THE APPLICATION OF THE 1960 CONVENTION AND RECOMMENDATION AGAINST DISCRIMINATION IN EDUCATION IN NIGERIA

1.0 Introduction

Since the 47th session of the International Conference on Education (ICE) held in 2004, the development of Education in Nigeria has taken a turn for the better with the introduction of far-reaching sector wide reform. Ironically, Nigeria is the only E-9 country in Sub-Saharan Africa with the highest illiteracy rate in the sub-region. The most significant step towards a comprehensive reform was the passing into law of the Compulsory, Free and Universal Basic Education Act of 2004. This Act shows a strong political will on the part of the Nigerian government to ensure national development through education reforms by first ensuring universal access to educational opportunities at all levels: Basic, Post-basic, Tertiary and Non-formal education, including special needs groups of children, youths and adults. Moreover, Nigeria has set for herself a wide range of ambitious goals in tandem with several International and national frameworks that seek to promote the concept of Education for All (EFA), inclusive education and the fundamental rights of her citizens to quality Education. These ***include the Dakar Framework for Action/Education for All; the Millennium Development Declaration and goals, the National Economic Empowerment and Development Strategy (NEEDS 1 and 2); the United Nation Decade for Literacy and Development (UNLD); the United Nations Decade of Education for Sustainable Development (DESD); the National Policy on Education; and the UBE Act of 2004.***

Since 2004, Nigeria has evolved several policies geared towards addressing specific needs and challenges of inclusive education. ***These include the National Policy on HIV and AIDS for the Education sector in Nigeria; the National Policy for Integrated Early Childhood Development in Nigeria (2007), the National Policy on Gender in Basic Education (2007), The Guidelines for the Identification of Gifted Children (2006) and the Implementation Plan for Special Needs Education Strategy (2007), the Minimum Standards for Basic Education in Nigeria (UBEC,2010) and Guidelines for Quality Assurance in Basic Education in Nigeria (UBEC, in print).***

This reform therefore is all embracing and covers a wide range of issues and challenges in **Early Childhood/Pre-school, basic, post-basic and secondary; tertiary, including open and distance learning; special needs education including the nomadic cattle rearing or fishing communities; the gifted and the challenged; and the disadvantaged youths, including women and girls.** The special needs sector has received increased attention over the years. Secondly, the Federal Ministry of Education has introduced guidelines for inclusive education, including an implementation plan for the special needs Education Strategy (short-term, medium-term and long-term), while the National Commission for Mass Literacy, Adult and Non-Formal

Education (NMEC) has positioned its State Agencies to enhance access and quality of basic literacy, continuing education/extra-mural studies and vocational education.

The views expressed above, among others, are direct political responses to pressures emanating from the public, human rights organizations and international organizations that realized the symbiotic relationship between education and good governance, as well as the respect for human rights and dignity. Since education is the major source of upward mobility, especially in developing countries, equitable practices in these societies also require equitable educational policies and practices. Otherwise, the domination and suppression of the less privileged will continue unabated.

It is perhaps for this reason that the need to make education accessible to every individual has become imperative both within and outside the academic cycle. Based on this, various interest groups have continued to advocate for and support the universality of access to education.

Discrimination in education, however, is a means whereby certain groups of people are denied the four essential elements of the rights to education: ***Availability, Accessibility, Acceptability and Adaptability,*** as enunciated by United Nations rights to Education for All. The right to education is a fundamental human right. It occupies a central place in human rights and is essential and indispensable for the exercise of all other human rights and for development. None of the civil, political, economic and social rights can be exercised by individuals unless they have received a certain minimum education. Therefore, any practice that contravenes this right constitutes discrimination in Education.
In Nigeria, there were cases of the less privileged, being denied access to Education, as well as gender discrimination in Education, especially during the period of indigenous system of education, Islamic/Western system of education, which were known to be the three main providers of educational opportunities.

2.0 Ratification of the Convention and Recommendation as well as Protocols in the National Legal System

2.1 Nigeria, being a Member State and a signatory to UNESCO Constitution has not only ratified and adopted the provisions of the Convention, but has gone further to enact, pass and implement laws/policies which promote access, availability, acceptability and adaptability in the provision of Education for All.

