



Philosophical Inquiry into the Factors for the Resistance to the Rights of Children to Education in Nigeria

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ABSTRACT

The study was carried out to undertake a philosophical inquiry into the factors for the resistance to the rights of children to education in Nigeria. The researchers provided an analysis of the concept of right in trying to clear all misconceptions, ambiguity and hasty generalizations that often lead to a contradiction. It was discussed that one context in which the concept of a right has a fairly precise sense is that of a society's legal system. The concept of a right to education, particularly children's right to education remains an issue that engages the attention of good Nigerian citizens within and outside the education circle. This is because all parents want their children to be educated, especially in the western type of education. The study showed that National Policy on Education made provision that "every Nigerian child shall have a right to equal educational opportunities irrespective of gender, social status, religion, ethnic background and any peculiar individual challenges". But, such a declaration has not met the reality as it is constantly stifled on the ground of failure. The nature of the right, the human right to education, and the right of children to education were discussed. The concept of equivalence, fairness, impartiality, and equality was discussed as concepts that have developed similarities with rights. In conclusion, Nigeria has the largest number of children that are out of school despite the various efforts of the government in trying to take the children that are out of the streets and back to class. It was recommended among others that government should equip public schools in such a way that they can compete favourably with the existing private schools to reduce the exploitative tendencies of the private school.

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INTRODUCTION

It is generally believed that there is a universal right to education. This belief is endorsed in Article 26 of the United Nations Declaration of Human Rights that everyone has the right to education. The general belief in the right to education is probably based on the importance attached to education. The importance of education to man and society has been viewed from different perspectives by various authors. Education is undoubtedly one of the biggest

industries not only in Nigeria but all over the world (Agion, 2016).

Etymologically, education is derived from two Latin words "Educere" and "Educare" which is coined from the idealistic point of view, championed by Plato, meaning to "Lead out" or to bring out", this means human beings have innate ideas, potentials, skills or knowledge which only education can help in bringing them out. The second Latin word "Educare" means "to form" or "to impart". This is from the realists' point of view championed by Locke meaning man was born with



a brain like an empty slate known as “Tabula rasa” with which impressions are made or written on (Babarinde, 2019). Education in this perspective has to do with imparting knowledge to an individual to enable the individual to understand what he should know. In the view of Peters,³ “education is the process whereby members of the society are initiated into worthwhile activities in a morally acceptable manner”. The essence of education is to transform the individual for the better. Worthwhile activities, therefore are activities that are useful and valuable to society in general (Akinpelu, 2019).

It is because of the worth-wholeness of education that governments at all levels proclaim the value they attach to it as a panacea to national development. It is stated in the Nigerian National Policy on Education⁴ that “education is an instrument for national development and social change”. Furthermore, as government emphasizes the importance it attaches to education, it also lays claims that no one would be left out of the efforts to be given the education to achieve meaningful development, hence “every Nigerian child shall have a right to be educated irrespective of gender”⁵. This statement is hinged on the fact that governments at all levels recognize the contribution of everybody in Nigeria in the quest for nation-building through the instrument of education (Borge, 2016).

Going from the above, therefore, for any government to actualize its dream of achieving national development, every child has to be educated, and every part of the country has to be reached out to in terms of education coverage, be it rural or urban settlement, the educational infrastructure must be seen to be adequately provided and distributed to achieve the educational rights of the Nigerian children (Brubaker, 2016). In a bid to provide education for every Nigerian child of school-going age, the Federal Government of Nigeria through the Universal Basic Education (UBE) Act of 2004 provides for “Compulsory free universal basic education for all children of primary and junior secondary school age in the Federal Republic of Nigeria”. It also stipulates penalties for parents who fail to comply with its provisions. With the

above official policy statement, has education been provided to every Nigerian child of school-going age? Are the infrastructures adequately and evenly distributed in all the schools across the country? Is the quality of education the same for every community in Nigeria? In other words, is the government trying the achievement children’s right to education? (Clarke, 2016).

Considering the above, the Universal Declaration of Human Rights of 1948 which asserts that, everyone has the right to “education”, this declaration of the right to education has been made also in other fundamental rights, for example, the Nigerian National Policy on Education (NPE) clearly stated the national education goals, and these goals include:

- a. The development of the individual into a morally sound, patriotic and effective citizen;
- b. Total integration of the individual into the immediate community, the Nigerian society and the world as a global village;
- c. Provision of equal access to quality educational opportunities for all citizens at all levels of education, within and outside the formal school system;
- d. Inculcation of national consciousness, values and national unity; and
- e. Development of appropriate skills, mental, physical and social abilities and competencies to empower the individual to live in and contribute positively to society.

