The new preferred physical distancing strategies to prevent transmission of the disease were then employed. They included individual's staying at home, limiting travel, avoiding crowded areas, using no-contact greetings, and general physical distancing.⁴⁵ Other measures included the maintenance of overall good personal hygiene, hands washing, the use of face masks or cloth face coverings, more generally by members of the public to limit the spread of the virus.⁴⁶

The preference of physical distancing was based on the fact that lockdown orders, made by states to address the COVID-19 pandemic violated the citizens' freedom of movement and the right to assemble, which further hindered other social economic and political rights.⁴⁷

The extension of relaxed lock-down regulations was the direction that the primary and secondary schools in Nigeria should resume fully as from 12 October 2020.⁴⁸ The school administrators were directed to seek the support of parents and students on the curtailment of the spread of COVID-19. The tertiary institutions, including the universities were warming up to resume.⁴⁹ The prospect of resumption of universities was an indication

⁴³ UNESCO "COVID-19 educational disruption and response", *ibid*; S Thapa "Impact of COVID-19 lockdown on agriculture education in Nepal: An online survey" (2020) 5/4 *Pedagogical Research* at 4.

⁴⁴ C Adlhoch et al "Considerations relating to social distancing measures in response to COVID-19 - Second update", (last accessed 24 June 2020).

⁴⁵ WHO "Advice for public" available at: <<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public>> (last accessed 10 October 2020).

⁴⁶ G Vogel "New blood tests for antibodies could show true scale of coronavirus pandemic", available at: <<https://www.sciencemag.org/news/2020/03/new-blood-tests-antibodies-could-show-true-scale-coronavirus-pandemic>> (last accessed 26 June 2023).

⁴⁷ BCDTRAVEL, "COVID-19 information for travel", available at: <<https://www.bcdtravel.com/covid-19-information/>> (last accessed 10 October 2023).

⁴⁸ K Sanni "COVID-19: UN urges Nigerian Govt to ensure safety protocols in schools ahead resumption" available at: <https://i1.wp.com/media.premiumtimesng.com/wp-content/files/2018/09/Pic.28.-Schools-resume-in-Lagos.jpg?fit=1287%2C703&ssl=1>. (last accessed 9 September 2023).

⁴⁹ Adebawale "Coronavirus" above at 27.

that admission seekers in Africa could commence their yearly admission ventures. The Federal Ministry of Education, the Presidential Task Force (PTF) on COVID-19 and the Nigerian Centre for Disease Control (NCDC) as such warned schools to devise measures to mitigate transmission, such that everyone gaining access to each school was screened properly, he or she had to wear a mask and had to sanitize his or her hands. In that respect, the boarding schools had to train health staff, provided with Personal Protective Equipment (PPE).⁵⁰ The next section as such explores the link between the non-pharmaceutical approaches to eradication of COVID – 19 and how it disturbed the admission seekers' prospects of gaining admission to universities.

Covid-19 Pandemic and Access Challenge in Universities in Africa

An admission seeker enjoys “access to a university” when he secures enrolment, and when there is an absence of those institutional challenges which can hinder a student from graduating from the university. Access to university education in countries of Africa is inadequate,⁵¹ and when students secure admission, some do abandon this university education, given an environment that is not conducive. Efforts to stem the spread of COVID-19, through non-pharmaceutical interventions and preventive measures explain why the UNESCO recommended the use of e-learning and open educational applications and platforms for impartation of knowledge, while gates to the conventional universities remain closed.⁵² The UNESCO's directive aligns with record of past infectious diseases which prompted widespread school closings around the world, with appreciable levels of effectiveness, ranging from 29 per cent and 37 per cent reduction in influenza transmission.⁵³ The COVID-19 pandemic and the UNESCO's preference for the open educational applications to impart knowledge was impressive.⁵⁴

⁵⁰ A Adedigba “COVID 19: PTF gives fresh guidelines for reopening of schools”, available at: <<https://www.premiumtimesng.com/news/top-news/419348-covid-19-ptf-gives-fresh-guidelines-for-reopening-of-schools.html>> (last accessed 10 October 2023).

