

**Examining the effect of religious and cultural practices on the right to free and compulsory basic education of children in northern Nigeria**

**Mini-dissertation submitted in partial fulfilment of the degree MPhil  
(Multi-disciplinary Human Rights)**

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## **Declaration**

I declare that this dissertation is my original work and that it has not been submitted for the award of a degree at any other university or institution of higher learning

Signed:

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Date: 2015

## **Dedication**

To the almighty God who gave me the strength and the knowledge to undertake this study and to the entire Mutu and Bamuza families and Dr A.L Pemu for giving me the unwavering support required to accomplish this mission. Thank you all.

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## ACRONYMS

ACRWC	African Charter on the Right and Welfare the Child
ACHPR	African Charter on Human and Peoples' Right
ADPS	Agricultural Development Programmes
CEDAW	Convention on the Elimination of all Forms Discrimination Against Women
CRA	Child Right Act
CRC	Convention on Right of the Child
EFA	Education for All
EFCC	Economic and Financial Crime Commission
FMoE	Federal Ministry of Education
ICESCER	International Covenant on Economic Social and Cultural Rights
ICPC	Independent Corrupt Practices and other Related Offences
IRIN Africa	Integrated Regional Information Network
MTN	Mobile Telecommunication Network
NCE	Nigeria Certificate in Education
NCNE	National Commission for Nomadic Education
NCP	National Population Commission
NEDS	Nigeria Education Data Survey
NEP	Nomadic Education Programme
NGO	Non-Governmental Organization
TETFund	Tertiary Education Trust Fund
UBE	Universal Basic Education
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations International Children Emergency Fund
UPE	Universal Primary Education
UNPF	United Nations Population Fund
USAID	United State Agency for International Development

## Abstract

The significance of education to human existence and the smooth functioning of society cannot be over emphasised. This significance has prompted world leaders to pledge through various international legal and non-legal instruments to make the provision of education, especially basic education free and compulsory to its citizens. Nigeria, as part of fulfilling this pledge or international obligation, has established measures in the form of the Universal Basic Education (UBE) scheme to provide free and compulsory basic education for all children in Nigeria. However the success of this policy in achieving its objective of providing free and compulsory basic education for all children in Nigeria is hampered by certain religious and cultural practices prevalent in certain part of the country. The purpose of this study is to examine the extent to which religious and cultural practices such as *Almajiri* and early child marriage for girls affect access to basic education of children in northern Nigeria.

# CHAPTER 1

## 1.1 Introduction

The significance of education to human existence cannot be over emphasised. The *International Covenant on Economic Social and Cultural Rights* (ICESCR), view education as an indisputable means of realising other human rights. The significance of education has prompted world leaders through various international human right instruments to make basic education free and compulsory. State parties to these international legal instruments are obliged to take measures to make basic education free and compulsory for its citizens. Countries such as Nigeria have established the Universal Basic Education (UBE) scheme to provide every child in Nigeria access to free ad compulsory basic education. However it is the assertion of this dissertation that despite mechanisms such as this put in place by the government to provide access to basic education for all children in Nigeria; religious and cultural practices such as *Almajiri* and early child marriage serve as impediments to children's access to basic education in northern Nigeria.

According to Mahmood Yakubu, the executive secretary of Tertiary Education Trust Fund (TETFund), while the practice of *Almajiri* have denied over 9.5 million boys in northern Nigeria their right to basic education as enshrined in UBE Act 2004,<sup>1</sup> IRIN Africa asserts that over 12 million girls are married between the ages of 13-14, which effectively end their educational career.<sup>2</sup> While government has through the *Almajiri* model school policy and the Child Right Act 2003, tried to resolve the menace of *Almajiri* and early child marriage, it is the position of this dissertation that resolving the *Almajiri* and early child marriage challenges requires a multidisciplinary approach that will address their root causes.

The study identifies poverty and religious practices as the root cause of *Almajiri* practice and early child marriage. Any effort aimed at resolving the menace of *Almajiri* practice and early child marriage, so as to increase access to basic education of children in northern Nigeria

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<sup>1</sup> Mahmood Yakubu Quoted in Onuoha (2013).

<sup>2</sup>IRIN Africa (2008).

need to address the problem of poverty and religious belief. The dissertation is divided into 5 chapters. Chapter one provides the introduction and background of the study, chapter two examines the government's universal basic education scheme to determine the extent to which it complies with international standards as prescribed by General Comment No.13 of the ICESCR. Chapter three examines the extent to which religious and cultural practices such as *Almajiri* and early child marriage affect the right to basic education of children in northern Nigeria. Chapter four examines the measures put in place by government to address the menace of *Almajiri* and early child marriage; and the level of success so far. Chapter five provides the conclusion and recommendation.

