
Understanding Child's Right to Primary Education: A Panacea for Achieving National Values
in Nigeria

By

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ABSTRACT

This paper is titled Understanding Child's Right to Primary Education: A Panacea for Achieving National Values in Nigeria. The paper examined the child's right to education and how it will be of benefit to achieving National Values in Nigeria, Every child has the right to education in Nigeria, education that aims to develop his or her personality, talents, mental and physical abilities to the fullest extent. Education should foster respect for a child's parents, for the child's own cultural identity, language and values, as well as for the cultural background and values of others. It also explore the fundamental rights; child's right to education as outlined by different national and international instruments. Other areas covered by the paper are: Primary Education and National Values, Child's Right to Education among other things. Finally the paper recommends that State of emergency shall be introduced across the country, feeding and allowances shall be given to the children in public schools, to ensure they have an access to education.

Key Words: Child, Child's rights, right to education, Primary Education

INTRODUCTION

Education has been formally recognized as a human right since the adoption of the Universal Declaration of Human Rights in 1948. This has since been affirmed in numerous global human rights treaties, including the right of every child to education on the basis of equality of opportunity and without discrimination on any grounds. To achieve this goal, education must be available for, accessible to and inclusive of all children. (UNICEP 2007). The secretaries establish an entitlement to free, compulsory primary education for all children; an obligation to develop secondary education, supported by measures to render it accessible to all children, as well as equitable access to higher education; and a responsibility to provide basic education for individuals who have not completed primary education. Furthermore, they affirm that the aim of education is to promote personal development, strengthen respect for human rights and freedom, enable individuals to participate effectively in a free society, and promote understanding, friendship and tolerance. The right to education has long been recognized as encompassing not only access to educational provision, but also the obligation to eliminate discrimination at all levels of the educational system, to set minimum standards and to improve quality. In addition, education is necessary for the fulfilment of any other civil, political, economic or social right.

Education is a fundamental human right and is essential for realizing other human rights. Education empowers people by helping them to acquire skills, knowledge, values and attitudes that are critical to secure their basic socio-economic needs and enable the sustainable development of their societies. The right to education is universally affirmed in numerous international human rights treaties. Worldwide most governments have enshrined a provision for the right to education in their national constitutions, and as a result, many more children have access to school than they did at the start of the century. But *access* is not sufficient. The *quality* of learning is also crucial. The failure to adequately educate students can be seen as a violation of the right to education as it limits economic development and locks countries into cycles of low growth rates, limited employment opportunities and weak social cohesion.

In 2003, Nigeria adopted the Child Rights Act to domesticate the Convention on the Rights of the Child. Although this law was passed at the Federal level, it is only effective if State Assemblies also enact it. To date, only 16 of the country's 36 States have passed the Act. Intense advocacy continues for the other 20 States to pass it. This explains that this landmark legislative achievement has not yet translated into improved legal protection throughout the Federation. Nigeria has been unable to deal with several issues hindering the protection rights of children such as children living on the streets, children affected by communal conflict, drug abuse, human trafficking and the weaknesses of the juvenile justice system amongst others. Children conflict with the law for a variety of reasons. Poverty, social inequality, failed educational system, family problems, peer pressure, social and religious conflicts in which children are used as the foot soldiers are some of the factors that account for the number of children in conflict with the law. Unfortunately these child offenders are often treated like adults and mixed with adults in prisons. Many are convicted and jailed without making contact with a social worker or getting the opportunity to be heard.

The most recent report to the African Union on the rights and welfare of the Nigerian child showed that about 6,000 children are in prison and detention centres across the country. Girls make up less than 10 per cent and they mainly come into contact with the law as a result of criminal acts committed against them such as rape, sexual exploitation and trafficking

Concepts of Child Rights

There is no single universal and acceptable definition of a child it depends on the context it appears, for the purpose of our present discussion it is safe to adopt the definition of the word 'child' contained in two international Instruments namely: The United Nations Convention on the Rights of the Child 1989 and the O.A.U. Charter on the Rights and Welfare of the Child 1991 both of which Nigeria is signatory. Under Article II of the latter a child means every human being below the age of 18 years. Also under Article I of the United Nations. Convention a child is every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier. Like an adult, a child right is a human right which protects him as a human being and constituted by fundamental guarantees and essential human rights. Children's rights can only be realized when children have absolute autonomy to decide for themselves what is best for them. This includes the right to choose their mode of education, the right to be free from corporal punishment, and the right to choose where they will reside. It also encompasses the right to economic power which involves the right to work and achieve financial independence.