⁵¹ Dahir “Africa has too few universities”, above at note 3.

⁵² UNESCO “290 million students out of school due to COVID-19”; UNESCO “COVID-19 educational disruption and response”, above, at note 9.

⁵³ NIH Research Matters “Flu pandemic study supports social distancing”, available at <<https://www.nih.gov/news-events/nih-research-matters/flu-pandemic-study-supports-social-distancing>> NIH Research Matters, accessed 6 June 2020; M Wardrop “Swine flu: schools should close to halt spread of virus, ministers told”, available at <https://www.researchgate.net/publication/340849956_Impact_of_the_2019-20_coronavirus_pandemic_on_education> (last accessed 10 October 2023).

⁵⁴ UNESCO “290 million students out of school due to COVID-19”, above at note 9.

Given the temporary or indefinite global school closures ordered by the UN and agencies such as UNESCO, WHO, UNICEF and the others, to slow the spread of COVID-19 pandemic, by 29 March, 2020, nearly 90 per cent of the world's learners suffered access challenge.⁵⁵ The effect of the pandemic was more damaging in Africa which produced the world's oldest universities. The University of Al Qarawiyyin, Fez in Morocco was founded in 859 AD and the Al-Azhar University in Egypt was founded in 970 AD. Nonetheless, African Universities do not rate Corruption in Africa is a social virus which is a hybrid of traits of fraudulent anti-social behaviour bequeathed by the colonial administration and nurtured within the political structure of the post-colonial dispensation.⁵⁶ The corruption virus has fully developed now and it kills more in Africa than the dreaded Corona virus.⁵⁷ Misappropriation of funds in the public tertiary institutions of Africa as such leads to the inadequate teaching infrastructure and the compromise of academic standards,⁵⁸ with the consequent havoc of "half-baked" and "mis-education" virus deeply rooted in the Continent.

Okojie as such attests to the pre - COVID - 19 induced wide gap in the carrying capacity and the qualified candidates seeking university admission. The United States of America has access rate of about 85 per cent, about 65 per cent in Europe, and more than 40 per cent in South Africa and about 15 per cent in Nigeria.⁵⁹ The access rate of 40 and less than 15 per cent is rather attributed to the geometric increase in population and application for university admission and the arithmetic progression in the budgetary allocations to education, which results in funding shortfalls for many years.⁶⁰ The declining funding of education rather explains the

⁵⁵ NIH Research Matters "Flu pandemic study supports social distancing", above at note 53; Wardrop "swine flu: schools should close to halt spread of virus", above at note 53.

⁵⁶ K Osakede, et al "Corruption in the Nigeria public sector: An impediment to good governance and sustainable development" (2015) 4/8 Review of Public Administration and Management, 76 at 78; OF Olayinka "Policies to prevent corruption in Nigeria: Enforcement of the right to education" (2019) 3/1 Journal of Anti-Corruption Law 42.

⁵⁷ Olayinka "Policies to prevent corruption in Nigeria", above at note 58, at p. 43; Olayinka, "Managing the COVID-19pandemic", available at note 24, at 12.

⁵⁸ Article 12 of UNCAC and Article 11 of the AU Convention on Preventing and Combating Corruption; Olayinka, "Policies to prevent corruption in Nigeria", above at note 58, at 43.

⁵⁹ J Okojie "NUC: Undaunted in regulating universities", 11 October 2012 The Guardian 62.

⁶⁰ W Saint et al "Higher education in Nigeria: A status report", (2003)16 Higher Education Policy 1 at 17; Olayinka "Policies to prevent corruption in Nigeria", above

downward access to about six per cent of admission seekers in Sub-Saharan Africa getting enrolled in tertiary institution, while about 80 per cent chance is open to admission seekers in the Organization for Economic Cooperation and Development (OECD) Countries.⁶¹

