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IS NIGERIAN HIGHER EDUCATION ADMISSION POLICY IN BREACH OF HUMAN RIGHTS LAW?

Abstract

Education plays a vital role in human development. Human experiences overtime as well as evidence from literature has made this assertion a common knowledge. Despite the important role of education in human development, however, across the globe, many people are facing barrier to access education, especially higher education. This paper explores the process of access to higher education in Nigeria. It examines, in particular, current admission policy to higher education in Nigeria and compares this to the UK system. The paper asks whether the current admission policy in Nigeria constitutes a breach to human rights of individuals to access education as well as offers some suggestions on how the current admission policy in Nigeria might be improved.

Introduction

Education is very important to national economies. Whether education is seen as a recognised sector or as a source of trained and educated personnel to enrich the rest industries or sectors of any economy¹, its importance cannot be overstated. The benefit of international interpreters in peace talks and diplomatic circles is a good indication of the helpful role education plays worldwide². In lifestyle, trade, negotiation, entertainment as well as but not limited to scientific inventions, learning and professional development are highly profitable.

Education is more important than mere economic gain. It elevates thoughtful examination of association and responsibility. As Paulo Freire, an influential educator and thinker of the late 20th century³ said: “Education either functions as an instrument which is used to facilitate integration of the younger generation into the logic of the present system and bring about conformity or it becomes the practice of freedom, the means by which men and women deal critically and creatively with reality and discover how to participate in the transformation of their world”. From our immediate environment, stepping beyond the rudiments of a non verbal communication to effective application of the hemispheres of the brain to process verbal message, we can testify how education has enhanced our confidence and comfort. We feel superior and dominate our world; we can travel on holidays and feel part of any society just by the mere spread of a single language which we practically acquired through learning. Since learning broadens the psyche of humans, the echelon of the animal kingdom, it is a matter of human right to be awareness of our own ability to think and exercise our cognitive skills.

Education and Rights

For the purpose of simplification, dictionary.com⁴ defines the term ‘rights’ as that which is due to anyone by just claim, legal guarantees, moral principles etc. In good context, the significance of this definition will require highlighting ‘anyone’.

Agreeing with Paulo that education is an instrument of integration and conformity to a social system, one can argue that in order to achieve a global citizenship the right to access education ought to be a warranty for all. An international non-governmental organisation, Save the Children, echoes this argument. Save the Children's official page says: "Children's right to a decent education is as basic as their right to food and water"⁵.

The right of access to higher education is mentioned in a number of international human right instruments⁶. Prior to the UN International Covenant on Economic, Social and Cultural Rights of 1966, all parties signatory to the First Protocol to the European Convention on Human Rights were required, as contained in Article 2 of the convention and adopted in 1950, to guarantee the right to education. Similar rights are contained and reaffirmed as an entitlement in the 1960 UNESCO Convention against Discrimination, excerpt below.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace⁷.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

- (a) Primary education shall be compulsory and available free to all;
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
- (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education.

Interestingly, the advocacy for the right to access education in order to advance the alleviation of poverty of the mind and wealth in our world is not only a matter for the international organisations or community. Local units such as Institute of Education University of London⁸, Asia South Pacific Association for Basic and Adult Education⁹, European Access Network¹⁰, Action Aid Nigeria¹¹ among other non-governmental organisations work hard to promote access to education. Virtually all over the world the discussion is ongoing on how to guide young people to attain a better life through learning, in particular those from disadvantage background or groups as was the fate of young girls in the northern part of Nigeria in West Africa before the intervention of Action Aid Nigeria.

Looking at the work done by the Action Aid Nigeria in 2011, the international non-governmental organisation alongside some local NGOs in Sokoto, Kebbi and

Zamfara States launched a project called Enhancing Girl Child Basic Education in Northern Nigeria (EGBEN) to boost girls' education. This exercise involved adopting measures to ensure increase in enrolment, retention, transition and completion of girl child education at least, at the primary level.

The Current Reality of Nigerian Educational Attainment

In spite of the enormous effort to realise the world's goal 'education for all', challenges still thrive¹². Human beings have always learned to develop themselves and achieve great success in different endeavours. Yet, educationally, we are faced with all the signs and symptoms of a growing world. Individuals still 'suffer' slavery due to poor basic skills and competence; a situation that limits the productivity of individuals and institutions concerned.

