Children's Right to Education: The Case of The Nigerian Multicultural, Multilingual, And Multi-Ethnic Society

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Abstract

In a society where human rights abuses have become the norm and, therefore, feature in our discourse regarding our existence and the constitution of Nigeria and in the legal framework, so many untold stories of the marginalisation of children regarding their full access to education abound. One worrisome aspect of the marginalisation of children regarding their education is child labour and child abuse occasioned by family culture and family economic disposition. Nigeria is extremely bedevilled by a very high rate of child abuse and child labour, and this has had a substantial effect on the rights of children to education. Legislations abound in the country to give protection to children regarding free and unhindered access to education, but having free and unhindered access to education has barely been achieved. Adequate access to the education of children in Nigeria will not be achieved significantly if adequate law is not put in place and enforced to protect the rights of children to education and to check on child labour and other cultural practices that hinder children's access to education. The study shall use an in-depth interview to collect data from 25 participants, comprising 6 government officials, working in Post Primary Education Boards, Women and Children Affairs Departments, Lawyers in the Ministry of Justice, 10 parents who have children between the ages of 5 – 13 years old and 9 teachers who are concerned with children's education from Primary – Junior Secondary School levels. The participants will be selected through a purposive sampling technique. The study shall use the thematic analysis procedure to analyse the qualitative data that will be gathered, with the aid of computer-assisted qualitative data analysis software (CAQDAS) NVivo 10. Contributions will be made from the findings of this study to the theoretical literature on child education.

On the basis of the findings the study will come up with, some propositions on the constructs impacting the rights of children to free and unhindered access to their education will be made.

Keywords: Children, childhood, rights, education, welfare.

Background of the Study

As a nation, Nigeria is a multicultural society comprised of numerous ethnic groups. Each of the ethnic groups has their own different culture and customary laws. As at the year 2019, the population of Nigeria was 200.96 million; thus, ranking as the seventh most populated country in the world (National Bureau of Statistics, 2019). Petty trading and street hawking are common sights, especially in the urban centres. Thus, the practice of having many children hawking on the streets, even during school hours, has become the norm. Although the extended family system is highly valued, which allows for the less privileged to get assistance from other members of the extended family, much impact has not been felt in such assistance often rendered by members of the extended family in the reduction of child street hawking and child school dropouts. The country is divided into six geo-political zones of North-East, North-West, North-Central and South-South, South-East and South-West for political and administrative convenience from the four regions of East, West, South and North that are delineated by cultural and ethnic affiliation and a common historical tie.

In Nigeria's multi-ethnic society, more than 90% of children begin their primary education, which is supposedly free according to the government policy of free education from primary to Junior Secondary School (JSS) level, but despite this free education policy of the government, a good number of them do not complete primary education or their secondary education, and some do not even enrol for secondary education (Amuda, 2019). For those children who unfortunately do not have access to primary and secondary education, and for those of them who start their primary and secondary education but drop out, and forever do not have the lifelong benefit that the education they have missed would have offered them, the concept of a right to

education to them and their parent or guardian has no meaning. Such a scenario is typical of what happens in several other African and Asian countries, and other Latin and Central American nations. Unlike what happens in advanced societies like the United Kingdom (UK), the USA, Canada, Australia and other Western European nations, children in Nigeria are not legally bound to go to school, but even as the government has made primary and junior secondary education of children free and compulsory, there is a machinery of government to enforce it on parents and guardians to send their children to school. In essence, however, the enforcement is rarely conducted. To send children to school or not to send them to school is purely a decision made by the parents or guardians, and in most cases, the decision not to send their children to school is hinged on poverty and sometimes religious belief, particularly in the Northern Moslem-dominated part of the country. How is the right of children to education then observed? Are there enough proactive actions towards truly protecting children concerning their right to education in the government of Nigeria? The rights of children should be seen to be respected, and both children, parents and society at large need to insist on the right of children to be sent to school without burden on the parents and guardians. Hammarberg (1998) and Magashi (2015) posit that perhaps a way forward is to create a novel school, a 'school for children with rights.

