



CHILDREN'S RIGHT TO EDUCATION IN NIGERIA: THE CHALLENGES AND THE PROSPECTS FOR THE GIRL CHILD

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Cite this article:

Arowolo, G. A., Arowolo, A. A. (2024), Children's Right to Education in Nigeria: The Challenges and the Prospects for the Girl Child. African Journal of Law, Political Research and Administration 7(4), 77-94. DOI: 10.52589/AJLPRA-EGVV3QKT

Manuscript History

Received: 18 Oct 2024

Accepted: 8 Dec 2024

Published: 16 Dec 2024

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ABSTRACT: Nigeria is a party to most of the international and regional instruments that protect children's right to education, especially the United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC). The provisions of these legislations have been adopted as the Child's Right Act of Nigeria (CRA). This article aimed at examining the extent of Nigeria's compliance with the obligations imposed by these instruments concerning the right of the girl-child to education in Nigeria. The paper adopted the doctrinaire research approach which enables the analysis of the provisions of various laws and policies. The paper found that despite abundant legal provisions for protecting children's right to education, the girls are yet to fully enjoy the right like their male counterparts in Nigeria due to several factors like inadequate enforcement of the CRA, poverty, insecurity and attacks on schools and gender-based violence. This paper argued that educating the girl child is a critical aspect of societal advancement which represents not just the empowerment of the girls but also a cornerstone for global development. It recommended inter alia, monitoring and ensuring the implementation of the right to education based on current international standard as enshrined in the CRA for all children especially girls coupled with advocacy on the right to education principles and legal obligations through all stakeholders including the government and Non-Governmental Organizations.

KEYWORDS: Right to education, Children, Girls, Development, Nigeria.



INTRODUCTION

The Universal Declaration of Human Rights (UDHR, 1948)¹ set the principles for a global acknowledgement of the significance of education for all in general and gender equality more specifically, and was followed by a number of global conventions, declarations, documents and conferences all of which endorsed the accepted notion of gender equality in education for example, Education for All (EFA) the Millenium Development Goals (MDGs),²and the Sustainable Development Goals (SDGs).

Although all States of the world (including Nigeria) have made commitments to realize the right to education for all, fewer than half of the world's countries have achieved gender parity in primary education.³ Many girls and women cannot exercise their right to education due to gender inequality and discriminatory practices.⁴ According to UNICEF, 'the world is failing 130 million girls denied the human right to education'.⁵

In Nigeria, the right to equal and adequate educational opportunities at all levels is entrenched in section 18, chapter 2 of the Constitution of the Federal Republic of Nigeria, 1999. Despite this, and the fact that Nigeria is a party to several international legal instruments such as the United Nations Convention on the Rights of the Child (UNCRC, 1989) which the country domesticated into the Child's Right Act (CRA) 2003, many Nigerian girls still face challenges preventing their access to education.⁶This has been attributed to many factors including child marriage, sexual violence, a patriarchal system and traditional preferences.⁷

Therefore, this article examines the situation of the right of the girl-child to education in Nigeria, analysis of the legal framework applicable to Nigeria, the primary obstacles to educating the girl-child and how these can be effectively addressed. The paper argues that educating the girl child is a critical aspect of societal advancement and leads to multiple benefits for the child. It recommends among others, the adequate and effective implementation of the laws for protecting the rights of the girl-child in Nigeria.

¹ Proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A)

²Nomlomo, V. Farag, A. and Holmarsdottir, H 'Challenges to gender equality and access in education: Perspectives from South Africa and Sudan' (2012) *Southern African Review of Education*, 18(2),41-57.

³ United Nations Office of the High Commissioner (OHCHR), 'The world is failing 130 million girls denied education: UN experts,' (2023), <https://www.ohchr.org/en/press-releases/2023/01/world-failing-130-million-girls-denied-education-un-experts>, accessed 10 October 2024.

⁴ United Nations Educational, Scientific and Cultural Organization (UNESCO), 'Key data on girls and women's right to education' <https://www.unesco.org/en/articles/key-data-girls-and-womens-right-education>, accessed 10 October 2024.

⁵ OHCHR, 2023 (note 3 above).

⁶ Nawrozzada, S. 'Girls' Education in Nigeria' <https://centreforafricanjustice.org/girls-education-in-nigeria/>, accessed 15 September 2024.

⁷ *Ibid.*



The Benefits of Girl-Child Education

A girl-child is any female child below 18 years as provided in section 277 of the Child's Right Act, 2003. The girl-child education is the process through which the girl-child is made into a functional member of her society.⁸ The role that education plays in the improvement of the quality of people's lives, including acceleration of economic growth and harnessing human intellect and potentials cannot be quantified.⁹ In particular, education plays crucial roles in the lives of the girl-child.¹⁰ An educated woman may have the ability to make a modern home, maintain a higher standard of cleanliness and attractive surroundings, socialize with her children, and maintain stable marriage and other ways of life necessary for human survival. Education also gives a woman the ability to participate effectively in social welfare and protect herself from HIV/AIDS infection, sexual exploitation and pressures for early marriage and complicated childbirth.¹¹ Investing in girls' education results in decreasing child marriage rates, child mortality rates, maternal mortality rates and improving health dramatically. Women who are educated make better decisions for their health, family, finance, and for their future aspirations,¹² transforms communities, countries and the entire world.

Girls' education ensures that girls learn and feel safe while in school; have the opportunity to complete all levels of education, acquiring the knowledge and skills to compete in the labor market; gain socio-emotional and life skills necessary to navigate and adapt to a changing world; make decisions about their own lives; and contribute to their communities and the world.¹³

Girls' education strengthens economies and reduces inequality.¹⁴ It contributes to more stable, resilient societies that give all individuals including boys and men the opportunity to fulfill their potential. Both individuals and countries benefit from girls' education.¹⁵ They are more likely to participate in the formal labor market and earn higher incomes. A 2018 World Bank study estimates that the 'limited educational opportunities for girls, and barriers to completing 12 years of education, cost countries between US\$15 trillion and \$30 trillion in lost lifetime productivity and earnings.' All these factors combined can help lift households, communities, and countries out of poverty (which is a major barrier to girls' education).¹⁶

⁸ Okoye, U.O. 'Strategies for promoting Sustainable lifestyle in Families and Communities.' Lead paper presented at the 14th International Home Economic Research Association of Nigeria held at UNN, September, (2013) 1 8-21.