These goals are captured from Nigeria’s overall philosophy of living in unity and harmony as one indivisible, democratic and sovereign nation founded on the principles of freedom, equality and justice. But the point of concern here is that, can one relate the reality on the ground with the intention of government as stipulated in the National Policy on Education? And to what extent can we say that the Nigerian child has benefited or is benefiting from what is supposed to be his right as content in the constitution and even the NPE. There seem to be great disparities which cut across regions, gender, cultural and traditional values, religion, settlement (Rural – Urban

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discrepancies) and a host of other issues related to educational opportunity and access. Even where schools are provided we still see resistance from parents to enrol their children in schools, perhaps claiming the right they (parents) have over their children as their property (Enoh & Babarinde, 2012).

THE RIGHT TO EDUCATION IN NIGERIA

The concept of the right to education, particularly children's education remains an issue that engages the attention of good Nigerian citizens within and outside the education circle (Esteves, 2019). This is because all parents want their children to be educated, especially, in the western type of education. The government, especially at the federal and states levels have shown genuine interest in the provision of education for all its citizens; for instance, the Universal Basic Education Act of 2004 provides an opportunity for all children of school age to have compulsory and free education, the Gifted Children Education, Nomadic Education, and schools for the blind and the disabled persons are all provided (Ellis, 2016). Yet Nigeria has the highest number of Out of School Children in the world and a high rate of adult illiterates. Considering this huge investment by the government, one may pose to ask:

- i. What are the reasons for the resistance of some people to avail themselves of the opportunities provided by the government, particularly children's rights to education?
- ii. How can such issues be addressed considering the need for an educated population and its significance to national development?

Accordingly, the National Policy on Education (NPE) has stated in section 1, sub-section 3, that one of the philosophies of Nigerian education is based on "The development of the individual into a sound and effective citizen".

The same section 1, sub-section 4, stated that every Nigerian shall have a right to equal educational opportunities irrespective of gender, social status, religion ethnic background and any peculiar individual challenges. This

assertion suggests the fact that there exist resistance from some Nigerians regarding children's right to education which is manifesting in various ways and degree, and the government recognized this fact and therefore, sought ways to address such problems. For example, some parents do not want to enrol their children on school (some parents consider their children as their property and so they can decide whether the children go to school or not) and some children roam about begging in the street or engaged in hawking. The less buoyant economically blame their poor status for not enrolling their children on school as the wealthy, while the politically unaware blame it on the failure of the educational system (Agion, 2016).

More issues have arisen in the area of non-adherence to the provision of the rights of children to education especially when education has been made compulsory for all children who have attained the age of schooling. It seems there is no systematic framework that is strategically put in place to contain emerging contingencies including parents who look at their children as their properties which they have the legal right to possess as citizens of the country. While the government makes effort the provision education for its entire citizen, it is still not clear whether it is in terms of quality or access to education (Agion, 2016).

Analysis of the Concept of Rights

The discussion on the concept of rights has always generated heats of arguments in the context of social imperatives or legal ideology. However, rights in this context are what one is entitled to, and what creates an obligation on others to provide. Rights are either a product of legal creation or natural inheritance. Rights as legal entities are those that ensued through legislation while natural rights are enjoyed by people for just being humans. At some quarters, however, rights have been spoken of ironically as "that most enchanting of words". Questions affecting the conduct of education are no exception to that of moral controversy over social and political issues in most cases all over the world. And there, as everywhere else, the



language of rights is lavishly invoked: it is claimed that parents have the right to choose the kind of schooling they think most appropriate for their children, that students have the right to participate in educational decisions, that teachers have the right to participate in educational decisions, that teachers have the right to academic freedom, that the state has the right to enforce standards of education for all school in the society, that religious and minority groups have right to establish separate schools without financial penalty, and so on. Several rights asserted about education will form the central theme of any discussion of the right to education as a substantive human right (Enoh & Babarinde, 2012).

