



THE CHILD'S RIGHT TO EDUCATION IN NIGERIA: MATTERS ARISING

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ABSTRACT

The right to free basic education is guaranteed as a fundamental right, recognized by International, Regional, National instruments to which Nigeria relate to as a signatory to most of the human right instrument and is thus expected to ensure its effectiveness of the implementation of relevant provisions of these instruments to guarantee these rights are enforced. Notwithstanding, this research aims at considering what the Nigeria constitution says about education, what the rights of a child are in education. Also, the justifiability of the right to education in Nigeria shall be considered. However, implementation of a child's right to education in Nigeria remains a mirage and thus is not unconnected with the above-mentioned questions, which can be viewed as its challenges. It is in the light of this that we examine and analyse the challenges facing the implementation of a Child's right to education and an introduction to possible solutions, like the amendment of our constitution for the inclusion of right to education in the bill of right under chapter four of the Constitution of the Federal Republic of Nigeria. Similarly, the general review of the national policy on education and machineries should be put in place for proper implementation of the policy and enforcement of the existing law.

KEYWORD: Child, Education, Rights.

INTRODUCTION

Education is a medium to human and collective improvement, around the globe; children are deprived of education and knowledge for various reasons. A child's right to education demands the right to learn, conversely poverty that is one of the most obstinate barriers, together with political flux or conflict is most probable a reason to be cut off from schooling- as are persons with disabilities or those as of ethnic minorities.¹ Quality pre-primary education is the basis of a Child's educational journey and each phase of education that follows relies on its accomplishment, equitable admission to learning opportunities and enhanced skills development in primary education which include foundational, digital and transferable skills which is key to guarantee that every child is equipped for life, work and active citizenship.² The right to free basic education is guaranteed in International, Regional laws and the Nigerian

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¹ Unicef, 'Education every child has the right to learn' <[http:// www.unicef.org](http://www.unicef.org)> accessed 11 January 2023

² Ibid.



constitution section 18(1)³ provides: that it shall be the responsibility of the government to direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels, it shall provide science and technology, it shall strive to eradicate illiteracy, and to this end, government shall as and when practicable, provide free, compulsory and universal primary education; free secondary education; free university education and free adult literacy programme.⁴

However, for the actualization of the right to education, the right must be effectively implemented at the national level through the adoption of constitutional provision, legislation and policies. The right to education as clearly enshrined in Chapter two of the 1999 Constitution of the Federal Republic of Nigeria, although regarded as non.justiceable, has been given effect and made justiceable by other domestic laws such as the Universal Basic Education Act, 2004. State government must muster the political will by increasing the budgetary allocations to education in order to drastically reduce the appalling figures of out-of-school children.⁵

WHO IS A CHILD

According to the Merriam- Webster dictionary, a child is a noun often attributive:

- 1) a: A young person especially between infancy and puberty
b: A person not yet of the age of majority
c: A childlike or childish person.
- 2) a: A son or daughter of human parents
- 3) a: An unborn or recently born person⁶

According to Article1 of the Convention on the rights of child⁷ a child means every human being below the age of eighteen years unless the law applicable to the child, majority is attained earlier.

³ CFRN 1999 (as amended)

⁴ Emmanuel Akingbehin, 'The justiciability of Right to free Basic Education Conundrum in Nigeria South Africa and India: From obstacle to miracle' *AUDJ*(2021)17(1) 61-62

⁵ (n3)

⁶ Merriam Webster, 'Dictionary: Child' < <https://www.merriam-webster.com/dictionary/child> > accessed 16 January 2023.

⁷ Convention on the Rights of a Child (1989).



Who is a Child in Nigeria?

The term “Child” has been defined variously to adjust to areas for which a purpose is served. For instance, Section 29(4) of the 1999 Constitution of the Federal Republic of Nigeria defines a child as any person under the age of 18. The United Nations Convention on the Rights of the Child defines a child as a human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier. The term “Children in conflict with the law” refers to anyone under 18 who is exposed to the justice system because of being suspected or accused of committing an offence. These various laws and instruments are made based on some fundamental ideologies connecting to the advancement of human existence, avoidance of hurt, promotion and sustenance of human dignity and the enhancement of human development. These ideologies identify the intricate theory that the child is the foundation of humanity and he or she guarantees its continuity.⁸

RIGHTS

There is considerable disagreement about what is precisely meant by the term Rights. Different groups and thinkers have used it for different purposes, with different and sometimes opposing definitions, and the precise definition of this principle beyond having something to do with normative rules of some sort or another is controversial.⁹ A Right can also be defined as a power, privilege or immunity guaranteed under a Constitution, Statute or Case law or claimed because of long usage. In moral vocabulary, respect for rights is seen as a matter of justice. Rights can be asserted, demanded or stood upon. The obligations they impose are expected to be performed and their non-performance occasion feelings of indignation, resentment and disappointment¹⁰.