The OECD is an association of 37 nations in Europe, the Americas, and the Pacific and the Middle East. Its members and key partners represent 80 per cent of world trade and investment.⁶² Every three years, the OECD conducts evaluation of education systems around the world, using the data to recommend ways to improve equity in education.⁶³ This no doubt impact positively in boosting access to university education in the OECD Countries. Africa is a contrast on access to university education. The poor access to education denies admission seekers from Africa the freedom to choose a way of life that can lead to development of the self and of the nation.⁶⁴

The COVID-19 lock-down and the school closures in preference for e-learning weighed more against female students in Africa with records of conflict between culture and western education.⁶⁵ The culture and tradition of major part of Northern Nigeria, for instance, conflict with the provisions of section 277 of the Child's Rights Act, 2003, which describes a child as a person under the age of 18 and set the minimum legal age of marriage as 18 years.⁶⁶ On account of the conflict of culture and the law, the Child Rights Act was passed into law in 2003.⁶⁷ Kano and Zamfara States are yet to domesticate the law, of which enabling treaty has been described as

at note 1, at 41; Olayinka "Managing the COVID-19 pandemic", above at note 24, at 13.

⁶¹ OECD "History", above at note 6; Amaded "The OECD and member countries", above at note 5.

⁶² OECD Amaded "The OECD and Member Countries", *ibid*.

⁶³ OECD "FAQ - PISA" 19 May 2020; Amaded "The OECD and member countries" above at note 5.

⁶⁴ RA Ige, & CC Ngang, 'The right to development: An African feminist view' in CC Ngang et al (eds) *Perspectives on the right to development 2018* Pretoria University Law Press 98; Olayinka "Women's right to active participation in governance" above at note 6, at 12, 13.

⁶⁵ MA Peters "Western education is sinful: Boko Haram and the abduction of Chibok schoolgirls" (2014) 12/2 *Policy Futures in Education* at 186.

⁶⁶ Child's Rights Act, 2003, the Convention on the Rights of the Child (CRC) was adopted by the General Assembly of the United Nations by its resolution of 20 November 1989.

⁶⁷ Olayinka "Women's right to active participation in governance", above note 6, at 12, 13; P Tallen "Nigeria: 11 States yet to domesticate Child Rights Act", available at: <<https://allafrica.com/stories/202010140147.html>> (last accessed 18October 2020).

the most widely ratified human rights treaty aiming at survival, development, protection and participation of the child.⁶⁸ States in northern Nigeria most times apply Islamic Law provisions, which allow marriage of persons as low as 12 years.⁶⁹ With the COVID-19 and online education, more students, particularly female students, have joined the number of out-of-school children, having opted for marriage institution.

ICT, the Internet and the Creation of Access to Education

Complementing education in the physical environment is the ICT, which relates to the deployment and usage of services provided by technology and devices, including telecommunications' devices and computers. The characteristics of mobile technologies such as spontaneity, informality, context, portability, ubiquity, and pervasion are supportive learning devices to handle topics, anytime and from anywhere.⁷⁰ This is feasible on account of the ICT having a feature of flexibility,⁷¹ as it allows networking, collaboration and interaction among students, facilitators, academic staff and faculty members without the barrier of time and location. Inadequacies in terms of the physical learning environment are most times addressed when the ICT is deployed and this ultimately brings improvement in quality, just as it enhances access to education.

Internet prone infrastructure as it enhances access to education is more feasible as "Google" is particularly deployed to do research, looking for new ideas, to access information immediately unavailable and to do other transactions that are of domestic concerns.⁷² The Massive Open Online Course (MOOC) Platforms such as Skype, WeChat Work, WhatsApp; Google Classroom – Helps all, enable classes to connect remotely, to

⁶⁸ Independent, 'States And The Child Rights Act' 3 May 2023 <<https://independent.ng/states-and-the-child-rights-act-3/>> Accessed 28 April 2024.

⁶⁹ Peters, (n 67) 186.; Olayinka "Women's right to active participation in governance", above at note 8, at 12, 13. Independent, 'States And The Child Rights Act' 3 May 2023 <<https://independent.ng/states-and-the-child-rights-act-3/>> Accessed 28 April 2024.

