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AN ASSESSMENT OF THE FACTORS HINDERING THE REALIZATION OF THE  
NIGERIAN CHILD RIGHT TO EDUCATION

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**Abstract**

*A child is a human being and needs to be treated as such. To protect and support the life of a child there are the United Nation Organizations (UNO) Conventions on the Rights of the Child in 1989, and the 1930 ILO Convention on Forced Labour. Nigeria, as a party to the international charters, has signed a number of treaties including that of the child's rights to education and health. This paper examines the rights of the Nigerian child to health services and education and the hindrances to the realization of these rights. Questionnaires were administered and filled by 36 respondents took part from 3 professionals of academics/teaching, law and health. 12 respondents were selected from each of these professions. The findings had showed that all the displayed factors expected to be the hindrances to the realization of the rights of the child and also established that poverty is the number one factor that hinders the rights of the child. Recommendations were offered. Thus; government should reduce poverty among the people and parents should be sensitive enough about those rights and ensure that they give them.*

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**Key words;** *Child Rights, Illiteracy, Culture, Gender based, Large family size and Religion.*

**Introduction**

Human beings, as social animals, live under rules that govern their actions. From the initial stage, God issued rules through religion to mankind. For instance, in Islam and Christianity these rules control the entire life of human beings. In addition, religions such as Hinduism, Buddenisms and African Traditional Religion (A.T.R) have certain guidelines which govern them and control the actions and behaviours of their members. Along with these, man lives under control because in a society or community, school or organization or in government man makes rules to govern such groups or bodies. This brought about the issue of the rule of law. It is a doctrine built up on the following planks; Constitutionalism; Supremacy of the law; Equality before the law; Separation of power; and the rights of citizens. It was Nigeria's

Constitution that gave birth to the rights of a citizen that includes the rights of the child. What and who is a child? This chapter examines the concept of the issue of child's rights to education and health, the child Rights Act at the world level, Child Rights in Nigeria and an assessment of the hindrances to the realization of these rights.

**Research Questions:** The paper addresses three research questions.

1. What are the factors hindering the realization of the rights to the education and health of the Nigerian child?
2. Which of these factors hinders those rights more than the other?
3. How do those factors hinder those rights?

**Objectives:** The objectives of this paper are:

1. To find out factors that hinders the realization of the rights to the education and health of the Nigerian child.
2. To find out which of these factors hinders the rights more than the others?
3. To identify how those factors hinder those rights.

**Methodology:** The data in this research were collected from both primary and secondary sources, respectively. Those data from the secondary source dominated the first part of the paper and the data from the primary source constituted the major part of the second part of the paper. The survey questionnaire was administered to a conglomeration of 36 respondents from 3 consecutive professions. These professions were academic/teaching, law and health. 12 respondents were allocated to each of these professions and none had a qualification less than a Diploma.

8 teachers from 3 secondary schools, including one private school (GSS Sheka, GGASS Sheka, and Pilots Academic), and 4 academic staffs from BUK represent academic/teaching profession, 5 legal practitioners from the Sharia Court of Appeal Kano, 2 from the Ministry of Justice Kano, 1 from BUK Faculty of Law, 1 from Aminu Kano College of Sharia Legal Studies and 1 private Lawyer responded for the legal profession and, finally, 5 health personnel from Sheka Makaranta Primary healthcare center in Kumbotso L.G.A. and 5 from

Hasiya Bayero Pediatric Hospital in Municipal L.G.A. took part to represent the health professions.

### **Conceptual Clarification**

In this section, some relevant concepts are identified and discussed for clarity. These are;

**Child:** According to the African Charter on the Rights and Welfare of a Child, a child can be defined as a “young person (up to the age of 18).” A child is also defined as a human being between the age of birth and puberty. The legal definition of a child refers to “a minor or somebody who is yet to become an adult” (ibid).

#### *The importance of Child in a Society*

The importance of a child is very vital because a child in a society can only be compared to the foundation of any building (where the building is the society). Unhealthy, deviant and poorly-behaved children automatically mean an uncertain and shaky future for a society since the children of today are the leaders of tomorrow.