Along with common knowledge, a number of familiar documents articulate concerns of global literacy. From a UNICEF report¹³, it is inspiring that more children enter school in recent time. However, the report also shows that the challenges to educating our world have not disappeared. While efforts are on the rise in getting children to school, drop out from school remains intractable. In 2011 the number of young people out of school, according to the report, accounted for 57 million. This implies that early school leaving rate remains far above the ground.

In September 7th 2001 International Literacy Day, similar unsavoury facts emerged from UNESCO statistics of the world literacy. According to UNESCO, approximately 26 percent of the world's adult population are analphabetic¹⁴. Globally, this is an unaccepted status of literacy in the new millennium of the twenty first century.

While the UNESCO Institute for Statistics, an official source of data for the monitoring of education and literacy targets for education for all and millennium development goals, predicts¹⁵ optimistically a target value higher than the current realities for 2015 non of its projections managed to hit one hundred percent (100%). This suggestion is a worrying hint, one that goes on to imply that the inability to read and write may not go away anytime soon.

World literacy: acquisition of this important commodity, education, by global citizens comes with a cost. Although the UN document suggests the provision of education is free, available and accessible, going from country to country tuition fees are charged. Creating a heavy load for students and serving as limiting factors to academic progression. It is a fact that the burden of tuition fees are mitigated in some instances through government and nongovernmental scholarship programmes, internship opportunities and grants as applicable in some countries. However, these opportunities are not universal and where they are found, they are limited in fashions.

A UNICEF report indicates a link between price tag (fee) and educational achievement "Children from poor households are three times more likely to be out of school than children from rich households"¹⁶. When we take this in conjunction with the fact that it's a common knowledge, due to all sorts of reasons, that poor households raise more children compared to their rich counterpart, you will see a deceptive system that would draw us back from reaching the world goal except there is an intervention. I wish to therefore call attention to a free education where world citizens irrespective of financial or family background can acquire a useful tool of

global change and integration. Talking of this tool, one is reminded of the famous quote of Nelson Mandela, "Education is the most powerful weapon which you can use to change the world".

It should be a general concern that the world agenda to depurate the society of ills has good option that has been ignored. An option that simply requires the use of a good weapon such as education is neglected and substituted by another option which also uses weapon but of no match at all. I am speaking here practically of the use of military to purify the world of dangers. This is a great effort but we have not won. Governments all over the world invest huge capitals into the acquisition of military weapons where the personnel pay nothing to use them, except of course that the prize is all together heavy; it involves life and injury among other unspeakable horrors. Our world is quick to go on rampage with weapons of intimidation but we spend less to embark on Erasmus educational programmes, which in my view have the capacity to subdue restiveness in our world.

Admission policies: a major setback from reaching the goal that the nation desires may not necessarily be all about policy making. In fact, we are good at policy making but not good enough in implementation. However, admission policies could not be trivialised in my treatise. The problem of access to education as we see is a global phenomenon, no country is isolated. Admission opportunities, shuttling from Nigeria (JAMB) to Britain (UCAS), vary massively. The criteria may be the same, for instance at the very basic the strap lines are fantastic: JAMB says "enhancing academic excellence" while UCAS says "Helping You Into University & College In the UK", but the approaches differ. Judging from some shared experiences of the interview I conducted it is possible to conclude that students feel more supported by the level of information available to them from the admission processes in UK compared to Nigeria. While policy may not entirely be the problem of access, policy cannot be exonerated from the problem.

Future policies need to be made bearing in mind an emphasis to implementation, how much the old policy has performed and whether it has been successful. Access to education has been quite clearly highlighted and if things are not addressed, it is a major performance risk and huge threat to human right.

Admission policy should focus on open access to accommodate people including those with health care needs. Currently the ability to get a place remains a challenge. In a world where strength is relative, where we or some of our peers live with disability, it is a problem for fitness to make one available for education and not the availability of education making one fit. Improving communication through effective use of the technological advancement of the world, sending emails to students and prospective students could be captured in the policy making on access to education. No one has any doubt that education is not a standalone sector of any economy. Hence beyond education as a matter of human right to Nigerians and foreign students, a good education policy easily fits into improving the entire economy by benefiting the immigration system, creating job and improving security.