⁷⁰ FF Ishtaiwa et al "Faculty members' perceptions of the integration, affordances, and challenges of mobile learning" (2015)30 / 2 International Journal of E-Learning and Distance Education at 2.

⁷¹ Ishtaiwa et al "Faculty members' perceptions of the integration", id., at 1.

⁷² D Pruneau et al "Future teachers' relationships with physical and technological environments", (2014) 3 / 4 European Journal of Sustainable Development 71- 82 at 73, 75.

communicate and to stay-organized, the Zoom – Cloud platform,⁷³ allow for video and audio conferencing, collaboration, chat and webinars are also useful for academic exercises. The ICT as such assists students' learning and avail the teachers with a wide range of pedagogies for quality education.⁷⁴

The physical environment to learners, teachers and other stakeholders in the impartation of knowledge is the natural or human-built setting, effecting close relationship, comfort, intimacy, safety, and serenity.⁷⁵ E-learning as such provides students with another variety to the conventional learning style. This is particularly convenient for students who are learning and working at the same time.⁷⁶ The internet-based applications are deployed to impart knowledge.

The UNESCO as such recommends open educational applications and platforms for teaching under the COVID-19 state lockdowns and physical distancing.⁷⁷ The ICT dispenses with the physical learning environment and some universities in Africa officially deployed ICT and the internet to impart knowledge, in compliance with state's lock-down regulations on COVID-19 pandemic.⁷⁸ Under the COVID-19 pandemic, there was a near zero congregation on various activities, which were substituted with virtual meetings and activities.⁷⁹ Consequently, schools in states of the world were resuming their classes by digital means like Zoom and Google except that such were not accessible to everyone particularly those who were based in rural communities.⁸⁰

⁷³ M Dumbuya, J Mayamba, & FF Loua "The impact of technology on mental health during COVID-19", AFRICLAW, available at: <<https://africlaw.com>>2020/05/22> (last accessed 27 May 2020).

⁷⁴ S Dahiya et al "Enhancing quality of education through Information and Communication Technologies", (2018) 5/2Journal of Emerging Technologies and Innovative Research at 1220.

⁷⁵ D Pruneau et al (n 74) 72.

⁷⁶ Dahiya, et al, "Enhancing quality of education through Information and Communication Technologies", above at note 22, at p. 1221.

⁷⁷ UNESCO "COVID -19 educational disruption and response", above at note 18.

⁷⁸ D Orr et al "How is digitalization affecting the flexibility and openness of higher education provision? Results of a global survey using a new conceptual model" (2019) 1 Journal of Interactive Media in Education 1–12, at 1.

⁷⁹ The Jerusalem Post "The long-term effects of the Coronavirus", available at: <https://www.jpost.com/Opinion/The-long-term-effects-of-the-coronavirus-619118> (last accessed 10 October 2020).

⁸⁰ UNESCO "COVID -19 educational disruption and response", above at note 9; S Thapa "Impact of COVID-19lockdown on agriculture education in Nepal: An online survey" (2020) 5/4 Pedagogical Research 4.

The COVID-19 e-learning enabled students to control the pace and rhythm of their studies, given the fact that they were barred under lock-down regulations from coming together under a physical environment.⁸¹ The COVID-19 pandemic and quarantines made people more reliant on the internet to communicate, work, learn and stay entertained. Internet as such qualifies as an environment where people live, learn, evolve, and socialize.

Consequently, for the internet and the ICT to adequately fill the learning gap, following the COVID-19 pandemic and the induced lock-down, or at any other time, and for access to education to be realised in the circumstances, focus subsequently shifts to the inequality of access to the internet and of the desired infrastructure.

Unequal Access to ICT and the Internet

Every university has the mandate to provide facilities for learning and for the realisation of the objectives of such university.⁸² The UNESCO under the COVID-19 state lockdowns and physical distancing approves that learning could go on in schools and academic institutions using open educational applications and platforms for teaching.⁸³ The COVID-19 pandemic and the new demand for the ICT and internet exposes the unequal socio-economic positions in countries of Africa, leading in part, to the un-equal access of individuals to Information Communication Technology (ICT) and internet usage.⁸⁴

Access challenge to education and the opportunity to retain one's studentship is violated where a student loses his studentship on account of inadequate infrastructure, which he has no control upon. The

⁸¹ L Pham et al. "Does e-learning service quality influence e-learning student satisfaction and loyalty? Evidence from Vietnam" (2019)16/7 International Journal of Educational Technology in Higher Education at 2.

