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for
Nigeria

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An NGO Submission by

Marist International Solidarity Foundation (FMSI)
(Special Consultative Status with UN ECOSOC)

Submitted in Geneva, 4th March 2013

1. This stake-holder's report is a submission from the Marist International Solidarity Foundation (FMSI). FMSI is an NGO in consultative status with UN ECOSOC and it has a special focus on promoting and protecting the rights of children. This Organisation was established in 2007 in Italy as a Not-for-Profit Organisation with a Social Purpose (FMSI-ONLUS) and has a presence in nearly eighty countries.
2. The concerns highlighted in this submission relate to **the rights of children** to quality, free and compulsory education, especially girls and children with disabilities, and to the **rights of women and girls** in Nigeria.
3. The information provided in this report comes from an interview survey of 265 people, some of whom were students, teachers and parents from various colleges and schools in Nigeria, including Christ the King College Abuja, C.K.C.C. Ire-Ekiti, Government Secondary School Ire-Ekiti, Government Girls Secondary School Makurdi, N.K.S.T. Primary School Makurdi, Community Secondary School Akaeze, F.G.C. Wukari, Community Secondary School Ejule, F.G.C. Kaduna, Morning Star Orlu, Uturu Secondary School, Ukuwangu. Model Secondary School Port-Harcourt Community School Ikot-Epkene, G.S.S. Yola Central Primary School Lafia, N.K.S.T. Primary School Adi-Etulo. M.C.C. Nteje, St. Theresa's Primary School Uli. Hopeville Rehabilitation Centre Uturu. Data for this submission was also gleaned from both the print and electronic media in Nigeria.
4. Nigeria has a population of 170 million and land area of 910,770 square kilometres. Children under the age of 15 constitute 40.9% of the country's populationⁱ. Nigeria is one of the oil rich states in the world yet access to free and compulsory quality education is limited and the literacy rate in the country is relatively low: 78% for males over the age of 15 and 65% for females over the age of 15ⁱⁱ. Research by UNICEF in 2011 reveals that the primary school net enrolment ratio from 2007-2010 was 66% for boys and 60% for girlsⁱⁱⁱ. Enrolments into lower secondary are even worse, being 34%. Primary school completion rate was only 74.4% in 2010^{iv}. The government would do well to spend more of its wealth on upgrading its education infrastructure for its citizens.

I. Provision of Education

5. Article 18.3 of the Nigerian Constitution states that the Government shall as and when practicable provide free, compulsory and universal primary education and free university education and adult literacy programmes^v. Nigeria operates on a federal system of government of which each state within the country is autonomous. The Federal Government of Nigeria implemented a Child Rights Act in 2003. However there are still some state governments that have not yet passed this legislation, partly because of the legal implications of the Act with regards to the provision of free and compulsory universal basic education. Until the Child Rights Act is enacted into law in each of the state legislative systems, it is not binding on that state and hence no court can prosecute violations of this Act in those states.

6. During Nigeria's Universal Periodic Review (UPR) in 2009, six states made recommendations to the Nigerian government to increase its efforts in supporting education and providing equal opportunities to boys and girls in the country^{vi}. These states called on Nigeria to develop national strategies to develop the education system and make it more accessible to all children. Much still remains to be done in this area.