According to the People’s Law Dictionary¹¹ ‘Right’ is an entitlement to something, whether to concepts like justice and due process or to ownership of property or some interest in property,

⁸ Unini Chioma, *The Rights of a Child in Nigeria* (The Nigeria Lawyer publisher, 2015-2022)

⁹ Chigozie Nwagbara, *The Concepts of Rights-to be or not to be?* (SEAHI Publications 2015)

¹⁰ Grace Adikema-Ajaegbo, *The Rights of Women in Nigeria* < <http://www.thelawyerschronicle.com> > accessed 17th August 2023.

¹¹ Gerald & Kathleen Hill, *The People Dictionary* (ALM Media Properties 2019)



real or personal... Right to me is something one has which people think must not be taken away. It is a rule regarding what a person is permitted to do or have. A right is different from a privilege, which is something that ought to be earned. Rights may be put into laws, so they have legal protection. Legal rights: In simple words, the court of law can enforce legal rights against persons and against the government. A legal right is an interest accepted and protected by law. In addition, any debasement of any legal right is punishable by law. Legal rights affect every citizen. Legal rights are equally available to all the citizens without the discrimination of caste, creed & sex¹²

The Legal Rights of a Child as Enshrined in Nigerian Laws:

In Nigeria, children's Rights are protected by law and held sacred, not only does the law protect the child; it also stipulates punishment for adults who take advantage of children or seek to negatively influence them. The law seeks to prevent cruelty against children while stating the rights and obligations of the Nigerian Child. Prior to the 2003 Child Rights Act, Nigerian child protection was defined by the Children and Young People's Act (CYPA), a law relating primarily to juvenile justice. In 2003, Nigeria adopted the Child Rights Act to domesticate the Convention on the Rights of the Child. The United Nations Convention on the Rights of the Child (UNCRC) is an international human rights treaty that grants all children and young people (aged 17 and under) a comprehensive set of rights.¹³ Chapter IV (Section 33 – 46) of the 1999 Constitution of the Federal Republic of Nigeria provides for the fundamental rights of every person including children.¹⁴

Rights of The Child

The Act¹⁵ expands and provide for more defined rights specific to the protection of the rights of the Nigerian Child. The Child's Rights Act (2003) is the law that guarantees the rights of all children in Nigeria, providing for the best interest of a child to be of paramount consideration in all actions. It also provides for a child to be given protection and care necessary for his or

¹² Law for You, 'Rights: Meaning and theories; different kinds of rights; concept of Human Rights', <https://www.linkedin.com/pulse/rights-meaning-theories-different-kinds-concept/> accessed 18 January 2023.

¹³ Legal naija, *legal rights of the Nigerian child* (legalnaija 2021)

¹⁴ CFRN 1999(as amended)

¹⁵ Child's Rights Act of 2003



her wellbeing. The rights and responsibilities of a child are enshrined in Part II (Section 3 – 20) of the Child’s Rights Act 2003.

These rights include:

1. Application of Chapter IV of 1999 Constitution¹⁶
2. Right to survival and development¹⁷
3. Right to name¹⁸
4. Freedom of association and peaceful assembly¹⁹
5. Freedom of thoughts, conscience and religion²⁰
6. Right to private and family life²¹
7. Right to freedom of movement²²
8. Right to freedom from discrimination²³
9. Right to dignity of a child²⁴
10. Right to leisure, recreation and cultural activities²⁵
11. Right to health and health services²⁶
12. Right to parental care, protection and maintenance²⁷
13. Right of a child to free, compulsory and universal primary education, etc²⁸.
14. Right of a child in need of special protection measure²⁹
15. Right of the unborn child to protection against harm, etc.³⁰
16. Contractual rights of a child³¹

¹⁶ CRA 2003, s3.

¹⁷ Ibid., s4.

¹⁸ Ibid., s5

¹⁹ Ibid., s6.

²⁰ Ibid., s7.

²¹ Ibid., s8.

²² Ibid., s9.

²³ Ibid., s10.

²⁴ Child’s Right Act 2003, s11.

