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**GENDER EQUALITY AND ACCESS TO EDUCATION: A
REVIEW OF FACTORS INHIBITING GIRL CHILD
EDUCATION IN NORTHERN NIGERIA**

by

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ABSTRACT

The United Nations, international conventions and the Child Right Act recognizes that education is a basic human right that every child must enjoy. In a traditional society, there exists the degenerate belief that women are second class citizens. A woman is considered as a man's property or pleasure object. She is also considered as a machine meant to produce children. This situation has resulted in unfair treatment of women especially with regards to education. Girl child education has become a matter of concern to stakeholders in Nigeria. This work examines the concept of, and crucial issues in girl child education. It identifies socio-cultural patterns, religious misconceptions, poverty, teenage pregnancy and early marriage among others as factors militating against child education especially in northern Nigeria. The paper, using a human right approach, advocates for specific roles and eradication of all discriminations against women. It outlines promoting education, gender equality, marriageable age and empowerment as a way to effectively correct these institutional mal-practices. The paper concludes and

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recommends an urgent governmental policy through specific agencies in redressing this imbalance.

KEY WORDS: gender, education, equality, sex, discrimination, teachers, pupils, schools, challenges.

1.0. INTRODUCTION

Government holds the primary responsibility of ensuring full realization of the right to education for all. The analytical framework of government obligations developed by the United Nation Special Rapporteur shows that this entails availability, accessibility and adaptability. According to Tomasevski,^[1] ensuring the availability of education has differing solutions, segregation or single sex schools, integrated schools wherein girls are enrolled in boys' schools which may not adapt to them or inclusive education in co-educational schools that are gender sensitive. This is safeguarded by Article 2 of the Convention Against Discrimination in Education

It is worthy to note that in implementing a system of education segregated by sex, government may be responding to parental control. There is always an important balance to be struck between parental problems in education and the best interests of the child.

Accessibility requires removing both directly discriminatory barriers to the enrolment of one sex from all levels and types of education, as well as barriers such as cost, which may have indirect gender insignificance. Acceptability implies education that will actually be of use to the child,

not only seeking employment, but also importantly in protecting his/her health and well-being. Sufficient educational opportunities for girls are only the first step. Treating boys and girls in the same way can reinforce, rather than address social disadvantages as education can serve to undermine existing stereotypes of women as unsuitable to academic achievement.

An image that is portrayed in a visual is an example of a textbook showing a female as the role model at home, while men are history makers and intellectual pioneers. In the wordings of Article 29 (1)(d) of the Convention on the Right of the Child (1966); the aims of education in human rights law includes the preparation of the child for responsible life in a free society, in the spirit of understanding peace, tolerance and equality of sexes. The obligation under human rights law is that education should be more adaptable to the individual and ensure that it does not reinforce extant social patterns that discriminate against certain groups; as girls tend to be subject to multiple discriminations on grounds of gender stereotype.

By law, at least education should be free and compulsory; this is provided for in Article 13 of the International Covenant on Economic, Social and Cultural Rights, 1966. This practice may have evolved over time either from parental obligation on the part of the parents to send their wards to school and the civic obligation on the part of the Government to provide education. Section 18 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) provides that:

the Government Shall strive to eradicate its policy towards ensuring that there are equal and adequate educational opportunities at all level; the Government shall promote science and technology; Government shall strive to eradicate illiteracy, and to this end, Government shall as and when practicable provide a) free and compulsory and universal education; b) free secondary education; c) free university education; and d) free adult literacy programmes.

Furthermore, in the words of Duncan,^[2] only very few percent of the states show commitment to domestic implementation of legislation on compulsory education and primary education. In most cases there is no legislation on the minimum age for completion of education.

In the words of Duncan Wilson (2011); some of the countries in sub-Saharan Africa, including Nigeria, have no compulsory education legislation. The existing laws are in the form of policies, for instance the Policy on Girl Child Education. There is, however, lack of consensus on where the obligation lies in compulsory education or the minimum age for entry into school, for instance: does it imply the criminalization of parents who cannot afford to send their children to school? Or of the child through the creation of the offence of truancy? Or is the obligation of the state to ensure sufficient opportunities? In the Netherlands for instance, The Compulsory Education Act of 1994, seeks to prevent truancy and dropouts by making the pupils themselves directly liable for non-attendance.