## 1.2 Problem Statement

This study examines the extent to which, religious and cultural practices, such as *Almajiri* and early child marriage affect the right to free and compulsory basic education of children in northern Nigeria.

## 1.3 Background

The significance of education to human existence cannot be over emphasised. Education according to Oduolowu is a social process in capacity building and maintenance of society.<sup>3</sup> *General Comment No. 13 of the International Covenant on Economic, Social and Cultural Right (ICESCR)*, views education as an indispensable means of realising other human rights.<sup>4</sup> Fafunwa describes education as an aggregate of all the processes by which a child or a young adult develops the abilities, attitudes and other forms of behaviour which offers positive value to the society he lives.<sup>5</sup> According to Obidike and Onwuka education is the most powerful instrument of social change, it empowers individuals politically and socially.<sup>6</sup> The significance of education prompted world leaders, through various binding and

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<sup>3</sup>Oduolowu (2007) 90.

<sup>4</sup>General comment No. 13 of the International Covenant on Economic, Social and Cultural Right.

<sup>5</sup>Fafunwa (1974) 17.

<sup>6</sup>Obidike and Onwuka (2013) 185.

non-binding international documents<sup>7</sup> to declare basic education free and compulsory and urged member states to take steps to fulfil this obligation. Nigeria is a signatory to some of the various international and regional treaties such as the ICESCR, the *Covenant on the Rights of the Child* (CRC) and the *African Charter on Human and Peoples' Rights* that protects and promotes the right to education. These treaties established the fact that everyone should be entitled to the right to basic education.<sup>8</sup> Nigeria by virtue of being a signatory to these important treaties relating to the right to basic education is under legal obligation to provide free and compulsory basic education for its citizens. As a measure of fulfilling this obligation, the Nigerian government has over the years embarked on various basic education schemes. The first of these was in 1976 when the Universal Primary Education (UPE) scheme was launched by General Olusegun Obasanjo.<sup>9</sup> In 1999 the Universal Basic Education (UBE) scheme was launched as a government policy and was signed into law in 2004.<sup>10</sup> Basic education in Nigeria is said to be, education from primary level (six years) to the first three years of secondary school (junior secondary school).<sup>11</sup>

Both the UPE and the UBE provide free and compulsory basic education. *The UBE Act 2004* confers on every child in Nigeria legal right to free and compulsory basic education.<sup>12</sup> It also confers on parents legal obligations to ensure that their children acquire mandatory basic education. Parents who fail this mandate are liable to prosecution.<sup>13</sup>

It is worth noting that the right to education is also acknowledged in the 1999 Constitution of the Federal Republic of Nigeria, but provided for, as directive principles of state policy.<sup>14</sup> The implication of this is that education in the 1999 Constitution is not justiciable or legally enforceable in the court of law.<sup>15</sup>

For example Section 18(1) of the 1999 Constitution stipulates that government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all

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<sup>7</sup> UDHR, ICESCR, CRC, ACRWC, ACHPR, EFA, just to mention a few.

<sup>8</sup> Article 13 ICESCR, Article 28, 29 CRC, Article 17 African Charter on Human and Peoples' Rights.

<sup>9</sup> Labo-Popoola, et al. (2009) 254.

<sup>10</sup> Peter & Onoyase (2008) 12.

<sup>11</sup> Section 2 (1) of the UBE Act 2004.

<sup>12</sup> Section 2(1) of the UBE Act 2004

<sup>13</sup> Section 2(2) of the UBE Act 2004

<sup>14</sup> Section 18 of the Constitution of the Federal Republic of Nigeria

<sup>15</sup> This was epitomised in the case of Universal Basic Education Commission (UBEC), Vs. SERAP. UBEC argued on behalf of Nigerian government in the ECOWAS court, that education in the 1999 Constitution of the Federal Republic of Nigeria is a mere directive policy of government and does not confer any legal right to any citizen.,

levels.<sup>16</sup> Section 18(3) (a) of the 1999 Constitution, states that government shall strive to eradicate illiteracy; and to this end government shall as and when practical provide free compulsory universal primary education.<sup>17</sup>

Despite government efforts to provide free and compulsory basic education for its citizens through various schemes as mentioned earlier, the success of these efforts have been hampered by various factors, among which are religious and cultural practices. The Committee on Economic, Social and Cultural Rights in General Comment No. 21 on the right to culture, views culture as:<sup>18</sup>

A way of life, language, oral and written literature, music, and song, non-verbal communication, religious or belief system, rites and ceremonies, food, clothing and shelter and the arts, customs traditions through which individuals, groups and communities express their humanity and the meaning they gave to their existence.