²⁵ Ibid., s12.

²⁶ Ibid., s13.

²⁷ Ibid., s14.

²⁸ Ibid., s15.

²⁹ Ibid., s16.

³⁰ Ibid., s17.

³¹ Ibid., s18.



17. Responsibilities of a child and parent³²

18. Parent, etc. to provide guidance with respect to child's responsibilities³³

The CRA 2003 further provides for punishment for child marriage and betrothal, child trafficking, use of children in criminal activities, abduction, exploitative labour, forms of sexual abuse and exploitation, tattoos and skin marks, harmful publication, exposition to narcotic drugs and psycho-tropic substance, recruitment of children into the armed forces amongst other exploitations and unlawful engagements of a child. The law also provides for immediate provision of safe foster care and shelter for a child endangered in his or her immediate environment. Several States, including the Federal Capital Territory (FCT), have adopted the CRA. However, some States in Nigeria are yet to domesticate the Child's Rights Act and it is expedient that they do so without further delay for the protection of children in their States.

THE CONCEPT OF EDUCATION

According to John Dewey³⁴ an American philosopher, psychologist and educational reformer, 'Education is the continuous reconstruction of experiences'. Education is a focused activity aimed at achieving definite aims, such as transmitting knowledge or nurturing skills and character traits. These aims may embrace the expansion of understanding, level-headedness, humanity, and sincerity. Education is both the act of teaching knowledge to others and the act of receiving knowledge from someone else. Education also refers to the knowledge received through schooling or instruction and to the institution of teaching as a whole³⁵.

Why Is Education Important?

Even though education has different definitions, there is one thing terrestrially acknowledged upon; its importance! There are infinite reasons why education is crucial. It has unlimited connotations and implications. They include but are not limited to the following:

Helps to think clearly: Education acquaints youngsters with the atmosphere around them. It encourages them to be more mindful of their strengths and flaws and teaches them to drive their focus in the right direction.

³² Ibid., s19.

³³ Ibid., s20.

³⁴ Sikandar Aliya, 'John Dewey and His Philosophy of Education'[2015] (2) (2) *Journal of Education and Educational Development*. 191.

³⁵ <<https://www.98thpercentile.com/why-is-education-important>> accessed 18 January 2023



Fills courage to face any situation: Education teaches children that failure is not an end; they should try until they succeed and never give up. It fuels their determination to live in the world autonomously and encounter any circumstances bravely.

Teaches values and delivers equality- Frederic Douglass³⁶ said, “*It is easier to build strong children than to repair broken men.*” It is necessary to educate and infuse moral values and frame character right from childhood. Childhood education will help children develop honesty, kindness, generosity, courage, freedom, equality, and respect. It frames better behavior and adds discipline. These values will standardize dignity and equality in the world by warding off the gaps between social classes, and will generate equal opportunities in every field worldwide.

Ensures a secure and better future for children: Benjamin Franklin³⁷ accurately stated that *an investment in education returns the best interest*. Education is a fruit-bearing tree, which once grown fully, will bear fruits and serve you throughout life. It is a necessary trail to get financially sound in the future. Parents, for the same reason, insist children on studying well and pursuing higher education.

Makes the world a better place to live: Children today are the ones who will shape the world tomorrow. Educating children not only secures their personal life but also collectively contributes to the development of a more reliable nation and the world. It can yield a better surrounding in which people can differentiate between right and wrong, know the importance of voting, adhere to laws, and reduce crimes. Precisely, education has innumerable benefits! It stands as a fence between us and those wrong paths that teach us after bad experiences. Education should consequently be free so that every person gets the benefit and contribute to building a better world.³⁸

Legislation on Education in Nigeria.

It is important to note that the right to education is currently not among the fundamental rights of persons as guaranteed under Chapter Four of the Nigerian Constitution, 1999 (as altered). Rather, it is housed in Chapter 2 of the Constitution (Fundamental Objectives and Directive Principles of State Policy) which contains the core responsibilities of government to both

³⁶ Andrew Rowland, Safeguarding Vulnerable children in the Uk and abroad: Turning the tide of child Abuse and Exploitation. < <http://www.drAndrewRowland.wordpress.com> > accessed 15th August 2023.

³⁷ Brainy Quote, American-Politician <https://www.brainyquote.com> accessed 18 August 2023.

