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Economic, social and cultural rights and the internet

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Economic, social and cultural rights and the internet

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Introduction

Over the past several years, the Open Educational Resources Alliance (OER Alliance),[1] an initiative of Metamorphosis Foundation and comprised of activists, scholars and educators, has been advocating for open access to textbooks for the students in Macedonian primary and secondary schools.

Internet access is widespread in Macedonia. The internet is used by 69% of adults, including 99% of respondents aged 18-24 who participated in a Metamorphosis poll in June 2016. While most children in Macedonia have some kind of internet access, at home or at school, the lack of educational content in their native languages impedes their right to free education – enshrined in Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) – and affects their right to participate in cultural life and to contribute to scientific development, as per Article 15.

Since 2007 the state has spent tens of millions of dollars of taxpayers' money to equip schools with hardware infrastructure,[2] building on initial efforts by USAID and other donors, in a programme called "A Computer for Every Child".[3] It supplied workstations and internet access to primary and secondary schools, but the lack of locally relevant e-content has limited the impact of this project, failing to "revolutionise" the education system.

Because textbooks are government property paid for with taxpayers' funds and distributed to children by schools in hard copy, in 2009 Metamorphosis officially asked the government to provide them free in digital form, according to the standards of open access. In this way they would at least partially fill the contents gap by providing open educational resources (OERs).

Over the years, a growing number of voices joined this call, resulting in the OER Alliance which was formed in 2013. It advocates for a systemic solution to the textbook problem, given that the government's attempt at providing e-textbooks had been plagued by inconsistencies, fragmentation and randomness, failing to fulfil the needs of the students. On one hand, the OER Alliance unites creators of content, pushing for the availability of educational materials published under Creative Commons licences via a resource repository (www.oer.mk), and on the other, it strives for legal changes that would make the necessary reforms obligatory for the state actors.

Policy and political background

The Constitution of the Republic of Macedonia[4] protects economic, social and cultural rights for all people in the country, in particular the right to mandatory and free primary education (Article 44 of the constitution). Article 47 refers to basic elements that create the "environment" for establishing normal and functional educational processes, guaranteeing the freedom to create (in science and art and other disciplines) and obliging the state to "stimulate, assist and protect" science, art and culture, including through scientific and technological development and education. The laws on primary[5] and secondary education[6] further frame education as a free public good and in the public interest. Secondary education is also mandatory by law.

The Law on Textbooks for Primary and Secondary Education (or Textbook Law)[7] governs all aspects

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1   The initiative is supported by the Information Program of the Open Society Foundations. https://www.opensocietyfoundations.org

2   Besides distributing laptops to children, thin-client networks were set up with local LANs in classrooms.

3   Government of the Republic of Macedonia. (n/d). A computer for every child. vlada.mk/node/310?language=en-gb; Ločev, V., & Sotirovska, N. N. (2010). *Controversies about the government project "A Computer for Every Child"*. SCOOP. i-scoop.org/fileadmin/download_files/computers-Vladimir_Locev.pdf

4   www.ustavensud.mk/domino/WEBSUD.nsf/Strani/Legal%20 Acts%20-%20Constitution?OpenDocument

5   Law on Primary Education in the Official Gazette of the Republic of Macedonia No. 103/08, 33/10, 116/10, 156/10, 18/11, 42/11, 51/11, 6/12, 100/12, 24/13, 41/14, 116/14, 135/14 and 10/15.

6   Law on Secondary Education in the Official Gazette of the Republic of Macedonia No. 44/95, 24/96, 34/96, 35/97, 82/99, 29/02, 40/03, 42/03, 67/04, 55/05, 113/05, 35/06, 30/07, 49/07, 81/08, 92/08, 33/10, 116/2010, 156/10, 18/11, 42/11, 51/11, 6/12, 100/12, 24/13, 41/14, 116/14, 135/14 and 10/15.

7   Law on Textbooks for Primary and Secondary Education in the Official Gazette of the Republic of Macedonia, No. 98/2008, 99/2009, 83/2010, 36/2011, 135/2011, 46/2012, 24/2013, 120/2013 and 29/2014.

of developing and disseminating school textbooks, including the transfer of copyright to the state by signed agreement between the ministry and the author. However, this law does not explicitly deal with publishing the textbooks online in a form compatible with open access standards.

The results were half-hearted and ineffectual. When the government inaugurated its e-textbook portal[8] in 2009, it contained only a portion of all the textbooks used by the schools.[9] Many of the textbooks published during the following years have not been added to the portal, and the ministry cites copyright protection as a reason for not making them available online. Moreover, some of the available e-books use formats incompatible with various devices used by kids. For instance, in some cases, PDF-dumps of the pre-press versions were used, creating enormous, unloadable files, directly adversely affecting the usability of the texts.