The European Convention on Human Rights of 1950, in its Article 59(1)(d), provides that children may be detained for educational

supervision. This provision sees the child as the recipient of, rather than a participant in education. In the same vein the recent Convention on the Rights of the Child obligate states to encourage attendance of pupils in school, but provision was made for enforcement, thus signifying a shift in attention of promoting compulsory education from an obligation of the individual to an obligation of the state.

The state undertakes a heavy burden in determining that education should be compulsory, as compelling attendance implies that education will be the child's favourite, therefore, any education system which does not fulfill this requirement requires a fundamental review of intention, implementation and methods to actively promote gender equality and gender sensitivity. Compulsory schooling can be a key to combating the effects of private discrimination, which may impact on the education of girls.

2.0. THEORETICAL FRAME WORK

Access to education by girls in Nigeria is still low, especially in Northern Nigeria where withdrawal of girls for the purposes of marriage is still practiced. Educational development in Northern Nigeria is lagging behind other parts of the country based on practical indicators. For instance, the number of facilities available; transitional rates, girls' enrolment, number of teachers, are all indicators. In most cases the girls are hawking wares, petty items or doing household chores. Low girls' enrolment in the long run is bound to create an aggravated gender imbalance that will eschew future opportunities against women.

The legal framework for the observance of women's right to education remains obscure in Northern Nigeria and it is a major bane to the realization of their human rights. The arguments in this respect have been whether the Constitution as it is, entails a comprehensive set of provisions on human rights capable of supporting the emerging body of women's rights, particularly rights to education that is not gender biased as contained in international instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women, 1979, to which Nigeria is a signatory and the consensus of the International Conference on Population and Development, 1995.

The provisions on human rights in the 1999 Constitution do not provide for the right to education and the right to enjoy scientific progress and consent to experimentation as envisaged in the Universal Declaration of Human Rights 1948. Issues such as health, economic, education and social rights are only accommodated in the Fundamental Objectives and Directive principles of State Policy of the 1999 Constitution as non-justifiable rights.

• The consequence of the foregoing is that whereas the provisions on human rights are actionable in court, the 1999 Nigerian Constitution does not make provision for the enforcement of fundamental objectives and directive principles of state policy or for accountability of the same. It merely provides for policies and directives to be made on such matters.

Furthermore, these policies are merely directive and confer on an individual neither a right that is actionable nor the duty to hold government

responsible for their performance. Equally too, certain rights in the Constitution are abstract and too narrow to avail protection as rights.

The centrality of teachers to education means that in their training, selection, and composition, gender equality should be highlighted. Increasing the balance between male and female teachers at all levels can serve as an indicator of gender equality. An analysis of the position of female teachers in schools routinely shows that they, as with most girl pupils, remain confined to primary school. Gaynor submitted that,^[3] in all regions of the world the proportion of female teachers at secondary and higher education levels is lower than that at the primary level; this explains the reason for the lower enrolment of girls in education, where parents refuse to allow their female children to be taught by male teachers.

Other factors like earnings, motivation and performance in education quality are also contributory factors in gender equality in education in Nigeria. Girls face obstacles in their education both in public and private life. The socialization process is yet another factor. Girls are socialized to become wives, mothers, and care-givers and to be submissive, while boys are groomed to take up the role of leadership. At the public level, states have committed under the Convention on the Elimination of All Forms of Discrimination Against Women not only to prohibit discrimination *de jure* (in Law), but also eliminate *de facto* (in fact) discrimination.

Prohibiting discrimination may essentially be a matter of changing policy, and enacting and enforcing laws. Efforts to eliminate discrimination require a fundamental review of the system of education in

order to expose and address patterns of discrimination and to re-orient education to avoid recreating a negative social reality. Thus, developing non-discriminatory education involves implementing the Beijing Platform for Action which is a step forward in education which promotes gender equality.

3.0. RIGHT TO EDUCATION

In the words of Leonard,^[4] the right of girl and boy to equal and free education is central to the Convention on the Right of the Child. Gender equality is about each girl and boy, each man and woman being able to enjoy their human rights and potential as individuals in an economic, socio-cultural, civic and public life. It is about men and women being partners and making decisions together so that there will be peace, harmony in the home, communities, and societies. Schools therefore, have an important role to play in preparing boys and girls to listen and communicate effectively with each other in order to build a respectful nation.