Accessibility of education

7. In 2004 the Government of Nigeria implemented a Universal Basic Education (UBE) policy that provides free basic education for children from the beginning of primary school through to the first three years of secondary – a total of 9 years of uninterrupted education. Despite this, a UNICEF study conducted in 2011 indicates that nearly 40% of Nigerian children aged 6 to 11 do not go to primary school, with the North recording the lowest school attendance rate in the country^{vii}. Children are often deterred from attending school because of the poor quality of education, the long distance between their house and the school and because their families are too poor to bear the financial burden of school fees.
8. Whilst many Nigerians are denied access to quality education at all levels, a document titled *Education and Nation Building* released by the Catholic Bishops Conference of Nigeria in 2012, stated that Nigeria “is rich enough to provide funding for the education of every Nigerian citizen up to the tertiary level in any public or private school”^{viii}.
9. *Discrimination against children with disabilities*. In February 2013, the Nigerian Senate passed for its second reading a “Nigerian Disability Bill” for an Act to ensure full integration of persons with disabilities into society^{ix}. However, previous attempts have failed to receive presidential assent after passage by both arms of the National Assembly. Will things change this time?
10. There are approximately 22.5 million Nigerians with disabilities and many of these are children who are not enrolled in schools. Children with disabilities face several challenges when it comes to education. Firstly, there is a lack of educational funding to ensure the availability of educational materials, facilities and equipment that enables students with disabilities to receive a proper education. Secondly, there is a shortage of professionals to work with these students. Thirdly, the infrastructure of most schools is not designed to cater for the needs of students with disabilities – they are not ‘disability-friendly’. Lastly, the government has not been able to effectively implement legislation targeted at improving the welfare and educational needs of students with disabilities.
11. Not only are these children discriminated against when it comes to accessing education, but children with disabilities are often neglected and discriminated by society at large. Some families are embarrassed by their disabled child and lock them up in a room to keep them out of sight. As well, children with disabilities often are left to fend for themselves, turning into beggars on the

streets. Children with disabilities are generally devalued and dehumanised. Such acts are violations of child rights and contravene the Convention of the Rights of the Child, in particular Article 23.1, which provides that “a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community”. Children with disabilities are members of Nigerian society and have the ability to contribute to the development of Nigeria if they are given the necessary support structures.

12. Statements from some students interviewed include: “In my school, it is difficult to move because one cannot enter the classroom with the wheelchair”. “Some students do discriminate against me, they say that I am disabled so they stay away from me and other disabled.” “I like my school environment, it is a government school, it is said to be free, but we pay some money.”
13. *Equal access for the girl child.* For every 5 boys enrolled in both primary and secondary schools in Nigeria, there are only 4 girls. There is an imbalance of numbers here. Girls are sometimes unable to attend school because they are required to find work to bring in additional income to the family. In fact there is an alarming increase in the number of girls hawking wares on major highways, police or military checkpoints or at major intersections during school hours. Even when a girl may have access to education, she is often prevented due to the demand made on her by her parents to tend to household chores. It is imperative that the government takes a more proactive approach in providing free and compulsory quality education for girls in Nigeria. We believe that the Federal Government’s policy, focused on establishing “Almajari” schools for indigent street boys in the northern part of Nigeria, can also be extended to girls across the country^x.

Availability of education

14. FMSI is concerned about the availability of education in Nigeria. The lack of adequate infrastructure, teaching facilities and teaching materials impede the provision of good quality education for children.
15. *Lack of proper infrastructure and sanitation facilities.* Most public schools in Nigeria are in a severely dilapidated state and require immediate maintenance and repairs. Toilet facilities are non-existent in some schools, mostly in the rural areas, so children either resort to using dilapidated classrooms as their toilet or go to the bush to relieve themselves. Some of those we interviewed commented: “Our school is coeducational; we girls don’t feel comfortable in school because we are forced to go to the bush to ease ourselves”. “The old (dilapidated) buildings in our school are now used as toilets for both students and teachers.”
16. Libraries and science laboratories are almost non-existent in most of the public schools. Where they do exist, the facilities do not provide the necessary materials and equipment that facilitate teaching and learning. A recent investigation revealed that many materials were not being supplied to schools

even though the government had signed a contract to distribute library materials to them^{xi}.

17. *Lack of water for consumption.* Most of the public schools do not have access to clean and safe drinking water. Students in some boarding schools have to trek for a considerable distance to fetch water. Often this water is not clean and students have to buy sachet-packaged water for drinking or risk contracting water borne diseases by drinking unclean water.
18. Whilst we commend the efforts of the Federal Government's increased budgetary allocation to education in the last two years, the effect is not felt in terms of improvement in the quality of education. While the 426.53 billion naira allocated to education for 2013 is the highest so far, more is needed to be done given that the budget is for both recurrent and capital expenditures. In essence, the government needs to allocate substantially more of its national budget towards education to improve the dilapidated state of its school system.