The political context deeply affects the problem, as the government, which has been in power for over 10 years, seems to have vested interests in controlling the textbook business. A high level of political corruption has been identified by NGOs and the European Union implicating officials in syphoning public money to cronies and receiving kickbacks. The political will to examine the problems plaguing the educational system is lacking, as such an examination would lead to the accountability of the profiteers.

Therefore, even the rather benign initiative to provide systematic general access to e-textbooks by adding appropriate open access provisions in the Textbook Law has not gained support from the ruling coalition of parties that control the executive and legislative branches of the government.

Macedonia's backsliding from democracy and state capture by the ruling parties over the last decade led to the start of the "official" political crisis in early 2015, which further paralysed decision making within the state institutions. The institutions act as outlets of the ruling parties and state officials within them have to consult the micromanaging party leadership on all matters, and show only superficial interest in civil society initiatives.

The resources needed to create a functioning open e-textbooks library are readily available within existing state institutions, because textbooks are already procured and owned by the state using state funds. Providing functioning e-textbooks would provide numerous economic benefits, starting with reducing the wear and tear of hard copy textbooks, which in case of damage need to be replaced, using either state funds or paid for by parents in the form of fines at the end of the school year.

Building an alliance of open education content creators as a basis to improve the Textbook Law

The rights holders affected by the lack of a systematic approach to e-textbook production and distribution are foremost the primary and secondary school children, whose right to education is affected. Also directly affected are their parents and teachers, first due to their concern for the well-being of the kids, but also as providers of support, and in the case of teachers, resources and educational services.

By law, textbook production in Macedonia is the responsibility of the government, through the Ministry of Education and Science and its subsidiary institutions. They shape the curricula, select content and secure copyright (through public procurement, from private publishers), print the textbooks (through public procurement of services from printing companies), and distribute them to public school students. Students effectively "borrow" them for the duration of the school year and return them at the end. If the books are damaged, the parents have to pay for them. In the next school year, sufficiently undamaged books are given to the next generation of students.

The private sector is involved in the form of publishers and printers, through processes of public procurement. Macedonian law requires commercial publishers and printers to bid for the production and printing of textbooks. The tender awarded to a publisher is the main financial transaction for publishing a textbook, and the Ministry of Education pays the publisher in instalments. The procurement of printing services is conducted in a similar manner, as the state pays printers who bid via public tenders.

The availability of e-textbooks online as OERs is a prerequisite for increasing the quality of education in the classrooms, and also when it comes to home studies – in many schools, and especially in lower grades, kids only bring textbooks home over the weekend. This is a reflection of the need to reduce the risk of damage to the hard copy books. The lack of e-textbooks forces parents who would like to oversee their children's studies at home to either buy copies of textbooks or make photocopies.

The lack of educational materials in native languages which are freely available online affects the preservation of local cultures, which are foremost

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8   www.e-ucebnici.mon.gov.mk

9   Ministry of Information Society and Administration. (2009). E-Textbook Portal. www.mio.gov.mk/?q=node/2636

expressed through language. Children with access to the internet seek out content to interact with, and when lacking options they refer to the most widely available common denominator. YouTube videos of various quality, especially gaming tutorials, have become the dominant force in informal education, relentlessly used by kids in their free time, shaping their ways of thinking and characters. A distant second are local language versions of Wikipedia, used primarily as a source of content to plagiarise for homework. While none of the local languages used in Macedonia can be considered "endangered", anecdotal evidence suggests that children's knowledge of their native and other local languages is affected by the prevalence of English early in their lives through constant exposure to English online. It affects the acquisition of good English, too, as they are mostly in contact with slang, and do not learn a standard version of English appropriate for the educational process.

In the absence of state-provided OERs, which ideally would include a range of supplementary teaching materials, teachers dedicated to providing higher quality education are forced to work longer hours and invest their private resources in developing additional digital educational materials. Some of the teachers that are part of the OER movement in Macedonia use blogs to share their lectures, making them available for students to access them no matter where they are. For instance, natural science teacher Aida Petrovska uses her blog[10] to share her lectures, useful exercises, presentations and tests, and incorporates video tutorials among other content into her blog, in order to facilitate learning.

The Metamorphosis Foundation launched the OER initiative in 2012[11] with the goal of contributing to the development of critical thinking and to encourage democracy in Macedonia through the constructive use of new technologies as tools for increasing the quantity and quality of educational, scientific and academic econtent.

The project specifically aimed to raise the awareness and build the capacity of teachers for creating and using open educational resources. More than 580 individuals and 20 institutions and organisations have signed the OER Declaration[12] and joined the OER Alliance. The Alliance uses the www.oer.mk website as a resource centre where rights holders can find all the information they need about OERs, news and events related to OERs, as well as upload OERs and download OERs created by other users. The resource centre currently contains about 410 resources.

The Alliance also developed an OER strategy in order to define its plan of work. In October 2015, as part of lobbying and advocacy activities, it produced a document called "Analysis of the Legal Framework on Education and the Possibilities of Including OER".[13] This analysis is motivated by years of work in the field of OERs and recommendations received from the working group composed of members of the OER Alliance.

