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The Theoretical and Practical Aspects of Distance Learning in Higher Education: Case Study of Belarusian Law Schools

Abstract: The right to education is a fundamental human right making possible the realisation of other rights of human beings. The authors starts the research with the core characteristics of the human right to education. Human rights law prescribes that education of all types and at all levels should be accessible for everyone and adaptable to respond to the changing world order. In these uncertain times distance education is considered an appropriate form of education that ensures the access to knowledge and professional skills to a broad group of learners. The researchers pay attention to the legal regulations and practical aspects of the provision of distance education in the times of the pandemic. Distance learning in Belarus is analysed in the context of higher education in general and in realm of legal education in particular. The article is enriched by the findings of the empirical research carried out among the academic staff of the Belarusian law school. The survey makes an attempt to assess the capacity of law teachers to provide online legal education.

Key words: distance education, law teaching, Belarus

1. International Framework of the Human Right to Education

The right to education is recognized in over 100 international and regional human rights legal documents¹, some of which are of a binding nature, whereas others

1 K. Beiter, *The Protection of the right to education by international law: including a systematic analysis of article 13 of the International Covenant on Economic, Social, and Cultural Rights*, Leiden: Brill 2006, p. 86.

contain recommendations and create only moral obligations for states. Conventions, covenants, charters along with general comments, recommendations, concluding observations and declarations create a broad legal framework for the understanding of the right to education at the national level in each particular country. The binding legal instruments recognized by a state in an appropriate form result in the formal obligations for the national authorities, at the same time so-called soft law sources, such as recommendations and General Comments to the covenants, enable the enforcement and monitoring of the state's obligations. The principal documents proclaiming the right to education is the Universal Declaration of Human Rights². Article 26 of the Universal Declaration for the first time recognised the right to education in the legal instruments in explicit terms. Although the term "declaration" refers to the non-binding legal nature of the document it is recognised as the principal source of the worldwide binding customary law³. It provides a basis for the specific human rights treaties concluded within the United Nations and other international institutions. There are numerous other legal instruments protecting the right to education in a particular context or of the certain target groups, in no case their impact on the realisation of the right to education in the world dimension should be belittled⁴. However, for the purpose of the current research it is worth focussing on the provisions of Article 13 of the International Covenant on Economic, Social and Cultural Rights⁵, General Comments 13 to the Covenant⁶ and numerous works of the United Nations Special Rapporteur on the right to education. These documents compose the backbone of the meaning of the right to education at the international level.

Katarina Tomasevski, the United Nations Special Rapporteur on the right to education, made the first attempt of defining the analytical instrument to examine in depth primary education. In her preliminary report to the Commission on Human Rights in 1999 she pointed out at four essential characteristics of the right to education to be fulfilled by the state⁷. Then, this idea was reflected in the text of the General Comment. Paragraph 6 of the General Comment 13 states that "education in all its forms and at all levels shall exhibit the following interrelated and essential features:

2 Adopted by the General Assembly of the United Nations on 10 December 1948.

3 J. Bucińska, *Społeczne prawa człowieka w Powszechnej Deklaracji Praw Człowieka*, „Rocznik nauk prawnych” 2003, t. XIII, z. 1, p. 127–128.

4 In Europe the regional documents which contain provisions on the right to education was elaborated by the Council of Europe, the European Union (EU) and the Organisation on Security and Co-operation in Europe (OSCE).

5 Adopted by the UN General Assembly in 1966.

6 UN Committee on Economic, Social and Cultural Rights, General Comment 13: The Right to Education (Art. 13 of the Covenant), UN Doc E/C.12/1999/10 (1999).

7 K. Tomasevski, Preliminary report of the Special Rapporteur on the right to education, UN Doc. CN.4/1999/49, para. 50.

(a) availability, (b) accessibility, (c) acceptability and (d) adaptability". These features of the right to education are considered essential and interrelated and shall be applied for the student's sake and in her or his best interests⁸. In a nutshell, availability verifies how well education is provided for learners in the quantitative context. Accessibility examines what obstacles in accessing education exist and must be removed. Acceptability refers to the various aspects of the quality of education, its content and the admissible ways of teaching. Adaptability assesses to what extent education (the content, process and outcomes) adapts to the needs of various categories of learners and the society as a whole⁹.