Nigeria is divided between Muslim dominated north and Christian dominated south.<sup>19</sup> Before the advent of western-styled education in Nigeria, Indigenous forms of education existed.<sup>20</sup> These indigenous forms of education were structured around diverse cultural groups in the north and in the south of the country.<sup>21</sup> Thus, both the south and north developed early childhood education in different ways. For the north, this was done based on Qu'ranic education, while in the south as accounted by Fafunwa it was done through a traditional system related to inculcating respect for elders and knowledge in communal heritage.<sup>22</sup>

Qu'ranic education in Nigeria, as noted by Okugbeni, is offered in three types of schools. The first is the *Almajiri* School,<sup>23</sup> which is the focus of this study. The word *Almajiri* in Hausa language in the north refers to the traditional method of acquiring Qu'ranic knowledge.<sup>24</sup> In Hausa land boys at their tender age are sent out by their parents or guardian to other villages, town or cities for Qu'ranic education under a knowledgeable scholar called *Malam*.<sup>25</sup> The word *Almajiri* originated from Arabic 'AL-MUHAJIRIN' which came as a result of Prophet

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<sup>16</sup>Section 18(1) of the 1999 Constitution of the Federal Republic of Nigeria

<sup>17</sup>Section 18(3) (a) of the 1999 Constitution.

<sup>18</sup>General comment No. 21 on right to culture.

<sup>19</sup>Fafunwa (1975) 11.

<sup>20</sup>Fafunwa (1975) 11.

<sup>21</sup>Okugbene (2013) 1.

<sup>22</sup>Fafunwa (1975) 11.

<sup>23</sup>Okugbene (2013) 10.

<sup>24</sup>Yasha'u et al. (2013) 125.

<sup>25</sup>Yasha'u et al. (2013) 125.

Mohammed's migration from Mecca to Medina.<sup>26</sup> From the Islamic perspective the word was first used by the Prophet Mohammed to describe those of his companions (*Muhajirun*) who migrated with him for the sake of Islam from Mecca to Medina.<sup>27</sup> However, the name *Muhajirun* later came to refer to those knowledge seekers who move from place to place in search of knowledge like the Qu'ranic school teacher and his pupils.<sup>28</sup>

These forms of education handed down through generations gave the child the necessary skills to fit into society, and adult communal life. Nonetheless, these forms of traditional education especially in the southern part of Nigeria soon gave way to western-styled education, introduced by the colonial masters and Christian missionaries.<sup>29</sup> Western-style education was more readily accepted in the south than in the north, a situation that gave rise to the huge gap that exists in the literacy and enrolment rates of pupils in western-styled education till date.<sup>30</sup> Qu'ranic education has long been in existence centuries before the introduction of western-styled education, and has evolved as a valued institution of religious socialization and social reproduction.<sup>31</sup> Fafunwa, expressed that education whether modern or traditional, aims to perpetuate the culture of a society. Islamic education is not different from this purpose, as it perpetuates the Islamic cultural values and ways of life through training and teaching of the Quran.<sup>32</sup> Fafunwa posits that it was this Islamic education that gave cultural prestige to Islam.<sup>33</sup>

However education of a given society as noted by Bello could remain static if it does not respond to change as dictated by time.<sup>34</sup> While the *Almajiri/Qu'ranic* education was a valued and revered educational system which significantly contributed to the development of Islam through transfer of knowledge and Islamic values from generation to generation, it has failed to evolve with time.<sup>35</sup> As the skills provided by the *Almajiri/Qu'ranic* education as posited by Fafunwa is of little help in the modern world of commerce, industry and improved agriculture.<sup>36</sup> This is because the *Almajiri* education system unlike western-styled or formal

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<sup>26</sup>Ifijeh & James (2012) 98.

<sup>27</sup>Ifijeh, & James (2012) 98.

<sup>28</sup>Ifijeh, & James (2012) 98.

<sup>29</sup>Okugbene (2013) 1.

<sup>30</sup>Antoninis (2013).

<sup>31</sup>Nasir (2010) 16.

<sup>32</sup>Fafunwa (1975) 17.

<sup>33</sup>Fafunwa (1975) 54.