This claim cannot be considered the first of its kind as it had been made before in another list of fundamental rights for instance, in the French declaration of 1793. And dealing with the difficulty that may arise of what anyone could conceivably mean by the utterance “everyone has the right to education; the researchers will deal with the concept of rights as other concepts that must have the philosophical undertone that makes provision for clarity and the obvious elimination of any sort of ambiguity. This is only when the discussion begins to explore the sense of the claim and its justification more precisely that difficulties arise. A more adequate understanding of the claim depends in the first place on seeing what is involved in the notion of a right, particularly one that is said to be natural or moral or possessed by everyone simply by being human (Borge, 2016).

The Nature of Rights

One context in which the concept of a right has a fairly precise sense is that of a society's legal system. In this sense, the law establishes that people in certain circumstances may not in a particular way and their actions are to be recognized as such in society. For instance, if John says he has the right to marry or to vote in an election, it means that John has been authorized to act in these ways and that the law guarantees to uphold his action. To talk of having a right is a way of describing one's status in the

legal-political institutions. It can just as well be spoken of as a legal right in terms of the duty or obligation that people have in certain circumstances to acknowledge the action of another, to provide what is demanded, to refrain from interfering and so on. It can also be observed that within the framework of civil law, it seems that “rights and duties are strictly”⁴. This is to say, even when a legal right is simply an acknowledgement by the law that a person is at liberty to act in a particular way (Enoh & Babarinde, 2012).

Right to Education

In tandem with other human rights, when people affirm the right to education they at least make the moral claim that no human being should be deprived of this good or impeded in his/her efforts to attain it. The claim bears most obviously on parents and states (that is, government), but more generally it is made against any individual or group that has the either authority or actual power to affect the practice of education and access to it (Ellis, 2016). The right to education ensures access to quality schools and to an education that is directed towards the full development of the human personality. In addition to teachers and administrators in formal institutions of education, these would include, for example, religious leaders, directors of television and other public media communication, textbook publishers and designers of curriculum materials. But if the earlier account of the nature of human rights is correct, it is clear that the claim is being made primarily and directly on governments, and that it does not simply call for protection from interference but the active effort of society, through its government to ensure that education in some sense is provided for everyone initiation and to be provided with whatever conditions will enable him to do so to the full extent of his/her capacities and interests (Enoh & Babarinde, 2012). The difficulties anyone can encounter in trying to determine more precisely what a right to education entails may arise largely from the assumption that education consists of a certain range of activities undertaken in a certain manner and that variable human characteristics do make a difference to the quality of the outcome. Nevertheless, to say there



exists a right to education cannot be seen to be metaphysically ambitious or unattainable but the full extent of that right will still be open for further discussion (Borge, 2016).

Child's Right to Education

Although the process of education is by no means restricted to childhood, a substantial part of it is taken up with the gradual induction of children into beliefs, attitudes and skills that distinguish mature human beings. If children are to acquire the distinctive and valued modes of human action, they need to be educated. Yet it might be claimed that, whatever moral obligation there is to provide for their education, it cannot be understood as arising from a distinct human right of children of this good: for while they are in the condition of childhood they cannot be the possessors of moral rights at all (Cline, 2019).

A supporter of this view might argue that the reason and condition for recognizing a being as having the moral status that rights involve are that it can act as a moral agent and be held responsible for what it does. This condition is not satisfied by infants and at least young children. A stronger case can be made if one argues, as Hart does, that the fundamental natural right is freedom from coercion and restraint and that the subjects of the natural rights are adult human beings capable of choice. It is difficult to know when human beings generally are thought to become moral agents in the full sense or to count as adults. Observable variations among individuals and societies, it seems that the earliest stage at which the "transition could be placed (Clarke, 2016).

Rights to Education and Economic Growth and Development in Nigeria

As it was established earlier in this study, education is a human right. And like other human rights, it cannot be taken for granted. Across the world, 59 million children and 65 million adolescents are out of school and more than 120 million children do not complete primary education. Behind this figure, children and youth are being denied not only a right, but opportunities, a fair chance to get a decent job, to escape poverty, support their families, and develop their

communities, in 2015, decision-makers met and set the priorities for global development for the next 15 years. They made education so high on the list. Brenda reports that many of those who remain out of school is "the hardest to reach as they live in countries that are held back by conflict, disaster and epidemics" (Brubaker, 2016).

