

# **EDUCATION FOR ALL: FUNDAMENTAL HUMAN RIGHTS**

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## **Abstract**

*Education is a fundamental human right for all. This was conceived after the Second World War in 1948 by United Nations. Nigeria has social, political, economic and educational fundamental human rights. The Nigerian constitution gave ten of such human rights including education, but often violated by many states especially in Nigeria where the free education is a shadow of itself because school levies, PTA levies, handwork and development levies are still been paid in Nigeria schools. However, the federal government in 2008 voted 2% (₦37 billion) out of the consolidated revenue fund annually for U.B.E scheme to succeed. The aim is to make education a fundamental human right for Nigerian by the Year 2015.*

Fifty-one nations, after the Second World War in 1945 signed the United Nations Charter which included the fundamental human rights of the world. To promote co-operation, to solve economic, social and humanitarian problems, an international organization was created to ensure peace and security globally. Human rights were basically the target of this charter, though the nature of these human rights was a bone of contention. Thus the general Assembly and its Commission on Human Rights was mandated with created declarations to promote Human Rights all over the world

## **The 1948 Global Declaration of Human Rights**

In 1948 a universal declaration of human rights was made. Though not binding in terms of many nations have used this standard in their constitutions globally. Infact, Human Right issues is a global concern. This gave birth to the declaration of the Universal Declaration of Human Right (UNDHR). Since then, this has promoted and encouraged respect for human rights in the world; (Ese and Malemi, 2006). Again, these

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ideals have always attracted the concern of the United Nations to any nation in the world that abuses the human rights of her citizenry and this is mostly followed with sanction from UN. Hence, Jimmy carter, the 39<sup>th</sup> President of America declared, thus:

*“We should begin by having it understood that of any nation whatever its political system, deprives its own people human rights, that fact will help shape our people attitude towards that nation’s repressive government. If other nations want our support, they must understand that we want to see basic rights respected by all government”*

### **The Classification of Human Rights**

There are three basic classifications of human rights. They are:

- i. **Social Rights:** This is concerned with right to life, freedom of religion, thought, speech, and conscience. Others are freedom of movement, association, and the right to dignity of the human person and family, the right to education
- ii. **Political Right:** This is concerned with the right to vote and be voted for and rights to belong to political parties and associations and right to fair hearing.
- iii. **Economic Right:** This is concerned with the right to earn a living, own property and do legitimate business.

Conventions and conferences were held severally after the declaration to strengthen this universal declaration of human rights globally. Such include the organization of American States and Rome convention of 1950, to mention but a few.

#### **a) The Organization of the American State**

In 1948, this conference was held in Bogota-Columbia where the American Declaration of rights and duties of man were made in line with those of the universal declaration of human rights. The following two organs which will ensure the promotion of human rights were created;

1. The Inter-American Court Commission on Human Rights; and
2. The Inter- American Court of Human Rights

#### **b) The 1950 Rome Convention**

Better known as the European convention on Human Rights and Fundamental Freedom made binding laws on member countries in Europe. A commission was put in place to investigate human rights issues in the member countries. Secondly, a European court of Human Rights to try cases of human rights abuse was also created, for the convention’s declaration compliance.

### **Banjul 1981 African Charter on Human and People's Rights**

In October 21, 1981, this charter was born and it is similar to those held in America and Europe using the same united declaration. Politically, culturally, socially and economically in declaration, the charter created "the African Commission on Human and Peoples Right". Nigeria has since copied and passed this charter into law known as the "African Charter on Human and Peoples Right (Ratification and Enforcement Art 2004) with the basic aim of protecting the rights of the people in member state of Africa.

### **The Nigerian Constitution and the Human Rights**

Indeed, human rights are natural rights, inherent or innate rights from birth by all (Malemi, 2006). Divinely, God endowed all human beings with this unique right that is not supposed to be maltreated by any person, no matter your status. This is why God created man in his own image. Thus, at birth the human organism possesses and exercises the following fundamental rights naturally,

1. Right to life
2. Right to personal liberty
3. Right to fair hearing in formal environment
4. Right to private and family life
5. Right to freedom of thought, conscience and religion
6. Right to freedom of expression and the press.
7. Right to peaceful assembly and association
8. Right to freedom of movement
9. Right to freedom of discrimination.
10. Right to acquire and own property, et-cetera

This is why the fundamental human rights are the basic inalienable rights, which citizens are by nature entitled to and which the government and any other institution cannot deny citizens except through the due process of law (Oghenekaro, 2002).

In the same vein, human rights is defined as that "universal right that belong to everyone equally". The minimum international standard for the protection of the rights and freedoms of the individual was made in 1948 by the universal declaration of Human Rights. It is a legal standard that must be accepted by any state of the universe. Thus, it is a universal principle binding all as an international customary law which needs no ratification or signature.