⁹ Jasada, H. 'The Impact of Socio-cultural Value on the Education of Women in Yobe State.' Unpublished M.Ed. Thesis: University of Maiduguri, Nigeria, 1999.

¹⁰ Bulus, H. John, S. and Rikici, F.E. 'Girl Child Education in Nigeria: A Panacea for National Development' (2022), *JPR Journal*, 1 (2), Article 013.

¹¹ Abdul, H.B. 'Policy Dialogue for Policy Makers.' A Paper Presented at Stakeholders and EFA Coordinators in the UNIVEPD (2003), Maiduguri, Nigeria.

¹² 'Richards, A. 'Girls' Education: Challenges and Recommendations' (2020) <https://www.rightsofequality.com/girls-education-challenges-and-recommendations/> accessed 10 October 2024.

¹³ World Bank Group, 'Girls' Education' <https://www.worldbank.org/en/topic/girlseducation> accessed 19 September 2024.

¹⁴ UNICEF, 'Girls' education,' <https://www.unicef.org/education/girls-education>, accessed 13 October 2024.

¹⁵ *Ibid.*

¹⁶ World Bank Group (note 13 above).



The Legal Framework for Protecting the Girl-Child's Right to Education

The right to education, including its equal enjoyment by every girl, is universally recognized and guaranteed in many international and regional legal instruments (to which Nigeria is a party). It consists of four essential and interrelated principles: availability, accessibility, acceptability and adaptability which duty bearers have the obligation to respect, protect and fulfill.¹⁷ Some of the relevant legal instruments are discussed as highlighted below:

a. International instruments

i. The Universal Declaration of Human Rights (UDHR) Article 26 of the UDHR identified education to be a fundamental human right for every person by stating that 'everyone has the right to education.'¹⁸

ii. International Covenant on Economic Social and Cultural Rights (ICESCR)

Articles 13 (1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966) guarantees the '...right of everyone to education...that education shall enable all persons to participate effectively in a free society...' Article 14 emphasized the principle of compulsory education free of charge for all.¹⁹

The Committee on Economic, Social and Cultural Rights takes the view that States Parties are required to ensure that education conforms to the aims and objectives identified in article 13 (1), as interpreted in the light of other instruments such as the World Declaration on Education for All, the Convention on the Rights of the Child, the Vienna Declaration and Programme of Action.²⁰

iii. UNESCO Convention against Discrimination in Education 1960

The UNESCO Convention is the first legally binding international instrument which is entirely dedicated to the right to education (Sustainable Development Goal 4: Ensuring Inclusive, Equitable, and Quality Education and the Promotion of Lifelong Learning Opportunities for All).²¹ Article 1 of the convention prohibits discrimination done for the purpose or effect of, among others, nullifying or impairing equality of treatment in education and in particular for depriving any person or group of persons of access to education or limiting any person or group of persons to education of an inferior standard. Under Article 9, reservations to this convention are not permitted.²² That is, the Convention is fully applicable to all its State Parties which must conform to all the rights and obligations laid out in the instrument.

¹⁷ United Nations, 'Economic and Social Council' E/CN.4/1999/49, 13 January 1999 para. 50.

¹⁸ UDHR (note 1 above) Article 26.

¹⁹ ICESCR, adopted by General Assembly resolution 2200A (XXI) on 16 December 1966.

²⁰ United Nations Office of the High Commissioner for Human Rights (OHCHR), General Comment No. 13: The right to education (article 13). Adopted by the Committee on Economic, Social and Cultural Rights at the Twenty-first Session, E/C.12/1999/10, 8 December 1999

²¹ UNESCO Convention, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 December 1960, Nigeria accepted on 18 November 1969.

²² *Ibid.*



iv. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979

Article I prohibits discrimination against women.²³ Article 10 (a)-(h) establishes the obligation of the States Parties to ‘take all appropriate measures to eliminate discrimination against women in order to ensure them equal rights with men in the field of education,’ ensure *inter alia*, the same conditions for career and vocational guidance, access to studies, the same curricula, examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality; reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely; elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education.

CEDAW General Recommendation No. 36 (2017) on the right of girls and women to education in its para.3 emphasized the need to ensure inclusive and quality education for all and promote lifelong learning as a priority of Sustainable Development Goal 4.²⁴ Two critical education targets to be met are ensuring that all girls and boys complete free, equitable and quality primary and secondary education, eliminating gender disparities in education and ensuring equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations. Para. 4 noted that certain factors such as poverty and economic crises, gender stereotyping in curricula, textbooks and teaching processes, violence against girls and women in and out of school and structural and ideological restrictions to their engagement in male dominated academic and vocational fields disproportionately prevent girls and women from enjoying their basic human right to education.

Consequently, the Committee noted in Para. 5 that the gap between the legal recognition of the right of girls and women to education remains critical, and the effective implementation of that right calls for further guidance and action on article 10 of the Convention.

v. Convention on the Rights of the Child (CRC) 1991).²⁵

Article 28 of the CRC recognizes children’s right to education and states that in order to progressively achieve this right and on the premise of equality, countries are encouraged to provide mandatory and free primary education to all, increase the availability of various forms of secondary education, provide financial aid where necessary and take appropriate steps to ensure good and consistent attendance at schools.

²³ CEDAW, adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979. Nigeria ratified the CEDAW in 1985.

²⁴ CEDAW Committee on the Elimination of Discrimination against Women, ‘General recommendation No. 36 (2017) on the right of girls and women to education’ (2017) CEDAW/C/GC/36.

²⁵ CRC, adopted by the General Assembly resolution 44/25 in 1989. Nigeria ratified the CRC in 1991.



