

Promoting Girl-Child Education as A Panacea to Sustainable Development: A Legal Perspective

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Abstract

The Sustainable development goals were adopted by the United Nations General Assembly in September, 2015. These goals which are 17 in number are expected to be achieved by the year 2030. Goal 4 in particular states thus: "Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all." The operative phrase as stated in this goal is "education for all" without any discrimination. This means with respect to education; everyone has a right to be educated to the highest possible level. The Right to education has been pronounced as a right without discrimination in Article 17 of the African Charter on Human and Peoples Rights, article 13 of the International Convention on Economic, Social and Cultural Rights (ICESCR), Article 28 of the United Nations Convention on the Rights of the Child (CRC) and other national laws and Constitutions such as Section 18 of the Constitution of the Federal Republic of Nigeria 1999, and Section 15 of the Nigerian Childs Rights Act, 2003. Nigeria being a signatory to these human right instruments is expected to take steps to adhere to and implement these provisions. Thus, in view of these conventions and constitutional provisions, the right to education can be enjoyed by all if the denial of this right can be challenged in a court of law where declaratory orders can be made to ensure that measures are put in place for the implementation of good quality education. This paper will propose that educating the girl-child will ensure sustainable development as an empowered girl becomes an empowered woman and mother. In addition, this article will examine decided cases in jurisdictions where the right to education has been enforced in order to make recommendations on how to ensure that every school age child particularly the girl child can be given the constitutional right to education in Nigeria.

Keywords: Right to Education, Sustainable Development, Girl-child, Discrimination.

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1. Introduction

The framework for achieving a better, more sustainable future for everybody is found in the Sustainable Development Goals (SDGs).¹ Concerns include global difficulties manifesting as poverty, inequality, climate change, environmental degradation, and peace and justice are addressed. The goals also articulated the very serious challenge of the education of children. Goal 4 particularly discusses the education of girls and boys and sets out its target for quality education for all by 2030.²

The primary source of the SDGs is the Declaration titled "Transforming our world: The 2030 Agenda for Sustainable Development," which the United Nations General Assembly adopted through a Resolution in September 2015.³ The 17 goals of the SDGs are all rooted in human rights. As the Member States of the United Nations stressed in the SDGs' Declaration: "We reaffirm the importance of the Universal Declaration of Human Rights (UDHR), as well as other international instruments relating to human rights and international law. We emphasize the responsibilities of all States, in conformity with the Charter of the United Nations, to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status."⁴

The UDHR provides, in Article 26(2), for the right to education as a human right. Thus, the SDG4 and the right to education can be regarded as a good attempt to ensure that countries comply with the requirements of the SDG4 as a human right which aims at ensuring inclusive and equitable quality education for all. This right to quality education has been expanded and explained as follows:

"Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all."

¹ Chiara Mio Silvia Panfilo, Benedetta Blundo "Sustainable Development Goals and the Strategic Role of Business: A systematic Literature Review" *Business Strategy and the Environment* (2020) 29(8) 3220-3245.

² The UN agency for children, available at ><https://www.un.org/en/global-issues/children>> accessed 13th November 2022.

³ UN General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, 21 October 2015, A/RES/70/1, available at: <https://www.refworld.org/docid/57b6e3e44.html> [accessed 25 November 2022].

⁴ Kenneth Asamoah Acheampong, "Sustainable Development Goals, Stateless Individuals and Inclusive Education" (2017) 25 *University of Botswana Law Journal* 30.

“4.1 By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes,”

“4.2 By 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education,”

“4.3 By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university,”

“4.4 By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship,”

4.5 By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations

4.6 By 2030, ensure that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy

4.7 By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture’s contribution to sustainable development

4.a Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all

4.b Substantially expand globally the number of scholarships available to developing countries, in particular least developed countries, small island developing States and African countries, for enrolment in higher education, including vocational training and information and communications technology, technical, engineering and scientific programmes, in developed countries and other developing countries

4.c By 2030, substantially increase the supply of qualified teachers, including through international cooperation for teacher training in developing countries, especially least developed countries and small island developing States.