As part of its efforts to motivate rights holders, in 2014 Metamorphosis established an annual Best OER Teacher competition that enables the promotion of grassroots best practice experiences, and community involvement through competition, engagement and voting.

Conclusions

One major conclusion to be drawn from our experience of fighting for regulation on OERs in Macedonia is that internet access by itself cannot magically solve society's problems, or even the specific problems facing sectors such as education, where information and knowledge are exchanged – the underlying problems persist.

In order to achieve sustainable change that would allow the right to free and high quality education to be realised, the reforms must go far beyond providing internet infrastructure. First is the political will for true reforms. Then the sector needs a vision based on awareness of the potential of OERs that can be translated into a strategy for organisational change. This strategy needs to involve change in management structures, institutional hierarchies, and modes of production, distribution and services. In the education sector, this is directly related to the deep reforms needed in the school curriculum, which should catalyse new ways to produce educational content and use new technologies.

The lack of impact of the Computer for Every Child programme is a prime example of the fact that simply adding computers and internet to an outdated curriculum does not result in a modern teaching practice and curriculum – it just results in an outdated curriculum with computers and internet.

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10 aidafizika-aida.blogspot.mk

11 The Alliance itself was formed a year later.

12 Alliance for Open Educational Resources. (2013). Macedonia OER Declaration. oer.mk/en/sign/index.php/pages/declaration

13 Babunski, K. (2015). *Analysis of the legal framework on education and the possibilities of including open educational resources*. Skopje: Metamorphosis Foundation. metamorphosis.org.mk/en/izdanija_arhiva/analysis-of-the-legal-framework-on-education-and-the-possibilities-of-including-open-educational-resources

The basic need for the right to education, science and culture is reflected in the use by kids with online access of informal educational resources produced abroad. The need for these resources to be in local languages is especially important in countries where English is not the native language.

Civil society in Macedonia, represented by Metamorphosis and the OER Alliance, has been advocating for new policies as a precursor of change. As the lack of political will prevents state institutions from initiating reforms that would ensure the protection of ESCRs through OERs, civil society functions as a catalyst for change, bridging the gaps between different stakeholders and serving as a nexus uniting the scattered efforts and initiatives of teachers and content creators. However, policy change that will result in the progressive regulation of school publishing and e-textbooks is necessary to ensure sustainability.

Action steps

The use of the internet to provide access to OERs is pivotal in realising the right to better education in Macedonia.

Further lobbying and advocacy for OERs to be accepted in policy and legislation still needs to take place. This kind of regulation is necessary to force members of the public education system to comply with OER standards. Our expert analysis serves as a basis for shaping and focusing future advocacy efforts so that they include OERs in the legal provisions regulating education in Macedonia.

Metamorphosis and the OER Alliance will continue to advocate for the revision of the Textbook Law as well as the Law on Copyright and Related Rights.[14] At the moment we are lobbying to gain access and present the OER initiative and recommendations in parliament and other state institutions. We hope that we will achieve this as soon as the current political crisis gets resolved. This year the country is dominated by early election campaigns (elections have been scheduled and postponed several times).

Metamorphosis also plans to continue the Best OER Teacher competition, which has been successful for the past two years in motivating teachers to create, contribute and share resources. This activity enhances the visibility of the overall open education community.

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14 Law on Copyrights and Related Rights, in the Official Gazette of the Republic of Macedonia, No. 115/10, 140/10 and 51/11.

Economic, social and cultural rights and the internet

The 45 country reports gathered here illustrate the link between the internet and economic, social and cultural rights (ESCRs). Some of the topics will be familiar to information and communications technology for development (ICT4D) activists: the right to health, education and culture; the socioeconomic empowerment of women using the internet; the inclusion of rural and indigenous communities in the information society; and the use of ICT to combat the marginalisation of local languages. Others deal with relatively new areas of exploration, such as using 3D printing technology to preserve cultural heritage, creating participatory community networks to capture an "inventory of things" that enables socioeconomic rights, crowdfunding rights, or the negative impact of algorithms on calculating social benefits. Workers' rights receive some attention, as does the use of the internet during natural disasters.

Ten thematic reports frame the country reports. These deal both with overarching concerns when it comes to ESCRs and the internet – such as institutional frameworks and policy considerations – as well as more specific issues that impact on our rights: the legal justification for online education resources, the plight of migrant domestic workers, the use of digital databases to protect traditional knowledge from biopiracy, digital archiving, and the impact of multilateral trade deals on the international human rights framework.

The reports highlight the institutional and country-level possibilities and challenges that civil society faces in using the internet to enable ESCRs. They also suggest that in a number of instances, individuals, groups and communities are using the internet to enact their socioeconomic and cultural rights in the face of disinterest, inaction or censure by the state.

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