<sup>34</sup>Bello page 27.

<sup>35</sup>Bello page 27.

<sup>36</sup>Fafunwa (1975) 209.

education has only the Quran as its curriculum, and empowers its students with only religious principles and values.

The introduction of western-styled education by colonial masters, and the subsequent withdrawal of state support in the form of funding and provisions of infrastructure for *Almajiri/Qu'ranic* education, led to the gradual decline in the *Almajiri* education system.<sup>37</sup> The running of *Almajiri* education system was taken over by Qu'ranic teachers known as (*Malams*), and was supported by the host communities, which provide accommodation and food for the pupils.<sup>38</sup> However the harsh economic reality in the society means that food provided by the community in the form of charity is no longer enough hence; *Almajiris* are made to fend for themselves by begging for alms. Today, they roam about in every major city in northern Nigeria dirty, tattered, barefooted, pale, with flies pecking at their cracked lips and dry faces, which are filled with rashes and ringworms.<sup>39</sup> They sleep on worn-out mats in uncompleted buildings. As many as fifteen can be found sleeping in one small room where there are no windows for cross-ventilation and the walls are so cracked as though they are about to cave in.<sup>40</sup> Abdullahi, expressed that Nigerian *Almajiris* have been denied every single right enshrined in the *Child Right Convention (CRC)*. He added that these street urchins are a product of a failed Islamic system of education and impoverished homes.<sup>41</sup>

Ifijeh and James, posit that the *Almajiri* practice has led to child abuse in the sense that children are exposed to laborious work at tender ages between (6 to 17) lacking basic necessities of life, plunged into poverty and attendant evils and may not be trained in any skill.<sup>42</sup> They are common sights in every major city in northern Nigerian such as, Kano, Katsina, Kebbi, Minna, Gombe, Kaduna, Jos and Sokoto.<sup>43</sup> According to statistics released by the Federal Ministry of Education in 2009, Kano state accounted for 1.6 million *Almajiris*, Sokoto 1.1 million, Kaduna 824 200, Niger 580 000 and Borno accounted for 389 000 *Almajiri* pupils.<sup>44</sup> In 2010 the Federal Ministry of Education estimated that there were over 9.5 million *Almajiri* children in northern Nigeria without formal education.<sup>45</sup> The reality prompted Nasir, to posit that a continuous concern in the discourse on education in northern

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<sup>37</sup>Dambuzu (2012).

<sup>38</sup>Elechi & Yekorogha (2013) 72.

<sup>39</sup>Elechi & Yekorogha (2013) 72.

<sup>40</sup>Dambuzu (2012).

<sup>41</sup>Abdullahi (2011) .

<sup>42</sup>Ifijeh & James (2012) 99.

<sup>43</sup>Ifijeh & James (2012) 99.

<sup>44</sup> Federal Ministry of education 2009 cited in Ifijeh & James (2012) 99.

<sup>45</sup> Federal Ministry of education 2009 cited in Ifijeh & James (2012) 99.

Nigeria has been how to mitigate the influence of these *Almajiri/Qu'ranic* schools on popular participation in state-sponsored education programmes such as the universal basic education scheme in the region.<sup>46</sup>

To create a balance between the objective of providing basic education for all its citizens and the respect for religious and cultural practices, the Federal Government of Nigeria, as part of the implementation of the UBE programme, created educational policy centred around a synergy between the Qu'ranic schools and conventional education or western-styled education, a synergy which came to be known as the *Almajiri* Model Schools or *Almajiri* Integrated System. The *Almajiri* integrated system entails government providing classrooms equipped with modern facilities for the *Almajiri* pupils, which in addition to the Qu'ranic education received by the *Almajiris*, basic literacy or conventional universal basic education will also be provided. This is also as a means to entice them off the street, the government as part of the policy is also to provide free lunch in the schools.

While the *Almajiri* Integrated system is a noble effort by the government to ensure that the *Almajiris* benefit from universal basic education scheme in addition to Qu'ranic education received and also to get them off the street, the system has not achieved its desired outcome. According to Usman, the *Almajiri* boys and *Malams* displayed an active resistance to the integrated system. They posit that furniture and other modern equipment provided by the government violate their belief and value system that are grounded in their socio-religious system.<sup>47</sup> Commenting on the resistance of the boy to the integrated system, one of the Qu'ranic school teachers justified their reaction as against the westernization of Qu'ranic schools, which the boys are not ready for. Furthermore, the boys may see it as an invasion of their traditional social space.<sup>48</sup>

While the practice of *Almajiri* affects the rights to basic education of over 9.5 million *Almajiri* boys in northern Nigeria,<sup>49</sup> the prevalence of child marriages of girls, as early as 11 and 12 years of age to older men deny girls their right to basic education.<sup>50</sup> The people of northern Nigeria are largely Hausa/Fulani Muslims, the religion and culture of the Hausa/Fulani people define the woman's role as primarily that of housewife, and many

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<sup>46</sup>Nasir (2011) 2.