Non-Binding Political Commitments

Para. 12 of CEDAW General Recommendation No. 36 identified the non-binding political commitments and global strategies that reiterate the responsibilities of Governments in recognizing education as a catalyst for accelerating national development and social transformation.²⁶ The declaration called upon states to take strategic action in confronting inequalities and inadequacies in the access of girls and women to education and training. The strategies include the following:

i. Programme of Action of the International Conference on Population and Development, 1994²⁷

Principle 4 aims to advance gender equality and equity, the empowerment of women and the elimination of all kinds of violence against women.

Principle 11.1 noted that although the differences in educational attainment between males and females have shrunk, 75 percent of illiterate persons in the world are women. Therefore it called on the world community to ensure that all children receive an education of improved quality and that they complete primary school.

ii. Beijing Declaration and Platform for Action, 1995²⁸

Twenty-five years ago, in Beijing, China, the world made a promise: equal rights and opportunities for all women and girls, everywhere. It was the Fourth World Conference on Women where more than 30,000 activists and representatives of 189 countries gathered to decide what it would take to make a gender-equal world.²⁹ Together, they created the Beijing Declaration and Platform for Action, regarded as the most comprehensive agenda to date, on gender equality and women's empowerment which is now considered the key global policy document on gender equality. It sets strategic objectives and actions for the advancement of women and the achievement of gender equality in 12 critical areas of concern including the girl child, women and poverty, education and training of women and girls, women and health, women and the economy, and violence against women.³⁰

Principle 9 of the Declaration implores states to 'ensure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights.' Principle 24 also mandates states to take all necessary measures to eliminate all forms of discrimination against women and the girl child and remove all obstacles to gender equality and the advancement and empowerment of women while principle 27 emphasized the promotion of 'people-centered sustainable development, including sustained economic growth, through the provision of basic education, life-long education, literacy and training, and primary health care for girls and women.'

²⁶ CEDAW Committee (note 24 above).

²⁷ Programme of Action of the International Conference on Population and Development was adopted in Cairo at the 14th plenary meeting from 5 - 13 September 1994, United Nations, New York, 1995. A/CONF.171/13/Rev.1.

²⁸ United Nations, 'Report of the Fourth World Conference on Women' Beijing 4 to 15 September 1995, A/CONF 177/20/Rev 1.

²⁹ *Ibid.*

³⁰ *Ibid.*



iii. World Declaration on Education for All, 1990³¹

The preamble to the declaration notes that more than 100 million children, including at least 60 million girls, have no access to primary schooling and more than 960 million adults, two-thirds of whom are women, are illiterate. Article III (3) provides that ‘the most urgent priority is to ensure access to, and improve the quality of education for girls and women and to remove every obstacle that hampers their active participation. It requires that ‘all gender stereotyping in education should be eliminated.’ Article III (1) requires that ‘basic education should be provided to all children, youth and adults’ while Article III (4) emphasized that ‘an active commitment must be made to removing educational disparities.’

iv. Millenium Development Goals (MDGs) 2000

The United Nations Millennium Development Goals (MDGs) are the eight goals set by the 189 UN member states in September 2000 and agreed to be achieved by the year 2015.³² Millennium Development Goal 2 is to ‘achieve universal primary education’ for boys and girls.³³ Reports indicate that school enrolment in sub-Saharan Africa reportedly made the most progress in primary school enrolment among all developing regions as the rate of enrolment increased from 52 percent to 78 percent between 1990 and 2012. Still, 33 million of the 57 million out of school children are in sub-Saharan Africa with 55 percent being girls.³⁴

MDG 3 is ‘to empower women and promote gender equality.’ This includes eliminating gender disparity in primary and secondary education by 2005, and in all levels of education by 2015.³⁵ Although significant progress has been made towards girls’ and women’s equality in education and employment, there are still many gaps in areas not targeted in the MDGs.³⁶

v. Sustainable Development Goals (SDGs)

SDG 4 is to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. Target 4.1 states that by 2030, states must ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes. By Target 4.2, by 2030, all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education.³⁷ According to national education targets, the percentage of students attaining basic reading skills by the end of primary school is projected to rise from 51 percent

³¹World Declaration on Education for All, adopted by the World Conference on Education for All, Jomtien, Thailand, 5- 9 March 1990.

³² The Millennium Declaration was signed at the September global summit held at the UN headquarters in New York.

³³ MDG Monitor, ‘MDG 2: Achieve universal primary education,’ (2017) <https://www.mdgmonitor.org/mdg-2-achieve-universal-primary-education/>, accessed 11 October 2024.

³⁴ *Ibid.*

³⁵ MDG Monitor, MDG 3: Promote gender equality and empower women, (2013), <https://borgenproject.org/mdg-3-promote-gender-equality-and-empower-women/>, accessed 11 October 2024.

³⁶ *Ibid.*

³⁷ United Nations, Sustainable Development Goals, <https://www.un.org/sustainabledevelopment/education/>, accessed 12 October 2024.



in 2015 to 67 percent by 2030. However, an estimated 300 million children and young people will still lack basic numeracy and literacy skills by 2030.³⁸

According to a 2024 UN report, global progress in education has not been fast enough.³⁹ Only 58% of students worldwide achieved at least the minimum proficiency level in reading at the end of primary schooling in 2019. A large share of countries is moving backwards in learning outcomes at the end of lower secondary school while improvement in upper secondary completion rate has slowed since 2015. Some regions, including sub-Saharan Africa, reportedly face teacher shortages, high student-teacher ratios, and inadequate training and lack of professional development. Para. 42 of the 2024 report also indicates that a large share of countries are moving backwards in terms of learning outcomes at the end of lower secondary school. Improvements in upper-secondary completion rates have slowed since 2015. Some areas, including sub-Saharan Africa, are facing teacher shortages, high student-teacher ratios, inadequate training and a lack of professional development opportunities for teachers. Para.22 states that SDG 5 mandate, to achieve gender equality and empower all women and girls is clearly off track. It recommends that accelerating progress towards achieving Goal 4 should be prioritized, as it would have a catalytic impact on the realization of the 2030 Agenda.⁴⁰ According to UNICEF, although more girls are going to school and staying in school than ever before globally, in Nigeria, there is still a long way to go to ensure equality of education for girls, especially in the north-east, where 60 percent of out-of-school girls in Nigeria are located.⁴¹