⁸² Sec 4(1)First Technical University, Ibadan, Oyo State, Nigeria (Amendment Law), 2018, available at: <<https://tech-u.edu.ng>> (last accessed 26 June 2020); Sec 24(2)(b)(ii) of the Statute of the University of Pretoria, Higher Education Act, 1997, Republic of South Africa. <https://www.up.ac.za/media/shared/409/higher-education-act-1997.zp86770.pdf>

⁸³ UNESCO "COVID -19 educational disruption and response" above at note 18.

⁸⁴ Z Lasame "Bridging the digital divide in South Africa and selected African Countries" in NC Lasame (ed) New Media Technology and Policy in Developing Countries (2005, available at:<https://www.bing.com/search?q=Lasame%2C+Z.%2C+%E2%80%9CBridging+the+Digital+Divide+in+South+Africa+and+Selected+African+Count+ries%2C+%E2%80%9D+in+Lasame%2C+N.C.%2C+%28ed.%29+New+Media+Techn+ology+and+Policy+in+Developing+Countries+%282005%29+3> (last accessed 2 November 2020) at 3.

discriminatory loss of access to the ICT and the internet robs students of the desired skills, and denies the development of the person and dignity which education confers on students.⁸⁵

Non-discrimination assumes an environment which affords equality on account of social, political or economic status, such that students who are vulnerable are fully included as of right, free of every impediment. The African Charter provides that every individual shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the Charter without any let on account of social origin, birth or other status.⁸⁶ The CRPD also provides on equality and non-discrimination against persons, including children with disabilities. Article 5 as such provides: “States parties must prohibit all discrimination on the basis of disability. Persons with disabilities are entitled to equal protection and equal benefit of the law, which requires States parties to take appropriate measures to ensure reasonable accommodation is provided”.

Article 1 of the Convention on the Elimination of Discrimination Against Women (CEDAW) 1979 as such defines “discrimination” as “any distinction, exclusion or restriction made on the political, economic, social, cultural, civil or any other field”. Article 19(2) of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, and which right may be better realized given the enjoyment of the right to peaceful assembly.⁸⁷ Education is a human right and an essential tool for development, which informs why the right to education has been given recognition in international and regional human rights instruments such as the CEDAW 1979; Convention on the Right of the Child and the African Charter on Human and Peoples’ Rights.⁸⁸

Lack of access to technology or fast, reliable internet connectivity is an obstacle to continued learning. Poverty of parents affects the prospects of students’ access to the ICT. Africa has the world’s largest concentration of poor families who incidentally are unable to afford ICT and internet

⁸⁵ See also Article 13(1) ICESCR; Olayinka “Managing the COVID-19 pandemic” available at: note 24, at 16, 17.

⁸⁶ Art 2, African Charter.

⁸⁷ Art 21 ICCPR.

⁸⁸ Art 10 of the Convention on the Elimination of Discrimination Against Women (CEDAW) 1979; arts 23, 28 & 29 of Child Right Convention; art 17 of the African Charter on Human and Peoples’ Rights; OF Olayinka “Implementing the socio-economic and cultural rights in Nigeria and South Africa: Justiciability of economic rights”, (2019) 27/4 African Journal of International and Comparative Law 565.

service for their children and wards in the COVID-19 University calendar.⁸⁹ In the poverty circle, persons with disabilities feature prominently, constituting not less than 80 per cent of persons living in poverty.⁹⁰ Disability is thus a development issue wherein poverty enhances the disability in a disabled person, just as disability without access to desired empowerment leads to poverty.