In the doctrine dedicated to the right to education these four characteristics are often called the 4-A scheme which possesses the significant scientific and practical value. The 4-A model reflects the international legal frame work and constructs the core content of the human right to education applicable throughout the world. Secondly, four characteristics describe what education should mean from the perspective of state obligations towards the full realisation of the human right to education. The scheme embraces the process and outcomes of education, reviews the breakdown of learners by different criteria and focuses on the legislative, administrative and financial obligations of the governmental agents responsible for human rights implementation. Most importantly, the 4-A scheme is applicable to education at all levels, including higher education.

In the era of technology distance education is becoming a more popular form of provision of education, in particular in the realm of the tertiary education. At the same time, distance learning is something more than a popular means of gaining knowledge and skills. It ensures the fulfilment of the 4-A scheme, i.e. distance learning guarantees accessible and adaptable education. It is worth examining in depth these two characteristics of education in the correlation with distance learning.

2. The Accessibility of Education

Human rights law prescribes to make education non-discriminatory, physically and economically accessible¹⁰. Accessibility is understood as an access to any level of education for everyone regardless of age, social status, cultural identity, geographic and economic position or other characteristics¹¹. Half a century ago higher education used to be seen as a luxury and a low percentage of the population with the scientific interests enrolled in higher education institutions. Nowadays higher education

8 General Comment 13: The Right to Education, para. 7.

9 K. Tomasevski, Human rights obligations: making education available, accessible, acceptable and adaptable, Right to Education Primers No 3, Gothenburg 2001, p. 9.

10 General Comment 13: The Right to Education, para. 6 (b).

11 K. Tomasevski, Human rights obligations... *op. cit.*, p. 14.

is considered more a necessity, than a benefit, however it still remains a luxury in many countries. Not surprisingly, the international community encourages the states to “establish, where appropriate, the legislative, political and financial framework for the reform and further development of higher education in keeping with the terms of the Universal Declaration of Human Rights, which establishes that higher education shall be accessible to all on the basis of merit”¹². Distance learning makes possible to obtain a degree of the prestigious overseas university for learners from the less developed countries or geographically remote areas. Studying online while living in the home country is not as costly as the offline education abroad in the country with a high cost of living.

Since the society itself reflects the diversity of its members, the higher education community shall also illustrate the changes in the social structure welcoming students from different countries, of different nationalities and ethnical groups¹³. With the development of electronic technologies the access to education is not limited to the meaning of its physical or geographical accessibility. Distance learning, mobile applications and massive open online courses ensure the access to education for different target groups, including people with special learning needs. Indeed, digital technologies provide vast opportunities for new collaboration and wide expansion of education beyond geographical borders, as knowledge and information can be digitized and transmitted via electronic means of communication¹⁴. Online education courses, e-books, files and videos streamed by means of Internet play a vital role in making knowledge and new skills achievable and, as a result, in ensuring education accessible.

On the other hand, the Special Rapporteur on the right to education expressed his concern regarding a few aspects of education appearing in the digital age. First of all, digital technologies should supplement, but not substitute face-to-face teaching and human interaction. Teachers design the learning materials sensitive to the local values and cultural tradition, while massive online courses are tailored by foreign professors, mainly the Anglo-American academic staff who may be less familiar with the national particularities in other countries¹⁵. Reading materials or passing online tests cannot replace learning via personal communication with peers and teachers. The development of soft skills during education is considered as important as gaining the professional hard skills. Secondly, making education online accessible it is

12 The Framework for Priority Action for Change and Development of Higher Education, adopted with the World Declaration on Higher Education for the Twenty-First Century on 9 October 1998, ED-98/CONF.202/4.

13 Recommendation No. R (98) 3 on access to higher education, adopted by the Committee of Ministers on 17 March 1998, para. 2.2.

14 K. Singh, Issues and challenges to the right to education in the digital age, Report of the Special Rapporteur on the right to education, UN Doc. A/HRC/32/37, para. 26.

15 *Ibidem*, para. 56, 59.

worth remembering that quality of such education shall be controlled by the state. Learners face frauds associated with the awarding of degrees that are not recognized or validated¹⁶. The last but not least important matter concerns the widening of inequality particularly in poor countries. “Children with disabilities face several barriers in accessing information, as they may need adaptive technologies to use computers, tablets and mobile telephones [...] Children in developing countries who do not attend schools rarely have access to computers.”¹⁷ Instead of guaranteeing the expansion of the access to learning materials, new knowledge and skills distance learning in the digital age causes challenges for learners from the less financially developed countries.