African Regional Instruments

i. African Charter on Human and Peoples' Rights (ACHPR) 1981

Regionally, the ACHPR is the most important instrument on human rights in Africa. Article 2 of the Charter prohibits discrimination of all forms. Under Article 17 of the Charter, every individual shall have the right to education.⁴²

ii. Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol) 2003

The Protocol reiterates the right of women to education and training. Article 12 enjoins State Parties to take appropriate measures *inter alia* to: eliminate all forms of discrimination against women and guarantee equal opportunity and access in the sphere of education and training; eliminate all stereotypes in textbooks, syllabuses and the media, that perpetuate such discrimination; protect women, especially the girl child from all forms of abuse, including sexual harassment in schools and other educational institutions and provide for sanctions against the perpetrators of such practices; integrate gender sensitisation and human rights

³⁸ *Ibid.*

³⁹ United Nations General Assembly, Economic and Social Council, Progress towards the Sustainable Development Goals Report of the Secretary-General, A/79/79-E/2024/54

⁴⁰ United Nations General Assembly Economic and Social Council (2024 session), 'Progress towards the Sustainable Development Goals - Report of the Secretary-General,' A/79/79 E/2024/54 .

⁴¹ UNICEF, '25 years after the historic Beijing women's conference, violence against women and girls still common in Nigeria, says UNICEF' <https://www.unicef.org/nigeria/press-releases/25-years-after-historic-beijing-womens-conference-violence-against-women-and-girls>, accessed 30 October 2024.

⁴² Adopted 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982).



education at all levels of education curricula including teacher training and promote education and training for women at all levels and in all disciplines, particularly in the fields of science and technology.⁴³

iii. African Charter on the Rights and Welfare of the Child (ACRWC), 1990

Article 11 of the charter provides that every child shall have the right to education. The Article places an obligation on Member States to take measures in respect to females to ensure they have equal access to education.⁴⁴ By Article 11 (6) States Parties must ensure that children who become pregnant before completing their education shall have an opportunity to continue with their education on the basis of their ability. The African Youth Charter (AYC) in its Article 13 makes similar provision.⁴⁵

iv. The African Union (AU)

The AU declared 2015 as the Year of Women Empowerment and Development towards Africa's Agenda 2063.⁴⁶ One of the major aims of the seven point Agenda for 2063 is to ensure full participation, with the full engagement of women and youths particularly, in achieving common destiny under a united and strong Africa.⁴⁷ In order to achieve the aspiration on inclusive growth and sustainable development by 2063, the African Union in the Agenda 2063 sets certain goals which includes achieving people-driven development for full gender equality in all spheres of life and engagement of youth and children and eliminate all barriers to access quality education and health for all women and girls by 2063.⁴⁸

National Laws

i. Constitution of the Federal Republic of Nigeria, 1999 (as amended)

Nigeria is a party to the international and regional legal instruments examined above and most of their provisions are now enshrined in the Nigerian Constitution.⁴⁹ The 'right' to education is stated in section 18 of Nigeria's 1999 Constitution. This provision mandates the government to ensure that there are opportunities for education at all levels. The provision also requires the government to take steps to lower illiteracy rates and provide free, universal and elementary education wherever practicable. However, socio-economic rights, such as the right to education, are non-justiciable in Nigeria due to the constitutional constraints placed on the exercise of these rights in section 6 (6) (c).⁵⁰ This was the basis for the decision in the

⁴³ Adopted by the 2nd Ordinary Session of the Assembly of the Union Maputo, Mozambique 11th July 2003

⁴⁴ ACRWC, adopted by the 26th Ordinary Session of the Assembly of Heads of State and Government of the OAU

Addis Ababa, Ethiopia - July 1990

⁴⁵ AYC, adopted by the seventh Ordinary Session of the Assembly held in Banjul, the Gambia on 2 July 2006.

⁴⁶ Adopted at the 24th Ordinary Session of the Assembly of African Union Heads of State and Government, Addis Ababa, in 2013.

⁴⁷ *Ibid*, Aspiration 6.

⁴⁸ African Union Agenda (note 46 above).

⁴⁹ Constitution of the Federal Republic of Nigeria, (CFRN) 1999 (as amended).

⁵⁰ Onuora-Oguno, A.C., 'Commentary on the right to education: An expository of article 12 of the Maputo Protocol,' (2023) 43 *Public Governance, Administration and Finances Law Review*, 1.



case of *Olubunmi Okogie & Others v Attorney General of Lagos State* where non-justiciability of the right to education was upheld.⁵¹

However, based on the provisions of item 60 (a) of the constitution which empowers the National Assembly to make laws for socio-economic rights to be justiciable, in the case of *LEDAP V Federal Ministry of Education and AG federation*,⁵² it was acknowledged that Chapter II rights, specifically the right to education, has been made justiciable as a result of the enactment of the Universal Basic Education Act (UBE) 2004.

ii. The Child's Right Act (CRA) 2003

Nigeria passed the Child's Rights Act (CRA) in 2003, thus domesticating and giving legal backing to both the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.⁵³ Section 15 (1) of the CRA provides that 'every child has the right to free, compulsory and universal education.' This is to be provided by the Government of Nigeria. By the provisions of section 15 (5), '... a female child who becomes pregnant, before completing her education shall be given the opportunity after delivery, to continue with her education on the basis of her individual ability.' This points to the importance given to girl-child education under the CRA.