The SDG as such provides precisely for the achievement of full and productive employment, decent work, and equal pay for work of equal value, for persons with disabilities, it as such recommends provision of decent work and economic growth for this class of people.⁹¹ This operates with a view of attaining economic liberation of peoples with disability. As such, Obutte considers the issue of poverty and access to telecommunications services as he submits that subscribers and consumers should enjoy access, without any discrimination against low income earners.⁹²

The issue of access to education as above discussed has to do with location, such that the ease of attendance of classes by digital means links with the “developing - developed countries- divide”, whereby citizens of the developing countries are usually at a disadvantage.⁹³ The unequal access in the developing countries is also experienced under “the rural-urban” divide. To Wangal et al,⁹⁴ “rurality” covers geographical settlements which are isolated from urban areas, such that they are in remote places, countryside, in forest and or mountains, which causes the lack of access to socio-economic amenities, infrastructure and internet services.

Internet service providers are private organizations that are motivated by profit and most times find the extension of their networks to the rural areas as unviable venture. This results in discriminatory and unfavourable working conditions in the rural areas. This is not affirming that the

⁸⁹ B Kathleen et al., “Poverty in a rising Africa, Africa poverty report” Overview by World Bank, Washington, available at: <<https://openknowledge.worldbank.org/>> (last accessed 10 October 2020) at 16.

⁹⁰ CE Brolan “A word of caution: Human rights, disability, and implementation of the Post-2015 Sustainable Development Goals”, MDPI 2016, at 3.

⁹¹ Goal 8, Target 5 SDG.

⁹² PC Obutte “ICT Laws in Nigeria: Planning and regulating a societal journey into the future” (2014) 17/1 PER / PELJat 435.

⁹³ UNESCO “COVID-19 educational disruption and response” *ibid*; Thapa “Impact of COVID-19 lockdown on Agriculture Education in Nepal” note 82 above, at 4.

⁹⁴ WW Chakaninka et al “The challenges of rural education in Africa”, (2012) South Africa Rural Educator 9.

available network service in the urban centres are at the best, as service and network are sometimes very slow, erratic and epileptic, as businesses are shut down for hours on end, even for days.⁹⁵ Consequently, even, if the education stakeholders in the rural areas are computer literates and can afford to have personal computers, internet access is a challenge. The declining socio- economic amenities as such imply that for the education sector in Africa to expand, more has to be done to provide teaching infrastructure in rural areas.

Related to this is the absence of power supply without which the ICT and the internet may not be deployed. Africa is struggling to catch up with the rest of the world, in terms of power infrastructure. On power supply deficit, West Africa's electricity access rate is put at 47 per cent, Southern Africa is at 43 per cent, Central Africa is at 25 per cent and East Africa is at 23 per cent. In contrast, China's access rate is 100 per cent, India's access rate reached 82 per cent in 2016.

The endorsed e-learning education under the COVID - 19 pandemic implies that the academic staff in the technology driven e-learning are expected to be well trained for the task of impartation of knowledge.⁹⁶ This entails possession of adequate technological skills in the use of computer, to search for information online, and to impart knowledge. This is based on the fact that the quality of the instructors to a large extent determines the quality of instruction that is given. To DiPietro *et al*,⁹⁷ exceptional organization skills are needed to provide effective support for learners.

On the part of the students, the technological skills to contact and chat with the instructor and to build knowledge is essential.⁹⁸ The education stakeholders in the rural areas have always been denied the advantage of acquiring the desired technological skills.⁹⁹ This in turn affects the efficacy of the ICT in learning and impartation of knowledge in the rural areas. Most

⁹⁵ EO Ezike "Online contracts in Nigeria: An overview" (2013) 11 Nigerian Juridical Review 53 at 68.

⁹⁶ S Awoyinfa "Obasanjo asks admission seekers to enroll in NOUN", The Punch 27 August 2015, at 12.

⁹⁷ M DiPietro et al "Best practices in teaching K-12 online: Lessons learned from Michigan Virtual School Teachers" (2008) 7/1 Journal of Interactive Online Learning 10, 35.

⁹⁸ J Murray, F Hale & M Dozier "Use and perceptions of second life by distance learners: A comparison with other communication media", (2015) 30/1 International Journal of E-Learning and Distance Education at 3.