Concept of Rights

The word *Right* is derived from the Latin word *rectus* which means correct, straight, right as opposed to wrong. A right therefore in general, is a well-founded claim; and when a given claim is recognised by the civil law, it becomes an acknowledged claim or legal right enforceable by the power of the State (Oputa, 1986). A right in its general sense is either the liberty (protected by law) of acting or abstaining from acting in a certain manner, or the power (enforced by law) of compelling a specific person to do or abstain from doing a particular thing. Children's rights are claims that all children have for survival, development, protection and participation, (Olusola 2010).

Fundamentals Right of the Child

The Constitution of the Federal Republic of Nigeria, 1999 guarantees certain Fundamental Rights to every person including children. These rights are contained in Chapter IV of the Constitution, (Section 33-46). These include:

- i. The Right to life (S.33)
- ii. The Right to dignity of the human person (S.34)
- iii. The Right to personal liberty (S.35)
- iv. The Right to fair-hearing (S.36)
- v. The Right to privacy and family life (S.37)
- vi. The Right to freedom of thought, conscience and religion (S.38)
- vii. The Right to freedom of expression and the press (S.39)
- viii. The Right of freedom of movement (S.40)
- ix. The Right to freedom from discrimination (S.41)
- x. The Right to acquire and own immovable property anywhere in Nigeria (S.42)
- xi. The Right against compulsory acquisition of one's property without Compensation (S.43)

There is provision in the Constitution for special procedure for enforcement of these Rights by the Courts through the Fundamental Rights (Enforcement Procedure). Rules

CONCEPT OF PRIMARY EDUCATION

Primary education is the education given to children aged 6-12 years. (NPE 2013) Primary education, a 6-year programme, is for children whose ages range between 6 and 11 years. It is provided in institutions of learning. (Oni, 2009) Primary education is the bedrock of all educational achievements any individual can attain. Akaaba (2001) describes it as the foundation of formal education on which subsequent levels of the Nigerian's education can test. Primary education occupies first position in the Nigerian's education system. National Policy on Education of the Federal Republic of Nigeria also describes it as the key to the success or failure of the whole nation's education system. It is the education given in institutions for children aged 6 to 11 years plus.

Goals of Education

Goals of Education in Nigeria as stated on the National Policy on Education are:

- a. development of the individual into a morally sound, patriotic and effective citizens;

- b. total integration of the individual into the immediate community, the Nigerian society and the world ;
- c. provision of equal access to qualitative 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 the society.

Primary Education and National Values

The quality of instruction at all levels of education shall be oriented towards inculcating the following values:

- a. respect for the worth and dignity of the individual;
- b. faith in man's ability to make rational decisions;
- c. moral and spiritual principles in inter-personal and human relations;
- d. shared responsibility for the common good of society;
- e. promotion of the physical, emotional and psychological development of all children; and
- f. acquisition of functional skills and competencies necessary for self- reliance

Nigeria, in the words of Soludo (2006) as cited in (Enu & Esu 2011), is a country of paradoxes which is blessed abundantly with natural and human resources, whose potentials have remained largely untapped and the little that have been tapped are being mismanaged, leading to the country's experience of major problem in the attainment of national development. Owing to this, the country has been making frantic effort to break through. However, according Ndebio (1997) cited in (Enu & Esu 2011), the struggle for a break through requires proper economic planning which is basic to the attainment of economic growth and sustainable development. This becomes all the more imperative because the pursuit of economic development after the Second World War has been crystallized by the universal acceptance of development planning.

Nigeria at 58 today is still struggling to free itself from the menace of corruption and corrupt practices which have, over the years, slow down the social, economic and political development of the country. The issues of insecurity of lives and property, political hooliganism, youth unemployment, general poverty, kidnapping and cyber crime and a host of other challenges are the ugly features of corruption that are retarding the country's development and as Bagudo (2018) rightly observed, the majority of Nigerian masses are angered by the state of affairs of the nation. Taking into consideration the amount of challenges in the area of socio-economic and political development impeding the attainment of national development in Nigeria today, there is no doubt the need for an overhauling of values system in the society. There is the need for re-branding of the citizenry for proper discharge of civic responsibilities; to instil the virtues of patriotism and true national identity in the minds of the citizens who are the essential and necessary catalysts for national development.