3. The Adaptability of Education

The feature of accessibility of education overlaps with the feature of adaptability. The Committee on Economic, Social and Cultural Rights states that education has to be “flexible so to respond to the needs of students within their diverse social and cultural settings”¹⁸. Both features of education – accessibility and adaptability – are overlapped in the context of inclusive education. Inclusive education taking its roots from special education targeted to people with special needs, e.g. people with disabilities, socially disadvantaged, asylum seekers¹⁹. While accessible education is understood as a non-discriminative, fair and transparent access to education for everyone, the feature of adaptability ensures that the conditions, in which education is provided, respond to the needs of students regardless of their diversity. Adaptability of education also means the possibility of the system of education to react on time to the changing conditions in the labour market and in the society as a whole. Demand on specialists with a certain set of qualifications in the society, the ability to organize remote working in social and physical isolation during the pandemic are criteria of adaptable education to unpredictable global challenges. “The philosophy [of the right to education] is to establish a right to education so that everyone accordingly receives a suitable education consistent with the needs of the society in which it is provided”²⁰.

16 *Ibidem*, para. 53.

17 *Ibidem*, para. 42.

18 General Comment 13: The Right to Education, para. 6 (d).

19 J-S Gordon, Is inclusive education a human right? *Journal of law, medicine and ethics*, winter 2013, p. 754–767.

20 Y. Daudet, K. Singh, The right to education: the analysis of UNESCO’s standard-setting instruments, UNESCO, 2001, p. 21.

4. The Legal Regulation of Distance Learning in Belarus

The analysis of the national provisions presented below describes the main challenges of distance learning in higher education in Belarus. The main law regulating the system of education – the Code on education – defines a few forms of higher education. It is full-time and part-time, evening studies and distance learning²¹. The national legislation scanty regulates distance learning. The Code on education merely provides the definition of what distance learning means²². Thus, distance education is defined as a type of part-time education when learning is provided mainly via modern communication and information technologies. The literacy interpretation of “predominantly application of communication and information technologies” means that this is not a classical understanding of distance learning, where all interaction between teachers and learners takes place with the usage of ICT (information and communication tools). The facts and provisions of distance learning presented in the article demonstrates that the Belarusian hybrid of distance education only partially meets the contemporary world needs and the world-spread idea of distance learning.

At first glance, the little provisions on distance education could be an opportunity for higher education institutions to regulate distance education internally²³, however it only seems easy in theory. To make higher education in Belarus truly accessible is a hard task in the conditions of the centralized management of the system of education and the limited institutional autonomy.

The first challenge for students of distance learning will face them during the recruitment process. The law says that an entrant must submit to the admission commission of the selected institution the original version of the personal documents and an application form²⁴. The personal submission of a hard copy of the required documents is a significant obstacle for entrants from small towns or removed areas and of course for foreigners. The law clarifies that in situations when the entrant cannot stand before the commission to submit the papers in person it can be done by his or her representative with the documented reason of entrant’s inability to do that. The admission commission has the right to refuse the acceptance of the documents

21 Кодекс об образовании от 13 января 2011 г. № 243-З, НРПА, 2011, № 140, 2/1877 с изм., ст. 17 (Kodeks ob obrazovanii ot 13 yanvarya 2011 g. № 243-Z, NRPA, 2011, № 140, 2/1877 s izm., art. 17.).

22 Кодекс об образовании, ст. 17 п. 3 (Kodeks ob obrazovanii, st. 17 p. 3.).

23 С. Лебедь, ИТ в высшей школе – востребованная или вынужденная необходимость, Наука и инновации, № 6 (208), июнь 2020, с. 43 (S. Lebed', IT v vysshej shkole – vostrebovannaya ili vyzhuzhennaya neobhodimost', Nauka i innovacii, № 6 (208), iyun' 2020, s. 43).