³⁸ (n11)



Nigeria and Nigerians. Unfortunately, none of the obligations spelt out in Chapter Two of the Constitution can be enforced in a competent court by virtue of section 6(6)(c) of the Constitution—an ouster clause which strips ambitiously, the court of its power to hear any matter regarding any question as to whether any act or omission by government or persons in respect of the 12 provisions under Chapter 2 of the Constitution, constitutes a breach, which includes education.³⁹ As noted in the case of *Okogie v A.g Lagos State*,⁴⁰ the court held that; no court has jurisdiction to pronounce any decision as to whether any organ of government has acted or is acting, in conformity with the fundamental objectives and directive principles.

Notwithstanding Nigeria being a member of the United Nations and a signatory to many international human rights instruments that provide for the right to education viz: UDHR, ACHPR, UNCRC inter alia.⁴¹ The principles expressed in these international instruments are further entrenched in some domestic statutes touching on the right to education either directly or indirectly. These domestic instruments are of more significance in defining the legal framework for the right to education in Nigeria because majority of the international instruments are conventions, which are soft laws and at best serve as guiding principles for domestic policies. The right to basic education has therefore been enshrined in national constitutions and bills of rights and other domestic legislations.⁴² In this regard, Nigeria has comprehensive provisions on the right to education under the laws, statutes, relevant policies and white papers on the right to education. These include the Constitution of the Federal Republic of Nigeria 1999, the Child Rights Act 2003, The Constitution of the Federal Republic of Nigeria 1999 (as amended), is sacrosanct and it is binding on everybody including the state. Thus, any law, policy or conduct that is inconsistent with the constitution is invalid to the extent of its inconsistency.

The 1999 Constitution⁴³ is enacted for promoting good governance and welfare of all persons in the country on the principles of freedom, equality, and justice and for consolidating the unity of the country. The Constitution recognizes the fundamental human rights and the fundamental objectives and directive principles of state policy. The significant difference between the two

³⁹ Chima Osuji, *Is The Right to Education Enforceable?* (LinkedIn May, 21 2020)

⁴⁰ (1981) 2 NCLR 337

⁴¹ Universal Declaration of Human Rights 1948, African Commission on Human and People's Rights 1986, United Nations Convention on the Rights of the Child 1989.

⁴² Elijah Taiwo, 'A Review of the Legal Instruments Protecting the Right to Education in Nigeria' Afe Babalola University, Ado-Ekiti Law Journal (2013) 1 (1) 72.

⁴³ CFRN 1999 (as amended).



species of rights is that, the fundamental rights are inviolable, whereas the fundamental objectives and directive principles of state policy are not. The ‘right’ to education is enshrined in section 18 of Nigeria’s Constitution 1999 and it is contained in section 18 (1): The provision enjoins the government to direct its policy towards ensuring there are equal and adequate educational opportunities at all levels. The provision also requires that the government shall strive to eradicate illiteracy and provide as and when practicable, free, compulsory and universal primary education inter alia. As to the legal effect of the directive principles in the Nigerian Constitution, Aguda posited as follows: ... on the face of it, the constitution does not give any legal right to individuals, in so far as the fundamental objectives and directive principles of the state policy are concerned .⁴⁴

It must be underscored now that the major obstacle militating against the effective actualization of the fundamental objectives is that they are regarded as economic, social and cultural rights, which are non-justiciable in the context of the Constitution.⁴⁵ Section 6(6) (c) of the 1999 Constitution provides that the judicial power vested (by the constitution) on the courts, shall not extend to any issues or question as to whether any act or omission by any authority or person or as to whether any law or any judicial decision is in conformity with the fundamental objectives and directive principles of state policy set out in chapter II of the Constitution.

Rights of a Child to Education

The rights of a child to education includes the right to non- discrimination, participation, protection from abuse and violence, and freedom of thought, expression and religion.⁴⁶ An article by Chaman law firm mentioned specific rights for children including the right to: survival, a name, family life, private life, dignity, recreation, cultural activities, health services, and education.⁴⁷ Children’s rights are human rights. Children must be treated with equality, respect and dignity, not because they are "the future" or the "adults of tomorrow", but because they are human beings today. All humans are born inherent with fundamental freedoms and rights. Children must enjoy the same human rights as everybody else - from the right to freedom

⁴⁴ Akinola Aguda, *Judicial Attitudes to Individual Rights in Nigeria* (Nigerian Institute of Advanced Legal Studies, Lagos) 68.

⁴⁵ Oluwadare Aguda, ‘Understanding the Nigerian Constitution of 1999’ *MIJ* (2000) 87.