⁹⁹ J Compion et al "Meeting challenges in rural African Education: A Zambian case study" (2012) 44/1 Acta Academica 159-190, at 165.

rural schools in Africa are staffed with a collection of untrained teachers,¹⁰⁰ while the urban areas have concentration of trained teachers who reject postings to rural areas. Teachers' concerns include the rural working environment, the unacceptable quality of teaching facilities, and the poor state of classrooms, dilapidated library facilities and public facilities, poor residential accommodation, lack of easy access to professional improvement. Most of these teachers in the rural areas as such feel isolated and lonely.¹⁰¹ To make up on the staffing inadequacies, incentives have to be provided to woo teaching staff who are based in the urban centres.¹⁰²

Another category of persons who are vulnerable and seriously discriminated against in the deployment of the ICT in the learning and impartation of knowledge are the disabled teachers and students, whose impairment and wellbeing requires support.¹⁰³ Disability in the context of this work is viewed not as a problem of the person with impairment but as a social issue which vests a duty on the community to give support. The support is essential for the person with disability to participate effectively and on an equal basis with others.¹⁰⁴ On that basis, the sustainable development goals (SDG) which is a universal agenda applying to everyone, everywhere, provides that persons with disabilities have to be empowered to access quality education.¹⁰⁵ This is hinged on an effective learning environment, in a manner which qualifies as inclusive and equitable quality education, capable of promoting lifelong learning opportunities for all. The next focus is the role of the Government, pre-COVID-19 and now on the provision of the desired enabling environment, fit for the deployment of the ICT and internet for the dissemination of information under the COVID -19 lockdown and thereafter.

¹⁰⁰ Chakaninka, et al, "The challenges of rural education in Africa, 2012", above at note 96, at 9.

¹⁰¹ Chakaninka, et al, "The challenges of rural education in Africa, 2012", above at note 96, at 10.

¹⁰² Chakaninka, et al, "The challenges of rural education in Africa, 2012", above at note 96, at 9.

¹⁰³ V Pearson et al "Embedding and sustaining inclusive practice to support disabled students in online and blended learning" (2019)1/4 Journal of Interactive Media in Education 1–10, at 5; Olayinka "Managing the COVID-19Pandemic" above at note 24, at 16.

¹⁰⁴ D Msipa "How assessments of testimonial competence perpetuate inequality and discrimination for persons with intellectual disabilities: An analysis of the approach taken in South Africa and Zimbabwe" (2015) 3 African Disability Rights Yearbook at 65, 66.

¹⁰⁵ SDG Goal 4, Target 5.

Government's Obligation

A state is expected to set its minimum standards on teaching infrastructure which shall be construed to include ICT, staffing and a general environment that has to be conducive to learning.

The socio-economic divide and the general wide gap between the rich and the poor in countries of Africa lead to un-equal access to the Information Communication Technology (ICT) and internet usage,¹⁰⁶ while the COVID-19 pandemic continues. If countries in Africa will enjoy commendable access to university education as it obtains in the OECD countries,¹⁰⁷ Africa has to tackle public sector corruption and misappropriation of funds which sustains unequal economic relations. It is when funds that are budgeted for education are judiciously expended that there can be adequate teaching infrastructure and assured academic standards.¹⁰⁸ Government should also take measures on cultural re-orientation such that female sex, of school going ages are discouraged from going into matrimonial institutions.¹⁰⁹

The Convention on the Elimination of Discrimination Against Women (CEDAW) directs that States shall take all appropriate measures, including legislation, to ensure the full development and advancement in the enjoyment of human rights and fundamental freedoms, without any discrimination.¹¹⁰ The requirement of funding to the maximum of a state's available resources is established in international instruments and as domesticated in various states.¹¹¹ This position was interpreted in *Soobramoney v the Minister of Health (Kwazulu-Natal)*,¹¹² the Court held that the right to emergency medical treatment had to be interpreted in the context of the availability of health facilities and human resource which are generally available. Consequently, SERs may not be realised immediately and at the right standard except at the readiness of states.