2.2 The legal framework of Education

The main legal frameworks of Education in Nigeria are the Constitution of the Federal Republic of Nigeria (1999); the National Policy on Education (2004) and the compulsory free, Universal Basic Education and other Related Matters Act (2004). Between 2004 and present date, there have been several National policies (which have force of law) that have been introduced and are being implemented by the Federal Ministry of Education through its competent ministerial Agencies with direct or collaborative mandate of ensuring Education for All.

Nigeria is a party to all conventions, global and national frameworks as well as protocols that seek to promote inclusion and fundamental right of her citizens to Education. This assertion is entrenched in the 1999 Constitution of Nigeria. Section 18 of the 1999 constitution of the Federal Republic of Nigeria has stated the educational objectives of Nigeria to be as follows:

a. Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels;
b. Government shall promote science and technology;
c. Government shall strive to eradicate illiteracy, and to this end, government shall as soon as when practicable provide:
    i. Free, compulsory and universal primary education
    ii. Free secondary education
    iii. Free university education
    iv. Free adult literacy programme.

The UBE Act of 2004 underscores the political will of the Nigerian government to intervene where necessary to ensure inclusive, uniform, and qualitative Education for All based on the rights of a child. In effect, part 1 paragraph 2 of the Act states that:

- "Every government (Federal, State and Local) shall provide free, compulsory and universal basic education for every child of primary and junior secondary school age";
- "Every parent should ensure that his child or ward attends and completes

    a) Primary school Education and
    b) Junior secondary school Education;

- The stakeholders in education in a Local Government Area shall ensure that every parent or person who has the care and custody of a child performs the duty imposed on him under section 2 (2) of this Act. Penalties are also prescribed for erring parents.

This approach is enshrined in the motto "Education for All is the Responsibility of All" and the role of the community as a watchdog, facilitator, benefactor, and beneficiary in the final analysis.

Other legal instruments introduced since the enactment of the UBE Act of 2004 are:

- The Child Rights Act which most of the 36 state legislatures have ratified.
- The National Policy on HIV/AIDS for the Education sector in Nigeria.
- The National Policy on Integrated Early Childhood Development in Nigeria; and
- The National Policy on Gender in Basic Education.
- The signing by Nigeria of Articles 24,2d of the 1st United Nations Millennium Convention on the rights of persons with Disabilities (2006);
- The implementation of the decisions of the 53rd and 54th meeting of the National Council on Education in terms of the mandatory establishment of the School-Based Management Committee (SMBC) by 2007 in all the 36 states of the Federation and the Federal Capital Territory, Abuja.

It is worthy to note that Article 17 of the African Charter also provides that every individual shall have the right to education. This African Charter has been domesticated in Nigeria and therefore has the full force of law as it is enshrined in section 59 of the 1999 Nigerian Constitution.

Furthermore, Section 15 of the Child Rights Act guarantees "female students the opportunity to complete their education should they become pregnant, while in school" and section 15(6) prescribes punishment for parents or guardians who prevent a child from attending and completing his/her education. This Act and other laws enacted in some states of the federation especially, the northern part of the country such as Bauchi, Borno, Gombe, Kano and Niger States guarantees these rights.

Furthermore, the National Action Plan (2006), reviewed in 2007 and 2011 respectively, has identified priority direction for the attainment of Education for All (EFA), UBE and MDGs based on the following targets:

1. Early Childhood Care and Education (ECCE)
2. UBE, including adult literacy and non-formal education; and human capacity development;
3. Eliminating gender disparities/discriminations through the education of women and girl-child/girls generally
4. Quality and relevance of learning.

All these are premised on the rights of the child to have access to qualitative education without recourse to any form of discrimination. Therefore, all stakeholders should strive to make the reform sustainable, and cost-effective/efficient for the actualization of the "Education for All the responsibility of all".

3.0 *Indicators/Practices that Constitute Discrimination in Education in Nigeria.*

3.1 Indigenous Vocational Education: This is the type of education offered in the pre-literate era within the community, where members of the community with special skills or

abilities in various trades introduced and trained mostly boys and young men in this informal education. These trades were mostly associated with families. In most cases, the boys were sent to their masters as apprentices to learn various vocations and life etiquette, while girls were often expected to stay at home and learn domestic chores, such as cooking, sweeping and so on.

3.2 Islamic system of Education: Islam was brought into the Northern part of Nigeria between 1349- 1385. This system of education brought along with it Arabic learning since it is the language of the Qur'an and was, therefore, perceived as having great spiritual value. On the other hand, the formal Western Education gave exposures that contradicted Islamic in-junctions/ways of life. Therefore, most children especially females were prevented from acquiring Western Education.