The reason for undertaking this research is to explore the topical issue of children's rights to education in the multicultural and multifaceted Nigerian society. The outcome of the research can give rise to an insight that can bring about the development of a better approach to children's education, and a claim to the right of children to be educated. Based on the above, the main question addressed in this thesis is: How does the observance of children's rights and care impact their education? A deeper insight brings about the question of what the challenges are in the translation of the policy of children's rights into the practice of their education. A further reflection on the above questions gave rise to the question of how parents observe children's rights and care in making decisions regarding the child's education.

Children And Their Rights

Several policies and laws govern families and children. The general expectation is that such policies and laws are complied with, especially the adopted resolutions of the various international conventions like the UN resolutions on the Rights and Welfare of the Child and the ACRWC. For nations that are part of conventions, such as the UN conventions, the convention will have implications for the child and the family, and it is, therefore, required that

such a nation is duty-bound by the terms and articles of such convention (Swindells et al., 1999; Le Blanc, 1999). By being duty-bound, such a nation must honour and act in a positive direction towards promoting the rights of children and take positive steps towards the prevention of any interference on the rights of children.

The first regional treaty on child rights is the African Charter on the Rights and Welfare of the Child, which was adopted by the Organisation of African Unity (OAU) in 1990, to which Nigeria is a signatory; it became effective in 1999. In ensuring the protection of children's rights in the entire African region, this charter became a substantial step, as the charter stipulates the duties and responsibilities at all levels of government, in the community where the child resides, and on individuals in the protection of all aspects of the child's rights, including but not limited to social, political, economic and cultural rights (OAU, 1990). Therefore, the platform to assess government policies is based on the framework of children's rights. Any social policy that considers children's rights to the utter neglect of family and traditions may experience a conflicting effect in the government's efforts at implementation and general compliance to any regional or global charter or convention. Therefore, this regional charter is expected to take into consideration a social policy that is compatible with family rights and tradition.

The obligation a nation has on any global, regional or international mandate goes beyond upholding individual rights to making significant and abiding by the more generic policies which children are confronted with: family and traditions which are enacted through the African Union and other international convention or treaties (UN, 2013). Ordinarily, the policies of the government towards the rights and welfare of children should attract the attention of everyone, however, family practices and traditions as they affect the rights and welfare of children have attracted the attention of everyone. The awareness of having policies in place that will be used to assess compliance on the welfare and rights of children, and their development has increased since the advent of the UNCRWC and the ACRWC (Darling-Churchill and Lippman, 2016).

The relationship between the promotion of children's rights and family policy has been under discussion. It is more acceptable to have policies in place which prioritise children and their rights, and there is still the demand to see that such policies are implemented (Sandbak, 2017). The question that arises then is, which best position governments at all levels should take on the family and traditions, and on the child (Hermanns, 2012).

Aside from the right of children to education, Obiechina (2014) asserts that other fundamental rights of children include the right to a family, right to nationality, right to a name and birth right. Of concern in Nigeria are the negative trends on children's rights to education, betrothal and child marriages, FGM of children and child labour, which in all, infringe on the rights of children. The Child's Right Act has not helped in curtailing the incidences of early marriages, which continue unabated. Particularly in the North-Central and North-West regions of Nigeria, the girl child is married out by her parents as early as 14 years of age. UNICEF (2016) reports that Africa has the highest incidences of child marriage and that more than 70% of girls below the age of 18 are married. The greatest challenge of the incidence of early marriage is the negative effect it has on girl's education as it leads to school dropout and consequent increases in poverty and poor health.

At a minimum level of poverty and family socio-economic status, the intervention mode is to ensure that children attend school and can learn the early-stage skills they need for further education. The intervention theory on improving children's education is premised on the belief that by supporting children with extracurricular activities based on their level of intelligence and carrying out instructions relying on the native language, children are better able to learn faster (Mayomi, 2019). This practice will help to reduce the school dropout rates and increase awareness of the importance of children's education (Pairo, 2016).