A major challenge to actualising the CRA is its lack of nationwide acceptance and implementation.⁵⁴ Several states in northern Nigeria are opposed to several provisions of the CRA including the prohibition of child marriage and betrothal (sections 21 and 22), the definition of a child as anyone below the age of 18 (section 277), and the prohibition of marriage between an adopted child and members of the adoptive family (section 147). It has been observed that these northern states oppose the Child's Rights Act because of the incongruence of some of its provisions with their cultural and religious norms.⁵⁵ Current report indicates that the Child's Right Act 2003 has now been domesticated in 33 out of the 36 states and the FCT.⁵⁶ By this report, three northern states, Adamawa, Bauchi and Gombe states, are yet to adopt the Act.⁵⁷ However, the effect of full implementation is yet to be seen. Vices including denial of access to education; gender discrimination; denial to equal opportunities still persist.⁵⁸

⁵¹ (1981) 1 NCLR 218 350.

⁵² (FHC/ABJ/CS/978/15) (2018).

⁵³ Akinola, O. 'Who is a child? The politics of human rights, the Convention on the Right of the Child (CRC), and child marriage in Nigeria' in Blouin-Genest, G. Doran, M. and Paquerot, S. (eds.) *Human rights as battlefields: changing practices and contestations* (Cham, Switzerland: Palgrave Macmillan, 2019)129–148

⁵⁴ Nwozor, A. & Okhillu, B. 'Child's Rights and the Challenges of Educating the Girl-Child: Assessing the Contributions of UNICEF in Nigeria' (2022) *The Age of Human Rights Journal* 18 285-309.

⁵⁵ Ogunniyi, D. 'The challenge of domesticating children's rights treaties in Nigeria and alternative legal avenues for protecting children' (2018) *Journal of African Law* 62(3), 447–470.

⁵⁶ Child's Rights Act Tracker, 'States that have passed the child's right law in Nigeria,' (2024) <https://www.Partnersnigeria.org/childs-rights-law-tracker/>, accessed 13 October 2024.

⁵⁷ *Ibid.*

⁵⁸ Plan International, 'Summit releases State of the Nigerian Girls 2024, cites child rights abuses,' (October 2024) <https://reliefweb.int/report/nigeria/summit-releases-state-nigerian-girls-2024-cites-child-rights-abuses>, accessed 8 September 2024.



iii. Universal Basic Education Act 2004

Prior to the adoption of the Child's Rights Act, the Nigerian government had introduced Universal Basic Education (UBE) in 1999.⁵⁹ The UBE took off in 2004 following the enactment of the Compulsory, Free Universal Basic Education Act of 2004.⁶⁰ The establishment of UBE significantly relates to the World Education Conference which Nigeria participated in at Jomtien, Thailand, considered earlier in this paper. Nigeria was one of the signatories to the consequent declaration on Education for All (EFA).⁶¹ In response to this and in order to meet the targets of EFA, all the six goals of EFA were embedded in the UBE goals.⁶² With this declaration, every child is expected to be educated and the governments of various countries are expected to demonstrate this commitment at least at the elementary/primary level.⁶³

Section 2 of the UBE Act provides that 'Every Government in Nigeria shall provide free, compulsory and Universal basic education for every child of primary and junior secondary school age.'⁶⁴ From the interpretation section 15 of the UBE Act, 'services that should be provided free of charge are books, instructional materials, classrooms, furniture and free lunch.' Towards this, the Nigerian government introduced a school feeding program in 2004 to provide a meal each school day to all primary school pupils in Nigeria. The overall tripartite objectives of the program, beyond catering for the nutritional needs of school children and thus improving their health, included the expansion of school enrolment, the enhancement of student retention, and ensuring a high completion rate.⁶⁵

iv. National Policy on Gender in Education (2021)

The focus of the policy is to address access, retention and completion concerns for boys, girls, men and women in education. Thus assuring the attainment of SDGs 4 and 5 (which focus on inclusive and equitable quality education, promoting lifelong learning opportunities for all and to achieve gender equality and empower all women and girls). That is, elimination of forms of discrimination in education for equity, equality, parity and social inclusion.⁶⁶ The implementation of the National Gender Policy is therefore crucial towards gender equality and women's empowerment.⁶⁷

⁵⁹ Nwozor and Okhillu (note 54 above).

⁶⁰ Aja, S.N. Egwu, SO Aja-Okorie, U *et. al.*, 'Universal Basic Education (UBE) Policy implementation challenges: the dilemma of junior secondary schools administrators in Nigeria' (2018) *International Journal of Educational Administration and Policy Studies* 10(7), 83-90.

⁶¹ Maigida, A.Y. 'A Review of Nigeria's Universalization of Education and the Perceptible Analysis of Universal Basic Education as a Concept and Phenomenon' (2017), *International Journal of Academic Research in Business and Social Sciences* 7, (7).

⁶² Agusiobo, B. O. 'Education of the girl-child in Nigeria for a just, peaceful, harmonious society and sustainable development, (2018) *International Online Journal of Education and Teaching* (IOJET), 5(4), 768-786.

⁶³ Maigida (note 61 above).

⁶⁴ Compulsory, Free Universal Basic Education Act, 2004.

⁶⁵ Falade, O.S. Otemuyiwa, I.O. Oluwasola, O. *et.al.*, 'School feeding programme in Nigeria: the nutritional status of pupils in a public primary school in Ile-Ife, Osun State, Nigeria' (2012) *Food and Nutrition Sciences* 3, 596-605.

⁶⁶ Federal Ministry of Education, 'National Policy on Gender in Education and its Implementation Guide,' Federal Ministry of Education, Nigeria, 2021.