⁴⁶ Chaman Lawfirm, ‘Overview of the Child Right Act 2003 <<https://www.chamanlawfirm.com>> accessed 16 December 2022.

⁴⁷ Ibid.



of expression to the right to privacy. This means all human rights laws apply equally to children and adults.

However, the Nigerian constitution neither guaranteed nor protected right to education, but the Child Rights Act of 2003 in conformity with the United Nations' CRC considered some issues relating to and/or affecting the well-being of the Nigerian child as right worth to be protected. The Act generally guaranteed the overall protection of a child and his welfare in all ramifications, taking cognizance of such care and protection as duties of all and sundry or any person or bodies upon whom legal obligation is placed to do so. Unlike the Constitution of the federal republic of Nigeria, the CRA in its wordings considered education as absolute right of every child especially at the elementary level of primary and secondary schooling.

Having provided for education as right of a child, the Act places corresponding duties on the Government to provide education for the child.⁴⁸ The Act further provides for supervisory duty on parent and guardians in the preservation and protection of the said right. The Act incorporated penal provisions by spelling out punishments for erring parents and guardians in the discharge of their legally imposed duties under the Act,⁴⁹ but remain silent on any violation on the part of the Government in the discharge of its own duty under the Act. In what looks like protection of right to education of a child, the CRA under section 58 provides for supervision orders whereby courts can make orders to ensure that a child of a particular school/education age who has been disenfranchised is properly educated under the supervision of a designated authority.

Effectiveness:

The CRA has been effective in increasing access to education for children in Nigeria. According to the National Bureau of Statistics, the net enrollment rate in primary school increased from 69% in 2003 to 91% in 2020.⁵⁰ However, there are still challenges and a lot of work to be done. The import of section 58 (1-7) of the CRA is just to ensure that the child is made available to attend school to be educated. However, in the contrast, no further attention is paid in the Act to the role of the Government in making education available, accessible, affordable and adaptable to the child. It becomes unimpressive that though, the CRA

⁴⁸ Child's Right Act 2003

⁴⁹ Ibid. Section 6 (i,ii,&iii)

⁵⁰ UNESCO IIEP, Education sector analysis: theFederal Republic of Nigeria: assessing the status of education in the federation and Oyo, Adamawa and Katsina States (Unesco Digital 2021).



comprehensively provides for the protection of the child's right to education among others and guaranteed same, the said right is however neither guaranteed nor protected in the constitution, while the provisions of the CRA just like any other law is subjected to its conformity with the Constitution.

The CRA has provided that the child is entitled to be educated and in corroboration to these, the Education (National Minimum Standard and Establishment of Institutions) Act⁵¹ has come to regulate how better the child should be educated. The Education Act is the enabling law for the maintenance of the minimum standard of education in all forms of established educational institutions in Nigeria. The Act regulates the expected standard of all infrastructures in schools and other educational institution, their maintenance for conducive learning activities and the expected work force. The Act also provides for supervisory authority vested with power of inspection and necessary sanctions for failure of any institution to comply with and maintain the required minimum standard in all forms⁵². It is worthy to note that a basic challenge is: In School's at hand is a lack of qualified teachers, poor education resources and pitiable infrastructure, which makes education intricate for many students, others arrive to class too hungry, unwell or worn out from household chores to benefit from their teaching.

ARE THE RIGHTS OF A CHILD TO EDUCATION JUSTICEABLE?

Justiciability simply means enforceability. It is an integral condition precedent of a matter put to a court of law for resolution of all forms of controversies. It also refers to the amenability issues presented for adjudication before judicial or quasi-judicial body. Consequently, the courts can only ensure that the state is held accountable for its actions in accordance with the domestic, regional and international human rights obligations, if the citizen rights are enforceable. Justiciability also refers to the ability to claim a redress before an impartial court or tribunal when infraction of a right has occurred or is likely to occur. It implies access to justice and accountability. Justiciable rights grant right-holders a legal cause of action, to enforce them whenever the duty-bearer does not comply with his or her duties.⁵³ The existence of a legal remedy is to be understood both in the sense of providing a procedural remedy upon the infraction of a right or an imminent violation of same, and in the process of awarding

⁵¹ Is an Act of the National Assembly enacted in 2004, cited as Education (National Minimum Standard and Establishment of Institutions) Act, CAP E3 LFN, 2004.

⁵² Folorunsho Hussein, Imam-Tamim Kamaldeen & Abdulraheem Abolaji, 'The Children's Right to Education in Nigeria: Challenges and Solutions' *J.Publ.Law* (2014) 6 (111).