**Right:** The word “right” means “Morally good or acceptable” (Oxford Advanced Learner Dictionary). The idea of a right has been championed in many different ways throughout history. However, the modern Western conception of rights may be traced through the English Magna Carta to the US Declaration of Independence and Constitution and the French Declaration of Rights of Man and the Citizens. In the wake of the international concern over the Holocaust on 10<sup>th</sup> December 1948, the General Assembly of the United Nations Proclaimed a Universal Declaration of Human Rights, which included the right to life, liberty and the security of a person, recognition everywhere as a person before the law, freedom of movement, a nationality, freedom of thought, conscience and religion, freedom of peaceful assembly and association and freedom to take part in government. To sociologists, rights are social inventions that play an important and contested role in political life. For instance, in abortion politics in the United States one side claims the right to life while the other claims the right to choose.

From the above impression, Nigerians like their counterparts of other countries are at liberty to enjoy Human Rights as offered by the United Nations and the Nigerian children are not excluded. The United Nation Convention (UN) on the Right of the Child (1989) states that:

For the purpose of the present convention, a child means every Human being below the age of 18 years unless, under the law applicable to the child. According to UN, states party shall respect and ensure the rights set for the presence Convention to each child within their jurisdictions without discrimination of any kind, in respective of the child's or his or her parent's or legal guardian's, race, colour, sex, language, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

States or parties shall take all the appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions or beliefs of the child's parents, legal guardians or family members (Laws of the Federation of Nigeria).

In addition, in all actions concerning children, whether undertaken by public or private, social welfare institutions, court of law, administrative authorities or legislative bodies, the best interest of the child shall be of primary consideration (UN 1989).

### **Education**

Hubert (1953) defined education thus: "in general the great aim of education should be to develop to full the individual possibilities of every child in accordance with law of God, and hence to the general good of the community. In advanced industrial societies like Britain USA and France, education is provided by the state as a matter of the right of all citizens. Formal institutions, schools, colleges and universities are organized for this purpose. They are staffed by full time professional practitioners, teachers and lecturers and attendance at school is necessary and upheld by legal sanctions. Education is provided free of charge up to secondary school level, although free compulsory education in the state is largely taken for granted and regarded as normal perfectly and natural state of affairs (Haralambus, 1980). In Britain, it began in 1870 with the Foster Education Act by which the state assumed responsibility for elementary education and in 1880 school attendance up to the age of ten was made compulsory. The Fisher Education Act of 1918 made school attendance compulsory up to the age of fourteen (ibid).

### **Health**

Health is defined in different ways by different people and healthcare providers in general. It is seen as a state by some, others as a process while many see health as a goal to be attained

and maintained. The World Health Organization (WHO) stated that health is the state of total physical, mental, spiritual and social wellbeing not just being free from disease or infirmity. The above definition has been criticized over the years for setting an immeasurable goal for which strategies for achievement are impossible to devise. This statement means that health can only be admired but not attended to. The American Nurse Association (ANA, 1995) defined health as a dynamic state of being in which the development and behavioral potentials of an individual is realized to the fullest extent possible.

Pander (1987: 12) defined health as “the actualization of inherent required human potential through goal directed behaviours, competent self-care and satisfying relationship with others while adjustments are made as needed to maintain structural integrity and harmony with the environment”.

### **Child Rights Act at the World Level (The Initial Step)**

World concern about the care and development of children is contained in three documents that have been signed by many countries of the world. These documents are the Convention on the Rights of the Child, the World Conference of Education for all and the World Summit for Children. These documents call for action to ensure that children’s needs are met and their growth and development promoted.

### **The Declaration of Children’s Rights**

- i. All children have the right to a name, enough to eat and a decent place to live.
- ii. All children should be looked after when they are sick and have the right to grow up with love, affection and security.
- iii. Handicapped children have the right to special treatment and education.
- iv. All children have the right to free education and should be protected from neglect, cruelty and exploitation.
- v. All children should not be made to work before a certain age and should be protected from discrimination, arrest and detention and should be brought up to understand that their energy and talents should be devoted to the service of their brothers and sisters.