But the internal effort to build a true human society is to a very large extent dependent upon the provision of sound and quality primary education. The strength of societal values lies in the fact that they can build character which in turn produces the desired

behaviour expected of individuals in a given society. Values education clears the way for national development and should be strengthened in our primary school system. This assertion is in line with Dike Cited in (Enu & Esu 2011) who opined that strengthening of values education in institutions of learning could minimize if not eradicate corruption in Nigerian society because learners are trained for future leadership. Therefore, values could no doubt be seen as enhancing the wellbeing of all dwellers in the society, they prevent harm to both the individuals and the society and they are the essence of healthy relationships and are essential for the conduct and preservation of a democratic society. Thus, the imperatives of values education for national development cannot be over-emphasized since it involves education for characters and for good moral values (Azare, 2018). At this juncture, it is worthy to point out that primary education is of great significance to national values. This is because values education implies the teaching of respect and responsibility of individual in society. Primary education is essential for preparing young people to be good citizens in a democratic society such as Nigeria. The younger generation must be taught how to source for information and analyze issues. They should be equipped with all the important skills that education seeks to inculcate into our young ones. For this reason, primary education becomes an important avenue for promoting or achieving national values.

The provision of primary education and its importance in the teaching of moral values at the grassroots level of learning in Nigeria cannot be overemphasized taking into consideration the price which the country is now paying as a result of the long neglecting of primary education sub-sector. In this connection, (Enu & Esu 2011) opined that if values are accepted as mechanism or framework by which we carry out assessment of ourselves, surrounding, our actions and events and based on the situation take action and decisions about our state of being, and the state of the nation and world at large, then the situation in Nigeria is nothing short of total collapse of our overall values system. Based on the above, the author submitted that moral values are compromised through greed, sycophancy, mediocrity, corruption, insecurity, official high handedness and obnoxious policies for the benefits of the few. In light of this therefore, it is worth realising that, since the primary school in Nigeria is seen as the grassroots social institutions of education that has the capacity to facilitate, promote and possibly guide certain forms of value change in the society, it should be recognised as such, given all the policy rights accorded to it in order to produce for Nigeria the right type citizenry it desired.

Child's Right to Education

Education is an essential right, which permits each person to receive instruction and to blossom socially. The right to an education is vital for the economic, social and cultural development of all societies. Education is a human right which ought to be accessible to everyone, without any discrimination. All children must be able to go to school, and thereby benefit from the same opportunities to build a future. Additionally, educational instruction must be equally gratuitous so that children from disadvantaged environments will be able to enjoy their right to an education.

The international recognition of the linkage between the reduction of child labour and the provision of education as laid out in the ILO conventions led to the development of international instruments and global commitments to achieve a fundamental right to education. According to the International Covenant on Economic, Social and Cultural Rights,

the right to education includes the right to free, compulsory primary education for all, an obligation to develop secondary education accessible to all in particular by the progressive introduction of free secondary education, as well as an obligation to develop equitable access to higher education in particular by the progressive introduction of free higher education. The right to education also includes a responsibility to provide basic education for individuals who have not completed primary education. In addition to this access to education provisions, the right to education encompasses also the obligation to eliminate discrimination at all levels of the educational system, to set minimum standards and to improve quality.

The Child Rights Law (CRL) adopted by most of the states are similar in several respects. Therefore the task of itemising each and every one will be an onerous task in this work. The following are some of the rights of a child to primary education at international and national level.

VALUES EDUCATION AND NATIONAL DEVELOPMENT

The quest for national value in Nigeria has been a topic of discussion among the stake holders all over the country. In search of genuine national development, a lot of development agenda, programmes and reform measures have been initiated and implemented by both government and development partners.

The Universal Declaration of Human Rights 1948

The right to education features prominently in the Universal Declaration of Human Rights. "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit." (Article 26 (1)).

International Covenant on Economic, Social and Cultural Rights (ICESCR 1976)

The ICESCR recognises the right to education and with a view to achieving its full realisation states in Article 13:

- a) Primary education shall be compulsory and free to all;
- b) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
- c) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved

The UN Convention on the Rights of the Child 1989 (CRC)

(Article 28) of the CRC states that primary education should be compulsory and available free to all. It also encourages the development of different forms of secondary education, including general and vocational education, available and accessible to every child. The aims of education from the Convention on the Rights of the Child (Article 29 (1))¹. State Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (d) The preparation of the child for the responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin

UNICEF: Human Rights – Based Approach to Education for All outlines a framework for quality education:

- a. Ratify all relevant Human rights conventions:** Formally recognise education as a human right and ratify all relevant international treaties. This must happen if states are to fulfil the Education for All goals.
- b. Ensure Access to Education:** Budget for and implement early childhood education; commit to compulsory primary education; develop secondary education, supported by measures to make it accessible to all children; and ensure equitable access to higher education.
- c. Remove Economic Barrier to Education:** Abolish fees for primary education; collaborate with the non-formal education sector to promote and facilitate access to other learning opportunities; and include specific measures related to the removal of economic barriers in national plans of action and poverty reduction initiatives.
- d. Provide a broad, relevant and inclusive Curriculum:** Promote a broad-based curriculum that aspires to equip children with numeracy and literacy, as well as with knowledge in science, the humanities, sports and the arts; provide opportunities for play consistent with the right to optimum development.
- e. Develop Rights- based learning and assessment:** Ensure that children’s right to express their views is granted and that their views are given due weight; ensure that teaching and learning materials are adequate.
- f. Ensure adequate training Support and respect for teachers:** Establish minimum qualification standards for teachers at all levels of education; introduce measures to protect teachers’ rights (regarding pay scales, management support and other areas). (UNICEF, 2007)

FEDERAL REPUBLIC OF NIGERIA NATIONAL POLICY ON EDUCATION (NPE, 2013)

- a. Education is compulsory and a right of every Nigerian irrespective of gender, social status, religion, ethnic background and any peculiar individual challenges;
- b. Education is to be qualitative, comprehensive, functional and relevant to the needs of the society.
- c. Provision of equal access to qualitative educational opportunities for all citizens at all levels of education, within and outside the formal school system.
- d. Ensure the quality of education delivery at all levels.
- e. Reducing the incidence of drop-out from formal school system, through improved relevance, quality and efficiency.
- f. Primary education shall be free, universal, compulsory and qualitative.
- g. There shall be efforts towards achieving equitable access to educational opportunities for all Nigerian in all parts of the country.

FEDERAL REPUBLIC OF NIGERIA: CHILD RIGHT ACT (CRA)

Section 15. - (1) every child has the right to free, compulsory and universal basic education and it shall be the duty of the government in Nigeria to provide such education.

(2) Every parent or guardian shall ensure that his child or ward attends and completes his-

(a) Primary Education; and

(b) Junior Secondary Education

CHILD RIGHT AS A PANACEA TO ACHIEVING NATIONAL VALUES IN EDUCATION

Considering the enormous challenges of Socio-economic and political transformation in Nigeria, There is need for instilling the virtues of patriotism, dedication, honesty, fairness, tolerance, prudence in spending, self-discipline, ability to help and courage in the minds of children to ensure the preservation of national values in Nigeria. This could not be attainable without adherence to child right to education, which will ensure equal educational opportunity, due process, good representation in government, check and balances and democratization of decision-making process which will bring about stability in government and national development.

The following are core values necessary for national development as highlighted by Bolarin (2005) in Azare (2018).

1. Detesting laziness
2. Dignity of labour
3. Respect for parent/elders
4. Hospitability
5. Public spiritedness
6. Respect for authority
7. Hard-work
8. Respect for sanctity of life
9. Honesty and truthfulness

The above mentioned values are to be inculcated to the minds of children when given right to education

CONCLUSION

Children are the future of a country and must be provided with education, socialized, motivated and equipped with all the basic necessities for their personality development. Conversely, denying children access to quality education increases their vulnerability to abuse, exploitation and disease. It is no longer news that there is a problem in the education sector of Nigeria. Nigeria tops the list of Nations with highest children out of school since 1999. A report by the United Nations Educational, Scientific and Cultural Organization (UNESCO) indicates that one out of every five Nigerian children is out of school. This is clearly a national disgrace for the world's eighth largest oil producer. Concept of Child rights, Fundamental right and child right to education was highlighted in accordance with national and international instruments.

RECOMMENDATIONS

- i. State of emergency shall be introduced across the country, feeding and allowances shall be given to the children in public schools, to ensure they have an access to education.
- ii. Parents shall send their children to school. Education shall be made free and compulsory; by providing uniform, text books, and to the primary school pupils.
- iii. All children should have equal access to school services, regardless of gender, race, religion, ethnicity or socio-economic status. Efforts should be made to ensure the inclusion of marginalized groups including children of refugees, the homeless or those with disabilities in short there should be universal access to education i.e. access to all.
- iv. There should be no forms of segregation or denial of access to any students. This includes ensuring that proper laws are in place against any child labour or exploitation to prevent children from obtaining primary or secondary education. Schools must be within a reasonable distance for children within the community, otherwise transportation should be provided to students, particularly those that might live in rural areas, to ensure ways to school are safe and convenient. Education should be affordable to all, with textbooks, supplies and uniforms provided to students at no additional cost.

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