Education geared toward strengthening the skills and knowledge of girls and women from all castes, ethnicities, and backgrounds is referred to as "girl-child education." This covers formal education at schools and universities, as well as education in the health sciences and in professional, technical, and vocational fields.¹ Nigeria is a member nation of the United Nations which lays emphasis on the training of girls and women as a means of achieving sustainable development and economic growth.² Hence, every nation must reorganize and properly handle the level and quality of its educational system in order to experience growth. Education is a vital tool in the attainment of national development.³ Investing in a girl-child has numerous advantages that not only advance but also sustains national development, such as a low mortality rate which shows that educated girls are aware of how to receive good medical treatment as well as improved nutrition that slows the progression and spread of diseases, etc.⁴

This paper will thus propose that laws on the right to education may be enforced as a fundamental human right in Nigeria notwithstanding the provision in the Nigerian Constitution that rights under chapter 2 of the Constitution are not justiciable.⁵ The right to education has been enacted in various legislations in Nigeria and thus can be enforced like any other law, breach of which will attract remedies to the injured party.

2. Enforceability of the right to Education in Nigeria

There are cases in the Nigerian courts where the right to education has been regarded as a fundamental right because of the peculiar nature of this right which is fundamental to the national and sustainable growth of any nation. For instance, in the case of *Legal Defence and Assistance Project (LEDAP) Gte Ltd v Federal Ministry of Education & Anor*,⁶ Hon. Justice John Tsoho of the Federal High Court, sitting in Abuja declared as enforceable, the right of every Nigerian to free and compulsory primary and junior secondary education. Tsoho also ruled that federal and state governments have constitutional duties to provide adequate funds for free education. The court

¹ [Teachmint@wp >https://www.teachmint.com/glossary/g/girl-child-education/#:~:text=Girl%20child%20education%20refers%20to%20the%20aspect%20of,health%20education%2C%20professional%2C%20technical%2C%20and%20vocational%20education%2C%20etc.>](https://www.teachmint.com/glossary/g/girl-child-education/#:~:text=Girl%20child%20education%20refers%20to%20the%20aspect%20of,health%20education%2C%20professional%2C%20technical%2C%20and%20vocational%20education%2C%20etc.>) accessed 12th November 2022.

² Omoniyi E, “Revitalising Women Education for Sustainable Development and Nation Building,” (2019) 2 (4) *East African Scholars Journal of Education, Humanities and Literature* 25.

³ Udofia E. Udofia & Gberevbie, “Girl-Child Education for National Development in Nigeria: A Critical Discourse,” (2019) 7(1) *Covenant University Journal of Politics & International Affairs* 17-28.

⁴ Ibid.

⁵ Section 6 (6)(b) of the 1999 Constitution of the Federal Republic of Nigeria.

⁶ Unreported suit no. FHC/ABJ/CS/978/15.

held that failure by any arm of government to fund free primary and junior secondary education would constitute a breach of the Constitution. The judge noted that the right to free education in section 18(3) (a)-(d)¹ of the Constitution was ordinarily not enforceable, being in chapter two of the Constitution. However, he added that since the National Assembly enacted the Compulsory, Free Universal Basic Education Act of 2004,² it had made that provision of the Constitution an enforceable right. The court stated that it relied on the Supreme Court's decision in *Attorney General of Ondo State and Others v Attorney General of the Federation*³ to arrive at the judgment. In this case, it was held that the provisions of Chapter 2 of the Constitution, even though they are not enforceable by virtue of section 6(6) (b) of the constitution, could be made enforceable or justiciable by legislation.⁴ Thus, in the case of *Opara v Shell Petroleum Development Company Ltd*⁵ the Court held that the African Charter on Human and Peoples Rights having been domesticated by our legislature can be enforced by any means authorized in our rules of court for initiating an action before the court. This therefore, has conferred authority on all our courts to enforce the said Charter under the Fundamental rights (Enforcement Procedure) Rules or any other civil processes in force for initiating action at the High Court. In the instant case, the trial court was wrong to hold that the rights in the African Charter on Human and Peoples Rights cannot be enforced by means of the Fundamental Rights (Enforcement Procedure) Rules.⁶

The above holding by the court clearly reveals that the African Charter as a domestic legislation can be enforced particularly with respect to the rights guaranteed under the African Charter which includes the right to quality education. Article 17 of the African Charter states that "Every individual shall have the right to education" and thus this right can be recognized and enforced in the Nigerian domestic courts. The Supreme Court of Nigeria confirmed this position in the case of *Abacha v Gani Fawehinmi*⁷ where the Court held *inter alia* thus:

The individual rights contained in the Articles of the African Charter are justiciable in Nigerian courts. Thus, the articles of the Charter show that individuals are assured rights which they can seek to protect from being violated and if violated to seek appropriate remedies; and it is in the national courts such protection and remedies can be sought and if the case is established, enforced.⁸

Furthermore, in the case of *Badejo v Federal Ministry of Education*⁹ the applicant applied to court for an order to enforce and secure within Lagos state her fundamental human right to freedom from discrimination. Her claim was that she was not called for interview for admission into Junior Secondary School for the 1989 session into Federal Government Colleges merely on the grounds of her state of origin. The suit was filed by her father suing on the applicant's behalf as her next friend and alleging discrimination contrary to section 39 (1) of the 1979 Nigerian Constitution. The fact was that the admission practice at that time was based on a quota system/state by state merit lists instead of a national merit list. The court established that the applicant had *locus standi*¹⁰ to institute the suit. The issues before the court were that the exclusion of her name from the interview list was a denial of her right to education as she was duly qualified. The applicant also sought for a declaration that denial of access to publicly sponsored educational opportunity on the basis of the circumstances of her birth was discriminatory.¹¹ Presently, if such a situation arises the courts may agree with the applicant as the right to education is a right under the African Charter of Human Peoples Rights which has been domesticated in Nigeria and can be enforced in the Nigerian courts. As the right to education is not seen as a justiciable right under the

¹ 18 (1) Government shall direct its policy towards Ensuring that there are equal and adequate educational opportunities at all levels.

(3) Government shall strive to eradicate illiteracy; and to this end Government shall as and when practicable provide (a) free, compulsory and universal primary education;

(b) free secondary education;

(c) free university education; and

(d) free adult literacy programme.

² By virtue of sections 2 (1) and 3 (1) of the Compulsory, Free University Basic Education Act, 2004; the right to free universal primary education and free junior secondary education for every Nigerian child is guaranteed. They provide thus: 2 (1) Every Government in Nigeria shall provide free, compulsory and universal basic education for every child of primary and junior secondary school age. 3(1) The services provided in public primary and junior secondary schools shall be free of charge.

³ (2002) 9 NWLR (Pt. 772) 222.

⁴ Joseph Onyekwere "Court declares free compulsory education enforceable right" *The Guardian* 2 March 2017, available at <https://guardian.ng/news/court-declares-free-compulsory-education-enforceable-right/> accessed 24 November 2022.

⁵ (2015) 14 NWLR (Pt 1479) 307.

⁶ *Ibid*, P. 355, paras A-G.

⁷ (2000) 6 N.W.L.R (Part 660) 228.

⁸ Per Uwaifo JSC 228.

⁹ (1996) 8 NWLR (Pt 464) 15.

¹⁰ The right or ability to bring a legal action to a court of law, or to appear in a court.

¹¹ The applicant was from Ogun state, Nigeria and compared to other states of the federation, Ogun state had one of the highest cut off marks. The applicant was not invited for the interview because she scored below the cut -off mark of her state of origin and as such was not qualified according to the quota system where other candidates scored well below the mark the applicant scored. The cut-off mark for Ogun State was 295 for girls, the applicant scored 293. However, other candidates from other states were invited for interview because they met the cut off marks for their states which was much lower than that of Ogun state.

Nigerian Constitution, another argument that may suffice is that discrimination is clearly denounced in Section 42 of the Constitution. This is a section that is in chapter 4 of the 1999 Constitution and is a fundamental right which must be recognized and enforced.

Therefore, the issue of quota system can be said to be discriminatory in the sense that no one should be discriminated against by virtue of their state of origin as stated in Section 42 (1) and (2) of the Constitution which states as follows:

A citizen of Nigeria of a particular community, ethnic group, **place of origin**, sex, religion or political opinion shall not, by reason only that he is such a person:-(a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, **places of origin**, sex, religions or political opinions are not made subject; or (b) be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, **places of origin**, sex, religious or political opinions.