Section 18 of the 1999 Constitution of Federal Republic of Nigeria (as amended) provides that:

the Government Shall strive to eradicate its policy towards ensuring that there are equal and adequate educational opportunities at all levels; the Government shall promote science and technology; Government shall strive to eradicate illiteracy, and to this end, Government shall as and when practicable provide a) free and

compulsory and universal education; b) free secondary education; c) free university education; and d) free adult literacy programmes.

According to the CSIDS^[5] report, poor girls in developing countries are not being educated at the rate at which they should be. More than 100 million children according to the UNICEF^[6] Annual Report do not go to school and more than half of them are girls. There are three basic explanations for the significant impact of girl's education on developmental projects. The issues that must be addressed to change the status-quo for girls are symptomatic of the developmental obstacles in a society as a whole. These issues include such things as choices, opportunities, incentives and attitudes toward fundamental human rights.

The assumption is that girls who are educated can directly redress many of the problems associated with poverty and underdevelopment. Educated girls are more aware of health, nutrition, and family planning issues. Girls are large segments of the population and a valuable productive resource. The importance of education for girls is reflected in the millennium development goals. Four goals are related explicitly, but not specifically to education, children and gender, i.e., to achieve universal primary education, promote gender equality and empower women; reduce child mortality, and improve maternal health.

In the views of Suzanne Akiyama,^[7] there are a variety of reasons for disparity between boys and girls in terms of education parity. These may include; the traditional practice of girls maintaining the household, the children, the food, the fuel and water, for which western education is

considered unnecessary and unhelpful. Furthermore, in some situations, girls are needed at home to help with the chores or care for other family members. Equally, financial outlay in terms of school fees, uniforms and supplies are unaffordable. In some cases girls too are reluctant to go to school out of fear of mistreatment, and among the folks, education is considered to be a privilege for girls especially among the lower socio-economic class.

Nonetheless, because of the special role of girls in development as noted earlier on, education for girls should be part of a viable development strategy due to its high human rights value. According to the Organization for Economic Cooperation and Development Report,^[8] the only approach to girls' education is to mainstream gender equality in the entire education system through a multiple delivery system; parental and community awareness and support; attention to local situations and preferences; development of a curricula which will meet students' gender specific needs; improved teacher's quality; increase the number of female teachers; reduce financial burden on parents; and women's participation in decentralized decision making and management.

Children cannot pay for education themselves. Charging fees for education means that families are faced with a difficult decision when they cannot afford to educate all children. While education can never be without cost, user fees act as a regressive form of educational financing, limiting opportunity to those who are able to pay. According to the general comment by the International Convention on Civil and Political Rights, the impact of this on girls can be disproportionate given that years of attending

school appear wasted when women do not have access to employment and/or are precluded from becoming self-employed, do not have a choice as to whether to marry and bear children, or their opportunities for political representation are foreclosed.

In the view of the World Bank Report (2001), decline in female enrolment in education was as a result of the imposition of the structural adjustment policies particularly during the 1990's. However, in the opinion of Rose,^[9] education cannot be compulsory in practice where it is not free. Increasing numbers of states are now domesticating their international obligation to make primary education free. Translating policy and legislative change that abolishes fees into the practice of free education has proved difficult. In Nigeria, free education is being implemented in some states, and even then it has always being a matter of political manifestos and political strategy, not for the true benefit of it.

4.0. FEAR OF INEQUALITY

Forcing girls to attend schools which may endanger their health or their lives may be an abrogation of the right to education. Sexual abuse and physical violence against girls are particularly invidious dangers which will undermine any efforts at gender equality in and through the classroom. According to the Human Right Watch (2002), violence confront girls with disturbing frequency. The United Nations Committee on the Elimination of Discrimination Against Women has equally noted that gender based violence is a form of discrimination which seriously inhibits women's ability to enjoy rights and freedom on a basis of equality with men. Girls

are dropping out of school because of excessive bullying, terrorizing, and rape by their male partner. Therefore, monitoring education for all must take a broad approach to ensure that free and compulsory education encourages improved gender relations.