Acceptability of education

19. *Insufficient number of qualified teachers.* There is a shortage of qualified teachers in the country. If teachers are untrained for their profession, the quality of education provided to the children will be less than satisfactory.
20. Poor salary structure and non-implementation and delay in teachers' salaries are some of the factors that inhibit commitment on the part of teachers, resulting in frequent and long strike action in the country. Although the government has agreed to give teachers a 27.5% rise in salary, this has not been implemented by most states. The result has had a devastating effect for pupils. For instance, students in the Plateau State could not attend primary school for six months due to the non-implementation of the 18 thousand naira minimum wage by the state government, prompting many teachers to go on strike^{xii}. Moreover, students are less willing to go to school when there are no teachers present to protect them from bullying in the schools.
21. Some statements from the people interviewed include: "lack of incentives from the government to motivate teachers can affect negatively the implementation of free education in public schools". "I see lack of commitment on the side of government". "Some of our teachers do not have the necessary skills and training to impart knowledge in public schools". "I am a teacher in public school and we have not been paid salaries for five months now". "I am not a trained, qualified teacher, but am doing my national service as a Youth Corpper and there are only two qualified teachers in the school." "Our teachers are not always in school to teach us, so we don't feel safe in the school, because some bad boys do come to chase us out before closing hours".
22. *Supervision of education in the private sector.* The Nigerian national policy on education allows private operators to finance and/or provide education in Nigeria. Private operators can also work together with the government to complement the government's efforts in the provision of education in the

country. However, entry of private operators into the education sector in recent times has not increased the quality of education in the country. Instead, there has been a proliferation in the number of 'suspect' operators throughout the country. Many of these operators do not pay attention to building academic excellence^{xiii}. Such operators water down the quality of education in a bid to make quick money. Some of these operators go unchecked as the government does not have proper frameworks and functional monitoring groups in place to monitor and supervise the activities of those responsible for providing education. There is thus a compelling need for an inspectorate unit from the education ministry in order to clamp down on education establishments that do not meet the minimum standards required for ensuring a quality education for children.

23. In order to improve the situation of the child's right to education, we recommend the federal government of Nigeria to:

- a. **Significantly increase the government's annual expenditure on education so as to improve its infrastructure to adequately implement its Universal Basic Education (UBE) policy for all children, without discrimination, especially to improve the situation for girls and children with disabilities, including adequate transport options and suitably qualified staff to cater for the particular educational needs of these children;**
- b. **Establish more teacher training centres to improve the student: teacher class ratio and ensure that teachers are well-trained, well-paid and receive their salaries regularly, and establish retraining programmes for teachers;**
- c. **Use legislative, policy and educational measures, including sensitisation and awareness-raising, to overcome the stigmatisation of the poorest children, especially those with disabilities and girls;**
- d. **Establish in each state an inspectorate unit from the education ministry to supervise education in the private sector and penalise those education establishments that do not meet the minimum standards required for ensuring a quality education for children;**
- e. **Persuade its state governments to enact and fully implement the Child Rights Act of 2003.**
- f. **Improve access to clean drinking water and adequate sanitation in rural areas.**

II. **Protection for women and girls against violence and harmful practices**

24. Female Genital Mutilation (FGM) is still widely practiced in Nigeria. FGM is a violation of the human rights of women and girls. Four states expressed

concern over violence against women and girls through FGM at Nigeria's UPR in 2009. They made recommendations^{xiv} to the Nigerian government to raise awareness among religious leaders and the society at large so as to disseminate a culture of human rights and prohibit violence against women and girls.

25. FGM has no proven health benefits for women and girls and can often cause severe bleeding, infections, infertility and an increase in the risk of complications during childbirth. This practice violates their right to health, security, integrity and puts their lives at risk. A survey carried out recently revealed that FGM is still prevalent in Nigeria even though 48% of those surveyed were of the opinion that FGM causes harm to the victims^{xv}. 84% of mothers were not in support of having their daughters undergo circumcision^{xvi}. The practice of FGM stems from a combination of cultural, religious and social factors.
26. We urge the government to take immediate action to eliminate the practice of FGM in Nigeria through a series of advertising and education campaigns and legislations to change the public's perception on FGM. It is crucial that the government increases its efforts to protect women and girls from this harmful practice.
27. In conclusion, we call on the government of Nigeria to:
 - a. **Use legislative, policy and educational measures, including sensitisation and awareness-raising, to curb violence against women and girls, including the harmful practice of FGM;**
 - b. **Ensure the protection of the rights of women and girls, including their right to health, right to be free from torture and cruel, inhuman or degrading treatment, and the right to security and physical integrity.**

