
The Child Rights Act and Educational Management in Nigeria: A New Wine in an Old Wineskin

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Abstract

The Child Rights Act is an international import of liberal democracy to Africa. The education system in Nigeria comparatively is infested with the English structure of Grammar, modern and technical schools system. The crux of this paper centers on the thesis that the lifelong, functional and pragmatic learning which African indigenous education is known for has been hoodwinked by and shrouded in the “new wine” called Child Rights Act and this has resulted in ideological altercations among educational policy makers as well as administrative quagmire in school management at all levels. The Child Rights Act evidently depicts a neocolonial imposition targeted at eroding Africa’s all time values education and moral rectitude. To this end, the paper adopts the pragmatist and/or positivist paradigm to critique the child rights act and introduce an enduring values education (VE) for Nigeria.

Keywords: Child, Rights, Act, Educational, Administration Nigeria, wine and wineskin.

The Child Rights Act has gradually assumed a portentous subject of most eco-critical discourses within the broad field of Educational law. In Educational management circles, it has become a topic that is prone to intellectual contestations and altercations. The Child Rights Act (CRA) within the social sciences, offers itself to be subject to the common challenge of “anarchy of perspectivism” which is an incisive cankerworm in the ‘school’ of policy analysis. The reason this is so, is because, Nigerian indigenous education which promotes value education, character molding and functional existence of the protégé or individual seems to repulse key elements of the child rights act.

Every society is characterized by norms, values, etiquettes, folklores, traditions and set patterns of idiosyncrasies. All of these, as it were, are encapsulated into the culture and ethos of that society. The intent of every society is to pass these sets of behavioural patterns from one generation to another in order to preserve the continued existence and functionality of that society. During the process of transmission of these worthwhile values (education), the learner learns through observation. For instance, in the Igbo communal society, the boy child learns the masculine skills and artifacts by observing the father and other male children, in his daily activities or occupation. On the other hand, the girl child, through close observation learns various domestic chores from her mother and other female members of the family who carefully show her the requisite feminine obligation and/ duties as expected of the girl child by the society. A careful thought on these educational processes unveils the truth that African indigenous education does not operate and cannot succeed without a well-tailored reinforcement, precautionary, as well as punishment mechanisms for the child or protégé.

In the light of the foregoing, Odum and Wariwei (2015) exposed that the educational system of any society is/ought to be a clear reflection of the “vibrations” of the immediate environment. The socio-cultural peculiarities of a particular society is consequent upon the ecological ‘magnetic field’ which presupposes the unseen but active elemental forces of the eco-celestial realm in the environment. Be that as it may, the child rights act emanated from the western ecological magnetic field under the auspices of United Nations liberal democratic campaign which supports the child audacity to bask in the euphoria of human rights to challenge the supremacy of his/her parents and guardians placed over them by God with impunity.

The Nigerian teacher from all indications is expected to guide, guard and discipline the child on behalf of his parents according to the doctrine of *in loco parentis*. However, to Nwabueze (2015), the Child Rights Act seems to have clipped the wings of the teacher in his duty of moral upbringing and discipline most especially in secondary schools. The picture of the teacher in Nigerian indigenous education is that of a moral agent, a mentor, guardian, counselor as well as a life coach. Research findings have shown that disciplinary measures and moral rectitude are fast disappearing from secondary schools. Teachers and school administrators have relapsed their impetus of discipline and punishment and what seems to be left in secondary

schools is just momentum. For instance, when the driver steps on the gas pedal, the car acceleration gains impetus, but when he removes his feet from the gas pedal, what moves the car is mere momentum which eventually brings the car to a halt. This situation obviously is what the Child Rights Act is doing to be moral and disciplinary standard in schools today.

The United Nations convention on the rights of the child part I, Article I states that a child means every human being below the age of 18 years unless under the law applicable to the child. The above provision of the international convention on the right of the child, unveils the limiting force of the child rights act over African socio-cultural notion of the child, where the typical ideal African households still nurture, train and direct their children who are still under their roof, their ages notwithstanding. Therefore, the thrust of the paper borders on the following thematic, but revealing questions:

- What are the factors that would warrant the Nigeria educational policy makers to swallow hook-line and sinker the western-induced child right arts?
- Should educational managers and administrators relegate our indigenous values education (VE) to the background to suffer the hegemony of the child rights act?
- Should teachers and guardians abandon their role of discipline and character moulding at the mercy of child rights act with its saction-laden legal instruments?
- To what extent can Nigerian policy formulators adjust the “old wine skin” (our indigenous values education) to be able to accommodate the “new wine” (the Child Rights Act) in order not to experience devastating clashes of civilization.