<sup>47</sup>Usman (2008) 67.

<sup>48</sup>Usman (2008) 67.

<sup>49</sup>Onuoha (2013).

<sup>50</sup>Niles (1989) 14.

women are kept in seclusion.<sup>51</sup> Education seems to have little relevance for the role women are expected to play.<sup>52</sup> Study by IRIN Africa indicates that over 12 million girls between the ages of 13-14 years are married in the north.<sup>53</sup> As such, the practice of early marriage has denied girls their rights to basic education in northern Nigeria.<sup>54</sup>

The effect of religious and cultural practices such as *Almajiri* and early child marriage on the right to basic education of children in northern Nigeria is epitomised by the high number of out-of-school children in the region. The following table shows the situation of education in northern Nigeria compared to the southern part of the country. The table shows a breakdown of the percentage of school children in every state in every geopolitical zone in the country. It shows a huge number of out-of-school children in the north compared to the south.<sup>55</sup>

**Table 1**

**Percentage of Out of School Children in Nigeria by State and Geographical Zone 2011**

Northern Nigeria			Southern Nigeria		
Geopolitical Zone/State	Primary school	Junior secondary School	Geopolitical Zone/State	Primary school	Junior secondary school
<b>North Central</b>			<b>South East</b>		
Benue	19.0	11.7	Abia	5.9	2.7
Kwara	23.0	6.9	Anambra	3.9	3.7
Kogi	8.6	29.2	Ebonyi	18.0	4.7
Nasarawa	22.7	18.1	Enugu	14.6	7.9
<b>Niger</b>	<b>50.0</b>	<b>52.3</b>	Imo	4.8	3.2

<sup>51</sup>Niles (1989) 14.

<sup>52</sup>Niles (1989) 14.

<sup>53</sup>IRIN Africa (2008).

<sup>54</sup>Niles (1989) 14.

<sup>55</sup> A report series to the United Nations special envoy for global education, working paper ((2015) 4

Plateau 14.5 15.3

North East			South South		
Adamawa	32.9	30.0	Akwa Ibom	7.3	6.5
Bauch	58.2	65.4	Bayelsa	8.4	3.4
Borno	73.4	69.4	Cross River	9.5	8.3
Gombe	38.6	41.3	Delta	8.6	6.5
Taraba	31.9	27.2	Edo	6.9	4.4
Yobe	63.5	64.3	Rivers	12.6	7.2
North West			South West		
Jagawa	61.6	64.5	Ekiti	2.9	2.9
Kaduna	23.2	22.3	Lagos	4.3	6.3
Kano	40.0	44.3	Ogun	4.3	6.3
Katsina	55.1	63.9	Ondo	6.0	2.4
Kebbi	69.1	67.6	Osun	7.5	3.3
Sokoto	65.3	68.9	Oyo	23.3	18.2
Zamfara	76.2	65.5			

Source: United Nations International Children Emergency Fund (UNICEF) 2011<sup>56</sup>

Table 1 gives an insight into the situation of basic education in the northern part of the country. The columns highlighted in red indicate the states with out-of-school children of 50% and above. The overall table also highlights the existence of a huge educational gap between the north and the south. It shows that government and stakeholders in the educational sector still have a lot of work to do, if the goal of providing free and compulsory basic education for all is to be achieved in the northern parts of the country.

<sup>56</sup>UNICEF' Study of out-of-school children (OOSC) in Nigeria, 2011.

The high numbers of out-of-school children in the north have been attributed to religious and cultural practices, poverty, infrastructural challenges and the lack of commitment from government. The aim of this dissertation is to examine the extent to which religious and cultural practices contribute to the high number of out of school children in northern Nigeria.

Against this background the study will be guided by the following questions

#### **1.4 Research Questions**

- Does the free and compulsory primary education provided by government comply with international standards of availability, acceptability, accessibility and adaptability as recommended by the ICESCR?
- How and to what extent have religious and cultural practices such as *Almajiri* practice and early girl child's marriage hampered the success of government's efforts in the provision of free and compulsory basic education in northern Nigeria?
- What measures have government put in place to ensure that religious and cultural practices do not impede children's access to free and compulsory basic education in northern Nigeria and to what extent have such measures been effective?