(2) No citizen of Nigeria shall be subjected to any disability or deprivation merely **by reason of the circumstances of his birth.**¹

Hence in the Badejo's case, discrimination by virtue of her place of origin or circumstances of her birth where she is born as an Ogun state indigene, is an issue that can be canvassed successfully to ensure the child is admitted into the Federal government college on merit and not denied her right based on her state of origin.

In addition, the right to education has been ratified by the Universal Declaration on Human Rights of 1948; the International Covenant on Economic, Social and Cultural Rights of 1966; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Convention on the Rights of the Child (CRC) and other relevant conventions such as the African Charter on Human and Peoples Rights and the Protocol to the African Charter on the Rights of Women.

3. The Importance of Girl- Child Education for Sustainable Development

A former Secretary-General of the United Nations, Kofi Annan² stated that:

No development strategy is better than the one that involves women as central players. It has immediate benefits for nutrition, health, savings and re-investment at the family, community and ultimately country level. In other words, educating girls is a social development policy that works. It is a long-term investment that yields on exceptionally high terms.

The girl-child has been defined as person below 14 years of age.³ Other scholars viewed the girl-child as a biological female offspring from birth to eighteen (18) years of age.⁴ This is the age before one becomes a young adult. This period covers the crèche, nursery or early childhood (0–5 years), primary (6–12 years) and secondary school (12–18 years). The Convention on the Rights of the Child (CRC) Article 1 defines a child for the purposes of the Convention as a “human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier.” The African Charter on the Rights and Welfare of the Child defines a child in its Article 2 to mean “every human being below the age of 18 years.” The Constitution of the Federal Republic of Nigeria defines a citizen for the purpose of voting to mean every citizen of Nigeria who has attained the age of 18 years, residing in Nigeria at the time of registration of voters for the purpose of election into any legislative house, shall be entitled to be registered as a voter for that election.⁵ The import of this section is that any person below the age of 18 years is regarded as a minor and shall not be eligible to vote.

Thus, education of a child including the girl child is of utmost importance and recognized by the United Nations Convention on the right of a child. Article 28 provides that every child including the girl child is entitled to go to school and receive formal education. This right is fundamental and sacrosanct and states are enjoined to provide the means for all children including the girl child to be educated. The article is very instructive on this right to education of children including the girl child and provides that:

1. States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - (a) Make primary education compulsory and available free to all;
 - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take

¹ Emphasis by the author.

² Kofi Atta Annan was a Ghanaian diplomat who served as the seventh Secretary-General of the United Nations from 1997 to 2006.

³ The national Child Welfare Policy (1989).

⁴ Chibiko, O. G. (2009). Girl-child Education in Africa: Keynote Address Presented at the Conference of University WOMWNE of Africa Held in Lagos, Nigeria, 16th-19th July, 2009.

⁵ Section 117 (2) of the Constitution of the Federal Republic of Nigeria, 1999.

appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;(d) Make educational and vocational information and guidance available and accessible to all children; (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

This right of education for every child including the girl child is an inherent right and should not in any way be taken away. States are enjoined to ensure primary education is free for all and higher education must also be accessible to all. Measures must also be taken to ensure regular attendance at schools and reduction of dropouts. The United Nations on the right of a child also provides that states must ensure that school discipline is administered in a manner consistent with the child human dignity and in conformity with the present convention. Hence from the above Convention, every state in the globe is commanded to strictly abide by this directive since teaching a child actually upholds that child's dignity. Accordingly, until girls acquire the quality basic education they need to assume their proper position as equal partners in sustainable development, there can be no positive significant or lasting improvement in society or, in fact, in the decrease of poverty.¹ It is worth while noting however that the purpose for women education is to enable them contribute to life, adapt to society, develop and broaden their minds and horizons, have all-round development, fill the gaps for those who did not go to school or dropped out of school, prepare young adolescents and adults to be able to cope with domestic work and family life socially, economically, and politically.² The definition of Sustainable development as stated in the Brundtland Report is "development that meets the needs of the present without compromising the ability of the future generations to meet their own needs." The link with this definition and educating children and particularly the girl-child is the development which can only be realized when a child is educated and thereby becomes a responsible adult able to navigate new challenges in the communities and participate meaningfully in the economic growth of the nation. The Organization for Economic Cooperation and Development (OECD)³ further defines Sustainable Development as the development path along which the maximization of human well-being for today's generation does not lead to the decline in the well-being of the future generation. The above definitions clearly reveal that sustainability is essential in order to make good use of the resources of today for a brighter future. Thus, factors inhibiting girl-child education such as cultural practices including child -marriage should be eradicated to enable the girl-child to reach her full potential educationally and thus contribute meaningfully to development of her nation. Discrimination against a girl-child as in the *Badejo case* cited above, will not just deny her and other children of good quality education but will also inhibit their contribution to the use of resources which can enhance sustainable development in order to decrease the cycle of poverty. Therefore, governments would need to prioritize education and training that ease job transition and increase employability in order to take advantage of the labor prospects; there also has to be equitable work chances for all people, regardless of gender.⁴