It is also a recognized fact that the content of education is a central determinant as a transmitter of discrimination or promoter of the elimination of discriminations. Many states have thus initiated a review process of curricula and textbooks in order to eradicate manifest and implicit stereotype views of gender roles. For instance in a Report in Thailand;^[10] it was found that the overall texts in textbooks are dominated by male characters, and appeared twice as often as female characters, and the message presented by these texts was that men and women have different and unequal roles, and that men's status is superior to women's. The books present men as the leader or administrator in the community, and as family breadwinners. Women are generally presented as housewives, cooks and child caregivers, and as supplementary income earners in poorer families.

In many countries, pregnant girls face expulsion from formal education. This may also impact on the right of teachers, who may face suspension or dismissal if they become pregnant especially when unmarried. There is now increasing questioning as to why pregnant girls should be discriminated against in education. For instance the Constitutional Court in Bogota, Latin America, stated thus in the case of *CRISTIANO ARCANGEL MARTINEZ Y MARIA SUAREZROBAYO VS. COLEGIO CIUDADDE CALI*^[11] that surely, the stigmatization and

discrimination implied in suspension from school attendance have converted this method of instruction into a disproportionate burden which the pupils have to bear solely because she is pregnant, which in the opinion of the court amounts to punishment.

The practice of dismissal of the young from school on the ground of pregnancy as a result of school regulations as a punishment violates the fundamental rights to equality, privacy, free development of personality, and to education as contained in Section 34-37 of the 1999 Constitution of the Federal Republic of Nigeria (as amended). Some non-governmental organizations such as for instance, the African Women Educationist Group have exposed the discriminatory treatment of pregnant girls. Likewise, the African Charter on Human and People's Right and the African Charter on the Rights and Welfare of the Child, explicitly recognizes the right of pregnant girls to education after pregnancy by providing that all appropriate measures are to be taken to ensure that children who become pregnant before completing their education shall have the opportunity to continue with their education on the basis of their individual ability. In response to this, certain countries like Kenya and Malawi, now permit the re-entry of girls into formal education after pregnancy, subject to the limitation of prohibiting re-entry into the same school to lessen stigmatization and to address increasing drop-out rates of girls from school.

On the issue of early marriage, human rights instruments are clear on the need for marriage to be based on the full and free consent of parties. The Universal Declaration on Human Rights states in Article 16(2) that:

marriage shall be entered into only with free and full consent of the intending spouses. Equally, the Convention on the Elimination of All Forms of Discrimination Against Women further states in Article 16(2) that: the betrothal and the marriage of a child has no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

The controversy here is, there is little consensus on what should be the minimum marriageable age. The International Human Rights instruments do not categorically define the length of childhood. Whilst the Convention on the Right of the Child states in Article 1 that: *a child is any human being under the age of 18 years... unless under domestic law a different age of majority is specified.* There are, however, local laws that prohibits child marriage, for instance, the Child Rights Act of 2003 which is a Federal Law adopted by some states of the Federation.

However, a legal connection has to be drawn between age of completion of education and the minimum age of employment. In the provisions of the International Labour Organization on Convention Concerning Minimum Age for Admission to Employment, 1973, Article 138 states that the age of completion of education should be raised to match the minimum age of employment.

Surprisingly, no such similar provision has been adopted or contemplated regarding marriage, yet marriage is repeatedly asserted as one of the principal reasons for female desertion or exclusion from

education. This view was subscribed to by Mensch, Bruce & Greene,^[12] that female drop-out in rural areas can be attributed to a significant degree to early marriage.

Where education does not or is not seen to increase opportunities for girls, the rationale for sending girls to school is significantly undermined. Education can act as a multiplier for the opportunity to realize other human rights, particularly health and employment, as well as the right to equality between the sexes. In practice this may not be the case. The aims of education as set out in international human rights standards are not maximized, notably that education should ensure the full development of human personality and enable all persons to participate effectively in a free society.

5.0. THE SINGLE SEX EDUCATION AND THE CHALLENGES

The debate on single sex education has been ongoing for some time; particularly the role single sex education can play in advancing gender equality. In the advocacy brief of UNESCO (2007), there are three main choices of educating girls. There can be single sex education in separate boys' or girls' schools; co-education of girls and boys in the same classes in the same schools or mixed school models.

According to Martino, W and Mills, M,^[13] although the focus is on girls' education needs, it is essential to explore what different affects separating or integrating girls and boys learning will have on boys and on families. The choice of how to educate girls can be expected to influence

girl-boy relations and may impact boys' quality of education and also girls' and boys' family life.