24 Указ Президента Республики Беларусь от 7 февраля 2006 г. № 80 „О правилах приема лиц для получения высшего образования I ступени и среднего специального образования”, НРПА 2006 г., 1/7253сизм., п. 11 (Ukaz Prezidenta Respubliki Belarus' ot 7 fevralya 2006 g. № 80 „O pravilah priema lic dlya polucheniya vysshego obrazovaniya I stupeni i srednego special'nogo obrazovaniya”, NRPA 2006 g., 1/7253 s izm., p. 11).

in case of an unreasonable excuse of absence²⁵. Neither the notary certified copies nor the delivery by regular mail is permissible. Obviously, such regulations make distance education much less accessible and less attractive for future students.

The learning process is also far from being truly online. During the 10th International conference dedicated to distance learning the following recommendations for the improvement of the national legislation were announced.

1. To enable the distance intermediate and final assessment of students. Nowadays students have to arrive in Belarus to take the final examinations before the teaching staff.
2. To enable flexibility in the academic calendar of students. Currently the date of examinations, vacations and academic study are fixed in the educational standards and model programmes at the national level.
3. To apply to a broader extent the electronic signature and digital form of document exchange in higher education. According to the contemporary rules students have to submit the hard copy of the diploma work or project. The contract of paid education between a learner and university is to be signed in a hard copy.
4. To simplify the financial transactions between learners and higher education institutions. The bank service fees for international wires estimate about 50 USD²⁶.

All these improvements require the structural changes, including the amendments of the legislation on higher education.

5. Case Studies of Distance Learning in Belarus

Distance learning opens the access to higher education for people with disabilities and other vulnerable groups of the population. At this place, it is interesting to present the results of the social pilot project “Education opens the door” realized in Belarus in 2015–2017²⁷. The Department of sentence execution and the Innovative university of Minsk with the financial support of the EU and DVV International conducted

25 *Ibidem.*

26 Н. Нікалаева, Адукацыя на адлегласці, ці Падводныя камяні анлайн-навучання, Звязда, 04.01.2018, с. 6 (N. Nikalaeva, Adukacyya na adleglasci, ci Padvodnyya kamyani anlajn-navuchannya, Zvyazda, 04.01.2018, p. 6).

27 The description and results of the project are illustrated in the final report. Отчет о результатах реализации проекта «Образование открывает двери» и изменении отношения осужденных и специалистов к проблематике обучения на протяжении всей жизни (Отчет о rezultatah realizacii proekta «Obrazovanie otkryvaet dveri» i izmenenii otnosheniya osuzhdennyh i specialistov k problematike obucheniya na protyazhenii vsej zhizni), 2016, http://www.dvv-international.org.ua/fileadmin/files/eastern-neighbors/Belarus/Publications/Final_report__full_version__EOD.pdf (17.03.2018).

a pilot project aimed to create opportunities for people in prisons to obtain higher education by distance learning. The innovative education center equipped with the computers was created in the female prevention center in the city of Gomel where 23 women could start or continue higher education in the fields of psychology, economy and management of the commercial entities, accounting. By the end of the first year of the project all students successfully completed the academic year, by the end of the second year one of the students completed the entire programme of education and received diploma²⁸. Based on the experience of the pilot project the distance higher education was provided for about 200 prisoners in 8 places of detention in the country, however with the termination of the donor's funding by 2020 the project stopped its existence²⁹.

At this point, it would be fair to admit that the accessibility of distance learning in Belarus needs the structural reforms as well as the feature of adaptability of education. One of the latest challenges for everyone in the world, including for the system of formal education, is the coronavirus disease, i.e. COVID-19. During the coronavirus pandemic the system of higher education in Belarus faced in full all disadvantages of the centralized management in education. It is important to clarify that the autonomy of higher education institutions and academic staff in Belarus is limited by the model documents approved by the Ministry of education. There are educational standards for master's degree studies, a model plan of education for each specialisation and a model syllabus for each discipline. The model plan for legal studies³⁰ and the model syllabi for all legal subjects are mandatory for all higher education institutions providing legal education³¹. Higher education institutions must design their own documents based on all these standards and templates, in terms of their own syllabi universities are entitled to introduce changes within no more than 30% of the content

28 The first diploma of higher education was given to the graduate on 13 October 2017, the international day of education in prisons.

29 В белорусских тюрьмах свернули программу получения высшего образования. Что будет дальше — непонятно, Mspring.online, часопіс пра чалавека і яго правы (V belorusskih tyur'mah svernuli programmu polucheniya vysshego obrazovaniya. CHto budet dal'she — neponyatno, Mspring.online, chasopis pra chalaveka i yago pravy), <https://mspring.online/ru/another-brick-in-the-prison-wal/> (27.07.2020).