The 2006 agenda of the African Union (African Union, 2015) articulates a range of ideas and aspirations to nations that will help to improve children's education across Africa. It aspires for an Africa that will have adequate resources and improvement in children's education. In Nigeria, second chance education has been described as part of approaches to reach the most marginalised girls and women (Ajayi 2011). A non-formal approach to eradicate illiteracy in Nigeria, which is described as another opportunity, is often targeted at those who did not get an early opportunity for education due to no fault of their own (Adewale 2009).

While the impact of irregular poverty of a family has a serious effect on children's education outcomes, the most serious explanation of various levels of family poverty on education given to children appear in diverse ways, since the family of that child depend on their income status before they can make the decision on the kind of education they will provide to the children as they grow up. The persistent level of poverty started from the origin of first-father generation who practise the culture of not giving education to children, except to the male child. The poor behavioural and academic patterns of children are built on grounds of socio-economic status

that have been used in planning for children's education by the family. The differences in school readiness of children on commencement have far-reaching effects on their performance at school (Hienet, 2009). It is noted that for many years, improvement of school readiness and children's education bridges the gaps in poverty, in line with the models outlined earlier, which associate poverty with the child's development and focus on efforts on the improvement of children's readiness for their education (Shiefies, 2015).

For the economically advanced countries of the world, it is evident that the provision of standard school experiences for children and the availability of adequate healthcare combined with parental care and control, a greater effect on children's performance and cognitive skills can be attained (Kresion, 2019). A programme of child education that can enrol selected children from poor families is being put in place and it is hoped that such a programme will help to lower poverty among families of low socio-economic status (Shiadeke, 2009). Although scholars have emphasised the numerous advantages of giving greater attention to child education for both society and the children, in general, children's education has not received the necessary attention from government and all stakeholders. Greater efforts need to be put into the development of a children's school programme that will ensure that greater resources are directed to children's education to ensure that no child is deprived access to education (James and Frdeke, 2017).

Sociology Of Childhood

The worldview of the child and their image has changed in recent times. This change has come to be a result of examining issues of childhood from the human rights angle, which also supports the global implementation process adopted by the UNCRC (UN, 1989). Further, children's rights to participation in the society and its institutions where they find themselves has also generated wide interest. Such right to participation includes their political rights and the right to exercise power, rights to freedom of speech and freedom of information (Quennerstedt, 2010). Research has also looked at rights in relation to education. Through the UNCRC and other human rights bodies, for instance, the Council of Europe (1950) and the UN (1948), having access to education comes from the central rights area of education. Another important aspect of education is a core rights area of education, and important also in the element of education in the aspect of rights are the aims of education and the role education has in respecting and developing further, children's ability to enjoy their rights and enact rights. Examined closely, looking at the role of education when it comes to propagating rights,

education becomes a human right as well as an access to wider rights and a guarantee to the achievement of human rights (Grover, 2002). A review of research in education indicates interests in the influence of children and their voice in education (Naughton et al., 2007; Lundy, 2005). My interest here is in childhood and their rights in relation to their education.

Another area of interest, in the research of children and rights, is the probable conflict of interest between the rights of children and the rights of parents as they affect children's education. That gave rise to the question of where the onus lies in the right to education. Is it the parent, is it the child or is it the state (cf. Quennerstedt, 2009; Marples, 2005; Lund, 2005)? Interest in children's rights and their education has also pointed out the implications of culture and tradition on children's rights thinking. In educational settings, the power structure has always been hierarchical, where adults have absolute control over all activities (Alderson, 1999). This obvious shift of power to the hands of adults is often fused with the learning view that places children in the position of passive knowledge recipients as provided by adults. That further gives credence to prioritising ideas from adults regarding how learning should take place and what should be learned, which results in sidelining the view of children on their education (Qvarsell, 2005; Lansdown, 2001).

Moving further from the above scenario, the research undertaken on children's rights has raised some concerns. How children's rights are understood in academic work on the UNCRC was examined by Reynaert et al. (2009). They point out three common themes in the discourse of children's rights. First, the competent child and the right thereof to participation. The second is the children's/parents' rights dichotomy. Quennerstedt's (2011) study on education and children's rights research in education also confirms the above two points. The third theme is on the international consensus which centres on children's rights. Reynaert et al. (2009;528) further point out that the rights of children are presented as a new norm in policy without problematising the new norm. In their argument, the issue is that there is no critique of children's rights research. They, therefore, call for more critical research in children's rights and want to see a more contested terrain in children's rights research.