In certain religious and cultural contexts, for instance in the Northern part of the country, girls' parents prefer single sex schools and may only allow their daughters to attend a girls' school. Creating single sex school for girls may be necessary in order to comply with religious or cultural tradition. This one of the reasons missionary schools, Islamic schools (Islamiyya), are more prevalent in the Northern part of the country.

Parents too may be reluctant to send their girls to school with boys if they have serious concerns about their daughters' safety or reputation in co-education schools for fear of being raped or becoming pregnant. Equally, walking a long distance every day to school may expose girls to sexual threats or physical attack. In these circumstances, creating a school for girls close to home is viable policy option for increasing their access to education.

The issues of girls' safety, social and cultural identity, and comfort are all critical issues to be considered in access of girls to education. Parents must listen and be guided by the wishes of their daughters for them to offer practical ideas or solutions to their problems. Separate facilities for girls are only safer than co-educational schools if there is adequate security. In research findings conducted by Robinson and Gillibrand,^[14] girls do better in certain subjects such as mathematics and science when boys are not in the class, boys scored higher than girls in co-educational mathematics classes. It was found that in girl only mathematics and science

classrooms, girls are engaged in learning more of the time. show more cooperative learning behaviour and identify better with their female classmates than when they are in co-educational classes.

The culture in co-educational schools may discriminate against female teachers and girl students. This can be a real, although often unintended, impact of education systems that have been shaped and managed largely by men. Without conscious efforts to make the school empowering and valuing of girls, as well boys, discrimination can hurt girls. It can impair their self-confidence and achievement, as well as lower their career and education goals.

An observational survey conducted by UNESCO in 2007 exposed discriminatory practices; for instance, many teachers primarily call on pupils who raise their hands or call out. This inadvertently silences girls in a cultural context where boys tend to be more aggressive and outgoing. Often after posing questions, teachers give less wait time to girls to think through the answer. This sends a message that they are less capable than boys. In a majority of classrooms observed, art featured more photos and graphics of male authors and heroes than of females. School texts, art and teaching aids that focus on men as being the leaders, thinkers and creative minds can condition girls to set learning and career goals that are lower than their potential.

In poorly managed schools, there is the risk of male teachers and boy classmates physically or sexually abusing the girls. In addition to sexual abuse, there are other forms of violence, intimidation, and embarrassment.

Co-educational schools that lack separate toilets for girls or have long lines at latrines without privacy humiliate girls and put them at risk. Day to day harassment, verbal abuse, and bullying can build up and destroy girls' ability to concentrate and their joy of going to school. These concerns are much reduced in girls' schools staffed with female teachers.

Single sex school systems require more funds for land, school, construction and maintenance. To provide equal quality management, supervision and human support to separate girls and boys, more trained staff will also be required.

On the other hand, according to Schneider, F. W.,^[15] single sex schools can lead boys and girls who are not witnessing the ideas, talents, and skills of the other sex, to rigidly stereotype the other sex. This can reinforce the existing gender bias in society. In addition, some contend that creating schools for girls suggest girls have problems and need special attention. This may cause girls to think less positively of themselves. Girls' only schools do not facilitate girls forming friendships with boys that could later provide links to professional and political networks which are dominated by men. If girls do not have links to their male age group, they do not have potentially valuable connections.

Also in a research conducted by Young and Warrington,^[16] in most systems where there are separate girls' school, there are separate boys school by default. Research indicates that creating separate sex schools would make a bad problem worse; boys' school may fan the flames of sexism. A boys' school culture of macho male bravado causes alienation

as girls and women are not valued and respected as equals. This macho-culture could in turn worsen relations among boys and girls in the out of school context.

Conclusively on this aspect, every girl and boy has the right to a free, quality education. All depends on the teaching and learning processes and the contents that are appropriate to meet each need. Co-education, single sex and mixed schools all have the potential to provide safe, empowering learning to girls. The priority is to ensure that policy makers and teachers conduct proper training and a good curriculum is developed. Single sex education may not be a complete panacea for girls, but some situations make it an effective option. A prime example is when parents demand it as a condition of their daughters getting an education.

6.0. IMPORTANCE AND EFFECT OF EDUCATION TO WOMEN

Speaking on the state of education in Nigeria, the wife of Benue-State Governor, Arch. Yemisi Dooshima Suswan,^[17] said that low literacy rate in our country especially amongst women folk is due to the high level of poverty bedeviling the society as no society can grow economically if its citizens lack education. According to Arch. Suswan, education enhances human quality which in turn advances national development.