⁶⁷ *Ibid.*



Other Efforts towards (the State of) the Girl Child Education

Apart from policy intervention, Nigeria made tremendous efforts with a lot of monetary investments on the education of the girl child.⁶⁸ The government has been working in active collaboration with international development partners such as the United Nations Children's Fund (UNICEF), Department For International Development (DFID), United States Agency For International Department (USAID), Japan International Cooperative Agency (JICA), World Bank as well as Civil Society and Non-Governmental Organizations (NGOs) to achieve the Education For All (EFA)/Universal Basic Education (UBE) goals. The United Nations Children's Fund has made girls education a priority with the Girl Education Project (GEP) as a joint initiative between the Federal Government of Nigeria and DFID to achieve the Millennium Development Goals and to eliminate disparity in gender education by 2015.⁶⁹

December 19 was declared as the International Day of the Girl Child towards breaking the cycle of discrimination of the girl child amongst others and protecting their human rights as well as boys and men.⁷⁰ The government established the Ministry of Women Affairs and Social Welfare now Ministry of Gender and Social Welfare in some states, to collaborate with the Ministry of Education in the promotion of girl child education and other matters. All these are the prospects to enhance the girl child education in Nigeria.⁷¹

The Federal Government of Nigeria and six northern states partnered with UNICEF and the UK's Foreign, Commonwealth and Development Office (FCDO) to improve access to learning, especially for girls, and to begin to shift their life opportunities through education (UNICEF, Transforming Nigeria).⁷² GEP3 addressed the multi-faceted and intersecting disadvantages which most severely hindered girls' access to education. GEP3 was designed for scale and sustainability.⁷³

UNICEF also confirmed that after 10 years of implementation, FCDO's longest running and biggest investment in girls' education (\$109m) globally, brought 1.5 million girls into school in Northern Nigeria, reduced the gender gap and improved learning.⁷⁴ An independent evaluation supported by a range of research studies, showed that modest (\$45) unconditional cash transfers to indigent households, combined with extensive community mobilization and enrolment drives, school/learning center grants to fix infrastructure and investment in early grade reading and numeracy (through structured pedagogy) were highly successful in drawing girls into school.⁷⁵ Girls' enrolment skyrocketed from 1.76 million to 2.87 million, representing a 64 percent increase. Gender parity increased in six northern states from 0.73 to 0.97 and girls' survival in primary 1 to primary 5 increased from 57 percent to 87 percent. Learning levels too improved in public primary schools and in Integrated Qur'anic Schools

⁶⁸ Alagoa, C.S. 'Challenges and Prospects of the Girl-Child Education in Nigeria' (2015) *Journal of Qualitative Education*, (2015) 11 (1), 1-5.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

⁷² UNICEF, Transforming Nigeria: How 1.5 million girls found their way to school,

<https://www.unicef.org/nigeria/stories/transforming-nigeria-how-15-million-girls-found-their-way-school>, accessed 12 October 2024.

⁷³ *Ibid.*

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*



with GEP3 learners outperforming their peers in both English and Hausa literacy and numeracy.⁷⁶

GEP3's greatest success was the transformational shift it achieved in social norms on girls' education. At the heart of GEP3's success were local women, High-level Women Advocates (HiLWAs) and Mothers' Associations (MAs), supported by traditional and religious leaders, and peer groups rooting out deep-seated misconceptions about girls' education and reimagining the role of girls and women in society.⁷⁷

UNICEF noted, however, that despite the foregoing achievements, the agenda on girls' education in Nigeria remains unfinished as much work remains to be done towards building a model on the transition, retention and completion of girl's secondary education.⁷⁸

4. Situation of the Girl-Child Education in Nigeria

Despite numerous legal frameworks and policies adopted in Nigeria at the international, regional and domestic level, and various interventions by international organizations, girls continue to face significant challenges in accessing quality education in the country. According to a 2023 report by UNESCO, globally, 'education is in a state of emergency.'⁷⁹ This is confirmed by the October 2024 report of UNESCO that 251 million children and youths are still out of school, despite decades of progress.⁸⁰ According to the report, regional disparities remain stark as 33% of school-aged children and youth in low-income countries are out of school, compared to only 3% in high-income countries. More than half of all out-of-school children and adolescents in the world are in the sub-Saharan African region.⁸¹ Report confirms that this alarming figure positions Nigeria as the country with the highest number of out-of-school children globally.⁸² Thus, Nigeria's education system faces an alarming crisis, with 10.2 million children of primary school age, and another 8.1 million of junior secondary school age out of school, and 74 percent of children aged 7–14 lacking basic reading and math skills.⁸³ Out of this figure, 60% (more than 10 million) are girls.⁸⁴

Farah (UNICEF Official to Nigeria) confirmed that only one in four girls from 'poor rural families' in Nigeria finish secondary school and that insecurity 'accentuates gender inequalities.' He stated further that since Boko Haram abducted 200 schoolgirls in the

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

⁷⁹ UNESCO, 'UNESCO: Global number of out-of-school children rises by million,' <https://www.unesco.org/en/articles/unesco-global-number-out-school-children-rises-6-million>, accessed 20 September 2024.

⁸⁰ UNESCO, 251M children and youth still out of school, despite decades of progress (UNESCO report), <https://www.unesco.org/en/articles/251m-children-and-youth-still-out-school-despite-decades-progress-unesco-rep>, accessed 13 October 2024.

⁸¹ *Ibid.*

⁸² Agwam, C. 'Nigeria's out-of-school children now 18.3m – UNICEF,' <https://www.vanguardngr.com/2024/05/nigeria-s-out-of-school-children-now-18-3m-unicef/>, accessed 14 October 2024.

⁸³ UNICEF, Immediate Action Needed to Protect Nigeria's Children and Schools, (September 2024), <https://www.unicef.org/nigeria/press-releases/immediate-action-needed-protect-nigerias-children-and-schools>, accessed 15 October 2024.

⁸⁴ Africa News, '18.5 million children in Nigeria are out of school – UNICEF,' <https://www.africanews.com/2022/05/13/18-5-million-children-in-nigeria-are-out-of-school-unicef/>... accessed 11 September 2024.



northeastern town of Chibok in 2014, dozens of schools have been targeted for similar mass abductions.⁸⁵ Therefore Farah attributed the causes of high number of out of school children in Nigeria to violence and mass kidnappings which has resulted in increasing cases of child marriage and early pregnancy.⁸⁶ This crisis is compounded by increasing attacks on schools in Nigeria, with 19 documented incidents in 2022 and 2023, leading to the closure of 113 schools in Borno, Adamawa, and Yobe states due to insecurity. These stark realities highlight the urgent need for combined action to protect education nationwide.⁸⁷

According to UNESCO, the global result on education undermines the United Nations' goals for education. This is particularly true of Nigeria. The Director-General of UNESCO calls on States (including Nigeria) to take rapid action as the future of millions of children is in their hands.⁸⁸