Solutions

In fairness to the philosophies of world education and the sacrificial effort to arrive at education for all, great gains have been made. It is true there remains a 'residual volume', but we must win the war.

What is more? Where do we start from?

- 1) **Communication:** proper opportunity to speak and listen to the students and those in need of education is crucial. In other word, disseminating the business of 'learning to live' to potential learners would upgrade the effort leading to a positive collaboration, association and full integration.
- 2) **Provision of education and Site of educational institution:** We ought to rethink our strategies; learning opportunities could be moved closer to the periphery or outskirts of the cities and capitals. Institutions in the remote areas are likely to have greater catchment of those who are unable to move to the city.
- 3) **Students' Union Involvement:** student bodies need to be engaged in debates about the way forward for global education. The campaign will succeed better when students contribute their zeal into the task.
- 4) **Funding:** Proper investment in education may cost as much but it will yield good. "Investments in quality education lead to more rapid and sustainable economic growth and development. Educated individuals are more employable, able to earn higher wages, cope better with economic shocks, and raise healthier children"¹⁷. It is like 'stooping to conquer'.
- 5) **Say No to War:** to attain the kind of education we want, the world must change its strategy toward conflict resolution. As Save the children' official website indicates, "Children growing up in war-torn countries are most at risk of missing out on school"¹⁸.

Conclusion

When Aristotle said "The roots of education are bitter, but the fruit is sweet," some curriculum designers thought this was a good moral lesson for the innocent learners. Indeed these are notes of moral excellence, but the intelligent citation of Aristotle must now be used to make our world better. A world where investment in education must be made at all cost, whatever the cost, in order to realise the type of civil society which we all crave and pray.

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¹ http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=6&ved=0CEoQFjAF&url=http%3A%2F%2Fwww.creativeskillset.org%2Fuploads%2Fpdf%2Fasset_16295.pdf%3F4&ei=m1YLU6z5JJCv7AadmoGQBA&usq=AFQjCNHJSMLAbp3jyekGkQfa93Eq9kFT0Q&bvm=bv.61725948,d.ZGU&cad=rja [24/02/2014]

² <http://www.iti.org.uk/> [24/02/2014]

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- ³ <http://www.paulofreireinstitute.org> [24/02/2014]
- ⁴ <http://dictionary.reference.com/browse/rights?s=t> [24/02/2014]
- ⁵ <http://www.savethechildren.org.uk/about-us/what-we-do/education> [24/02/2014]
- ⁶ http://en.wikipedia.org/wiki/Higher_education [13/02/2014]
- ⁷ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: <http://www.refworld.org/docid/3ae6b36c0.html> [13/02/2014]
- ⁸ http://www.ioe.ac.uk/study/PMM9_HOS9IM.html [03/03/2014]
- ⁹ <http://www.aspbae.org/node/44> [03/03/2014]
- ¹⁰ <http://www.tandfonline.com/doi/abs/10.1080/0379772990240302?journalCode=chee20#.UxQuGq6NN8E> [03/03/2014]
- ¹¹ <http://allafrica.com/stories/201306171465.html> [03/03/2014]
- ¹² <http://www.educationscotland.gov.uk/resources/i/internationalalliteracyday.asp> [03/03/2014]
- ¹³ http://www.unicef.org/education/bege_61659.html [25/02/2014]
- ¹⁴ <http://www-01.sil.org/literacy/LitFacts.htm> [03/03/2014]
- ¹⁵ <http://www.uis.unesco.org/literacy/Documents/fs26-2013-literacy-en.pdf> [03/03/2014]
- ¹⁶ www.unicef.org/education/bege_61659.html [25/02/2014]
- ¹⁷ http://siteresources.worldbank.org/EDUCATION/Resources/ESSU/Education_Strategy_4_12_2011.pdf [03/03/2014]
- ¹⁸ <http://www.savethechildren.org.uk/about-us/what-we-do/education> [25/02/2014]