## **The Child Rights Act in Nigeria**

The Child Rights Act is:

1. Best interests of a child to be of paramount consideration in all actions. In every action concerning a child, whether undertaken by an individual, the public or a private body, institutions or services, court of law or administrative or legislative authority, the best interests of the child can be the primary consideration.
2. A child is to be given protection and care necessary for his wellbeing.
  - a. A child shall be given such protection and care as necessary for its wellbeing, taking into account the rights and duties of the child's parents, legal guardians or other individuals, institutions, services, agencies, organization or bodies legally responsible for the child
  - b. Every person, institutions or service agencies, organizations and body responsible for the care or protection of children shall conform to the standards established by the appropriate authorities, particularly in the areas of safety, welfare, health, number and the suitability of their staff and competent supervision.

The issue of the right of children from the United Nations gave birth to the formation and implementation of the Child Rights Act in Nigeria. The Child Rights Act is an act to provide for and protect the rights of a Nigerian child and other related matters. The commencement date of the Act was 31<sup>st</sup> July, 2003. Hence, the Nigerian child has the under listed rights:-

### **Application of Chapter IV of 1999 Constitution, etc.**

1. Right to survive and development
2. Right of name
3. Freedom of association and peaceful assembly
4. Freedom of thought, conscience and religion
5. Right to private and family life
6. Right to dignity of the child
7. Right to leisure, recreation and cultural activities.
8. Right to health and health services
9. Right of a child to free, compulsory and universal primary education, etc.

Toward this end, this paper specifically concerns itself with the child's rights to education and health.

### **The Child Rights to Health and Health Services**

This Act states that:

1. Every child is entitled to enjoy the best attainable state of physical, mental and spiritual health.
2. Every government, parent, guardian, institution, service, agency, organization or body responsible for the care of a child shall endeavor to provide for the child the best attainable state of health.
3. Every government in Nigeria shall:
  - a. Ensure the provision of necessary medical assistance and health care service to all children with emphasis on the development of primary health care;
  - b. Ensure the provision of adequate nutrition and safe drinking water;
  - c. Ensure the provision of good hygiene and environmental sanitation;
  - d. Combat disease and malnutrition within the framework of primary health care through the application of appropriate technology;
  - e. Ensure appropriate health care for expectant and nursing mothers;
  - f. Support, through technical and financial means, the mobilization of national and local community resources in the development of primary health care for children.
4. Every parent, guardian or person having the care and custody of the child under the age of two years shall ensure that the child is provided with full immunization.
5. Every parent, guardian or person having the care of a child who fails in the duty imposed on him under subsection (4) of this section commits an offence and is liable on conviction for;
  - a. A first offence, to a fine not exceeding five thousand Naira; and
  - b. A second or any subsequent offence, whether in respect of that child or other child, to imprisonment for a term not exceeding one month.

## **Right of a Child to Free, Compulsory and Universal Primary Education**

This Act stipulates that:

1. Every child has the right to free, compulsory and universal basic education and shall be the duty of the Government in Nigeria to provide such education.
2. Every parent or guardian shall ensure that his child or wards attend and complete school.
3. Every parent, guardian or person who has the care and custody of a child who has completed his education shall endeavor to send the child to a senior secondary school, except for in subsection (4) of this section.
4. Where a child to whom subsection (3) of this section applies is not sent to a senior secondary school, the child should be encouraged to learn an appropriate trade and the employer of the child shall provide the necessary facilities for learning the trade.
5. A female child who becomes pregnant before completing her education shall be given the opportunity, after delivery, to continue the education on the basis of her individual ability.
6. Where a parent, guardian or person who has care and custody of a child, fails in the duty imposed on him under subsection (2) of this section, commits an offence and is liable;
  - a. On first conviction to be reprimanded and ordered to undertake community service.
  - b. On first conviction to a fine of two thousand Naira or imprisonment for the term not exceeding one month or to both such a fine and imprisonment; and
  - c. On any subsequent conviction to a fine not exceeding five thousand Naira or imprisonment for a term not exceeding two months or both such a fine and imprisonment.
7. The provision of this section shall not apply to children with mental disabilities.