⁵³ (n 3)



adequate redress to the victim.⁵⁴ Justiciability may be defined as a set of judge-made rules, norms and principles, delineating the scope of judicial intervention in social, political and economic life. In court, if a subject matter is held to be suitable for judicial determination, it is said to be justiciable; if a subject matter is held not to be suitable for judicial determination, it is said to be non-justiciable... The implication of this judicial pronouncement is that, for a right to be justiciable it must be based on statutory or constitutional basis, such as can entitle the right holder to take his or her claim before a court in the case of violation or denial of right.⁵⁵ Exception to the Non-Justiciability Clause. To be clear, the relevant portion under Chapter 2 which applies to education is section 18(1) and (3) of the 1999 Constitution. It states as follows:

"18. (1) Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels...

(3) Government shall strive to eradicate illiteracy; and to this end, Government shall as and when practicable provide:

1. free, compulsory and universal primary education;
2. free University education; and
3. Free adult literacy programme."

However, where the National Assembly enacts a law on any section or sections of Chapter 2 of the Constitution, such section(s) shall become automatically enforceable. By implication, the Courts will therefore have unrestricted power to hear such a matter brought before it for determination. In addition, an aggrieved party may proceed to court for the enforcement of his/her rights. This was the decision of the Supreme Court in the case of *A.G., Ondo State v. A.G. Federation*⁵⁶ as relied upon by the Federal High Court in the LEDAP case. The Supreme Court, per Uwaifo, J.S.C, stated as follows:

We do not need to seek uncertain ways of giving effect to the Directive Principles in Chapter 2 of our Constitution. The Constitution itself has placed the entire Chapter 2 under the Exclusive Legislative List. By this, it simply means that all the Directive Principles need not remain mere or pious declarations. It is for the Executive and the National

⁵⁴ (n3)

⁵⁵ Ibid.

⁵⁶ [2002] 9 NWLR (Pt. 772), 222.



Assembly, working together, to give expression to anyone of them through appropriate enactment as occasion demands...⁵⁷

Subsequent to this Supreme Court decision, the ECOWAS Court also held that the right to free basic education is justiciable under the African Charter of Human and Peoples' Right, in the case of Registered Trustees of the Socio-Economic Rights and Accountability Project (SERAP) v. Federal Republic of Nigeria & Universal Basic Education Commission⁵⁸. In the celebrated case, which leaned towards the direction of an expansive interpretation, the ECOWAS Court held that in terms of Article 17 of the African Charter on Human and People's' Right, 1981, every Nigerian has the right to free basic education. Armed with the decision of the Supreme Court in A.G Ondo State v. A. G. Federation & Ors, a non-governmental organization (NGO) named Legal Defence and Assistance Project (LEDAP)

This is precisely what the National Assembly sought to achieve by enacting the Compulsory, Free Universal Basic Education Act 2004, which makes primary and junior secondary education absolutely free and compulsory for Nigerian children with the exception of those living abroad. LEDAP saw the opportunity the Act presented and went for the "kill" and it succeeded. But there are concerns as to the feasibility in enforcing this cherished right to education, especially in view of the Nigerian political landscape and the possibility of reversing the decision of the Federal High Court on appeal if contested. What then becomes of the fate of compulsory, free universal basic education in Nigeria?⁵⁹

CONCLUSION

International, regional instruments on human rights and local enactments made provision of primary and secondary education a primary responsibility of the state. From the foregoing discourse, it was discovered through the analysis of law and policy that education is not recognized as fundamental human right in Nigeria, as the same is not contained in the constitution. Consequently, the paper revealed that the features of right to education have not been fulfilled in Nigeria because the law and policy framework on right to education in Nigeria is not adequate to ensure the protection of the children's right to education.

⁵⁷ (n56).

⁵⁸ (Suit No ECW/CCJ/APP/12/07). Judgment No: ECW/CCJ/JUD/07/10, delivered at Abuja, Nigeria on 30 November 2010, para 26.

⁵⁹ (n13)



RECOMMENDATIONS

Based on this critical examination of various human rights instruments and law, the following recommendations were made;

1. Constitutional amendment is hereby recommended for the inclusion of right to education in the bill of right under chapter IV, and the general review of the national policy on education with mechanisms for proper implementation of the policy and enforcement of the existing law.
2. Lastly, corruption should be fought to stand still to enhance accountability, checks, and balances in the management of education in the country.