### **Human Rights Education**

Basically, “education” is the process of being educated and a development of character and mental powers (Concise Oxford Dictionary). It is the singular process of Imparting knowledge to man. Before the advent of colonial education, people have the curriculum of education traditionally for the various levels of human growth (informal education). The native doctors have a way of training their adherents. People were blessed with various forms of education in all facets of life. For example, the traditional orthopedists have no formal education and yet they were able to carry out autopsy on dead bodies to know the exact causes of their death, today called morbid anatomy. Without mincing words, informal education has been the mainstay before the coming of formal education to Nigeria and elsewhere in the world.

Again, the art of governance in the traditional Nigeria society was highly efficient especially in the then Yoruba, Benin, Hausa and Fulani empires. When you talk of “human rights”, it was these kingdoms foremost struggles. Little wonders, Jose Ayala Lasso, the UN High commissioner for human rights, emphatically stated that “the protection and promotion of human rights is a long term objective which cannot be attained unless every individual is aware of his/her own right”. [Federal Republic of Nigeria 2004 National Policy on Education].

### **Nigerian National Policy on Education**

The 2004 (Revised Edition) National Policy on Education has the following philosophies;

- i. Live in unity and harmony as one indivisible, indissoluble, democratic and sovereign nation founded on the principles of freedom, equality and justice.
- ii. Promote inter-African and world solidarity through understanding.

The main national goals of Nigeria which have been endorsed as necessary foundation for the National Policy on Education are the building of:

- i. a free and democratic society
- ii. a just and egalitarian society
- iii. a united, strong and self reliant nation
- iv. a great and dynamic economy, and
- v. a land full of bright opportunities for all citizens

From the above linings (philosophy and national goals), Nigeria knows for sure that education is the main stay of development for any nation; more so, when the country is built on the principles of “freedom, equality and justice”. Infact, it is Human Rights Education alone that brings these to stay and this education should be for every

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man women and youth. Indeed every man, women, youth and child has the human rights to education, training and information and to other fundamental human rights. This is the main objective of the people's Movement for Human Rights Education and the state should make sure that this objective is attained nationwide.

### **The Nigerian Rights to Education**

The universal declaration of Human Rights, the international covenants, the convention on the Rights of the Child and other international human rights treaties and declaration carry the rights to education by all persons. Indeed, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights on 10<sup>th</sup> of December 1948. One of the declaration articles (Articles 26) had the following concerning education.

1. Everyone has the right to education: That education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory, and the technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to strengthening, tolerance and friendship among all nations, racial or religious group, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have prior right to choose the kind of education that shall be given to their children.

Therefore, from the foregoing, the Human Rights Education emerged from the Universal Declaration of Human Rights. In addition, there are other sources of Human Rights Education such as:

- i. The International covenant on Economic, Social and Cultural Rights. Everyone's right to education is embedded in 13th Article.
- ii. The convention on the elimination of all forms of discrimination against women as contained in Article 10 and 14.
- iii. The convention on the elimination of all forms of racial discrimination (Article 5)
- iv. The convention on the rights of the child to education (Article 28 and 29) and made primary education compulsory, available and free.
- v. Convention against discrimination. Articles 3, 4, and 5 undertake to discontinue any practices which involve discrimination in education to make primary education free and compulsory, make secondary education in its different forms available and accessible to all. etc.

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In the main, human rights education has assumed different dimension and as such, even the National Assembly has passed the Child Right Bill into law in 2003, and many states' legislatures are processing the Child Right Bill with a bid to stop child and human labour and to ensure that children have access to education and eliminate child trafficking. With the above linings, the human right education and the attendant bills will sail through.

In fact, Human Right Education "is all learning to develop the knowledge, skills and values of human rights". Again Human Rights Education was geared towards the learners' cognitive development especially between 1950 and 1969. After the period "critical thinking skills and violated human rights were added. From 1970 to date, all other facets of society were included for social and economic development of mankind.

Indeed, the Universal Declaration of Human Rights states that "every organ of the society should strive by teaching and educating to promote respect for these rights and freedoms." Again, "Article 30 states that one goal of education should be" the strengthening of respect for human rights and fundamental freedoms". Besides, the International Convention on Civil and Political Rights states that various governments should not be a barrier to the people in pursuance of Human Rights Education- Broader objectives of Human Rights Education according to the Human Rights Educations Network of Amnesty International USA in 1991 states that:

- i. Human Rights Education declares a commitment to those human rights expressed in the Universal Declaration of Human Rights of 1948, the UN conventions and the United State Bill of Rights. It asserts the responsibility to respect, protect and promote the rights of people.
- ii. Human Rights Education promotes democratic principles. It examines human rights issue without bias and from diverse perspectives through a variety of educational practices.
- iii. (iii) Human Rights Education helps to develop the communication skills and informed critical thinking essential to democracy. It provides multicultural and historical awareness on the universal struggle for justice and dignity.
- iv. Human Rights Education engages the heart as well as the mind. It challenges students to ask what human rights mean to them personally and engages them to translate caring into informed, non-violent action
- v. Human Rights Education affirms the inter dependence of the Human family. It promotes understanding of the complex global forces that creates abuses as well as the way in which abuses can be abolished and avoided

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It is worthy of note that Nigeria, America and other countries round the world, including NGO's have fathomed out Human Right Education curriculum. For instance, Vienne in 1993 hosted the world conference on Human Rights Education and emphasis was laid on training and public information. Interestingly, 1995 to 2004 was earmarked as the "United Nations' decade for Human Rights Education". The programmes and aims of the decade above is to;

- i. strengthen respect for human rights and fundamental freedom,
- ii. development of human personality and dignity,
- iii. promote understanding, tolerance gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups,
- iv. enable all persons to participate effectively in free society; and
- v. furtherance of the activities of the United Nations for the maintenance of peace,

For the said period, UN coaxed its member states to propagate the tenets of human rights among their states through adult and formal school organs. Furthermore, the organs of the General Assembly made every December 10<sup>th</sup> as the "International Human Rights Day". Though this day has not been made public holiday, yet lined up activities are always carried out in Nigeria.

### **The Nigerian Constitutions and the Human Rights Violation in our Educational System**

The Nigeria constitution (1999) has similar tenets for both aliens and Nigerians as far as Human Rights are concerned. But educational institutions play down on these Rights. In one form or the other, "jungle justice" takes a toll in form of forced secret cults. Many staff were denied even opportunities due to religious, non-indigenous and ethnic affiliations. These mentioned violations of Human Rights in the Nigerian institutions are the few known ones on the lists. In addition, robbery, extrajudicial killings, hostage taking, kidnapping and sexual harassment are other forms of Human Rights violation, are common in the country. In the area of election, thuggery, disenfranchisement, killing and maiming in the name of partisan politics is a rampant occurrence in Nigeria. It is common knowledge that the National policy on Education (2004) that the primary education should be free and compulsory for all children between the ages of six and twelve, but this was not seen holistically in the country. Child abuse is common hence street hawking by school age children is the order of the day. The free education programme is a shadow of itself or else why payment of school levies such as PTA, handwork, and development levies in schools. Illegal free and rampant change of school uniforms by school heads send the burden back to parents and

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when they cannot pay, child abuse in form of street hawking takes a toll and in some cases, lead to stoppage of the children education that was proclaimed to be free and compulsory. All said and done, the federal government has made frantic efforts to curb the observed misnomer in the violation of Human Rights Education. At least in September 1999, the Universal Basic Education Programme (free and compulsory) for primary and junior secondary schools was launched when the nomadic education, migrant fisherman schools and the Universal Primary Education was not waxing as expected. It is hoped that most of these measures taken by the federal government may go a long way in solving the problem of Human Rights Violation in the Nigeria educational system.

### **The Merits of Human Rights Education**

The following are the merits of Human Rights Education globally;

- i. They are motivating factors for both students and teachers
- ii. They promote a sense of oneness, patriotism and citizenship
- iii. They help the individual to respect due process of the law to increase students' participation in the formulation of the laws/rules and codes of conduct in schools.
- iv. The teaching of human rights in schools will enhance modern citizenship and respect for one another because society is multi-faith and multicultural.
- v. Its teaching will promote non-violent change and peace in the society, and
- vi. It will eradicate political violence in the country Nigeria

### **Conclusion**

From the above linings, Human Rights to Education concepts reveal that whether you are a man, woman, youth or child, globally, you have the inalienable right to information, training and education. Without mincing words, the education is free and compulsory to you at the primary and junior school levels. The right to free access to continuing education, vocational training and distance learning is an added advantage. Thus, so long as this right cannot be separated from other fundamental human rights, it is compulsorily an integral part of rights. It must take place without discrimination due to age, sex, race, social class or religion. No wonder the Nigeria government at all levels have earmark 2015 as the year for "Education" for all and are bent on making it work. When this has come to fruition, the people suffering will be ameliorated; they will be able to participate in the decision-making process at local government state, and national levels. Infact, it is a fight for all, like all professionals, NGOs, etc to see to it that the Global Millennium Development Goals (MDGs) of Nigeria works



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The federal government has voted 2% (37 billion) out of the consolidated Revenue Fund every year for the UBE's scheme to succeed as part of support to Human Rights to Education in 2008. To make the programme work; seminars, workshops, public lectures and handbills on Human Rights to Education should be organized to enlighten Nigerians. The electronic and the print media should be not left out in this campaign.

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