4. Inhibiting Factors to Girl-Child Education

Nigeria, with an estimated population of 206 million⁵ has approximately 14 million out of school children, making it the highest number in the world.⁶ Girls make up 60% of this number.¹ Regardless of mandatory basic

¹ Bellamy C, "Strategy for Acceleration of Girls' Education in Nigeria (SAGEN)," (2003) *UNICEF Children's Fund Communication Section* Abuja, Nigeria.

² Udungwomen A, "The Philosophy of Education for Nigerian Women: Problem and Prospects. The African Symposium," available at <http://www.saga.cornell.edu/saga/educonf/okpukparapdf> accessed 12th November 2022.

³ OECD (2001), "Sustainable development: Critical Issues" cited in Ahenkan A and Osei-kojo A, "Achieving sustainable development in Africa: Progress, challenges and prospects," (2014) 3 (1) *International Journal of Development and Sustainability* 162-176. Available at – www.isdsnet.com/ijds. Accessed 3 July, 2023.

⁴ International Labor Organization (2012), "Working towards sustainable development" retrieved from www.ilo.org/publns cited in Ahenkan A and Osei-kojo A, "Achieving sustainable development in Africa: Progress, challenges and prospects," (2014) 3 (1) *International Journal of Development and Sustainability* 162-176. Available at – www.isdsnet.com/ijds. Accessed 3 July, 2023.

⁵ Varrella S, 'Population of Nigeria 1950-2020' (*Statista*, 8 September 2020) <<https://www.statista.com/statistics/1122838/population-of-nigeria/>> accessed 14 November 2023.

⁶ Effanga A, 'Access to Education: Does Nigeria Have 14 million Out of School Children?' (*Dubawa*, 5 August 2020) <https://dubawa.org/access-to-education-does-nigeria-have-14-million-out-of-school-children/>. Accessed 14 November 2022.

education,² there are many barriers which keep girls from accessing education. In a study conducted by Ajufo³ on the barriers to girl-child education, findings revealed that young girls especially between the ages 10 and 18 years are not in school. The study showed that the reasons are attributed to the following factors:

Early marriage, societal beliefs, cultural influences, religious inclination, male preference, teenage pregnancy among many other cultural reasons. The findings also revealed that poverty ranked highest with 48% of the respondents indicating that poverty is the factor behind their inability to go to school followed by culture and religious inclination with 15%, 12% indicated that teenage pregnancy/early marriage is responsible for non-enrollment in school. 10% indicated male preference, 5% indicated ignorance/negative parental attitude while 1% indicated inadequate school infrastructure.⁴