### **An Assessment of the Hindrances to the Realization of these Rights**

This is the second part of the paper and a survey was conducted among 3 professions of health, law and academics/teaching. A conglomeration of thirty-two respondents took part in responding to the questionnaire, thus:

The table below describes the particulars of the respondents and included sex, age, etc. A total of 32 respondents took part in this research and encompassed both males and females from 3 professions.

**Table 1: Respondent's Particulars**

<b>Sex</b>	<b>N</b>	<b>%</b>
Male	21	65.6
Female	11	34.4
Total	32	100.00
<b>Age</b>	<b>N</b>	<b>%</b>
25-30	10	31.3
31-35	6	18.7
36-40	4	12.5
Above 40	12	37.5
Total	32	100.00
<b>Qualification</b>	<b>N</b>	<b>%</b>
NCE/ND/HND	9	28.1
Degree	10	31.3
Post graduate	13	40.6
Total	32	100.00
<b>Profession</b>	<b>N</b>	<b>%</b>
Academic/teaching	12	37.7
Legal profession	10	31.3
Health	10	31.3
Total	32	100.00
<b>Marital Status</b>	<b>N</b>	<b>%</b>
Married	27	84.4
Single	5	15.6
Total	32	100.00

**Source:** Survey Questionnaire

From the Table above, it is clear that the percentage of males outweighed that of their female counterparts i.e. 65.6% and 34.4% respectively. And their ages range is, 25-30 (31.3%), 31-35 (18.7%), 36 - 40 (4%) and above 40 (37.5%), respectively. Among the respondents, 28.1% had ND/NCE/HND, then 31.3%, had degrees and 40.6%, postgraduate qualification. With regard to the professions, the information above has shown that academicians/teachers had the highest percentage i.e. (37.5%) and legal and health professions had 31.3% each. From all indications, it is clear that the respondents were male and female, aged, educated and professional enough to yield reliable and useful information.

The Table below shows or displays the result of the respondents to the factors expected to be the hindrances to the rights of the Nigerian child's education and health. The items were 11 in number and the respondents 32 in number and asked to indicate among the variables given the hindrances to the rights of the child to education and health.

**Table 2: Respondents view on the hindrances to the realization of the child rights to education and health of the Nigerian child.**

<b>Variable</b>	<b>N</b>	<b>%</b>
Poverty	30	93.8
Religion	3	9.4
Illiteracy	19	59.4
Large family size	6	18.7
Negative culture	8	25
Government negligence	11	34.4
Absentee parent	6	18.7
Corruption among law enforcement officers	4	12.5
Unemployment	8	25
Gender-based discrimination	5	15.6
Child abuse (child trafficking, child labour)	6	18.7

**Source:** Survey questionnaire

From the Table above, 93.8% believed that poverty is one of the hindrances to the right of the child followed by illiteracy with 59.4% while 25% agreed that negative culture and unemployment were also the hindrances. Equally, child abuse, absentee parents and large family size each got 18.5% of the total number of the respondents. Although 34.4% strongly believed that government negligence was one of the hindrances and 15.6% were of the opinion that gender-based discrimination has been hindering the rights of the child, corruption had 12.5% and religion 9.4%, respectively. From the above information, it is obvious that the entire respondents (32) believed that the displayed factors are the hindrances to the rights to education and health of the Nigerian child.

### **Responses on How those Factors Hinder the Realization of those Rights**

**Poverty:** According to the findings, 30 respondents (93.8%) were of the view that poverty is the number one factor that hinders the realization of the Nigerian child's right to education and health. This is so because indigent people cannot mostly afford to enroll their wards to

schools or go to hospital due to the dearth of money. For example, one of the respondents said,

As a legal luminary and with reference to the book titled(48 Laws of power) in which one of the laws states that “if you indeed do love controlling the mental faculties of people, you are to remain consistent in bringing poverty and illiteracy among them” thus, poverty is the key factor responsible for hindering recognition of rights to education and proper health care of the Nigerian child.

Another respondent viewed poverty thus,

Poverty is the background of all forms of bad result. Some people are too poor to take care of their children well hence they neglect them to roam about without education or good health.

Another respondent was of the opinion that,

The high level of poverty makes parents lose concentration of their children’s education and health, instead they focus on where to get food for the families, their priority on daily basis is struggle for survival.