Arch. Suswan maintained further that, education and training in all forms contribute to a transformation of power by giving women access to information, knowledge and skills as educated women always lag behind in relation to their male counterparts. Accordingly, most societies in Northern Nigeria believe that the role of the women is to ensure the

continuity of the lineage and she is therefore expected to marry soon after puberty, because she does not need formal education to perform this function.

A good level of formal education is one of the major factors that are normally considered in high decision-making offices, lack of a good education often debar many women from contesting for political office and determining political outcomes. It also reduces the proportion of representation they are expected to enjoy in governance. She (Arch. Suswan) asserted that without any fear of contradiction that women who constitute over 50% of the Northern Nigeria population produces over 60% of the total output of national wealth - mostly food and agricultural products, but despite their contribution to national wealth production, they receive only 10% of national income and earnings.^[18]

The gender dimension of poverty, education and inequality in Northern Nigeria shows that women have less opportunity for earning an adequate income, limited access to education, health care, access to capital, positions of power and decision-making, less control of the formal economic and other resources of the society in which they live and work. This has led to increasing incidences of girls dropping out from school as most families cannot afford the cost of education, growing rate of prostitution, child trafficking and cultism, increasing culture of begging prevalent in the Northern part of the country, the patriarchal structure of the society, and the failure of the National Assembly and the respective state houses of assembly in the North to pass laws prohibiting violence against women.

The First Lady (Arch. Suswan) reiterated that if contemporary women like Professor Alele-Williams, Bolanle Awe, Zainab Alkali, Charity Angya, Dr. Okonjo Iweala, Dr. Andrea Jogo, Hon. Lucy Alu, Dr. Magret Icheen, Sarah Jubril (A Presidential Aspirant), Professor Dora Akunyili, Eugenia Abu, to mention just a few, had no opportunity to get an education, they would not have been able to positively affect their generation.

The First Lady summed up in her words that: *women have been conditioned by historical circumstances, religion, and tradition to hesitate, even to be reluctant, to take high responsibilities in politics even when they have considerable education. As long as gender discrimination and cultural stereotype continue to limit women's choices and options, the desire of the nation in achieving economic growth and development will be hampered.*^[19]

7.0. CONCLUSION

Since the first United Nation Women's Conference in Mexico 1975, women have continued to build international networks and coalitions to lobby for their gender interests. This has resulted in the formulation and adoption of numerous Conventions of which the Convention on the Elimination of all Forms of Discrimination Against Women (Women's Convention) is the most widely known. It aims to shape national policies in all countries towards guaranteeing women's equal rights with men in areas such as education, employment and marriage.

Women activists regard the Convention as a powerful tool to continue their struggle against discrimination even where reservations are made or where states have refused to ratify it. Women's pressure groups can push governments towards attaining these internationally recognized minimum standards. However, there are some concerns that even where certain countries have fully ratified the Women's Convention this can be a paper exercise alone. To address this, the Committee on the Elimination of all Forms of Discrimination Against Women monitors compliance with the Women's Convention. As yet, women have no right to lodge individual complaints or submit petitions at an international Tribunal in the case of violation of the Convention.

In this regard too, the Protocol to the African Charter on Human and People's Rights on the rights of women in Africa is also worthy of examination. The Charter is a unique piece of legislation because it takes into consideration the provisions of other international instruments on human rights including the need for equality and freedom from discrimination. It also takes into consideration the peculiar circumstances of women in Africa and indeed Northern Nigeria and their vital role in development.

The Protocol certainly could have been the key to a new dawn for Nigerian women, but the sad thing is that it is really far from actual implementation. This is regardless of the fact that it has been domesticated in Nigeria by virtue of Section 12 of the 1999 Constitution which provides in its Article 17 that: *every individual shall have the right to education.*

The Protocol was adopted on July 11, 2003 by the African Union to strengthen the promotion and protection of women's rights. The preamble highlights several considerations necessitating the Protocol. This consideration includes a recognition of Article 2 of the African Charter on Human and People's Rights which enshrines the principle of non-discrimination. It includes Article 18, which calls on all states to eliminate discrimination against women. It also includes provisions which recognize women's essential role in development, the principle of promoting gender equality as enshrined in the Consultative Act of the African Union as well as the New Partnership for Africa Development (NEPAD).

