

AN EXAMINATION OF THE RIGHT OF GIRL-CHILD TO EDUCATION UNDER NIGERIAN LAW AND POLICY

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Abstract

Absence of discrimination on education for both girls and boys ultimately contributes to more equal relationships between women and men in terms of developing the country. The Universal Declaration on Human Rights which was adopted in 1948 provides for access to education as a fundamental human right. Over the years, literacy level which is being influenced by access to quality basic education became the metric in rating countries development performance. Historically and globally, boy-child has little problem in accessing formal education unlike the girl-child. Using doctrinal method of research, this paper, examines the right of girl-child to education and educational policy under Nigeria law. The paper finds, among other things, that despite all the strategies adopted by Nigeria to reduce the bottlenecks militating against girl-child access to basic education as enshrined in the Universal Basic Education Policy, 1999, the Strategy for Acceleration of Girls Education in Nigeria, 2003, and the Universal Basic Education Act, 2004 etc., girl - child education in the country is, to a large extent, unsatisfactory. The paper recommends that the government, at all levels, should implement the provisions of the Universal Basic Education Act and other laws and policies on girl-child education and to create an awareness for parents on the fact that girl-child can perform as well as boys in schools if given equal opportunities.

Keyword: Examination, Girl-child, Education, Policy

1.1 Introduction

Education is the best legacy one can give to a child because giving your child education and skill is better than giving him or her one thousand pieces of gold.¹ The importance of education can never be overemphasized in both spiritual and temporal or mundane aspect of human existence. Education is paramount, it is the light that shows the ways by removing the darkness of ignorance, the salt that gives the taste of life, the medicine that cure and the key which opens the doors of success.²

Girl-child, like the boy counter part, has the right to education and skill acquisition, and also the right to self-actualization. It appears, however, that the opposite is the case in some part of the country. Many girls do not have access to quality education due to some factors such as custom, religion, marriage etc., which deprived girl-child her right to education.

Over the past decades, improving gender equality in education has become a prominent topic of debate in most countries. In Nigeria, there have been humongous disparities between the education that boys and girls receive. Many girls do not have access to basic education after a certain age. The Nigerian girl-child faces significant obstacles in accessing proper education because of inherent traditional societal values placed on the boy-child over the girl-child. As a result, as at 2018, the female adult literacy rate (ages 15 and above) for the country was at 52.3% in comparison to that of male-child which was at 69.2% with a gender difference of 16.9%.³ Such gap in literacy was precipitated by differences in education. Also, Business Day is a widely known platform in Nigeria, providing insights on financial and business affairs in the West African region. They published an article on 7th September 2022 discussing the illiteracy in Nigeria in 2022 stands at 31% (of the estimated total population). According to the ministry of education, this is a reduction from what it was in 2015, i.e. 38%. It, therefore, follows that literacy rate in Nigeria should be around 69% in 2022.⁴ According to the United Nations Children Emergency Fund (UNICEF) in 2015, 40% of Nigerian children, aged 6 – 11, do not attend any primary school

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¹www.informationparlour.com, accessed on 20/8/2023 at 10.50 pm

²Ibid

³ UNESCO Institute for Statistics (2018). —List of countries by literacy rate. As reviewed on November 12, 2022.

⁴<https://socialentsolutions.com/education-statistics-for-nigeria/>. Accessed on June 2, 2023 at 7:23am

for women and girls at national and sub-national levels. There is limited available statistics to show the enrolment rate or level of literacy within this era.²³ However, the success of this project can be felt with an increase in the enrolment rate of girls in primary school from over 32% in 1970 to over 86% in 1994.²⁴

In 1991, the National Commission for Mass Literacy Adult and Non-formal Education (NMEC) was created to end illiteracy in Nigeria. Women and girls are well prioritized in the projects of NMEC. Other policies created in the 90's include the Family Support Basic Education Programme which was aimed at increasing access to education for girls living in rural areas. According to Dauda (2007)²⁵, this programme made impressionable steps, including the construction of early childhood education centres as well as primary schools. It also constructed WASH facilities such as public toilets. In 1999, Universal Basic Education was revised, to reduce inequalities in education relating to gender and geography. As a result of these policies, the literacy rate for 1524-year-old girls and young women increased from 62.5 in 1991 to 68.2% in 1999.²⁶

