



## **FESTUS FAJEMILO FOUNDATION'S CONTRIBUTION TO THE RIGHT TO EDUCATION, ADVANCES AND CHALLENGES AS REQUESTED UNITED NATIONS SPECIAL RAPPORTEUR ON RIGHT TO EDUCATION.**

### **Response to Question 1:**

In Nigeria, education issues are approached through the lens of human right to education to an extent. The Universal Basic Education Law of 2003 in Nigeria made basic education compulsory for all school-age-children. Act provides for compulsory, free universal basic education for all children of primary and junior secondary school age in the Federal Republic of Nigeria. It further seeks to apportion punishment for parents for failing to comply with its provisions. Though, Universal Basic Education as a project started with the incoming of democratic governance in 1999, but the back-up bill was passed and signed in 2004. A chapter of the National Policy on Education was dedicated to special education which also captures inclusion as a better option in education provision. Right to free education is considered important in Nigeria and also implemented at basic education levels (Primary and Junior Secondary). Nigeria Governments see education as one of the basic rights of all Nigerian children and efforts are being made to ensure Nigerian children have access to quality education at all levels. Federal and state governments, in partnership with several development partners and Non-Governmental Organizations make efforts to make sure that all out-of-school children are back at school. For example, Festus Fajemilo Foundation (FFF) has, in the last 5 years, with support from its development partners (Liliane Foundation & Disability Rights Fund), implemented series of project on inclusive education in Lagos state; providing technical assistance to the state government, OPDs and other stakeholders. As a result of these initiatives, FFF has helped to build capacity of stakeholders, raise awareness and developed technical tools to support more effective delivery of inclusive education in Lagos State. Such tools include “Strengthening Inclusive education through Cooperative Teaching manual and Adapted Primary School Level E-Learning Content used during Covid-19 lockdown for children with hearing and Intellectual disabilities.

As of 2016, National Policy on Inclusive Education was drafted and endorsed in August 2017 while some state governments also developed state inclusive education policy that stipulates modalities of removing all forms of barriers to education for all, especially persons with disabilities. Notable state governments that have developed and currently implementing inclusive education policy frameworks in Nigeria include Lagos, Kaduna, Jigawa, Kwara, Akwa-

Ibom, Enugu, Sokoto States. Aside from the policy framework, right to education was also provided for in the Discrimination Against Persons with Disabilities (Prohibition) Act 2018 as well as in the sub-national legal framework for states that have domesticated the Act. On the international scene, Nigeria also signed to the United Nations Convention on the Right of Persons with Disabilities and its Optional protocols as well as adopted Sustainable Development Goals, with emphasis on goal 4 that puts priority on inclusive education.

Though, despite the presence of national and state level disability rights laws and policy frameworks on inclusive education, implementation has been a big challenge, thus militating against the right to education.

### **Response to question 2:**

The 4As framework of availability, accessibility, acceptability, and adaptability relative to education provision in Nigeria is evidently incorporated into the educational policy statement; however, its effective practice is still faced with myriads of challenges. The number of out-of-school children in major cities in Nigeria is currently on the increase because of certain inhibiting factors. Mass rural-urban migration has pushed the school-age city population into an alarming level beyond the capacity of the available schools. Security threat created by bandits, kidnapping, and abduction in Nigeria has made it impossible for many school-age children to attend school. Poverty increases as a result of fiscal policy problem and economic recession in Nigeria exacerbated by the advent of Covid-19 pandemic which leads to much job-loss and increase in unemployment has made it difficult for many parents to afford quality education for their children. Though, basic education is free in most states in Nigeria, however, the number of public schools appears limited and not available in many areas, thereby making it impossible for school-age children in such areas to access education. Education of persons with disabilities is more faced with serious challenges in terms of accessibility, especially as a result of limited schools that accept individuals with disabilities. Adaptability, of educational curriculum especially for persons with cognitive impairment is a big challenge same as a adaptation of technology to meet educational needs of persons with disabilities in the areas of instruction delivery. This has made children and adults with disabilities experienced very poor access to basic and other levels of education in Nigeria with several researched evidence indicating that children and learners with disabilities constitute up to 40% of the over 10 million out-of-school children in Nigeria. It is important for federal and state governments to make amends to the education policies to open all school doors for persons with disabilities, as this will remove the barrier of shortage/lack of schools

## Main Challenges

Achieving effective implementation of the right to education is faced with several challenges that can be resolved if objectively addressed. Chief among the challenges include:

- i. Poor funding Nigeria budgetary allocation to education is far below 26% of the annual national budget, as recommended by the United Nations as the global annual budgetary benchmark to enable nations adequately address the rising demands in education sector. The greatest challenge facing education in Nigeria is inadequate funding by government at all levels.
- ii. Bad governance and mismanagement of national assets has crippled the education sector. The government attitude towards the quality of education is too poor. Nigerian government at all levels does not attach important value to education as it is seen as a consuming sector that does not add to national income generation.
- iii. Poor infrastructure in the education sector. Most school structures at primary and secondary levels are collapsed, and many school children sit on the floor under roofs that are open to high heavens under rain and sun
- iv. Out-of-date curriculum and inconsistencies in curriculum adaptation. Available curriculum is not learner-centered and also less practical-based thereby reducing learner participation in teaching and learning activities.
- v. Conflict in responsibility specification among the three tiers of government in Nigeria. Basic education responsibility is not well defined and allocated to a particular tier of government. In most cases, no tier of government is ready to take responsibility for major educational projects as there are no specificity of responsibility in the policy framework
- vi. Politicisation of education in Nigeria. Allocation and establishment of primary / secondary schools and institutions of higher learning are often done to gain political popularity, and not need based. In most cases, schools are not provided where they are needed. where schools are needed, schools are not provided for the
- vii. Poor implementation of education laws and policies. There is no government will/power to implement educational policy to the letter. There are well-prepared policies and laws guiding education in Nigeria, but there is lack of effective implementation. For example, delay in release of funds for educational project and outright cancelation education project also add to the causes of poor education in Nigeria.

- viii. High level corruption that affects all areas of governance in Nigeria. The diversion of funds meant for education into other projects has crippled the system.
- ix. Poor parenting and lack of guidance. Many parents are not providing the basic needs for their children and wards at home, leaving everything for the government to do. while some are misleading and discouraging their children from formal education.
- x. Lack of relevant and up-to-date instructional materials to facilitate teaching and learning that meet global standards.
- xi. High poverty level. The level of poverty in Nigeria is on the increase, many parents cannot afford the cost of private schools for their children, and the available public schools are limited and cannot accommodate all school-age children.
- xii. Poor welfare package for teachers and brain drain in education sector L Teachers are not well paid in Nigeria; consequently, best heads are running away from teaching. Several others are leaving the country in search of greener pastures
- xiii. Poorly trained personnel - Professionalizing teaching is not taken seriously as most practicing teachers are not qualified to teach. This further discourages the best candidates from choosing teaching as their career.

### **Issues to address/Recommendations**

1. Awareness raising on inclusive education, focusing on identification of barriers to education.
2. Adequate funding by government and effective implementation of budgetary allocation for education sector in Nigeria
3. Schools-Based-Management Committees should be empowered to mobilize resources from the private sector to complement the efforts of the governments.
4. Effective implementation of existing educational laws and policies and periodic review to conform with the global trends and adaption to local realities and .
5. Need for the establishment of more schools where there are short falls, while all-inclusive schools should be provided with school buses to support movement of children with disabilities to and from school.

6. Stakeholders should work together to develop and implement school-level Standard Operating procedures to guide enrolment, retention, and progression of children with disabilities as well as specific indicators and target on pupils/student ratio to one teacher.
7. Cooperative Teaching approach should be deployed in all public inclusive schools as there are currently short falls in the number of special education teachers in Nigeria.
8. More higher institutions of learning should offer special education courses to meeting the dearth of special education teachers in the country
9. Regular and comprehensive training on contemporary cooperative or collaborative teaching approaches be organized for special and regular teachers.
10. The design, development and procurement of school infrastructure and facilities should comply with the principles of universal accessibility designs and reasonable
11. Incentive and improved welfare package for special education teachers to encourage more people to take interest in special education.
12. Provision of instructional materials that are relevant and up to date
13. Objective budget tracking and monitoring of policy implementation at all levels.
14. Increased partnership between government and other relevant stakeholders including development partners, education focused NGOs/CSOs, organizations of persons with disabilities etc.
15. Establishment of a formidable digital-based platform for continuous knowledge sharing & learning among education stakeholders on inclusive education.
16. Lastly, Special Rapporteur has never visited Nigeria, so a visit by Special Rapporteur on Right to Education to assess the level of implementation may help to put pressure on the Nigerian government to comply with its obligation on inclusive education.

By: Festus Fajemilo Foundation

Email: [info@fesfaj-foundation.org](mailto:info@fesfaj-foundation.org)

Website: [www.fesfaj-foundation.org](http://www.fesfaj-foundation.org)