The Protocol also takes into consideration other relevant Declarations, Resolutions, and Decisions, for instance, the Convention on the Right of the Child (1989), the International Covenant on Economic, Social and Cultural Rights (1976), International Covenant on civil and Political Rights (1976), the Universal Declaration of Human Rights (1948): which underlines the commitment of African states to ensure full participation of African Women as equal partners in Africa Development. By virtue of the protocol, Nigeria women are guaranteed the right to dignity; right to life; integrity and security; freedom from harmful practices; equal rights in marriage; right to equal protection and benefit of the law; right to participate in political decisions; **right to education and training**; right to health including sexual and reproductive health; right to food security; positive cultural context; and right to sustainable development to mention just a few.

The obligation of the Nigerian Government under the Protocol includes ensuring that women enjoy the rights mentioned above through the following actions: enactment of appropriate legislation to combat all forms violence and discrimination against women to ensure equal opportunity in work and career development/advancement; appropriate and effective education, administration, prohibition, protection, promotion, institutional implementation, and regulatory measures; integrating a gender perspective in policy making; modifying social and cultural patterns of conduct of women and men through public education, information and communication; providing budgetary and other resources necessary for full and effective implementation.

So far, some of the positive actions taken by the Nigeria Government in this direction are: i) adoption of a National Gender Policy, 2006; ii) establishment of a Science School for girls; iii) establishment of women development centers in the 36 states of the Federation; iv) adoption of the Trafficking in Person's (Prohibition) Law Enforcement and Administration Act, 2003; v) adoption of a National Policy on HIV/AIDS, Reproductive Health and Female Genital Mutilation, to mention just a few.

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Endnotes:

[1] Tomasevski, (2001) committee on Economic, Social and Cultural Rights in Geneva Comment nos. 13 (E/C.12/1990/10) available @www.right-to-education.org.

- ^[2] Duncan Wilson 'Human Rights: Promoting Gender Equality in and Through Education (2002) d.wilson@ibe.unesco.org accessed 13th March, 2011.
- ^[3] Gaynor, (1997) Report of Egypt under CEDAW, 2000 CEDAW/C/EGY/4-5, P.60.
- ^[4] Leonard, S. (2003) Single Sex Education, the Issues involved *Current Law Journal* Vol. 449 pg 3.
- ^[5] CSIDS Strategies for Development: the Development of Mosaic <http://www.grips@ac.jp/csids/index.html> accessed 13th March, 2011.
- ^[6] UNICEF (2004) Annual Report: *The State of the World's Children* available at http://www.unicef.org/files/SOWC_04_eng.pdf accessed 06/04/2011.
- ^[7] *Ibid.*
- ^[8] Organization for Economic Cooperation and Development (1999) OECD @ <http://www.girlseducation.org/welcomelow.asp> accessed 13th March, 2011.
- ^[9] Rose, P. (1995) Female Education and Adjustment Programmes: a Cross Country Statistical Analysis *World Development* (Oxford, UK), Vol.23, nos.11.
- ^[10] Report of Thailand under CEDAW, 1997, CEDAW/C/THA/2-3, paras. 44.
- ^[11] Case nos. T-177814, 11 November, 1998.
- ^[12] Mensch, B.S.; Bruce, J.; Greene, M.S. (1998), *The Uncharted Passage: Girls Adolescent in the Developing World*. (New York, N.Y: The Population Council).
- ^[13] Martino, W. and Wills, M. (2005), Interrogating Single Sex Classes as a Strategy for Addressing Boys Educational and Social Needs. *Oxford Review of Education*, Vol. 31. No. 2 p. 237.

^[14] Robinson, C. (1999), Should the Sexes Be Separated for Secondary Education-Comparisons of Single Sex and Co-educational Schools? *Research Papers In Education: Policy and Practice*, Vol. 14, No. 1 pp. 23-29.

^[15] Schneider, F.W. (1998), et-al, In Favour of Education: The Educational Attitudes of Students from Co-educational and Single Sex High Schools, *Canadian Journal of Education*, Vol. 13, No. 4 pp. 479-496.