3.3 Other Groups

People with special needs, such as the physically challenged, less privileged, *Almajirai*, children in difficult circumstances and those in ethnic minorities.

4.0 implementation of the convention to outlaw or reduce Discrimination in Education in Nigeria

In Nigeria, the framework for Inclusive Education involves several global normative instruments. These included **1999 Constitution, the National Policy on Education (2004), the Universal Basic Education Act (2004), the National Action Plan and the 10-year Strategic plan (2007), the Policy on Integrated Early Childhood Development in Nigeria (2007), the National policy on HIV/AIDS for the Education Sector in Nigeria (2005); and the National Policy on Gender in Basic Education.** All these plans, policies, guidelines, enactments and implementation agencies are deliberate actions by government with full political backing targeted the easily discriminated groups such as the disabled, the disadvantaged, the gifted and talented, women, orphans/abandoned children and children living with HIV/AIDS. The main thrust of these policies and guidelines is to focus on de-segregation, anti-discrimination and enforcing the fundamental human rights of these special needs groups.

4.1 Universal Basic Education (UBE) Programme

The UBE programme started in 1999 while the UBE Act was signed into law in 2004 at the Federal level. This has been domesticated in all the states of the federation for effective ownership and delivery. In addition, the National Integrated Early Childhood (IECD) policy was approved in 2006 to guide inter-sectoral interventions on children aged 0-5 years. Since then, Local and States Governments have assumed more visible roles in driving the UBE process and

providing effective partnership with the Federal Government agencies charged with the responsibilities of coordinating the delivery Basic Education in Nigeria.

The UBE Act of 2004 provides for the utilization of a minimum of 2% of the Consolidated Revenue Fund (CRF) as Intervention Fund for Basic Education delivery. FGN-UBE Intervention is allocated based on the following formula, as approved by the Federal Executive Council:

- 50% for Matching Grant;
- 14% for Educational imbalance;
- 15% for procurement of Instructional Materials;
- 10% for Teacher Professional Development;
- 5% for good performance by states;
- 2% for Special Education;
- 2% for UBE monitoring funds; and
- 2% for UBE implementation.

4.2 Implementation of the Child Rights Act Convention or Recommendations.

4.2.1 Progress made so far to ensure Access to Education for All

(a) The combined efforts of the United Nations Children's Fund (UNICEF), the Federal Ministry of Education and State Agencies for Mass Education (SAMEs) have been directed at providing non-formal education curriculum and the associated reading materials for the out-of-school learners; and the Universal Basic Education Commission (UBEC) intervenes to solve the problem of access to formal education for many school aged children through the provision of additional learner-friendly classrooms, and ensuring that no child covers more than two kilometer to reach the nearest school.

4.2.2 Equal opportunities in Education to attain Education for All (EFA) The action plan of the Federal Government is based on encouraging equal opportunities in Education for All. To achieve this, the Universal Basic Education (UBE) and Other Related Matters Act of 2004 (UBE Act), was passed into law as part of the measures taken to address the barriers to the right of every Nigerian child to education. The Act established the Universal Basic Education Commission (UBEC) to coordinate and regulate the implementation of the provisions of the UBE Act. The Act makes the denial of access to education or discrimination to Education for any child, no matter the circumstances, a punishable offence.

4.2.3 Implementation of the Rights to Education

The UBE Act and the Child Rights Act (CRA) made provisions for Universal free and compulsory Basic Education up to junior secondary school level. Furthermore, the provision of books and

other educational materials, as stipulated in the UBE Act, are made available free to enhance effective Basic Education delivery. The enforcement of the Universal Basic Education Act of 2004, the Child Rights Act of 2003 and Article 17 of the African Charter are important in ensuring free, compulsory and Universal Basic Education in Nigeria. Any legislation without strict enforcement is a mere rhetoric and incapable of securing the right to access in education. The strategies and programmes being implemented to ensure the right to education include:

- The enlightenment of parents, and communities by the Social Mobilization Department of UBEC on the aims and objectives of the UBE programme;
- The introduction of *Almajiri* education programme to promote level of literacy amongst the *Almajirai*
- The introduction of Nomadic Education to promote level of literacy amongst the cattle rearers and migrant fishermen;
- The UBE stakeholders played an effective role to ensure the successful delivery of Basic Education in Nigeria; and
- The introduction of Community-Initiated Self-Help projects has also enhanced the successful implementation of the UBE Act in ensuring non-discrimination in Education for all Nigerians.