There are some out of school children called 'Almajirais' (those children wandering the streets whose parents believe that itinerary is synonymous with the search for knowledge and street begging and not working, is quite common); this is usually found in the northern part of Nigeria and is more of a socio-economic factor.⁵ The school-based factors leading to school drop-outs include issues of inadequate implementation and articulation of relevant policy to basic education such as: shortage of teachers and caregivers at all levels of basic education schools, inadequate school infrastructure, safety/security of the children, bullying, sexual harassment or other dangers at or on the way to school, incessant and prolonged teachers 'strike actions' and low teacher commitment, learner unfriendly school environment, poor quality teaching leading to dissatisfaction from parents, and opportunity costs, levies and charges etc. Other factors of high dropout rate in schools are lack of provision for the education of special needs learners in basic education, weak or non-existence of social protection of vulnerable children.⁶ Furthermore, many girls are married without their full consent. With approximately 22 million child marriages, 64% of all girls are faced with being a child bride and at high risk of being victims of maternal and child mortality.⁷ Unfortunately, 44% of girls are married before the age of 18.⁸ In over three decades, the early marriage rate has only declined by 1%.⁹ Despite the Child Rights Act – which prohibits marriage under the age of 18,¹⁰ there are still 12 Northern states which are yet to implement the Act.¹¹ Further, existing laws concerning child marriage and the applicable sanctions are not clearly spelt out or enforced at all.¹² The country's laws also exist alongside customary laws on marriage which explains the poor registration of marriage, the failure to apply sanctions and no adequate protection for child brides.¹³ A study conducted within a few communities reported that, in practice, marriages involve children as young as 7 to 10 years old.¹⁴ Nigeria's population of child brides is expected to double by 2050 if the current pattern continues.¹⁵ The reasons behind child marriage are often a mix of cultural, social, economic and religious factors.¹⁶ Poverty is one of the key causes of child marriage; however the chances of remaining poor and the risk of harmful impacts on both girls' psychological and physical health are often forgotten. As a result, child marriage limits a girl's right and access to education and completion becomes less realistic.¹⁷

Additionally, it is a usual occurrence that most girls after completing the Basic Education Certificate Examination (BECE) or the West African Secondary School Certificate Examination (WASSCE), are compelled

¹ Ishaku E, 'The Challenges of Girl-Child Education: A Case Study of Yobe State North East Nigeria' (KALU Institute, 25 March 2021) <https://kaluinstitute.org/the-challenges-of-girl-child-education-a-case-study-of-yobe-state-north-east-nigeria/> accessed 14th November 2022.

² 'Universal Basic Education in Nigeria' (Centre for Public Impact) <https://www.centreforpublicimpact.org/case-study/universal-basic-education-nigeria> accessed 14th November 2022.

³ Ajufo B.I, "Barriers to Girl-Child Education in Nigeria: Implication for Counselling," (2019) 1 (1) *International Journal of Integrated Research in Education*, 26-33.

⁴ Ibid.

⁵ Agusiobo, B. C. "Education of the girl-child in Nigeria for a just, peaceful, harmonious society and sustainable development." (2018) 5 (4) *International Online Journal of Education and Teaching (IOJET)*, 768-786.

⁶ Ibid.

⁷ Obaje H, "Ending Child Marriage in Nigeria: The Maternal and Child Health Country-Wide Policy" (2020)17(1) *Journal of Science Policy & Governance*. https://www.sciencepolicyjournal.org/article_1038126.jspg170116.html accessed 14th November 2022.

⁸ Itumoh E, "In Nigeria, the child marriage problem needs to be cut off at the roots" (*World Bank*, 26 June 2020) <https://blogs.worldbank.org/youth-transforming-africa/nigeria-child-marriage-problem-needs-be-cut-root> accessed 14 November 2022.

⁹ Mobolaji J, "Ethnicity, religious affiliation and girl-child marriage: cross-sectional study of nationally representative sample of female adolescents in Nigeria" (2020)20 583 *BMC Public Health* available at <https://bmcpubhealth.biomedcentral.com/articles/10.1186/s12889-020-08714-5> accessed 14th November 2022.

¹⁰ Section 21.

¹¹ Ibid.

¹² Adedokun O, "Child marriage and maternal health risks among young mothers in Gombi, Adamawa State, Nigeria: Implications for mortality, entitlements and freedoms," (2016)16(4) *African Health Sciences* <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5398445/> accessed 14th November 2022.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Nawrozada S, "Girls' Education in Nigeria," available at <http://centreforfrancianjustice.org/girls-education-in-nigeria/> accessed 14th November 2022.

to venture into petty trading, among other very insignificant economic activities which would not enhance their capabilities to further education to the latter. Instead of making such children continue their education, they end up continuing the cycle of raising vagabonds on the streets who have no aim of contributing their part to the development of the nation. Without education, there would not be a fair representation of women to be potentates in their area of jurisdiction because it takes education to be accorded the needed representation of a portfolio. The 2021 Global Gender Gap Report of the World Economic Forum estimates that it will take 135.6 years to close the gender gap worldwide and 145.6 years to attain gender parity in politics. Education can however bridge this gap in order for the nation to experience accelerated growth for a buoyant economy.¹