^[16] Younger, M. and Warrington, M. (2002), Single Sex Teaching in a Co-Education Comprehensive School in England, *British Educational Research Journal* Vol.28, No. 3 pp. 353-374.

^[17] Arch. Yemisi Dooshima Suswan (2010), *Gender Inequality in Education*, The Vanguard Newspaper December 1, 2010.

^[18] *Ibid.*

^[19] *Ibid.*

References:

African Charter on Human and People's Right (enforcement and ratification) Act, Cap LFN, 2004.

African Charter on the Rights and Welfare of the Child 1990.

Arch. Yemisi Dooshima Suswan (2010), *Gender Inequality in Education*, The Vanguard Newspaper December 1, 2010.

Article 29 (1)(d) of the Convention on the Rights of the Child.

Article 2 of the Convention Against Discrimination in Education.

Article 13 of the International Covenant on Economic Social and Cultural Rights.

CSIDS Strategies for Development: the Development of Mosaic <http://www.grips@ac.jp/csids/index.html> accessed 13th March, 2011.

Cristiano Arcangel Martinez y Maria Suarez Robayo vs. Colegio Ciudad de Cali, Case Nos.T-177814, 11 November, 1998. Quoted in Tomasevki, K., Human Rights in Education as a Prerequisite for Human Rights Education. *Right to Education Primers*, nos. 4 Gothenberg, Sweden, 2001, p. 42.

Duncan Wilson 'Human Rights: Promoting Gender Equality in and Through Education (2002) d.wilson@ibe.unesco.org accessed 13th March, 2011.

Education Rights Project, (2002) *prohibiting the ongoing sexual harassment and sexual violence against learners*, Johannesburg.

Gaynor, (1997), Report of Egypt under CEDAW, 2000 CEDAW/C/EGY/4-5, P.60.

International Covenant on Civil and Political Rights General Comment 28 (Sixty Eighth Session, 2000): Article 3: Equality of Rights between Men and Women, A/55/40 vol.1 (2000) 133 at paras 1-32.

Leonard, S. (2003), Single Sex Education, the Issues Involved, *Current Law Journal* Vol. 449 pg 3.

Martino, W. and Wills, M. (2005), Interrogating Single Sex Classes as a Strategy for Addressing Boys Educational and Social Needs. *Oxford Review of Education*, Vol. 31, No. 2 p. 237.

Mensch, B.S.; Bruce, J.; Greene, M.S. (1998), *The Uncharted Passage: Girls Adolescent in the Developing World*. (New York, N.Y.: The Population Council).

Organization for Economic Cooperation and Development (1999) OECD @ <http://www.girlseducation.org/welcomelow.asp> accessed 13th March, 2011.

Report of Ecuador under CEDAW, 2002, CEDAW/C/E/ECU/4-5. Para 155.

Report of Thailand under CEDAW, 1997, CEDAW/C/THA/2-3, paras. 44.

Robinson, C. (1999), Should the Sexes Be Separated for Secondary Education - Comparisons of Single Sex and Co-educational Schools? *Research Papers In Education: Policy and Practice*, Vol. 14, No. 1 pp. 23-29.

Rose, P. (1995), Female Education and Adjustment Programmes: A Cross Country Statistical Analysis, *World Development* (Oxford, UK), Vol.23, nos.11.

Schneider, F.W. (1998), et-al, In Favour of Education: The Educational Attitudes of Students from Co-educational and Single Sex High Schools, *Canadian Journal of Education*, Vol.13, No.4 pp. 479-496.

Tomasevski, (2001), Committee on Economic, Social and Cultural Rights in Geneva Comment nos. 13 (E/C.12/1990/10) available @www.right-to-education.org.

UNESCO (2003) Life Skills Education with a Focus on HIV/AIDS - Eastern and Southern Africa http://www.unescobkk.org/fileadmin/user_upload/ict/Metasurvey/2Regional29.pdf (accessed 14th April, 2011).

UNESCO (2007) Advocacy Brief: Single-Sex Schools for Girls and Gender Equality in Education (Bangkok, UNESCO).

UNICEF (2004) Annual Report: *The State of the World's Children* available at http://www.unicef.org/files/SOWC_04_eng.pdf accessed 06/04/2011.

Younger, M. and Warrington, M. (2002), Single Sex Teaching in a Co-Education Comprehensive School in England, *British Educational Research Journal* Vol.28, No. 3 pp. 353-374.