5. Barriers to Girl-Child Education

Some of the major challenges are as follows:

a. Lack of Adequate Enforcement of the Child's Right Act 2023: Despite the improvement in the Nigerian states' adoption of the CRA highlighted above, and the country's commitment to international instruments including the enactment of some national laws particularly the CRA, many challenges remain for lack of effective implementation of the laws. As discussed in this article earlier, out of 18.5 million out of school children in Nigeria, 60% (more than 10 million) are girls.⁸⁹ This indicates that although the majority of states have adopted the Child's Right Act into states' law, implementation has not been effective.

b. Economic Factors: The Nigerian economy is characterized by very harsh economic conditions. During 2015-2022, growth rates decreased and GDP per capita flattened, driven by policy missteps compounded by shocks.⁹⁰ This has given rise to a scarcity of resources. Most often, it is the girl-child that remains at home; girls get withdrawn from schools to help supplement family income. In some cases, the girls are given out as housemaids or given out to early marriage to get a huge bride price.⁹¹ Where parents are very poor and see little benefit from girls' education, parents depend on their children's labor for household survival, especially the use of girls to hawk and sell items.⁹²

c. Educational Factors: Education for girls is about girls feeling safe in classrooms and supported in the subjects and careers they choose to pursue.⁹³ Components that contribute to educational barriers to girl-child education are accessibility to school, lack of school

⁸⁵ *Ibid.*

⁸⁶ *Ibid.*

⁸⁷ UNICEF, Immediate Action Needed (note 83 above).

⁸⁸ UNESCO (note 79 above).

⁸⁹ Africa news (note 84) above.

⁹⁰ Madu, C.O. & Obi J.S.C., 'Barriers to Girl-Child Education in Nigeria and Strategies for Improvement, *Unizik Journal of Educational Research and Policy Studies* (2021), 3, 164-173.

⁹¹ *Ibid.*

⁹² The independent Policy Group, 'Proceedings of the Report of the Consultative forum on girls education in Nigeria, held at Sokoto, Nigeria, (2003), 1,2-7.

⁹³ UNICEF, 'Girls Education (note 14 above).



infrastructure, insecurity, learning environment and absence of gender sensitive curricula.⁹⁴ In some places, schools do not meet the safety, hygiene or sanitation needs of girls. In others, teaching practices are not gender-responsive and result in gender gaps in learning and skills development.⁹⁵ This disproportionately affects girls, as the absence of separate and safe sanitation facilities during menstruation discourages attendance.⁹⁶

d. Poverty: Poverty is a significant barrier, as many families in Nigeria, especially in rural areas, prioritize boys' education over girls. The poverty rate is estimated to have reached 38.9% in 2023, with an estimated 87 million Nigerians living below the poverty line, the world's second-largest poor population after India.⁹⁷ Extreme poverty can also make families unable to finance the girl-child education where there are so many children to care for. This belief is still on in some southern and northern parts of Nigeria.⁹⁸

e. Sexual Violence and Abuse: Sexual violence and abuse could result in intimidating environments and when in the environment the girl-child may also be unwilling to come to school because of possible abuse that may face them there.⁹⁹

f. Traditional Preferences and the Patriarchal System: In most Nigerian communities, the male child is clearly an important object of huge social and emotional investment as the male is valued more than the female child.¹⁰⁰ This leads to discrimination with many parents preferring to educate their sons since they will remain in the family to help in its development and perpetuate its name while a highly educated girl is at a loss since she will marry and benefit her family.¹⁰¹

In rural areas, it is the patriarchal system which decides the hierarchy of roles for men and women.¹⁰² It is a system that considers women as intrinsically inferior to men which is a main cause of gender inequality.¹⁰³ Thus, many parents possess a negative attitude towards schooling for girls.¹⁰⁴ This preference is based on the traditional practice that the boy child will succeed their fathers and support their family.¹⁰⁵ As girls are often indoctrinated into

⁹⁴ Ogwu, H. I., Factors affecting Girl-Child Education in Northern Nigeria, https://www.researchgate.net/publication/360239119_, accessed 21 October 2024.

⁹⁵ UNICEF, 'Girls' education (note 14 above).

⁹⁶ Oyinloye, B. 'Challenging Barriers to Girls' Education' This Day News Paper, (2024) <https://www.thisdaylive.com/index.php>, accessed September 25, 2024.

⁹⁷ World Bank Group, The World Bank in Nigeria: The World Bank is helping to fight poverty and improve living standards for the people of Nigeria with more than 130 IBRD loans and IDA credits since 1958,' (2024), www.worldbank.org/en/country/nigeria/overview, accessed 12 October 2024.

⁹⁸ Madu and Obi (note 90 above).

⁹⁹ *Ibid.*

¹⁰⁰ Izugbara, C.O. 'Patriarchal Ideology and Discourses of Sexuality in Nigeria' Understanding Human Sexuality Seminar Series 2, African Regional Sexuality Resource Centre (ARSRC) (2004) University of Lagos, 1-34.

¹⁰¹ Okojie, C.E.E. Chiegwe, O. & Okpokunu E., ' Gender Gap in Access to Education in Nigeria' (1996) a research report submitted to the African Academy of Sciences Nairobi, Kenya.

¹⁰² Velez, C. 'Nigeria: Women's Education and the Role of Patriarchy' (2018) University of San Francisco <https://www.researchgate.net/publication...>, accessed 26 September 2024.