Over 5000 Mothers' Associations have been created countrywide with workshops on entrepreneurship and income generating activities carried out to ensure women are empowered to participate in financial decision-making procedures in their households. GEP has also been instrumental in establishing Second Chance Centres which is targeted at girls who have dropped out of schools as a result of barriers such as early marriage and teenage pregnancy.²⁷

The National Policy on Education was created in 2004 and revised in 2007.²⁸ It outlines the values of Nigeria and resonates with the fact that education is a tool through which Nigeria can be developed. It further aims to ensure all children are educated. It was revised to include early childhood education which is a key tool for improving the quality of education for both girls and boys. The National

Vol. 5, No. 5, 315-324. David Publishing. New York, United States. Retrieved from <http://www.davidpublisher.org/Public/uploads/Contribute/557693b675283.pdf>

²³ Although these policies were created between 1986, the exact extent to which they impacted on the rise of girls' enrolment rate in primary school is hard to estimate

²⁴ Aromolaran (2004).—Female Schooling, Non-Market Productivity, and Labor Market Participation in Nigeria. Yale University Economic Growth Center Discussion Paper No. 879. Retrieved from <http://ssrn.com/abstract=493763>

²⁵ Dauda (2007). "Female Education and Nigeria's Development Strategies: Lots of Talk, Little Action?". Indian Journal of Gender Studies. Retrieved from <http://journals.sagepub.com/doi/pdf/10.1177/09715215070140030541>

²⁶ World Bank (2016) Database: Education Statistics: All Indicators. World Bank, Washington DC. Retrieved From data.worldbank.org

²⁷ OSSAP-MDGs (2015) End Point Report on the MDGs

²⁸ The Federal Ministry of Education (2008). —The Development of Education National Report of Nigeria. Retrieved from http://www.ibe.unesco.org/National_Reports/ICE_2008/nigeria_NR08.pdf

Policy on Gender in Basic Education was launched in 2007, the objectives are to promote equal access and participation in the basic enrolment of girls and boys, achieve high level of retention completion and performance rate, advocate for the support of key stakeholders, enabling environment for planning, implementation and achievement of the goals.²⁹ To support this policy, the Federal Ministry of Education further designed the National Framework on Girls and Women in Education which was aimed at increasing the quality of education accessible to girls through amongst other techniques, a rights-based approach.³⁰

The National Gender Policy, created in 2006 aims to recognize the differences between men and women while addressing the inequalities between men and women. It highlights important actions such as cultural reorientation through sensitization and dialogues and ensuring strategic partnerships with important stakeholders such as the parliament at national and sub-national levels, civil society organizations, intergovernmental agencies as well as bilateral agencies.³¹

1.6 Barriers to the Right to Education and Educational Policy of the Girl-Child in Nigeria

Various studies have reported dwindling school enrolment of females in some parts of Nigeria, especially the Northern geo-political zones. Some of the factors hindering the enrolment of females in schools include socio-cultural factor such as early marriage, ignorance, poverty, pre-marital pregnancy, and religious belief. For a nation to achieve accelerated growth and development, both the male and female members of the country need to be properly educated. A nation that educates a part and leaves the other is like a bird flying with one wing. Thus, Nigeria needs to give girl-child education adequate attention and provide the resources required. According to UNESCO as quoted by Indabawa, females constitute more than 50% of the World's active population. Even though they face several inequitable difficulties that limit their potentials in promoting personal and collective development, they are still known to make great contributions towards national development. Some of the factors hindering the education of the girl-child as listed by Grace (2018)³² include the following:

²⁹ National Policy on Gender in Basic Education: Federal Ministry of Education: 2006

³⁰ Ukwuoma (2016). "Child Marriage in Nigeria: The Health Hazards and Socio-Legal Implications"

³¹ Federal Ministry of Women Affairs and Social Development (2008): National Gender Strategic Framework Implementation Plan. Federal Republic of Nigeria, Abuja, Nigeria

³² Grace, L.T. (2018). Girls Child Education: Rising to challenge. *African Journal of Reproductive Health*, 14(3): 107.