5. Education of the Girl-Child to achieve Sustainable Development

In March 2017, pursuant to Human Rights Council resolution 31/7, the High Commissioner for Human Rights presented [a report](#) to the Human Rights Council on the protection of the rights of the child in the implementation of the 2030 Agenda for Sustainable Development.² “The 2030 Agenda for Sustainable Development embodies the highest aspirations for a bright future for the world's children, and the Sustainable Development Goals (SDGs) are a crucial opportunity to realize their rights in all countries. Fulfilling children's rights by reaching those who are the furthest behind is a prerequisite for achieving the 2030 Agenda overall.”³

Education is the bedrock on which sustainable development can be achieved. Proper education enables citizens to be actively involved in the growth and development process of their nation contributing meaningfully.⁴ Despite near-universal ratification of the [Convention on the Rights of the Child](#), “millions of children around the world continue to be left behind and their rights denied, particularly those who are the most discriminated against or living in precarious situations of vulnerability – such as children on the streets, in institutions or in migration situations. Children also suffer the impacts of poverty, violence, inequality and exclusion disproportionately, due to their sensitive phase of life and development.”⁵ An approach to implementing the Sustainable Development Goals in which children's rights and wellbeing are placed at the forefront is not only a human rights imperative, but can be a catalyst for sustainable development by breaking down the transfer of poverty and exclusion from one generation to the next. As such, progress can be accelerated by prioritizing children's rights in action plans on the SDGs, as a child rights-based approach multiplies future development gains.⁶

The benefits of education to girls and the society at large include: Educated girls develop essential life skills, such as: self-confidence, the ability to participate effectively in society and protect themselves from HIV/AIDS infection, sexual exploitation and pressure for early marriage and child birth. Also educated girls gain the skills and competencies for gainful employment, enabling them to be economically productive members of the society. Similarly educated mothers are more likely to send their children to school, thus promoting continued and lifelong learning. In the same vein, educated women marry later and have fewer children which they could manage and afford quality education and health. Finally, educated mothers nourish their children better, their children are therefore healthier and child mortality is reduced. Educated women are less likely to die in child birth.⁷

The actualization of promoting the Right to Education is however be devilled by issues such as low enrolment of children particularly the girl child. Right to education as a human right was formally incorporated in the Universal Declaration of Human Rights (UDHR 1948),⁸ International Covenant on Economic, Social, and Cultural Rights (ICESCR) 1966⁹ (art 13) and other later instruments. The ICESCR in its comment on the article 13 specifically mentions that Right to Education has four basic characteristics,¹⁰ amongst which accessibility is. This element involves the right to choose the type of education offered in a given state.

As one of such core human rights, education can be termed as an empowerment right that works as the

¹ [Anang N.](#), “Girl child education, a transformative tool for a sustainable tomorrow.” Available at <https://www.ghanaweb.com/GhanaHomePage/features/Girl-child-education-a-transformative-tool-for-a-sustainable-tomorrow-1488488> accessed 15th November 2022.

² “Children's rights and the 2030 Agenda for Sustainable Development.” Available at <https://www.ohchr.org/en/children/childrens-rights-and-2030-agenda-sustainable-development> accessed 15 November 2022.

³ Ibid.

⁴ Udofia E & Gberville D, “Girl-Child Education for National Development in Nigeria: A Critical Discourse,” (2019) 7(1) *Covenant University Journal of Politics & International Affairs* 17-28.

⁵ “Children's rights and the 2030 Agenda for Sustainable Development.” Available at <https://www.ohchr.org/en/children/childrens-rights-and-2030-agenda-sustainable-development> accessed 15th November 2022.

⁶ Ibid.

⁷ Ahmed M, “Girl-Child Education as a Tool for Sustainable Development in Nigeria” <https://seahipaj.org/journals-ci/dec-2021/IJIDPS/full/IJIDPS-D-4-2021.pdf> accessed 13th November 2022.

⁸ Universal Declaration on Human Rights (adopted 10 December 1948 UNGA Res 217 A(III) (UDHR).

⁹ International Covenant On Economic, Social, and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.

¹⁰ General comment No. 13 of CESCR has enunciated four core component of Right to education, namely: Availability, Accessibility, Acceptability, and Adaptability, sede CESCR General Comment No. 13: The right to Education (Art. 13) (adopted on 8 December 1999).

primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities.¹ Universal Declaration of Human Rights in verbatim mandated the education to be directed for the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.