5.0 Secondary Education:

Secondary education in Nigeria started as early as 1859, when the first school was established in the country. Many secondary schools were established in the later part of the 19th century.

5.1 The expansion of secondary education from the 1960s was influenced by the following factors:

- Expansion in primary education;
- Acceptance by Government of Ashby recommendations for increased number of secondary schools;
- The revision and expansion of the curriculum;
- Adoption of Addis Ababa plan which projected an annual intake of 45,000 secondary school students;
- Acceptance of the recommendations of Dike and Banjo Commissions and the public criticisms of the Secondary Grammar School Programmes;
- The operation of secondary schools within the provisions of the guidelines provided by the National Policy on Education (2004).
- The two-tier secondary school system, (junior and Senior Secondary schools) is of three years' duration each. According to the National Policy on Education, students are to study pre-vocational courses and academic courses in the Junior Secondary level, while

they are prepared for technical, commercial and academic subjects at the senior levels. At both levels, they are to be exposed to knowledge and skills that will make them to be self-reliant and useful citizens of the country. Those at the senior secondary level are, in addition, prepared for access into higher education.

5.2 Certification

The senior secondary school students write or take the Senior Secondary School Certificate Examination (SSCE) conducted by the National Examinations Council (NECO) or West African Senior School Certificate Examination (WASSCE) conducted by the West African Examinations Council (WAEC).

The Senior Secondary Education includes technical and vocational education. This is because there is a great demand for technical and vocational education as a result of the emphasis by the National Policy on Education on technical and vocational courses at Junior Secondary level. With this, there has been an increase in the number of vocational and technical schools in Nigeria, as well as increase in the enrolment of students.

6.0 Higher Education

Access to higher education in Nigeria has been highly encouraging. There has been a rapid increase in the establishment of both public and private universities. This has led to an increase in the enrolment of students in higher education. Discrimination is eliminated on the part of male, female and the less privileged students. All students are given equal opportunities by the Policy. Students who finished senior secondary education, based on their aptitude and interest, can proceed to the Universities, Colleges of Education or the Polytechnics through competitive entrance examination organized by Joint Admission and Matriculation Board. This examination is called the Unified Tertiary Matriculation Examination (UTME).

7.0 Adult Education and Lifelong Learning

Adult Education is the type of Education that is given to adults based on their social, economic, political and cultural needs to enable them adjust fully to changes and challenges in their lives and society. In the Nigerian context, the question that adult education must address is whether it is satisfying the above listed adult needs in this era of modernization and globalization or not.

To minimize the level of illiteracy among the adults in the country, government has made efforts to facilitate adult and non-formal education in all states of the Federation. Each local government has at least one centre to cater for its indigenes. Public awareness was made for effective implementation of the programme through the establishment of the Nigeria National Council for Adult Education (NNCAE) on 27th March 1971. The goals of the Council are to:

- promote a means of communication for those interested in Adult Education;
- represent the best interest of Adult Education in working with various levels of Government;
- stimulate training programmes and the development of needed interactions;
- promote cooperation among Adult Education, community development and other Agencies and the coordination of their programme;
- identify problems on which research may be needed and to initiate and support such research projects; and
- publish an adult education journal to disseminate information and research throughout Nigeria and the World.

The adult education programme is solely funded by the Federal Government, in collaboration with the States and Local Governments. The start-up of the programme has been encouraging from its inception. Many adults still see this as an opportunity to learn, and be literate. There is a great improvement in the level of their learning and literacy.

To facilitate adult and non-formal education, the Federal Government established the National Commission for Mass Literacy, Adult and Non-Formal Education, by Decree 17 of 1990. This agency is charged with the responsibility of making those who cannot read or write functionally literate. In this regard, it is to develop policies and strategies aimed at eradicating illiteracy in Nigeria, monitor and standardize implementation of Mass literacy delivery in Nigeria and to network with local and International Stakeholders to produce neo-literates that are self-reliant through skills acquisition and functional literacy.