Prologue to the Child Rights Act (CRA)

The disintegration of Soviet Union in 1991 and the eventual emergence of the United States of America as the world power heralded the International campaign for Liberal democracy in all nations of the world. America’s emergence as the world police intercepted the world balance of power and consequently empowered America to advance her foreign policy and national interest across Africa, Europe, Asia and the Middle East.

The Child Rights Act therefore, is a brainchild of the United States of America which they pursue through the instrument of United Nations (U.N). According to Olakanmi (2007), the Child Rights Act was inspired by the Universal Declaration of Human Rights (UDHR) which was promulgated on December 10, 1948 through the General Assembly of the United Nations. Sequel to this historic event, the Assembly called upon all member countries to publicise the text of the Declaration and “to cau/se it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distraction based on the political status of countries or territories”. In the preamble of the Declaration as stated by Olakanmi (2007), it reads that whereas recognition of the inherent dignity and the equal and inalienable rights of

all members of the human family is the foundation of freedom, justice and peace in the world.

On 20th November 1989, the United Nations General Assembly adopted the convention on the Rights of the child (CRC), while the Organization of African Unity (OAU) Assembly of Heads of States and Government also adopted the African Union charter on the Rights and welfare of the Child in July, 1990 (Obiaraeri, 2012). The Federal Republic of Nigeria as a member state of the United Nations signed the convention and international instruments and ratified them in 1991 and 2000 respectively. To Obiaraeri in Nnorom (2015), both international instruments contain universal set of standards and principles for survival, development, protection and participation of children. It reflects children as sacred human beings as total subjects of their own inalienable rights.

Nigeria has by a decision duly reached in accordance with its constitutional processes, agreed to ratify the U.N's convention on the rights of the child. In the words of former Nigerian Military President in the 21st day of March, 1991, it is revealing that the Child Rights Act arrived the shores of the country in a grand style:

Now therefore, I, General Ibrahim Badamasi Babangida, President, commander-in-Chief of the Armed forces of the Federal Republic of Nigeria, on behalf of the Federal Military Government of the Federal Republic of Nigeria do hereby ratify the aforesaid United Nations convention on the Rights of the Child, the text of which was adopted on the 20th day of November, 1989. In witness whereof, I have hereunto set my hand and caused the seal of the Federal Republic of Nigeria to be affixed to these present.

In a bid to domesticate the convention on the Rights of the Child, the Child Rights Act was given birth to. The convention mandates that countries who are signatories should vigorously disseminate the convention's principles and take all appropriate legislative, administrative and other measures for the implementation of the Rights recognized as the present convention. Ten years after, several heads of government came and went, there were heated debates among parliamentarians which resulted to the eventual passing of the Child's Rights Bill into law in July, 2003. It was assented to by the president of the Federal Republic of Nigeria, Chief Olusegun Obasanjo in September 2003 and promulgated as the child's right act, 2003.

Salient provisions of the Child Rights Act

The following are salient elements of the child rights act although they are not all-encapsulating owing to the fact that the fundamental human rights which envelop the Child Rights Act are part of the infinite political salience:

- Right to a name, acquire Nationality and as far as possible, the right to know and be cared for by his or her parents.
- Right to preserve identity, nationalism, family and relation as recognized by law without unlawful interference.