The Childs Right Act 2003 gives an unconditional right to every child to be educated. Section 15 provides that, “Every child has the right to free, compulsory and universal basic education and it shall be the duty of the Government in Nigeria to provide such education.” Sub-section 2 and 3 of the same section further explains the level of education that every should ordinarily attain a basic minimum of education as follows:

Every parent or guardian shall ensure that his child or ward attends and completes his- (a) primary school education; and (b) junior secondary education. Every parent, guardian or person who has the care and custody of a child who has completed his basic education, shall endeavour to send the child to a senior secondary school, except as provided for in subsection (4) of this section.

There is however an additional provision stating that if the child is not sent for further studies after Senior Secondary School (Completion of high School), the child shall be encouraged to learn an appropriate trade. This clearly reveals that the Nigerian government has prioritized education. Where a child to whom subsection (3) of this section applies is not sent to senior secondary school, the child shall be encouraged to learn an appropriate trade .and the employer of the child shall provide the necessaries for learning the trade.

One of the ways sustainable development can be achieved is the involvement of women in sustainable local economic activities. Hence, a level of education for the women will be of immense benefit to their families and the community as a whole. In recognition of the importance of women ‘s contributions in communities, the Rio Declaration declares that women have a vital role in environmental management and development.² Their full participation is therefore essential to achieve sustainable development. This provision is important and must be recognized by all levels of government to achieve sustainable development.

A very good example of the implementation of the Rio Declaration is the management of Bougainville’s Panguna Mine in Papua New Guinea where an international mining company understood that the significant resources under the Community Mine Continuation Agreements were more likely to achieve development outcomes if women were involved. The company, in an effort to engage women in the extractive industries, constituted a delegation of women to negotiate on behalf of other women. The women, through their collective agency and collaboration with mine managers, were also able to secure certain benefits such as cash compensation payments to be made into family bank accounts, to which women were encouraged by the mine to be signatories. Other benefits included 50% of all scholarship opportunities to be awarded to women and girls where the women themselves will constitute the panel assigned to give out the awards. In addition, women were represented in key local governance bodies known as village planning committees.³

6. Conclusion and Recommendations

In conclusion, education enables girls to make their own decisions and to influence their families positively. Education saves and improves the lives of girls and women. It allows them greater control of their lives and provides them with skills to contribute to their societal sustainable development. Educated women have already played or are still playing pivotal roles as presidents, prime ministers, chancellors or as competitive political leaders, ministers, community elders, consultants, researchers, managers, etc. in various countries. The number of influential women in international positions is also not deniable. As leaders and managers, they have attested their trustworthiness and still are doing many valuable activities in stepping up productions and have contributed their part in the sustainable development of their countries.⁴

Thus, it is hereby recommended that the National Assembly and State Houses of Assembly can enact laws to ensure that there are legislations protecting the girl-child from inhibitions to her education such as child marriage, child labour and cultural traditional practices which claim that girls do not need to be educated. The various laws enforcing education at all levels should also be given more awareness and advocacy visits be extended to schools against the preponderance of school dropouts due to poverty and forcing under aged girls into marriage before the completion of their education.

Secondly, the right to education must be viewed as a fundamental right in order to boost the economy of countries. Nigeria for instance has a population of over two hundred million citizens and this can have a positive effect where the human resources are vast and use their skills and knowledge for the benefit of their communities.

Third, Governments must also play their part and employ strategies for including girls in education

¹ CESCR General comment no.13 The Right to Education (art. 13) (adopted 8 December 1999).

² Principle 20 of the Rio Declaration.

³ Onyisi-Abebe J ‘Broadening Options for Promoting Women’s Participation in the Extractive Industries Sector in Africa’ (2016) *SSRN* available at <https://ssrn.com/abstract=2820590> accessed 16 July 2017.

⁴ Ibid.

processes such as the award of scholarships to indigent but brilliant girls. This could include defraying costs, supporting great teachers, or improving teaching and learning materials. Teachers' organizations can also contribute to the development of educational facilities to help out of school girls to thrive despite their incapacities such as poverty and teenage pregnancy. Global capacity can be deployed to help the professional development of teachers across countries where girls are farthest behind.

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