¹⁰⁶ Lasame "Bridging the digital divide in South Africa and selected African Countries", above at note 114, at 3.

¹⁰⁷ OECD; Amaded, "The OECD and member countries", above at note 113, at 6.

¹⁰⁸ Article 12 of UNCAC and Article 11 of the AU Convention on Preventing and Combating Corruption; Olayinka "Policies to prevent corruption in Nigeria" above at note 58, at 43.

¹⁰⁹ MA Peters "Western Education Sinful", above at note 67, at 186; Olayinka "Women's right to active participation in governance", above at note 6, at 12, 13.

¹¹⁰ Article 1, 3 CEDAW.

¹¹¹ Art 2(2) ICCPR; Art 2(1) ICESCR; Santally "An evaluation of the African leadership in ICT Programme" above at note 140, at 114; Olayinka "Implementing the socio-economic and cultural rights in Nigeria and South Africa", above at note 90, at 585.

¹¹² *Soobramoney v The Minister of Health (Kwazulu-Natal)* 1998 1 SA 765 (CC).

COVID-19 pandemic presents an excellent opportunity for countries in Africa to showcase the state of infrastructure resulting from social economic and political blending since flag independence. Incidentally, most of the states have insignificant per cent of annual budgetary provisions for ICT and the internet and of course, e-learning. The discretion in funding and timing towards the realization of quality education has most times not been exercised justifiably by states, such that in the 21 Century, access to the ICT, which is required under a COVID - 19 education session, remains an issue in Africa. This inadequate funding gives a state of infrastructure which is not adequate for the e-learning under the COVID-19 pandemic. The quality of university education which is available under the right to education is thus compromised.

Conclusion

Prior to COVID-19 pandemic, university education in countries of Africa most times ran through the conventional “chalk and talk medium”. The carrying capacities established in states were not impressive because of persistent shortfall in budgetary allocation to education, which did not assist in boosting access to universities.¹¹³ COVID-19 pandemic influenced the UNESCO’s adoption of e-learning while the pandemic lasted, and this was not helpful to most countries in Africa. The e-learning is not effective in the development of the human personality, and for the development of countries in Africa.¹¹⁴ This is attributed to the fact that e-learning is not feasible without the ICT and the internet.

The work established that the UNESCO failed to consider the peculiarities in Africa, the level of preparedness of universities in terms of infrastructural adequacies such as power supply and internet services.¹¹⁵ For the internet and the ICT to adequately fill the learning gap, under an e- learning arrangement, or at any other time, and for the right to education to be realised in the circumstances, constant power supply in Africa is a task to accomplish.¹¹⁶ The pre-COVID-19 access challenge is thus made worse as very many students from Africa kept more distance to the university education for lack of access to the internet and to the ICT to learn from

¹¹³ Daniel et al “A philosophical outlook on Africa’s Higher Education in the Twenty-First Century”, above note 2, at 4.

¹¹⁴ Art 13(1) International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966), above at note 1; Olayinka “Policies to Prevent Corruption in Nigeria”, above at note 58, at 37.

¹¹⁵ Article 22 UDHR, 1948; Olayinka “Implementing the socio-economic and cultural rights”, above at note 19, at 568.

¹¹⁶ Olayinka “Managing the COVID-19 Pandemic” available at note 6, at 15.

home, under COVID-19 academic session.

Consequently, the university students who were based in the rural areas were prejudiced in respect of access to social and economic support, desired under e-learning. University students who dwell in rural have limited access to e-learning facilities and education.¹¹⁷ As such, the issue of location which border on the “developing - developed country” divide left most Countries in Africa behind,¹¹⁸ which can only be reversed by good governance, generous investment in education sector and provision of quality infrastructure.¹¹⁹

¹¹⁷ Arts 2(2) and 13(1) ICESCR.

¹¹⁸ OECD "History" 19 May 2020; Amaded, K., above at note 6.

¹¹⁹ OECD "History"; Amaded, “The OECD and Member Countries”, *ibid.*