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- The child should have the right to form his or her own views and the right to express those views freely in all matters affecting the child.
- The Right to freedom of expression. This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally in writing or in print, in the form of art, or through any other media of the child's choice.
- Right to freedom of association and to freedom of peaceful assembly.
- Right to freedom from arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
- Right to protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
- Right to free, compulsory and universal primary education
- Right to leisure, recreation and cultural activities
- Right of the unborn child to protection against harmful social and cultural practices.
- Right to freedom from discrimination
- Right not to be imprisoned with the mother
- Freedom from buying, selling, hiring of children for purpose of begging, hawking, prostitution or for unlawful immoral purposes. Violations of these rights are punishable by long terms of imprisonment. Other rights of the child as contained in the child right act include:
 - Right to freedom from betrothal and marriage of children.
 - Right to freedom from causing tattoos or marks, and female genital mutilation, trafficking of children, use of narcotic drugs or use of children in any criminal activity and employment of children as domestic helps outside their own home or family environment.
 - Freedom from sexual abuse, general exploitation which is considered to be prejudicial to the welfare of the child, recruitment into the Armed Forces and exploitation of children through media publications.

Child Rights Act and Educational Management

Since the import of child rights act into Nigeria, Educational management has served as a reservoir to it. Educational management is a broad field in education which encapsulates other various task areas such as planning, curriculum planning and development. Foundations, Philosophy, Economics of Education, Politics and Administration and Higher Education Administration.

What is Educational Management?

Educational management has to do with formation and planning educational programmes or policies through the engagement of organizing, directing and leading with the ultimate aim of achieving the goals of education. To Peretomode (1991), Educational Management refers to as the application of the dynamics of planning organizing, coordinating, controlling and evaluating human and materials resources in order to achieve stated educational goals or objectives. Alternatively, educational management is usually carried out at the planning and policy formulation levels in the Ministries, Directorate of education and School Boards. In an attempt to answer the question “What do Educational managers do?”, Reser (1973), drops insights into the question by saying that managers are the people who:

- set objectives for utilization of available resources;
- formulate plans for achieving these objectives;
- identify and organize the activities to be performed;
- organize task performances and group the tasks into jobs or programmes;
- initiate work activities
- supply incentives to stimulate productivity, and
- set up controls to evaluate and ascertain achievement of set objectives.

The Act versus School Administration

Obviously, the child is a treasure to their parents and the government as well. In other words, educational management operationalizes the child rights act so as to help meet the aspirations and desires of the parents and the government. In as much as every parent or guardian desires that these rights be protected by school administrators, moral standards, respect, courtesy, discipline and desirable behaviours are fast disappearing from secondary schools. For instance, there was an evident case scenario where a secondary school teacher asked a student to kneel down and the response the teacher received was “why should I kneel down?”. In a similar case, a teacher flogged a set of students because they flagrantly ignored and walked out on him when he called for their attention. The parents of the students reported the matter to the School’s Board of Trustees and it was resolved that the punishment by flogging violated the right of the children of freedom from torture or any inhuman treatment. They also said that the dignity of the children was trampled upon by the teacher. Consequent upon that, the said teacher’s three months salary was denied him. It was reported that seizure of the three months salary of the teacher was a mild disciplinary action to save him from being sacked!.

The socio-cultural environment of educational management in Nigeria from all indications seems to have become an old wine skin containing a new wine called child rights act. There is a superfluity or outburst of this new wine from the old wine skin not only as a result of the fermentation process, but for the overbearing peculiarity of the “new wine”. The biblical injunction of ‘sparing the rod and spoiling the child’ has

become an illusion. On the contrary, Nwabueze (2015) explains that when we try to juxtapose the rights as listed from the foregoing, with the social realities on ground with secondary school students who are yet children, one realizes that school administrators also trample upon these rights as well. According to him, the right to private and family life simply means that every child is entitled to his private, family life, correspondence, telephone conversation and telegraphic communications. However, this right of the child has always been violated by school administrators even when most parents buy these communication gadgets for their children. Students living in the boarding houses communicate with their parents and guardians through the teachers' and house masters' telephones as arranged by parents and guardians. Secondary school students are not allowed to go to school with their handsets.

The child rights act stipulates that the child is entitled to freedom of movement subject to parental control which should not be harmful to the child. School administrators have put certain measures in their rules and regulations to regulate, curtail and control the movement of the students in school. Most especially, mission schools usually state in their prospectus the behavioural patterns which every student must imbibe or he/she will risk his admission to the school. For instance, non-Catholic students are mandated to pray the Rosary and strictly observe all catholic "rituals" while they are in school even though they are 'misfits' in the observance of the doctrines of the catholic church. Therefore, how will our values education be at the mercy of the westernization-inspired child rights act? This question is a puzzle that must be fixed if Nigerian educational system can offer the much-desired values laden education to our children.