Childhood Sociology Dualisms

The study of childhood brings into focus three main areas of interest. Children as agentic/children as social structure; children as natural/children as social construct; children as 'becoming' and children as 'being'. The first area, children as agentic/children as social

structure, is problematic (Weldemariam and Wals, 2020; Ruscoe et al., 2018). Examined closely, the two approaches have many good features. If children are viewed as social structures, it highlights the large-scale and tough reflection of the child in a given society. Therefore, that means understanding childhood draws attention to the shifting of resource distribution to children as against other social groups in the society, such as youths and elderly people. That allows for the long chains of effects and causes, where a society's definition of childhood is influenced by issues which are both longitudinal and temporarily and longitudinally distant from it. On the negative side of it, an approach of that nature is concerned with how to maintain a steady and bounded existence in the context of the society, and with the varying comparative nature of childhood as perceived between and within them (Callon and Latour, 1981).

In the study of children as agents, a focus is brought of an image of childhood as a structural approach. Even within a single society, childhood assumes a dimension both locally and diversely constructed through the various interactions of people within the society. In general, social life varies and is not static. Indeed, it is fragile, and it continues to be improved upon. Children are actors no doubt, but their agency as actors is often neglected. It is merely regarded as an essential and uninterrupted aspect of human behaviour and life pattern which requires no further explanation. What is new and unusual, is in the understanding that children may have agency and the compulsion on the part of the researcher to acknowledge and document that (cf. Thorne, 1993; Mayall, 1994; Corsaro, 1997).

The duality in culture and nature gives the second example of differences in the sociology of childhood. These differences are best understood by critically examining childhood as a social construct. The social constructionism showcases the duality of childhood which co-exists, conflicts and also overlays with each other. The strength from this is that attention is placed on the way phenomena are produced. For instance, childhood and adulthood are collectively treated as results that are produced discursively. Agency and structure are, therefore, treated in the same way, that is, as effects produced in the course of discussion. It focuses on both, pointing out how they mutually integrate with each other and in which conditions. Notwithstanding, some versions of childhood are idealist, whilst others seem to be silent about the materialistic nature of social life (Prout, 2000).

Prout (2011) argues that there has long been a neglect of childhood by sociology which stems from childhood's seeming defiance of the separation that exists between nature and culture.

Haraway (1991), on the other hand, considers childhood as an entity which has eluded modernity as it lies on both sides of the nature and culture dichotomy which it created. The nature of childhood is that it is twofold – part of it is social and part of it is natural, which is not wholesomely welcomed in the fold of the modernist mentality.

Another area of contradiction which is of interest in childhood is the view of children as 'beings' and children as 'becomings'. Some scholars in the sociology of childhood view the construct of 'beings' and 'becomings' of children as something which appears as opposition, consistently insisting to the extent that they do not regard the consideration of children as 'becomings' and 'beings' at the same time. For instance, Christensen (1994) argues that the distinction of 'becoming/being' is only necessary where children's being is taken as lived in time, with a remembrance of the past and a future anticipated. The major argument of Christensen is that it should be timebound and not timeless. Relatively, the argument of Lee (1999) is that childhood sociology should recognise both 'becoming' and 'being' and needs to give cognisance to the 'becoming' and 'being' of the child by pointing out that even as the opposition has some points in the reasoning of modernist societies, it cannot be sustainable, considering modern changes in family and employment. It is argued that children and adults alike should be considered as 'becomings', without a compromise in respecting their status as humans or beings. Prout (2011) has argued that if children are emphasised as beings, in their own right, then the new childhood sociology will endorse the myth of the independent person, whereas it is impossible to live in isolation. Children and adults alike should be viewed through the complexity of 'becomings' where both are dependent and cannot live in isolation.