#### **1.5 Literature Review**

Several journal, articles, and books have been written on the challenges facing the provision of free and compulsory basic education in Nigeria. The focus of most of the literature have been on the supply aspect, that is, government's obligation to provide the needed infrastructure to ensure the success of the free and compulsory basic education scheme. Very few works have been done on the demand aspect, which is the responsibility or obligation of parents and guardians in ensuring that the basic education provided by government is accessed by their children. This literature study will specifically focus on those authors whose works are closely related to the topic of this dissertation.

Hinchliffe and Ajayi in their respective studies attributed the lack of funding to the failure of government effort in the provision of free and compulsory basic education in the country.

Hinchliffe pointed out that in the 1970s, when there was sufficient funding for primary education, primary enrolment was high.<sup>57</sup> However from the 1980s when primary education funding dropped, primary school enrolment also significantly dropped.<sup>58</sup> As such he attributed the high number of out-of-school children to the decline in the funding of education.<sup>59</sup> In a similar vein Ajayi also attributes the ineffectiveness of previous government efforts in the provision of free and compulsory primary education to the lack of funding, irregular payment of salaries, poor infrastructures, and the lack of regular supervision and inspections. He argues that these challenges have not been addressed and has hampered the effectiveness of the current universal basic education scheme.<sup>60</sup>

The two authors provide significant insights into the funding challenges that hamper the provision of free and compulsory primary education in Nigeria. Their research was limited in scope as they only focused on the supply aspect and did not account for other challenges affecting the provision of free and compulsory basic education in the country. Religious and cultural practices which has posed a significant impediment to the success of the free and compulsory basic education scheme, especially in the northern part of the country was not acknowledged in their work, a knowledge gap this dissertation tends to fill.

The report series of the United Nation Special Envoy for Global Education also provides a summary of some of the challenges affecting the success of the free and compulsory basic education schemes in Nigeria, and why there are still such a high number of out-of-school children in the country.<sup>61</sup> The report attributes high levels of poverty, belief systems, and cultural practices as preventing many girls from attending school, particularly in the north.<sup>62</sup> Early marriage and subsequent teenage pregnancies have adversely affected attendance, retention and achievement in schools.<sup>63</sup> This report also indicates insufficient and ill-maintained school infrastructure, lack of appropriate teaching materials and ill-qualified teachers at the primary and pre-primary levels, as contributing factors to the poor educational outcomes.<sup>64</sup>

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<sup>57</sup> Hinchliffe (1989).

<sup>58</sup> Hinchliffe (1989) 233.

<sup>59</sup> Hinchliffe (1989) 234.

<sup>60</sup> Ajayi (2007).

<sup>61</sup> A report series to the United Nations special envoy for global education, working paper (2013) 9.

<sup>62</sup> A report series to the United Nations special envoy for global education, working paper (2013) 9.

<sup>63</sup> A report series to the United Nations special envoy for global education, working paper (2013) 10.

<sup>64</sup> A report series to the United Nations special envoy for global education, working paper (2013) 10.

Unlike Hinchliffe and Ajayi, the report focused on both the supply and demand challenges affecting the effective implementation of the UBE scheme. The report highlights the impediment posed by cultures and beliefs system on the success of the universal basic education scheme, especially in the northern part of the country. The impact of religion and culture was only highlighted and not discussed in detail in the report. Hence, the need for this research to further investigate and analyse the extent to which religion and cultural practices affect the success of free and compulsory basic education scheme of government in the north.

Fafunwa in his work did a comprehensive study on the history of education in Nigeria and attributed the educational gap that exists between the north and southern part of the country to religious practices. He posits that before the advent of western education-cum-Christianity, Islamic education was already in place, and that the introduction of western education in northern Nigeria was not without resistance.<sup>65</sup> The northern part of the country resisted the introduction of western education due to the fact that it was brought by Christian missionaries; as such they saw it as a means to convert Muslims into Christianity. This he noted resulted in the education gap that exists between the north and the south.<sup>66</sup>

Fafunwa's work will be a valuable asset to my study as it will provide the historical background to development of education in Nigeria. However this book was published in 1975 and since then a lot has changed in the Nigerian educational sector. New educational policies such as the current UBE scheme have been introduced, hence the need to examine the impact of these policies on the country's educational system.

