

CHILD'S EDUCATION AND INCLUSIVE DEVELOPMENT IN NIGERIA: EXPLORING PREFERENCES FOR REDISTRIBUTING ECONOMIC OBLIGATIONS THROUGH LAWS

A Presentation by

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Basis of Inclusive Development

- Evolution of Inclusive Development
- Inclusive development *is that part of development that counters exclusion and inequality* Dekker M (2017)- working concepts on inclusive development are derivatives of human rights norms.
- See Art 2(2), UNDRD 1986

*The **human person** is the central subject of development and should be the active **participant** and **beneficiary** of the right to development.*

- Children as human persons are excluded from active participation due to young age, parental idiosyncrasies and prohibitive laws among others.
- An example of prohibitive laws, is on what constitutes “family income”. According to the *Montana Workforce Investment Act*;

*Family income means all income received by **all members** of the family during the six-month period prior to application/registration, annualized by multiplying the six-month income by two (6 month income x 2)*

Meanwhile the Black’s law Dictionary , states family income to mean;

*“compensation received by all family members **age 15 or older** living in the same household. Such compensation may be in wages or other form ”*

- Education and Employment as agents for inclusive and human development

Two sides of the coin: Children as victims of multiple marginalization



- **Vertical Marginalization:** All Children as a minority group in a society consisting of adults and others (Schooling and Child work)
- **Horizontal Marginalization:** A part of childhood that is an excluded tribe within the minority group. (Schooling and Child work)
- The 25th Declaration of the SDG 2030 categorizes extents of marginalization by providing that learning opportunities shall be accessible by;

*“...all people, irrespective of sex, age, race or ethnicity(1st category), and persons with disabilities, migrants, indigenous peoples, **children** and youth(2nd Category), especially those in vulnerable situations...(3rd Category)*

Schooling and employment : Convergences and Clashes across times and Cultures

- ...Compared to adults, children could become the powerless victims of their parents' carelessness and greediness, and the government should intervene, not only to protect unhappy children, but also to protect general wellbeing, so that a sickly and bestial population doesn't grow amidst society... **Samuel Le Poole**(Vleggeert, 1964, p. 64)
- Medieval records on childhood, work and Education- *Lieten G.K* (2005) , *Philippe Aries*(1962)
- Evolution of Child's protection laws in the 20th Century (Labor and Education) especially the UNCRC 1989, ACRWC 1990
- History of slavery, forced labor and exploitation of African Children (Nigeria in focus)
- Indigenous History on child work and Education- Children & participation among Yoruba - Building Ile-Ife Kingdom
- *Omode Ni Ise, Agba Ni Ise Ni afi da ile ife* - Children performed their tasks, Adults also did theirs and so Ile-Ife was created.
- *Owo Omode o to pepe Ti agbalagba o wo keregbe*- The child's hands would not reach the Altar, just as the adults hands would enter the Gourd.

- A picture retrieved from The Gilder Lehman Institute of American History www.ap.gilderlehrman.org.
- Caption in Harpers Weekly on January 30, 1864. -A Photograph of emancipated slaves to raise money for education of freed slaves in New Orleans.



The Nigerian Situation

- **Research Problem-** The complex interactions between Nigerian child laws and international development Agenda on schooling and employment, has created a “no show” effect on the wellbeing of Nigerian children
- **Aim of study-** To examine the structures of Nigerian rules(statutes and Yoruba Customary Law) and how they interact with the international agenda on inclusive development for all children, through schooling and the right to human capital development
- **Objectives of Study**
 - a. Assess the Nigerian status in the UN SDG 2030 and AU AGENDA 2063
 - b. Analyse the content of the Nigerian Statutes on child employment and schooling in line with existing inclusive development mandates
 - c. Explain the marginalized status of Nigerian children vis a vis the plural structures of laws
 - d. Examine the Yoruba customary law on childhood, child education and child empowerment
- **The Theories** (Capacity theory against the Caretaker Theory)
- **Research Methodology-**Qualitative method from the primary and secondary sources of law, then supplemented with unstructured in-depth oral interviews of experts in Yoruba customary law. For example Customary Court Presidents

Nigerian Situation Continued...

High percentage of working children (in harmful conditions) are in unpaid employments either with family members or at the instance their guardians (where the child's wages are paid directly parents) .

19th International Conference of Labor Statisticians Geneva, 2-11 October 2013.

www.ilo.org.

- Contradictions in the definition of child - *Labor Act , Childs Rights Act , Trafficking law among others.*
- Enabling anti child slavery and trafficking laws against inclusive child work regulations
- Express prohibition of child contracts- *Labinjoh v Abake(1924) 5 NLR 33, IRA 1874*
- Also Article 58 of the Nigerian Labor Act
a child below 12 years cannot be employed to work in any capacity except where he is employed by a member of his family on light work of an agricultural, horticultural or domestic character.
- Compared with Article 7 of the ESC on child work
provides that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;

Nigerian Situation continued...