Early marriage:

Girl-children are given off in marriage between the ages of ten and fourteen limiting their chances of being formally educated and with no provision for non-formal education for them in later life.

Hawking Practices:

Girl-Children are mostly found in these practices. The male child education is much more valued than that of the girl-child, so she is to help generate income to supplement the efforts of the parents. This robs her of access to education. To worsen matters, in the process of hawking she comes across unwanted pregnancy, which if care is not taken, leaves her suffering for her lifetime.

The Poverty Level of Families:

Most families are very poor and so they have to make a choice between girl-child's education and their male ones. Traditionally, since male children are more valued, parents mostly resorted to making their choices to favor the education of the male child leaving the girl-child impoverished.

Societal Attitude to Girl-Child:

The girl-child is a weaker vessel, her place is in the kitchen, and she will use her education to benefit her husband, so why bother to send her to school? The societal attitude toward the girl-child is not in support of her education and so this makes her education to be described as dwindling as and less than equal to that of their male counterpart.

Low Self-Concept:

Another hindering factor is the girl-child's low self-concept. She sees herself as not being able to cope with the challenges of modern learning, so she begins to find excuses, like, that after schooling. There are no job opportunities so; it would be better for her to stay out of the reach of education. Solutions must be sought to these and other impediments because girl-child education is a must if the nation is to make any appreciable progress.³³

Furthermore, research has shown that factors within the classroom are not the only cause of gender imbalances in education and that home based factors which include family size, household income, parents' education, cultural and traditional beliefs all contribute substantially to poor female enrolment in school.³⁴

³³Ibid

³⁴Ibid

1.6 Conclusion

The paper has examined the trend of girl-child education in Nigeria and in particular the North-Eastern part of the country. It has also analyzed several policies of the Nigerian government on ensuring equitable access to quality education for girls. It has further explored some of the factors that have influenced gender disparity in education in Nigeria and its north-eastern part. The paper concludes that for Nigeria to achieve the goal of being amongst the largest 20th economies in the world by 2024, it must rapidly educate the children, most of all, the girls. Educating girls results to mothers who are educated and will in turn educate their children, care for their families and provide their children with adequate nutrition. Based on the above, this paper finds as follows:

1. All the educational policies adopted were not able to achieve all their targeted results because Nigerian girls still have a considerable number of challenges in obtaining equitable access to education.
2. There is no equitable access to quality education for the girl child unlike the boys and there is gender disparity in education most especially in the Northeastern part of Nigeria.

For Girl-child to enjoy and have access to education and educational policies in Nigeria especially in the Northeastern region, the paper recommends the following:

1. The Nigerian Government should implement the provisions Universal Basic Education Act and other educational policies in the country.
2. The Nigerian Government should ensure equitable access to quality education for the girl-child and counter gender disparity in education by
3. giving incentive to girl-child education through the provision of scholarships in the country.

with the Northern region of the country recording the lowest school attendance rate, especially for girls.⁵

It is against this backdrop that this paper examines the right of the girl-child to education under Nigerian law and policy. The paper finds, among other things, that despite government efforts in providing quality education to girl-child, the strategies adopted has to a large extent failed to achieve the desired results as many girls, particularly in the north, still lacks access to basic education. The paper finally proffers some recommendations that will reduce, to the barest minimum, the problems associated with the girl-child in Nigeria,

1.2 A Girl-Child

According to Black's Law Dictionary (9th Edition) a child is any person (girl or boy) under the age of majority. The age of majority here refers to the status of a girl or boy who has attained the age of eighteen (18) years. At this age, she is entitled to full civic rights and considered legally capable of handling her own affairs. This, however, is not the case with the girl-child in the North-East zone of Nigeria. Here, the girl-child is forced into marriage before the legal age of eighteen (18) years. She is forced to be a suicide bomber and also forced to marry against her wish to Boko Haram captors (abductors). She, in most cases, suffers sexual, physical, emotional and other types of violence and abuse.⁶