Imam and Usman in their respective studies addressed the issue of religion and the challenge they pose to formal education in the north.<sup>67</sup> Imam attributes the widening educational gap between the north and south and the ineffectiveness of government's educational policies in the north to historical antecedents.<sup>68</sup> She points out that western education was introduced in Nigeria through the south by Christian missionaries, and the aim of the education was to enable the recipients to learn how to read the Bible in English.<sup>69</sup> As such the introduction of western education was viewed with suspicion and was initially rejected in the north.<sup>70</sup> Usman echoes a similar view when he asserts that formal education is viewed with suspicion in the

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<sup>65</sup>Fafunwa (1975).

<sup>66</sup>Fafunwa (1975).

<sup>67</sup>Imam (2012) 186.

<sup>68</sup>Imam (2012) 186.

<sup>69</sup>Imam (2012) 186.

<sup>70</sup>Imam (2012)186.

north, because of the belief that it was brought into the country by Christian missionaries and was viewed as a way of spreading Christianity into the north.<sup>71</sup> People will therefore rather send their children to Islamic schools.<sup>72</sup> If this suggestion accounted for the rejection of western-styled education in northern Nigeria in the past, it cannot explain its continued rejection in the present, hence the need for a further research.

Walker, Braimah, and Nnadi, in their respective studies highlighted the enormous implication early child marriage has on the right to basic education of the girl's child. They posit that early child marriage is accompanied by child bearing, which effectively ends the girl child's education.<sup>73</sup> As a strategy of eradicating or addressing the problems of early child marriage for girls, Walker advocates for a sub-regional approach in the zones or regions with high prevalence of early child marriage, rather than focus on a uniform approach for the entire African region.<sup>74</sup> Braimah, examines the implication of section 61 of the 1999 Constitution of Nigeria in the prohibition of early child marriage. Braimah, argued that section 61 of the 1999 Constitution as it stand serves as an impediment to the fight against early child marriage in Nigeria, as such it should be amended.<sup>75</sup> Nnadi examines the high prevalence of child marriage in Nigeria; Nnadi argued that despite the availability of legal regime and Nigeria's international human rights obligations, cultural practices continued to influence the high prevalence of child marriage, as such much still need to be done to curb the menace.<sup>76</sup>

While Braimah, Walker, and Nnadi's work will be great assets to my study, especially with regards to early child marriage, the studies are also limited in their approach and scope. Walker, as a strategy of resolving the early child marriage menace, focused on a sub-regional approach, while Braimah focussed more on the legal approach to resolve the menace of early marriage in Nigeria. Braimah advocate for Constitutional reforms or legal reforms to address the problem of child marriage. Nnadi as a strategy of eradicating child marriage advocates for the eradication of religious and cultural practices that are detrimental to young girls as regards to early marriage.

The purpose of this study is to reinforce the assertion of Imam, Usman and Nnadi on the role that religion and culture play in denying children in northern Nigeria, their right to basic

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<sup>71</sup>Usman (2008) 64.

<sup>72</sup>Usman (2008) 64.

<sup>73</sup>Braimah (2014) 483, Nnadi (2014) 36 Walker (2012) 234.

<sup>74</sup>Walker (2012) 235.

<sup>75</sup>Braimah (2014) 473.

<sup>76</sup>Nnadi (2014) 36.

education. The study hope to acheive that by analysing the effect that religious and cultural practices such as the *Almajiri*/Qu’ranic education system and early child marriage have on children’s access to basic education in northern Nigeria. I will argue that prevalence of religious schools in the form of *Almajiri* practice and early marriage for girls deny children in northern Nigeria their right to basic education as prescribed by the UBE Act 2003,<sup>77</sup> and have significantly hampered the success of government’s effort in the provision of free and compulsory basic education in the region.

## **1.6 Scope and Limitation of the Study**

The scope of this study is to evaluate the effect of religious and cultural practices on the right to basic education of children in northern Nigeria. The study will be limited to the northern region and the focus will be on religious and cultural practices such as *Almajiri* education and early child marriages of girls, which significantly impact on the enrolment of children to acquire formal basic education in the north. One of the major limitations of the study is access to current data and information on some of the states in the north. To compensate for this limitation I will utilise studies conducted by scholars and various reputable institutions such as the World Bank, UNESCO, UNICEF, and data from the federal government.

## **1.7 Assumption Underlying the Study**

The major assumption underlying the study is that, religious and cultural practices such as *Almajiri*/Qu’ranic schooling and early child marriage deny children in northern Nigeria the right to formal basic education. The implication of these practices is the high number of out-of-school children in the region, as indicated in Table 1.