30 Типовой учебный план по специальности высшего образования первой степени, 1–24 01 02 правоведение, утв. приказом Министра образования Республики Беларусь 28 июня 2013 №Е-24–1-002/тип (Тipovoj uchebnj plan po special'nosti vysshego obrazovaniya pervoj stepeni, 1–24 01 02 pravovedenie, utv. prikazom Ministra obrazovaniya Respubliki Belarus' 28 iyunya 2013 №Е-24–1-002/тип); Типовой учебный план по специальности высшего образования второй степени (магистратуры), 1–24 80 01 юриспруденция, магистр юридических наук, утв. приказом Министра образования Республики Беларусь 30 мая 2012 № Е-24–2-001/тип (Тipovoj uchebnj plan po special'nosti vysshego obrazovaniya vtoroj stepeni (magistratury), 1–24 80 01 yurisprudenciya, magistr yuridicheskikh nauk, utv. prikazom Ministra obrazovaniya Respubliki Belarus' 30 maya 2012 № Е-24–2-001/тип).

31 Кодекс об образовании, ст. 217 (Kodeks ob obrazovanii, art. 217).

of the model syllabus, including assessment methods and a form of delivery of the learning materials to students³².

During the coronavirus pandemic the heads of higher education institutions in Belarus faced a few challenges. On the one hand, the national authorities totally denied the existence of the virus and neither announced the lockdown nor recommended social and physical distancing in the society. On the other hand, under the influence of the world announcements the main intention of the people in Belarus was to limit the contacts in public places as much as possible. In March 2020 private companies started to introduce remote working, parents stopped taking children to the kindergartens and schools and students asked for the introduction of distance learning. The Ministry of education in the official telegram channel informed daily the updates at different levels of the system of education in Belarus. Thus, in the post as of March 16, 2020 the Ministry of education states that the Ministry of health is the only appropriate national authority to announce the quarantine in higher education institutions³³. The Ministry of education recommended cancelling lectures and gatherings of many people (conferences, meetings) in higher education institutions, at the same time it “required the organization of the normal educational process”³⁴. In the situation of the informational chaos and uncertainty in taking decisions the rectors and deans of the faculties felt frustrated with how they should to react to the world challenge and what instructions to provide in their alma maters to ensure education of good quality. Although there were no official announcements from the Ministry of education to replace offline education with distance learning in the higher education institutions, some universities, such as the Belarusian State University and Belarusian State Medical University, introduced distance education in all faculties by their internal regulation³⁵. At that time, neither the Ministry of education nor the Ministry of health introduced the mandatory quarantine and distance learning in higher education.

32 Приказ Министерства образования о порядке разработки и утверждения учебных программ и программ практики, п. 4.12 (Prikaz Ministerstva obrazovaniya o poryadke razrabotki i utverzheniya uchebnyh programm i programm praktiki, p. 4.12).

33 Решение о введении карантина в учреждениях образования Беларуси принимает не Министерство образования, а Министерство здравоохранения (Reshenie o vvedenii karantina v uchrezhdeniyah obrazovaniya Belarusi prinimaet ne Ministerstvo obrazovaniya, a Ministerstvo zdravoohraneniya), 16.03.2020, <https://t.me/s/MinobrofBelarus?before=83> (02.08.2020).

34 Минобр РБ разрешил отказаться от лекций, научных и культурно-массовых мероприятий (Minobr RB razreshil otkazat'sya ot lekciy, nauchnyh i kul'turno-massovyh meropriyatij), 16.03.2020, <https://afn.by/news/i/274210> (02.08.2020).

35 Минобр Беларуси пока не созрел на карантин в учебных заведениях (Minobr Belarusi пока ne sozrel na karantin v uchebnyh zavedeniyah), 16.03.2020, https://afn.by/news/i/274197?utm_source=yxnews&utm_medium=desktop&utm_referrer=https%3A%2F%2Fyandex.by%2Fnews (02.08.2020).