From all indications and according to the views of the gigantic number of respondents, for a child to have sound education and proper healthcare, money is needed and parents, guardians or caregivers need to hold money for that and that due to the incidence of poverty some cannot afford it and, as a result, the rights of the children to education and health are marred. This respondent was of the same view that over 60% of Nigerians are living below the poverty line. This means that children from a large number of families could not go to school or enjoy well healthcare. This may be supported by the opinion of another respondent who argued that,

The category of people who live from hand to mouth are over burdened by several wants and needs, as such, they tend to relegate the importance of education and healthcare of their wards.

## **Illiteracy**

Fifty-nine percent of the respondents agreed that illiteracy is one of the hindrances to the realization of the rights to education and health of the Nigerian child. This is so because one of the Laws of the 48 Laws of Power stated that:

“If you indeed do love to control the mental faculties of people, you are to remain consistent in bringing poverty and illiteracy to them.”

This means that people who are illiterate do not normally send their children to school nor do they give them proper healthcare. Among the respondents, one said:

Illiteracy is one of the major factors, that hinders children rights, most especially in the area of health sector, for example most women in the rural areas do not offer their children for immunization, hence it affects the children's health and at times lead to their death at the premature age.

Another said;

A large number of people who are illiterate do not attach value to the education of their children and good health.

The impression can be strongly supported by the opinion of this respondent who opined that;

Parents who are illiterate do not appreciate the value of education and health, hence, they consider taking their children to school or healthcare centers as waste of time and resources. Instead they value any business that brings money to them through their children hawking and child labour.

Almost all the views on illiteracy seem the same. Two respondents argued that,

Most people in the rural areas are not educated enough, for this reason, they do not send their children to school and they are not aware of those killer diseases and believed only in the traditional medicine.

Another one said:

Those that are literate know and read more about the importance of child education and health.

This means those who read and know the importance of the education and health of their wards try to enjoy or benefit by that. This can enable them to realize the rights to the education and health of the Nigerian child with ease without any hindrances.

### **Government Negligence**

Many respondents regard government negligence as one of the hindrances to the realization of the rights to the education and healthcare of the Nigerian child. This respondent argued that:

The environment in most of our schools and hospitals is poor and not well cared for by the government especially in terms of infrastructure, stall welfare and sponsorship of less to do children e.t.c.

Another respondent said that:

The government in my humbled view has neglected its duty to encourage the child education and health; instead it concentrated on less important things.

Besides this, among the respondents, this one had a similar opinion to the above respondents. He said that:

Government failed to have adequate policies for child's education and health, as in the 1970's when U.B.E was introduced.

The responses showed the government should provide policies on children education and health and also ensure the proper implementation of those policies before the rights to health and education of the children in Nigerian could be realized.

### **Large Family Size**

Various respondents believed that most people with a large family size do not look after them well, especially in terms of education and health. Among the respondents, this one said that:

Looking to our present economy, people find it very difficult to carter for all their children, some send boys to school, and leave girls at home and in some cases they prefer traditional medicines because it is cheaper.

Another respondent opined that:

The smaller is the family, the easier to handle. Some parents are not even together with their children, which counts a lot of problems.

Similarly, this one said:

Large family size also contributes immensely because some parents cannot afford to carter for all the children they have.

Obviously, according to these responses many parents with a large family size compared to their earning, it may be cumbersome for them to take care of their children, especially in the provision of proper healthcare and sound education. This hinders their rights to education and health.

### **Child Abuse**

Child abuse, as it implies, hinders child rights. Respondents were on the same opinion that child trafficking and child labour are barriers to the child rights. One of the respondents maintained that:

Some parents engage their children in trafficking, child labor e.t.c. in order to be rich not bothering the consequences that may follow.

This said:

Most of the children involved in trafficking or child labour do not have time to attend school, because they are serving their masters and the masters do not care about their health.

Another maintained that:

Some parents engage their children in child labour to source income for their well-being instead of their children education.

From the above impression, child abuse hinders the rights of children to education and health.

Other hindrances discussed by the respondents included negative culture, unemployment, absentee parents, gender-based discrimination, e.t.c. and it was strongly agreed by the respondents that they hindered the realization of the rights of the Nigerian child to education and health.