Another key area of note in childhood is self-understanding which includes self-identity. Children's understanding of self is central to their personality and wellbeing (Rochat, 2013; Harter, 2012). The child's self-understanding is based partly on the roles/categories that define children and this is embedded in the social-cultural context (Harter, 2012). A good self-understanding enhances self-esteem which promotes positive life outcomes (Harter, 2012). A high self-esteem (self-worth) of the child and a positive self-concept (specific evaluation of self) are important considerations for the child's wellbeing (Baumeister, 2013). Invariably, variations in self-esteem are connected with the development of children, hence high self-esteem children show higher levels of initiative. Such children exhibit greater social behaviours and are happier (Baumeister et al., 2003). Invariably, people with low self-esteem tend to exhibit feelings of depression and low levels of satisfaction (Birkeland et al., 2012).

Within the African context, increasing children's self-esteem is very important (Baumeister, 2013; Mucherah and Frazer, 2013; Rochat, 2013; Campbell, 2012). This begins with the teacher – immediate adults serving as role models through which they need to embrace and propagate African norms and values. A good way of raising children's self-esteem is through the provision of emotional support, which can have a great influence on children's self-esteem. Having high self-esteem is capable of enabling children to exhibit greater initiative, better social behaviour and general happiness. Similarly, children with low self-esteem are prone to depression and dissatisfaction (Birkeland et al., 2012). At mid-childhood, children begin to develop a sense of identity; they begin to project what they would like to become in future. As they think about this, they closely observe their cultural settings, including the schools in the community, and what is happening in the entire neighbourhood. Forming a sense of identity is important to the child as through that the child is able to integrate self-understanding. Vygotsky argues that the social-cultural contexts influence how the child's identity is developed. Such self-identity according to Moshman (2011) and Erickson (1968) entails several things, but most importantly the career the child wants to follow, and his likes and dislikes.

The social cultural theory propounded by Lev Vygotsky states that how children construct knowledge is influenced by the culture and social interaction that is prevalent. The theory, therefore, portrays that social interactions and the culture prevalent at the time of childhood shape the understanding of culture and the interpretations it gives to it. In the view of this theory, people acquire knowledge based on the environment they live in (Vygotsky, 1962). The environments in turn are shaped by school, family, media and the religious cultural identity. Therefore, the social interaction of children with the larger society is dependent on how developed they are in knowledge. With such interaction, children are able to make use of tools which will enable them to fit into and live successfully within their culture. Speaking the local dialect to children, for instance, will not only help children to fully learn and speak the dialect but will make them realise that understanding and speaking the local dialect is an important part of the culture. Going further, the social-cultural theory implies the perceptions, beliefs and knowledge regarding language, child and childhood practices among children in Africa are propagated through their interaction with others in the social-cultural contexts.

Ontological Formation of Concepts

The concepts of rights, childhood and education are deeply intertwined and ontologically formed through complex social, philosophical, historical and legal processes. Analysing how

these concepts come into existence ontologically involves considering their foundations, development and implications for society.

Rights:

Childhood, education and rights are intricately entwined and have been ontologically shaped by intricate social, philosophical, historical and legal processes. Examining the origins, evolution and social repercussions of these concepts is necessary to analyse their ontological ontogenesis. Over the course of centuries, the idea of rights has changed. Historical landmarks like the Magna Carta (1215) and the Universal Declaration of Human Rights (1948) show how cultures have come to recognise and codify rights over time, fostering their growth (Smith, 2000). From an ontological perspective, rights develop as a result of society's acceptance of the fundamental rights that people have by virtue of their humanity. These ontological frameworks aid in our conceptualisation of rights as moral and legal precepts that support a just and equitable social order. Our view of rights as intrinsic entitlements rooted in human dignity has been influenced by philosophical systems like utilitarianism (Bentham, 1789), natural rights (Locke, 1689) and human dignity (Smith, 2000).

Rights are not inborn; rather, they are created by societies. They result from widespread convictions about justice. Society's agreement on essential privileges plays a role in the ontological creation of rights. Rights are the result of societal perceptions of fairness and the moral obligation to uphold individual liberties (Johnson, 2015). The social negotiation of values and norms is necessary for the ontological creation of rights.