In another perspective, a girl is defined as a biological female offspring from birth to eighteen (18) years age, this is the age that precedes young woman or adult.⁷ While a child, according to United Nations Committee on the right of a child, as quoted by Garba, is anyone who is below age of 18 years of age any human being regardless of sex, that is below the age of 18 years is refers as a child. In analyzing the two definitions, Girl-Child can therefore be a biological female offspring from birth to 18 years of age.⁸

⁵ UNICEF (2015). —Children Education in Nigeria. I Find at 40% of Nigerian children, aged 6 – 11, do not attend any primary school

⁶ Godwin C.A (2019). "Girl-Child Education In North-East Zone Of Nigeria And Qualitative Leadership For Sustainable National Development In A Globalised Economy"

⁷ Wordweb Dictionary, available at www.wordweb.com, accessed on 18/8/2023 at 11.35 am

⁸ Garba, J. A. (2014). Factors Militating Against the Enrolment and Retention of GirlChild Students in Junior Secondary Schools in Kaduna State. Unpublished Thesis Submitted to Department of Educational Foundation and Curriculum, Ahmadu Bello University, Zaria in Partial Fulfillment of the requirement for the Award of the master's degree in education

1.3 Review of Studies on Girl-Child Education

Ifedili and others studied the management of girl-child education in Nigerian tertiary institutions. They found out that the girl-children have faced several challenges in Nigerian universities such as rape, sexual harassment, insensitivity of some lecturers in attending to students, extortion of money, terrorism by some male students etc. Thus, these problems have seriously affected many female students from unlocking their great potentials.⁹

Kamaldeen, et al,¹⁰ examined the perception, attitude and practices of parents in Okene, Nigeria towards girl-child education using data gathered from a survey of 370 parents with children of school age. They found out that the perception and attitude of respondents towards girl-child education was good. Over 90% of respondents were aware that education is a child right. Over 90% of them also think that enrolling girl-child in primary school is important. Most of the respondents believed in enrolling their girl-child in primary school between the ages of two and five and about 90% of them thought that female child should be educated up to the tertiary level. There was still a lag in primary school completion among girls with a higher value when compared with the boys. The percentage of female drop out from primary school was 8.2% compared with 2.7% for males. Poverty was the major cause of female children's school dropout among respondents.¹¹

Femi¹² investigated the challenges of girl-child education and alternative jobs in Nigeria. Data were obtained from 1,200 female children between 6–14 years of age. Findings show that 45% of girls had dropped out of school and engaged in hawking to enhance their lives and that of their family household. They were hawking in crowded markets, hotels and at busy road junctions. There were also reported cases of child-sexual abuse in which 4% of girls performing paid housework were impregnated, resulted in clandestine abortions.¹³

Ifijeh examined the concept of and crucial issues in girl-child education in Nigeria. The study reveals that the socio-cultural patterns, religious

⁹ Ifedili, C. J. and Chigozie, A. I. (2012). Managing Girl-Child Education in Nigerian Universities for Better Productivity, *European Journal of Business and Social Sciences*, 1(3).

¹⁰ Kamaldeen, A., Muhammad, A. and Parakoyi, D. B. (2012). Perception Attitude and Practices of Parents in Okene, Nigeria towards Girl-Child Education, *International Journal of Scientific and Research Publications*, 2(8)

¹¹ Ibid

¹² Femi, T. (2011). The Challenges of Girl-Child Education and Alternative Jobs in Nigeria, *Corvinus Journal of Sociology and Social Policy*, 2(1)

¹³ Ibid

misconceptions, poverty, teenage pregnancy and early marriage amongst others as factors militating against the girl-child education.¹⁴

Mohammed studied the problems of girl-child education in Kumbotso local government of Kano State, Nigeria. The study showed that girl-child education was bedeviled with numerous problems such as cultural gender bias and preference, poverty, ignorance, location of schools at very far distance, discrimination of girl-child in curricular offering, early and force marriages, rape and teenage pregnancy etc.¹⁵