### **Discussion of findings**

An assessment of the hindrances to the realization of the Nigerian Child Rights to Education and Health is the topic of the research. Nigeria, as a party to the International Charter, has signed a number of treaties, including those of the child's Rights to Education and Health. This paper examines the rights of the Nigerian child to health service and education. It assesses the hindrances to the realization of these rights. A questionnaire was administered where a conglomeration of 36 respondents took part from 3 professions of academics/teaching, law and health professions. 12 respondents were allocated to each of these professions. The findings had shown that all the displayed factors expected to be the hinderers to those rights hindered those rights. It was also established that poverty is the number one factor that hindered those rights. Recommendations were offered thus: that government should make efforts toward poverty reduction among people, so that parents may not abuse the rights of their children and wards. Parents should be sensitive enough about those rights and keep on ensuring them. Finally, the paper suggested that the government has an absolute power to ensure the success of this rights and the corroborates the work of Hobbs (1588-1679), who maintained that "to have an orderly and stable society in which everyone keeps the laws, as well as perform their duties, there must be an absolute power capable of imposing its wills on all citizens." In addition, Hobbs stated that "the sole function of a government is to guarantee the security of the national citizens." This means that if those rights are not achieved, then the security of the Nigerian children is not guaranteed.

### **Conclusion and Recommendations**

This paper focuses on the hindrances to the realization of the rights to education and health of the Nigerian child. It has two parts. Part one of the paper constituted secondary data and primary data occupied the second part. A survey was conducted where a questionnaire was

administered to 32 respondents across the 3 professions of the health, law and academics/teaching profession. The respondents included both males and females, educated, aged and professional enough to yield the needed information. The findings have clearly shown that all the displayed factors expected to be the hindrances to the realization of the rights to education and health of the Nigerian child have been agreed strongly by the respondents to have hindered those rights.

### **Recommendations**

Based on the findings, the following are offered:

1. Poverty has been the chief factor that hinders child rights. If it is not reduced, those rights would not be enjoyed by children.
2. Parents would be sensitive enough about the rights and keep on ensuring them.
3. The public should be enlightened about the rights of children, so that they can take part in ensuring them.
4. Support from parents, government and public (NGO's) would be offered to the law enforcement institutions, so as to ensure the realization of these rights.
5. Finally, the government has absolute power to ensure the success of these rights of the Nigerian child, as maintained by Thomas Hobbs (1588-1679), that "to have an orderly and stable society in which everyone keeps the laws as well as perform their duties, there must be an absolute power capable of imposing its will on all citizens." In addition, Hobbs stated that "the sole function of a government is to guarantee security of national citizens." This means that if those rights are not achieved, then the security of the Nigerian citizen is not guaranteed.

### **References**

- Child Development (1994) Regional Training and Resources Center, Africa. Kenya Institute of Education Nairobi.
- Haralambos, M. with R.M Health (1980) *Sociology: Themes and Perceptive*.
- Hold Rinehart and Windstons (1995) *Sociology: The study of human relationship*. Fifth Edition
- Hubert, J. B. (1953) *The Teacher and his Pupils*. London: Oxford University Press.

Joint Project between the Task-Force against trafficking in Human Being (TF-THB) and the United Nations Office On Drugs and Crime on Fostering NGOs-Law Enforcement Cooperation in Preventing and Combating Human Trafficking, in, from, and to the Baltic Sea Region

Lawan, B. (1999) *Citizenship Education*.

Laws of the Federation of Nigeria Volume 5 Chapter C 49 to E 7 Customs to Electric Power Sector.

Marshall Gordon et-al (1994) *Oxford Dictionary for Sociology*.

O. Ramisome Kuti, et al Strengthening Primary Health Care at local Government Level. The Nigerian Experience Editors; The Right of Health in the Middle East Project, Law school, University of Aberdeen.

UN Convention on the Rights of the Child (1989).

Understanding Trafficking in Person, Paper Presented to the Newly Posted Police Officers to NAPTIP by MohdBabadede. Director Investigation and Monitoring, NAPTIP, Abuja.