At the moment of the preparation of the current article the authors could not reach the official data on how higher education is provided during the COVID-19 pandemic in Belarus. During the online conference organised in April 2020 and concerning the organization of the educational process using information and communication technologies the Minister of education said that “99% of educational institutions have access to the internet. Starting from 2019 the project called “IT University” was launched in 13 higher education institutions in Belarus. These universities have electronic platforms and digital tools that make it possible to organize interactive meetings between teachers and students”³⁶. By the way, there are 51 higher education institutions in Belarus, 20 of them offer legal studies³⁷. It is obvious that internet connectivity and digital tools of communication are necessary but not sufficient to provide the quality of higher education. From the unofficial sources it is known that the Academy of the Interior Ministry didn’t actually work during the pandemic. It might have happened due to the lack or underdevelopment of the system of distance learning or/and for security reasons as the Academy is subordinated to the Interior Ministry. The Belarusian State University, the Yanka Kupala State University of Grodno and the Academy of Public Administration under the Aegis of the President of the Republic of Belarus demonstrated the prompt and effective transformation of the offline legal studies to distance learning.

The case study of the Belarusian State University. The university was able to adapt its studies to the requirements of social distancing rapidly thanks to the Digital Transformation Strategy being implemented by the University in 2018³⁸. The Strategy includes, but not limited to, the review and update of the content, forms and methods of teaching, changes in the research and management of education by improving its information and communication infrastructure, enhancement of using digital technologies in education. Starting from 2019 the university has actively introduced the learning management system ‘Moodle’ at all faculties enabling course enrolment, monitoring of online student’s activities and the storage of learning materials in the clouds. The documentation, including curricula and syllabi, assessment exercises, had to be prepared in a friendly manner for the distance

36 Организация учебного процесса с использованием информационно-коммуникационных технологий, 16.04.2020, онлайн-конференция (Organizatsiya uchebnogo processa s ispol'zovaniem informacionno-kommunikatsionnyh tekhnologij, 16.04.2020, onlajn-konferenciya), [https://www.belta.by/onlineconference/view/organizatsiya-uchebnogo-protsessa-s-ispolzovaniem-informatsionno-kommunikatsionnyh-tehnologij-1237/#go_to_up\(02.08.2020\)](https://www.belta.by/onlineconference/view/organizatsiya-uchebnogo-protsessa-s-ispolzovaniem-informatsionno-kommunikatsionnyh-tehnologij-1237/#go_to_up(02.08.2020)).

37 Образование в Республике Беларуси, Статистический сборник, Минск 2019, с. 133 (Obrazovanie v Respublike Belarusi, Statisticheskij sbornik, Minsk 2019, s. 133).

38 А. Король, Ю. Воротницкий, В. Кочин, Дистанция в образовании: от методологии к практике, Наука и инновации, № 6 (208), июнь 2020, с. 25–26 (A. Korol', YU. Vorotnickij, V. Kochin, Distancija v obrazovanii: ot metodologii k praktike, Nauka i innovacii, № 6 (208), iyun' 2020, p. 25–26).

learning format. The crucial moment in the implementation of distance learning came when the internal order of the head of the university determined the role of digital teaching tools in the traditional educational process³⁹.

As of September 1, 2019 the faculties and other departments of the university created 642 online courses, as of March 1, 2020 (on the eve of the pandemic) its number increased to 1977⁴⁰. During the coronavirus pandemic, the faculty staff and the university administration in general acted promptly and mainly intuitively. The implementation of distance learning at all faculties was introduced by the internal regulation in the begging of April⁴¹. As a result, by April 24, 2020 their number of online courses increased to 5429⁴². For online conferences, seminars and management meetings the university uses “Skype for Business” and “BigBlueButton” tools⁴³.

It would be fair to admit that the technical infrastructure of the Belarusian State University was ready for the challenges caused by COVID-19 in the system of higher education in Belarus. At the same time, the head of the university affirms “we have no intention of implementing a full transition to distance learning for elite higher education, which is provided by such leading national universities as ours”. It is more like the marketing of the educational services, good and convenient content... At this stage, there are no plans to transition from offline higher education in Belarus to distance learning. We should encourage the academic staff to use digital technologies in the implementation of full-time education to improve the quality of the educational process⁴⁴.