Education in every sense is one of the fundamental factors of development. No country can achieve sustainable economic development without substantial investment in human capital. Education enriches people's understanding of themselves and the world, "it improves the quality of their lives and leads to broad social benefits to individuals and society". Education raises people's productivity and creativity and promotes entrepreneurial and technological advances. In addition, it plays a very crucial role in securing economic and social progress and improving income distribution. The imperativeness of education to economic growth and development has been given more attention in recent times than it has some decades ago (Borge, 2016).

Till recently economic growth and development considered physical capital as the most important factor determining economic growth and have been recommending that the rate of physical capital formation in developing countries (including Nigeria) must be increased to accelerate the process of economic growth and raise the living stand of the people (Esteves, 2019). But in the last three decades, economic research has revealed the importance of education as a crucial factor in economic development. Education refers here to the development of human skills and knowledge of the people or labour force. It is not only the quantitative expansion of education opportunities but also the qualitative improvement of the type of education which is imparted to a labour force that holds the key to economic development. Because of its significant distribution to economic development, education has been called human capital and expenditure on education of the people as an investment in man or human capital (Babarinde, 2019).



Rights to Education and Political Development in Nigeria

Education and politics have been observed to be organically linked and interrelated. The level of one's political participation and awareness greatly depends on the level of the person's education orientation. The effect of education is felt by all and it is a generally held view that educated young people are better equipped to forge ahead in life than the uneducated. There exists a symbiosis relationship between education and politics; the educational system supports political structure while the political structure motivates the expression of the educational system as a means of creating and symbolically, justifying new political goals. Education plays a great role in socializing people with political ideas and norms and as well prepares people for political positions (Ade, 2019).

Education is viewed as an essential factor for political development or modernization because of its socialization functions to the new and modern political structure. Education is used as a means to emancipate the citizenry and to create new elites. In the words of Nduka⁸, although at a certain level of analysis and in certain circumstances education might be regarded as an end in itself, in the context of the national social-political equation, education is a means not an end in itself. Privilege but a right. The internal satisfaction of enlightening minds is in the interest of the entire society as that leads to development, advancement and unity which only education guarantees (Akinpelu, 2019).

Rights to Education and Self-Reliance

The Nigerian government in its effort to present the country and its people (Nigeria's) to the world of relevant existence has made provisions in its policies and other official documents for the need for self-reliance. For instance, the national policy on education¹⁰ emphasizes the place of self-reliance when it states that our national philosophy includes "the acquisition of appropriate skills and the development of the society" careful analysis shows that self-reliance forms the core of the

educational enterprise. Self-reliance is conceived from two perspectives by Babarinde (2018). One is individual or personal self-reliance and the other is group or institutional self-reliance. The research wishes to examine the concept of "self-reliance". Self-reliance may be understood as the absence of constraints in the performance of certain tasks by the individual or group/institution. It may also be seen as the ability of an individual or group/institution to perform certain tasks independently to a logical conclusion. Turning back to the two perspectives of self-reliance; individual self-reliance concerns the achievement of tasks by an individual independently as asserted above, while group or institutional self-reliance is the ability of a group or institution to achieve certain tasks independently. Self-reliance could also mean self-sufficiency, autonomy, self-assurance and self-contentment (Agion, 2016).

CONCLUSION

Rights are either a product of legal creation or natural inheritance. Law establishes that people in certain circumstances may not in a particular way and their actions are to be recognized as a society. The Nigerian government made the provision for the rights of children to education as contained in the national policy on education as enshrined in the 1999 constitution of Nigeria as amended. But that declaration has not yet seen its full implementation as what is real in practical terms cannot be anything to withhold as a philosophy of the nation. There still exists a huge gap between the northern and southern regions of Nigeria. Nigeria has the largest number of children that are out of school despite the various efforts of the government in trying to take the children that are out of the streets and back to class. The government made elementary education compulsory and free but yet we still have many children roaming the streets. The government needs to intensify its efforts in providing realistic provisions for its citizens.

RECOMMENDATIONS

1. Legislative and legal backing should be provided to enhance the full compliance by the Nigerian citizenry on the rights of



children to education such that any parent whose children are out of school should be made to face the consequences.

2. Government should equip public schools in such a way that they can compete favourably with the existing private schools to reduce the exploitative tendencies of the private school.
3. There should be a broad – base curriculum in all the schools which will be uniform to allow children with diverse aptitudes, abilities and interests to benefit optimally. This would provide some form of equal opportunity for every child to showcase his/her endowments.

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