- **Causes of exclusion-** economic discrepancies , insurgences, varieties of socio-cultural norms and practices that discourage attendance in school.
<https://www.unicef.org/nigeria/education>.
- Compulsory, age based & full Time schooling curriculum-CRA 2003, EA 1965
- Distribution of responsibilities within the 1999 federal Constitution
- Colonization and the fact of English language as a means of instruction and learning (NPE 2013)

Nigerian Situation Continued...

- Child labor is rampant in Nigeria and it frequently stops or impairs schooling *UNDP, Human Development Indices & Indicators 2018 Statistical ,update, UNICEF Annual Report on child Labor 2017 Nigeria. www.unicef.org.*
- Removal of formal “education” as a condition against child’s labor : This style is common to the
ACRWC, CRA, LA and Trafficking law:
no one shall employ a child in any case to lift, carry or move anything so heavy as to be likely to adversely affect his physical, mental, spiritual, moral or social development,
- By Art 32 CRC , Article 7 ESC
States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical ,mental, spiritual, moral or social development.

Child Education Continued ■ ■ ■

- Nigeria has out-of-school children population of 10,193,918. and 60 % of this is from Northern Nigeria. 2018/2019 *Annual School Census, by the Universal Basic Education Commission (UBEC), National Population Commission (NPC), National Bureau of Statistics (NBS) and other stakeholders.*

- Nigeria is part of the UN 2030 and AU 2063 Agenda
- Child's rights mandate v UBEA 2004/NPC 2013 on Nomadic Education

General Policy on child Education is supposed to;

- enable permanent literacy & numeracy and the ability to communicate effectively;*
- lay sound basis for scientific and reflective thinking;*
- Enable citizenship education for effective participation in & contribution; to the life of society.*
- Build character & moral training and the dev. of sound attitudes;*
- develop the child's ability to adapt to his changing environment;*
- give the child opportunities for developing manipulative skills that will enable him to function effectively in the society within the limits of his capacity;*
- provide basic tools for further educational advancement, including preparation for trades and crafts of the locality;*

Nomadic Education (UBEA)/NPE 2013

- to provide the nomads with relevant and functional basic education.*
- Improve the survival skills of the nomad by providing them with knowledge & skill that will enable them raise their productivity and levels of income and also participate effectively in nations socio-economic and political affairs*

The Nigerian Situation Continued...

The right to development under Fundamental Objectives and Directive Principles of State Policies, Chapter II, 1999 Constitutions . 17(3)...*all citizens, without discrimination....shall have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment...d. children, young persons and the aged are protected against any exploitation... See also **Section 18** on Education further states that the government shall and when practicable provide;*

(a) free, compulsory and universal primary education;

(b) free secondary education;

(c) free university education; and

(d) free adult literacy programme.

also

However, by section 6(c) Nigerian courts are precluded from exercising their judicial powers on any issue about the conformity of government or individual actions with the provisions of Chapter II.

Yoruba Law on Children, Education and Child emancipation

- Sources of Child care Laws- Divinity, Deities, Statutes, Natural Instincts, restatements on customary laws, cultural practices
- Categories in Childhood- *Ole-inu* (foetus), *Ikoko* (infant), *Omode* (children) and *omo* (child)
- Child responsibilities/participation- Compulsory and indispensable (*gourd principle and the Ile-Ife Proverb*)
- Parental Rights- Vested, Personal and/or Shared
- Parental efforts- Obligatory and /or Reciprocal
- Parental Obligations- Growth and Development (affection and self protection)
- Child education- Home Training(Omoluabi), Formal Education, Religious Education, Informal Training: *Ile ni ati ko eso re ode*(in out participation)
- Child work/labor (not related)
- Maturity (Physical attributes, economic empowerment and marriage)
- Formal education and development: *Ninu oofi ninu oola, omo pandoro n dagba* (The Pandoro seeds would grow irrespective of weather conditions)

Conclusions

- Reviewed the rapport between provisions on child education and child work (Nigeria)
- Restated existing relativities in conceptions- child work, childhood, maturity, education, parental obligations among others
- Examined the impacts of universal descriptions on Nigerian childrens laws
- Explained issues on child capability and marginalization

Recommendations

1. A preference for domestic towards global description of development
2. Inclusive and protective laws on child education and employment
3. Justifiability of socio-economic rights under the Nigerian 1999 Constitution
4. Restructuring the Nigerian Federation and decentralizing the existing curriculum on education
5. Reviewing existing policies on English language as a major medium of school instructions
6. Expansion and profiling of education pedagogies
7. Continuous sensitization of all persons especially indigenous persons on hazards of child labor
8. Progressive political will of policy makers
9. Effective recognition of Nigerian commitments to international instruments that advocate for adequate representation of children in governance processes