The case study of the Academy of Public Administration under the Aegis of the President of the Republic of Belarus. The transition to distance learning during the pandemic in the Academy went in a different direction. Since 2001 academic staff uses the learning management system “WEBST” to enable distance learning, in 2019 it was replaced with the modern system of “Moodle”⁴⁵. For the purpose of the professional development of the academic staff in the realm of digital technologies the Centre of educational technologies consisting of 3 people was created. The Center

39 Положение об использовании электронных средств обучения в БГУ, утв. Приказом ректора БГУ 05.02.2019 № 100-ОД (Polozhenie ob ispol'zovanii elektronnyh sredstv obucheniya v BGU, utv. Prikazom rektora BGU 05.02.2019 № 100-OD).

40 А. Король, Ю. Воротницкий, В. Кочин, Дистанция...*op. cit.*, с. 28 (A. Korol', YU. Vorotnickij, V. Kochin, Distanciya..., p. 28).

41 Об организации образовательного процесса с использованием электронных средств обучения, утв. Приказом ректора БГУ 06.04.2020 (ob organizacii obrazovatel'nogo processa s ispol'zovaniem elektronnyh sredstv obucheniya, utv. Prikazom rektora BGU 06.04.2020).

42 А. Король, Ю. Воротницкий, В. Кочин, Дистанция...*op. cit.*, с. 28 (A. Korol', YU. Vorotnickij, V. Kochin, Distanciya..., p. 28).

43 *Ibidem*, p. 27–28.

44 *Ibidem*, p. 24.

45 Система дистанционного образования (Sistema distancionnogo obrazovaniya), <http://web6.pac.by/sdo/> (04.08.2020).

organises seminars and trainings for teaching staff and students of the Academy, presents know-how in higher education and supports in the implementation of IT technologies in the traditional offline education. Due to the fact, that the Academy is not a numerous higher education institution, the Centre of educational technologies could demonstrate the good results of their work⁴⁶. In 2019 about 350 academic teachers took part in the 17 seminars, presentations and training courses aimed to raise the digital capacity and improve the quality of distance learning in the Academy⁴⁷. As a result, 503 online courses by the beginning of the coronavirus pandemic⁴⁸. Moreover, during the pandemic, both the academic staff and students at any time could receive the technical and methodological support of the members of the Centre how to make online education effective and qualitative.

The technical infrastructure of higher education is necessary but not enough to ensure the qualitative distance education. In May and June 2020 the Centre of educational technologies carried out two research on challenges and achievements of distance learning. The first survey was addressed to the students of the Academy, meanwhile the second was addressed to teaching staff. For the purposes of the current article, we present the main points concerning the capacity of academic staff to organise distance learning of legal studies. Then research was organised by means of the survey aimed to define the proficiency of the teaching staff in using the digital learning tools. 102 of 167 teachers took part in the survey, their answers enabled us to receive the following findings.

The most popular digital tools used in the legal studies are Moodle (92,2%), email communication (78,4%) and the social networks and messengers (63,7%). The law teachers are also familiar with other applications for online meetings and learning, such as Zoom, Discord and Quizlet, Skype and Google Meeting, however they were occasionally used. The traditional teaching methods in legal education in Belarus are lecturing and seminars. During the pandemic the majority of teaching staff had to change the format of lecturing. 32,4% of teachers kept organizing lectures as a narrative talk with the students. At the same time, 63,7% of the respondents organised the online discussion on the topic using the PowerPoint presentation or providing the text of the material in advance. The format of seminars was not affected by online learning during the pandemic: case studies, test and research papers (74,5%) and online group discussion of the controversial issues (56,9%) became online instead offline.

46 Ю. Хватик, Образовательные технологии как основа эффективного обучения, Наука и инновации, № 6 (208), июнь 2020, с. 33–36 (Y. Khvatik, *Obrazovatel'nye tekhnologii kak osnova effektivnogo obucheniya*, Nauka i innovacii, № 6 (208), iyun' 2020, p. 33–36).

47 *Ibidem*, p. 35

48 The statistic data is presented at the distance learning platform, <http://smoodle.pac.by/moodle/> (06.08.2020).

One of the main challenges of distance learning are the respondents called the interim assessment and the provision of feedback to the students. Almost 20% of the academic staff didn't have the interim assessment of the students due to the lack of previous experience of online assessment. The online test as an assessment method was used by 61,8% of the respondents. An essay and written assignment were mentioned by 62,7 % of the teachers.

One of the key elements of distance learning is the feedback and student-teacher interaction. The findings of the research points to the various digital tools used by the academic staff – messengers and email communication (41%), Moodle (21%), chats and forum (14,7%), online open hours (11%), phone calls and Zoom (7%).