Childhood:

Throughout history, the idea of childhood has undergone substantial change. Children were frequently viewed as miniature adults during the Middle Ages. As communities became aware of children's unique physical, emotional and cognitive development, the ontological formation of childhood arose. Due to the introduction of child labour rules during the Industrial Revolution, modern childhood was also shaped (Aries, 1962). Historical, psychological and sociological variables all contribute to the ontological formation of the idea of childhood. As communities became aware of the distinctive developmental phases of children, childhood evolved. Psychological understanding of cognitive and emotional growth and sociological considerations of socialisation processes, norms and institutions are how childhood is

ontologically shaped (James and Prout, 1990). Psychological and social variables work together to shape childhood's ontological development. It is considered a distinct stage of human development from a psychological standpoint, complete with special requirements and weaknesses. According to sociology, institutions, norms and socialisation processes determine how children are viewed and treated in a society, which in turn shapes how childhood is built.

The ontological construction of childhood is aided by the legal acknowledgement of childhood as a distinct stage of life with unique rights and protections (such as the CRC). Protecting children's growth and wellbeing is emphasised by these legislative systems. By putting an emphasis on children's rights and wellbeing, legal acknowledgment such as the CRC (United Nations, 1989) aids in the ontological construction of childhood.

Education:

Historical, intellectual and societal processes all contribute to the ontological formation of the idea of education. As civilisations made humans to became more aware of the value of passing on information and skills, education changed. The development of formal educational institutions, from early academies to contemporary schools and universities, is directly related to the ontological creation of education (Spring, 2008). Our idea of education as a tool for individual and societal development has been inspired by philosophers such as John Dewey and Plato (Dewey, 1916). The goals and practices of education have been influenced by various ideologies, including essentialism, progressivism and constructivism. In determining what knowledge is regarded as important, who has access to it and how it is transmitted, education reflects societal norms and values (Bourdieu and Passeron, 1977). Education both reflects and contributes to the upholding or undermining of societal norms and values. In order to define what information is important, who has access to it and how it is transmitted, education must first be formed ontologically. These elements might differ greatly between cultures and historical periods.

As a result of the dynamic interaction between historical occurrences, philosophical viewpoints, societal norms and legal frameworks, the ideas of rights, childhood and education are ontologically constructed. They reflect fundamental elements of social structure and human existence, and their ongoing evolution continues to influence how we view and engage with the outside world. In order to address current problems with human rights, child welfare and educational equity, it is essential to comprehend its ontological basis.

Concluding Remarks

The study is being carried out with the aim of gaining insight into the observance of children's rights to education in a country with multifarious cultures and traditions in different parts and regions. A gap in literature will be filled by ascertaining the crucial rights abuses of children with respect to their education and the impact such abuses will have on their education. In all, the study will attempt to find out some age-long family cultural and ethical practices with regards to the rights of the child and their access to education. This study will highlight how government's actions and policies can negatively impact on the education of the child.

Children are subjugated in the family and within society at large, driven by the various cultural practices. In realisation of the relationship between education, backwardness, poverty and child labour, the need arises for closer attention to be paid by government at different levels on the nature and the degree at which children are involved in labour due to its economic, social and educational consequences to a country's development. Education entails the overall development of the child through the transmission of skills, abilities and knowledge to the child. Educating the child ensures lasting and generational promotion of economic and social development. For almost two decades from date, UNESCO and other global communities have made efforts to attain the Education for All (Dakar Declaration) goals. However, in Nigeria, full participation and enrolment of children in schools has still not attained the 100% requirement as enshrined in the Child's Right Act (2003).

The right of children to an education in Nigeria's complex, multi-ethnic society necessitates addressing a variety of issues. In addition to shedding light on how societal, governmental and family influences affect children's education, this study will also explore interferences, difficulties in translating policy and crucial elements of upholding children's rights and care. The protection and fulfilment of children's educational rights in Nigeria require a comprehensive strategy that considers cultural norms, economic inequalities and institutional problems.

Finally, this study will not only make a significant contribution to knowledge of children's rights to education in a multicultural Nigeria, but it will also present fresh theoretical insights that can improve academic discourse. It will provide a foundation on which future research, policy development and interventions can be built in order to guarantee that children in Nigeria and other similar contexts receive the quality education they deserve, in accordance with their rights and aspirations.

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