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*

¹⁰⁵ Omoregie, N. & Abraham, I.O. 'Persistent Gender Inequality in Nigerian Education' (2009) https://www.researchgate.net/publication/321126911_Persistent_Gender_..., accessed 27 September 2024.



such gendered roles, it leaves them with little room for thoughts of education and self-actualization.¹⁰⁶ The boy child is also often given preference due to the patrilineal system, that is, a system which grants inheritance rights to the male line.¹⁰⁷ As a result, Nigerian schools from primary to tertiary level are dominated by males.¹⁰⁸

g. Child Marriage: Child marriage is both a cause and result of poor education of girls in Nigeria, with 10+ million out-of-school children in the country, of which over 60% are girls.¹⁰⁹ If a girl is out of school, the likelihood of getting married at an early age is very high. When a girl is married young, she is robbed of her childhood and opportunities to realize her full potential. She has an increased risk of poor health outcomes, dropping out of school, experiencing ongoing violence in the home, being restricted in her mobility, left with limited decision-making ability, and earning less over her lifetime.¹¹⁰

h. Armed Conflict, Insecurity, Kidnapping and Abduction: On April 14, 2014, Boko Haram, an Islamist armed group, abducted 276 girls from their school in Chibok, a town in northeastern Borno state.¹¹¹ Boko Haram, known for its opposition to education, also carried out other such abductions, including one of 110 girls from a school in Dapchi, a town in Yobe state, in 2018. The government adopted a Safe School Initiative for Nigeria with the support of the global community and Nigerian business leaders.¹¹² The initiative aimed to raise funds with an initial US\$10 million pledge to help make schools safer, for schools across Borno, Adamawa, and Yobe, the three states worst hit by the Boko Haram insurgency. However, the multi-stakeholder initiative faced problems, and there has been a decline in momentum over the years with little or no progress made in fortifying schools. Consequently, many schools have been shut down completely, with more than 20 million children out of school in Nigeria.¹¹³

i. Cultural Influence: Some parents have the misconception that sending their daughters to school will bring about immoral behavior among them while some cultures see education of the girl child as a wasted investment.¹¹⁴ This misconception stems from the view and belief that a girl is expected to marry and leave the father's house. Even if she does end up eventually providing for her family, she will most certainly earn less than her male counterparts because of the gender wage gap.¹¹⁵

¹⁰⁶ Velez (note 102 above).

¹⁰⁷ Omoregie (note 105 above).

¹⁰⁸ Velez (note 102 above).

¹⁰⁹ Save the Children International, Save the Children Nigeria, 'State of the Nigerian Girl: An incisive diagnosis of child marriage in Nigeria,' Save the Children International, Save the Children Nigeria, <https://resourcecentre.savethechildren.net/document/state-nigerian-girl-incisive-diagnosis>, accessed 22 September 2024.

¹¹⁰ *Ibid.*

¹¹¹ Human Rights Watch, 'Nigeria: 10 Years After Chibok, School children Still at Risk: Implement Safe Schools Plan to Protect Schools, Children' <https://www.hrw.org/news/2024/04/11/nigeria-10-years-after-chibok-...> accessed 12 October 2024.

¹¹² *Ibid.*

¹¹³ *Ibid.*

¹¹⁴ Madu and Obi (note 90 above).

¹¹⁵ *Ibid.*



RECOMMENDATIONS

From the foregoing, the following recommendations are made:

- i. There is a need for a strong political will at the three levels of government to fully implement the relevant legal instruments and Declarations and work towards meeting the targets set by the SGDs with the support of all stakeholders, including civil societies, the private sector, NGOs, parents/guardians and the international community.¹¹⁶ This includes the adequate implementation and enforcement of the CRA in all the states of the Federation.
- ii. International aid should be increased by all donors and partners and be directed to female child survival, development, participation and protection and promotion of human rights.¹¹⁷
- iii. Governments should increase funding for education and provide scholarships and grants for the education of the girl child ensuring gender sensitive plans and budgets.¹¹⁸
- iv. Need for attitudinal change, a re-orientation of societal and parental values and attitudes towards the education of girls would be necessary as there is a negative conception of perceiving girls 'education as 'worthless' or 'valueless.'¹¹⁹
- iv. Economic barriers to education should be addressed as a matter of urgent attention. The free and compulsory primary education should indeed be free; items such as user fees, levies, and charges demanded from parents should be abolished for children and all girls.¹²⁰
- v. Schools should be more girl-friendly by strengthening community ties, hiring more female teachers, teaching in ways that encourage girls, providing sanitation facilities, adequate security, safe drinking water, quality teachers and the necessary enabling environments.¹²¹
- vii. Government should stop the terrorist activities of Boko Haram and focus on issues related to education, peace, preventing conflict and violence which have a direct impact on gender equity, inclusion, protection, access, and quality education.¹²²

CONCLUSION

Analysis in this work shows that the right of the girl-child to education in Nigeria is comprehensively covered by both international and national legal instruments. International partners like UNICEF and the UK's Foreign, Commonwealth and Development Office (FCDO) have made substantial contributions to improve access to learning for girls, yet a lot of challenges remain for the adequate enjoyment of the right by the girl-child. While noting the importance of educating a girl-child as highlighted in this article, educating the girl child

¹¹⁶ Agusiobo (note 68 above).

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*

¹²⁰ *Ibid.*

¹²¹ Herz, B 'Educating Girls in South Asia: Promising Approaches' (2006) The United Nations Children's Fund (UNICEF) 1-57.

¹²² Agusiobo (note 68 above).



in Nigeria remains a crucial issue that must be addressed. This requires concerted efforts from the government, civil society, local communities, and international partners.¹²³ This can be achieved through measures such as legal reform, community involvement, tangible and specific investments. The socio-economic marginalization of girls and women resulting from gender inequalities, lack of access to education, lack of quality education result in poverty, poor standards of living, diminished career choices, unequal salaries, and economic exclusion.¹²⁴ It is therefore very essential for the Nigerian government to invest in girl-child education for sustainable development and gender equality in Nigeria.

¹²³ Ugwu U.N. & Ugwu N.E. 'The Right to Education for Girls in Nigeria: Barriers, Progress, and Policy Solutions' (2024) *Newport International Journal of Law Communication and Languages* 4(2):35-43.

¹²⁴ Ayoola-Amale, A. 'The Girl Child Education and Sustainable Development in Africa, Advances in African Economic, Social and Political Development' in Spiegel, I.E., Mutalemwa, G. & Liu., C *et. al.* (eds.), *Peace Studies for Sustainable Development in Africa*, (Springer, Cham (2022) 259-269.