1.4 Girl-Child Education Under Nigerian Law

UNESCO's Convention Against Discrimination in Education (CADE), 1960 is the first instrument in the field of right to education.¹⁶ Article 1(2) education as all types and levels of education, including access to education, the standard and quality of of education and the conditions under which it is given

CADE and many other international and regional instruments have provisions on the right to education. Nigeria being a signatory to these instruments has taken steps to adhere to these provisions. Notable amongst these steps was the domestication of the Convention on the Right of the Child (CRC) and its domestication as the Child Rights Act in 2003. This law has not been effective throughout the federation as only 23 states have enacted it into states laws.¹⁷

It must be stressed that provisions on Right to Education in Chapter 2 of the 1999 Constitution of the Federal Republic of Nigeria even though regarded as non justiciable have been given effect and made justiciable by other domestic laws such as the Universal Basic Education Act as well as case law. It is submitted that the actualisation of promoting the Right to Education is bedeviled by issues such as low enrolment of children particularly the girl-child, low completion of basic education (eg high rate of drop out especially boys in the

¹⁴ Ilijch, G. I. (2011). Issues in Girl-Child Education in Nigeria: Implications for Library and Information Support, Retrieved from <http://www.ajol.info/index.php/gab/article/view/72187>, Juliem, D. (2018). Education for development. Retrieved from <https://www.vvob.bc/cn/education/ourvision-on-quality-education>

¹⁵ Mohd, M. A. (2008). A Survey of Girl-Child Education in Kumbotso Local Government Kano State, Unpublished Project Submitted to the Directorate of Continuing Education, Federal College of Education, Kano, for the Award of Post-Graduate Diploma in Education (PGDE).

¹⁶ www.nigeriarights.gov.ng, accessed on 10/8/2023 at 5.05 pm

¹⁷ Ibid

South-Eastern Zone of the Country), shortage and poor-quality infrastructures in schools(eg classrooms, water, electricity, toilets and furniture amongst others).¹⁸

The National Human Rights Commission (NHRC) in line with its mandate to promote and protect human rights has established Right to Education as a thematic area of focus to drive its vision of having all children enrolled in school as well as to ensure that the culture of human rights is promoted and maintained in schools.¹⁹ The Commission also recognises that the realisation of the right to education empowers holders, particularly girl-child, to claim other human rights.²⁰ It therefore requires the collective effort of all citizens, parents in particular, the civil society and the government in ensuring that Right to Education as guaranteed by the constitution and other international and regional instruments that Nigeria is a party to are fully enjoyed and the corresponding duties responsibilities fulfilled.

1.5 Nigeria's Educational Policies on Girl-Child Education

Since Nigeria's Independence in 1960, the government has made concerted efforts in ensuring her citizens gain access to education. However, the focus on girls' education became more prominent in the late 1980s. The Blueprint on Women's Education and the Nomadic Education programme were both launched in 1986. The Blueprint on Women's Education was aimed at improving the chances of education for women.²¹ The Nomadic Education programme was targeted at children in nomadic communities. This was in order to consecutively preserve the culture of the nomadic communities and ensure access to education for children born within the communities. The curriculum has been reviewed to merge with the 9-year basic education curriculum, with adaptable learning tools such as interactive radio instructions. In addition, to further ensure that the needs of women were further included as part of the nation's development priorities, the National Commission for Women was created to formulate a national policy for women and development in 1989.

According to Adebore and Olomukoro ²², this led to the creation of women education units at federal and state levels of improve access to education

¹⁸Ibid

¹⁹Ibid

²⁰Ibid

²¹ Dauda (2007). "Female Education and Nigeria's Development Strategies: Lots of Talk, Little Action?" *Indian Journal of Gender Studies*. Retrieved from <http://journals.sagepub.com/doi/pdf/10.1177/097152150701400305>

²² Adebore and Olomukoro (2015). —Influence of Literacy Education Programmes on Socio-economic Empowerment of Women in Edo and Delta States, Nigeria. *US-China Education Review B*, May 2015,