ANNEX – END NOTES

ⁱ http://www.indexmundi.com/nigeria/demographics_profile.html, retrieved on 28 February 2013

ⁱⁱ http://www.unicef.org/infobycountry/nigeria_statistics.html#90, retrieved on 28 February 2013

ⁱⁱⁱ Ibid. *Net primary school enrolment ratio* is the number of children enrolled in primary school who belong to the age group that officially corresponds to primary schooling, divided by the total age of the same age group.

^{iv} World Bank Data <http://data.worldbank.org/indicator/SE.PRM.CMPT.ZS/countries/NG?display=graph>, retrieved 28 February 2013

^v 1999 Constitution of the Federal Republic of Nigeria

^{vi} Report of the Working Group on the Universal Periodic Review of Nigeria, A/HRC/11/26, 5 October 2009: 103. 29: Continue to invest in education in order to reduce the illiteracy rate further, especially among girls and young women (Holy See); Continue resolutely consolidating the education system in

accordance with the particular characteristics and needs of its population (Venezuela); Foster the further development of education for girls and the achievement of gender equality (Belarus); Continue its efforts in supporting education and providing equal opportunities to boys and girls in the rural and urban areas (Yemen); Continue its efforts to avoid school drop-out rate (Yemen); Develop a national strategy to guarantee better access to education to all children and to include in the school system at all levels appropriate measures in the field of human rights education, in accordance with the Plan of Action 2005-2009 of the World Programme for Human Rights Education (Italy);

^{vii} http://www.unicef.org/infobycountry/nigeria_statistics.html#90, retrieved on 28 February 2013.

^{viii} Education and Nation Building, Catholic Bishops Conference, 2012, para 11,

^{ix} <http://globalaccessibilitynews.com/2013/02/06/senate-endorses-nigerian-disability-bill/>, retrieved 28 February 2013

^x Almajiri schools combine Muslim and western education and have opened in the Nigerian city of Sokoto and other parts of the North. *Almajiris* is the name given to street children - young boys, sent far from home, to attend private religious schools to master the Koran, but normal secular subjects are also taught in these schools, giving the students a much better opportunity to become well educated.

^{xi} Ensuring transparency and accountability education, THE NATION ON SUNDAY, December 16, 2012, p 18.

^{xii} Six months of siddon look in school in Plateau, Daily Sun Tuesday, October 23, 2012, p26

^{xiii} “Grappling with rickety school buses”, The PUNCH, Thursday June 14, 2012, p51.

^{xiv} Report of the Working Group on the Universal Periodic Review of Nigeria, A/HRC/11/26, 5 October 2009: 103.18: Not only enact legislation to prohibit FGM but also continue awareness-raising campaigns to eradicate such practices (Austria); Strengthen the efforts aiming at elimination of existing harmful traditional practices and adopt all necessary measures to provide full protection of children, girls, women and widows from wrongdoings, inspired by these traditions (Ukraine); Undertake further efforts in order to raise awareness among religious leaders and traditional dignitaries and involve them in the dissemination of a culture of human rights and in combating harmful traditional practices (Qatar); Establish effective mechanisms to prohibit violence against women and girls, including traditional practices, such as FGM and continue awareness-raising campaigns to eradicate such practices (Norway); Undertake an awareness raising campaign about the practice of FGM, as encouraged by the National Consultative Forum (Ireland).

^{xv} Garba ID, Muhammed Z, Abubakar IS, Yakasai IA 2011, ‘Prevalence of female genital mutilation among female infants in Kano, Northern Nigeria’, *Arch Gynecol Obstet*, vol. 286(2), pp. 423-428.

^{xvi} Ibid.