Child Rights Act versus Values Education (VE)

Nigerian educational system from the colonial to post-colonial decades has been a victim of top-down policy planning and formulation. The child rights act is a typical example of a top-down policy initiation approach. In other words, it is widely accused to be a superimposition on our laudable value system which seeks to initiate the child into the realms of functionalism and pragmatic wisdom. Odum and Warrioweri (2015) posits that Values Education is that type of education that has the capacity to develop and re-invigorate the potentials of man so that he can apply wisdom and truth based on his objective understanding of the social realities. They say that when man attains this level of consciousness, he ceases to be complacent, docile or gullible, but develops a mind of his own instead of servile or slavish mentality. Anya in Ivowi, Orubite and Wodi (2012) defines Values Education as the education with an encoded belief system containing core assumptions that usually guide the individual's life, and detraction from which may attract sanction and sometimes punishment. It is noteworthy to acknowledge the fact that Values Education encapsulates a code of conduct and those aspirations, ideals, goals, interest and expected standards of actions and behaviour that the society values and seeks to pursue.

The right to personal liberty of the child provides that school administrators are not to restrict the students' liberty or detain them in a room. On the other hand, the act stipulates also that the child must enjoy right to freedom of conscience, thought and religion. In trying to juxtapose these two rights with sound Values Education as explained above, ideological clashes seem to be inevitable in that the core assumptions of Values Education are to guide and control the child's life and any deviation from it attracts punishment and sanctions. The dynamics of values education is that the "vibrations" from the socio-cultural magnetic field stir up productive thinking in the individual as he/she meditates back on the positive values inherent in such type of education. So, how can the free conscience of the child and his right to form his/her own views and ideas survive or escape the whims and caprices of a viable Values Education? It becomes imperative for Nigerian educational policy planners and administrators to save our dear Values Education from drowning in the murky rivers of Child Rights Act.

Conclusion

Human society such as Nigeria is characterized by an assemblage of values, ideals, institutions, norms, etiquettes, families and confederations. They usually emanate from such society's ecological magnetic field. Although the child rights act is never an unmitigated evil, it has met with culture shock as well as clash of civilization in most countries of Africa. Educational managers and administrators are the custodians of educational system. The task of saving our Values Education from the Western socio-cultural magnetic field falls and rises on them. Nigeria and Africa are endowed with enviable Values Education that has capacity to re-engineer sustainable development for the greatest happiness of the greatest number of citizens.

Suggestions

- Educational Policy formulators should restore standard for discipline to secondary schools that would be backed up with legal instruments.
- The Child Rights Act should not restrain school administrators and teachers from their statutory responsibilities as stipulated by the doctrine of *in loco parentis*.
- The government should see to it that school administrators should not be punished because they perform their duty of behaviour modification and moral upbringing even though it may go against the interest of the parents or the child.
- There should be introduction of 'Pep Talk' in the school curriculum which would be targeted at value re-orientation and moral upgrading and general life coaching for the children at all levels in secondary schools.

References

- Nnorom, C.I. (2015). Law and administration of Nigerian Secondary Schools and Child Rights Act and secondary school administration. A (PhD) term paper submitted to the department of educational management University of Port-Harcourt.
- Nwabueze, I. E. (2015). *Child rights act and secondary school administration*. A (Ph.D) term paper submitted to the department of Educational Management University of Port Harcourt.
- Obiaraeri, N.O. (2012). *Still on human rights*. Owerri: Global Press Limited.
- Odum, I.A. &Wariowei, R. (2015). *Gender and values education for sustainable human development in higher education in Nigeria*. A conference paper presented at the 2015 National workshop on Gender, women and sustainable human development organized by (PJC-HWDS) University of PortHarcourt.
- Olakanmi& Co. (2007). *Handbook on human rights*. Abuja: Lawlords publication.
- Peretomode, V.F. (1991). *Educational administration: Applied concepts and theoretical perspectives for students and practitioners*. Lagos: Joja press limited.
- Resser, C. (1973). *Management: functions and modern concepts*. Illinois: Scott, foresman& co.