Although the infrastructure of the universities in Belarus is well developed for the full implementation of distance education, the academic staff faced some difficulties in launching online education entirely. 56,9% of the respondents could not adapt easily and quickly the learning material for online education, 38.2% of teachers didn't have the previous experience with how to work with digital tools in education, including Moodle. More than 80% of the respondents would like to improve their capacity of provision of distance learning. They are interested in learning more about the methods of online group work and assessment tools, recording of PowerPoint presentations and lectures, drafting of online friendly educational documentation, best practices of online tests as an assessment method.

Conclusions

Distance education is one of few the forms of education in Belarus that the provision of which is ensured by the national regulations concerning higher education. It opens the access to higher education to vulnerable groups of the society, including people with disabilities and prisoners. Distance learning attracts foreigners and supports the internationalization of higher education. Digital tools in higher education are not the end themselves, but a means to improve the quality of gained knowledge and skills. Unfortunately, distance learning in Belarus is not as widespread as other forms of education. Taking into account that higher education institutions are autonomous in choosing the appropriate form and content of the education they provide, the coronavirus pandemic is considered a strong motivating factor to move forward the system of higher education in Belarus towards the implementation of digital technologies in the educational process. It was stressful, but at the same time a powerful progress for everyone involved in the management and provision of education. We hope this harsh experience helps analyse the mistakes and achievements and stimulates the systematic reforms for the further development of digital education in Belarus.

BIBLIOGRAPHY

- Beiter K., *The Protection of the right to education by international law: including a systematic analysis of article 13 of the International Covenant on Economic, Social, and Cultural Rights*, Leiden: Brill 2006.
- Bucińska J., *Spoleczne prawa człowieka w Powszechnej Deklaracji Praw Człowieka*, *Rocznik nauk prawnych*, t. XIII, zeszyt 1, 2003.
- Daudet Y., Singh K., *The right to education: the analysis of UNESCO's standard-setting instruments*, UNESCO 2001.
- Gordon J-S., *Is inclusive education a human right?* *Journal of law, medicine and ethics*, winter 2013.
- Singh K., *Issues and challenges to the right to education in the digital age*, Report of the Special Rapporteur on the right to education, UN Doc. A/HRC/32/37.
- The Framework for Priority Action for Change and Development of Higher Education*, adopted with the World Declaration on Higher Education for the Twenty-First Century on 9 October 1998, ED-98/CONF.202/4.
- Tomasevski K., *Human rights obligations: making education available, accessible, acceptable and adaptable*, *Right to Education Primers No 3*, Gothenburg 2001.
- Tomasevski K., *Preliminary report of the Special Rapporteur on the right to education*, UN Doc. CN.4/1999/49.
- Король А., Воротницкий Ю., Кочин В., *Дистанция в образовании: от методологии к практике*, *Наука и инновации*, №6 (208), июнь 2020 (Korol' A., Vorotnickij YU., Kochin V., *Distanciya v obrazovanii: ot metodologii k praktike*, *Nauka i innovacii*, №6 (208), iyun' 2020).
- Лебедь С., *ИТ в высшей школе – востребованная или вынужденная необходимость*, *Наука и инновации*, №6 (208), июнь 2020 (Lebed' S., *IT v vysshej shkole – vostrebovannaya ili vynuzhdennaya neobhodimost'*, *Nauka i innovacii*, №6 (208), iyun' 2020).
- Нікалаева Н., *Адукацыя на адлегласці, ці Падводныя камяні анлайн-навучання*, *Звязда*, 04.01.2018 (Nikalaeva N., *Adukacyya na adleglasci, ci Padvodnyya kamyani anlajn-navuchannya*, *Zvyazda*, 04.01.2018).
- Образование в Республике Беларуси*, *Статистический сборник*, Минск 2019 (Obrazovanie v Respublike Belarusi, *Statisticheskij sbornik*, Minsk 2019).
- Хватик Ю., *Образовательные технологии как основа эффективного обучения*, *Наука и инновации*, №6 (208), июнь 2020 (Khvatik Y., *Obrazovatel'nye tekhnologii kak osnova effektivnogo obucheniya*, *Nauka i innovacii*, №6 (208), iyun' 2020).