8.0 Quality Education

The Universal Basic Education Commission (UBEC), by the UBE Act of 2004, is mandated not only to establish appropriate minimum standards and mechanisms to ensure the success of Basic Education in the country, but also to review the processes involved in getting qualitative products at the end of the 9-year uninterrupted free and compulsory basic education for children from primary through junior Secondary School age (6 to 15 years). In order to ensure qualitative delivery of the Basic Education mandate, UBEC has, through its Quality Assurance Department, been carrying out whole school evaluation and other quality assurance practices to assure access, equity and quality in Basic Education for all.

The government through the instrumentation of the Quality Assurance Department of UBEC seeks to:

- Ensure that quality teaching and learning take place in schools and centres;

- Create a valid and reliable data base that can support or inform policies and decisions aimed at improving the overall effectiveness of schools and centres;
- Set and maintain minimum and uniform standards nationwide;
- Monitor the level of learning achievement as well as other educational performance indicators in schools and centres;
- Provide regular reports on the state of education in Nigeria;
- Identify and share best practices among relevant stakeholders; and
- Build capacities of evaluators, education managers and teachers in schools.

9.0 Teaching Profession

With the expansion in primary, secondary and tertiary institutions, there is a corresponding need for more qualified teachers. The teaching profession has experienced a tremendous growth in Nigeria, and has also experienced both quality input and output. Various teacher training institutions were established to ensure quality teacher education.

The minimum teaching qualification in Nigeria is the Nigeria Certificate in Education (NCE), and while in the Secondary Schools, it is the first degree (B. Ed/B.Sc. Ed/B.A. Ed).

Government in Nigeria has established the Teachers' Registration Council of Nigeria (TRCN) in order to control and regulate teacher education training, and practice at all levels and sectors of the Nigerian education system in order to match quality, discipline, professionalism, reward and dignity with international standards.

A notable teacher training institution in Nigeria is the National Teachers' Institute (NTI). Its mandate is to expose those in the teaching profession, to obtain the minimum teaching qualification through in-service programmes

10.0 Respect for human rights and fundamental freedom

Fundamental human rights and freedom are the constitutional rights of an individual in his or her country of abode. The Right to Education is one of these fundamental rights of all Nigerians, and the national effort is to strengthen human rights and freedom on the part of the citizens. These are through:

10.1 Private Education

Private educational system is permitted in Nigeria ranging from primary, secondary to tertiary institutions, through registration and obtaining licenses. The private education system is managed by the owners based on the standards set by the **National Policy on Education.** As at

today, Nigeria has many private institutions that operate side by side with those owned by the government.

10.2 Religious and Moral Education

Nigeria, being a secular state respects the rights of choice to religion. Choice of educational institutions is always based on parents'/guardians' religions. This, however, has a lot of influence on the child's moral/religious values.

10.3 Rights of national minorities

The Nigerian Constitution allows equal opportunities for all its citizens. Every citizen is constitutionally protected to carry out his own educational pursuit at all levels without discrimination.

11.0 Methods used to draw the attention of the various authorities in the country to the Instruments and to remove the obstacles encountered

The difficulties/obstacles encountered include the following:

a. Some religious beliefs and practices deny some school-aged children (e.g. female) from attending schools ;
b. There are inadequate national budgetary provisions allocated to fight against Discrimination in education.
c. The processes of passing into law some of the legal frameworks to outlaw discrimination in Education is cumbersome, slow and time consuming.
d. Some parents will deliberately prefer their children/wards to go into apprenticeship in artisan workshops than to go to school.
e. Inability to enforce punishment for defaulting parents/guardians for refusal to send their children or wards to school.

12.0 Recommendations

The following recommendations are made:

- Efforts should be intensified to encourage Member States to always embark on quick ratification of the Convention;
- Reinforcing the monitoring activities within the Secretariat to ensure quick preparation of reports;
- Provision of adequate/budgetary/human resources to facilitate task completion.

13.0 Conclusion

As far as discrimination in Education is concerned in Nigeria, the issues of Access, Equity and Quality have been addressed through advocacy, awareness and consensus building and UBE legislation. Issues of inadequate funding, serious infrastructural inadequacies, insufficient number of qualified teachers and poor motivation remain the biggest challenges to inclusive and quality education as well as tackling discrimination in education.

From all the achievements and the protracted problems the education sector is still facing in ensuring the delivery of the mandate of Basic Education, all key stakeholders must fully mobilize and ensure that "Education for All" eventually becomes the "Business of All"