## **1.8 Significance of the Study**

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<sup>77</sup>Section 2(1) of the Universal Basic Education Act 2004.

There are several legal instruments internationally, regionally and domestically that protect the rights to education. For example the ICESCR, CRC, the *African Charter on Human and Peoples Rights* mandate members to make primary education free and compulsory. Section 18(3) (a) of the 1999 Constitution of the Federal Republic of Nigeria and Section 2(1) of the *UBE Act 2004* confer on every child the right to free and compulsory basic education. However, despite these efforts, data have shown that very little has been achieved in terms of actualising the objectives of the Universal Basic Education scheme. The study is significant in that it will expose the religious and cultural practices that affect the success of the free and compulsory basic education scheme in northern Nigeria. It will also contribute to the literature that promotes the right to free and compulsory basic education.

## **1.9 Research Methodology and Approach**

In evaluating the effects of religious and cultural practices on the provision of free and compulsory basic education in the northern parts of Nigeria, the study will adopt a multidisciplinary approach. This is because the focus of the study cuts across several disciplines, utilising a single disciplinary approach, will not do justice to the topic. For instance a legal perspective provides us with the understanding that states are under a legal obligation to ensure that free and compulsory primary education is provided for its citizens. However it does not account for why there is gap between what the law provides and the realities on ground. In other words why do we still have such a high number of out-of-school children despite the legal provision, which states that every child has the right to free and compulsory basic education? Why does the high prevalence of early child marriage still exist despite the law prohibiting it? A multidisciplinary approach will account for the reasons the gap exists, and make recommendations on how such gaps can be bridged.

Furthermore, the approach that will be adopted in this study will be, descriptive, analytical, and prescriptive. The descriptive approach will be relevant to the study because the main research methodology that will be utilised for the study is a literature survey. An analytical approach will be utilised when examining various government policies on free and compulsory basic education in the country, to ascertain the success and failure of such policies. The analytical approach will also be utilised to analyse various international and

regional treaties that protect the right to education, to which Nigeria is a signatory. A prescriptive approach will come in handy when I frame recommendations on how the provision of free and compulsory primary education can be made more effective regardless of religious and cultural practices in northern Nigeria.

Primary and secondary sources will be used for this study. The primary sources will include, legislation, federal and state government policy documents on education; international and regional instruments will also be utilised. Secondary sources comprising of materials that relate to the effect of religious and cultural practices on the provision of free and compulsory basic education in Nigeria will be utilised. These include books, journals, reports, the Internet sources and printed newspapers.

## **1. 10 Proposed Structure of the Study**

Chapter one: chapter one of the study covers the introduction, problem statement, background to the study, research question, literature review, research methodology and approaches. Chapter one also covers the significance of the study, scope and the delineation of the study, and the structure of the study.

Chapter two analyses the free and compulsory basic education provided by the government, to ascertain if the education meets international standards of availability, accessibility, acceptability, and adaptability as prescribed by ICESCR. This is important because, the chapter will ascertain if the free and compulsory primary education provided, is adaptable and acceptable to the culture of the people of northern Nigeria.

Chapter three examines how and to what extent religious and cultural practices such as *Almajiri* education, as a fulfilment of Islamic religious requirement; and early marriage of girl child affect the right to free and compulsory basic education in northern Nigeria. This chapter is relevant because it will discuss the extent to which religious and cultural practices affect children's access to free and compulsory basic education in northern Nigeria. This will also entail a discussion and analysis of the reasons why government efforts in the provision of free and compulsory primary education has not achieved the desired outcome.

Chapter four of the dissertation examines the measures put in place by government to mitigate the effect of religious and cultural practices, in the form of *Almajiri* practice and early child marriage on the right to free and compulsory basic education of children in northern Nigeria.

Chapter five of the study provides the conclusion and recommendation. It recommends a multidisciplinary approach to addressing the effects of religious and cultural practices on the right to free and compulsory basic education of children in northern Nigeria.

## Chapter 2

### **An Appraisal of the Nigerian UBE Scheme and its Compliance with International Standards**

#### **2.1 Introduction**

The question I aim to answer in this chapter is whether the free and compulsory primary education provided by the Nigerian government complies with international standards. Before examining whether the basic education provided by the Nigeria government complies with international standard, it is imperative to examine some of the international and regional human right instruments that protects the right to basic education. Several human rights instruments both legally binding and non-binding international and regional documents provide for the right to education, especially basic education. The first of such document was the *Universal Declaration of Human Rights* (UDHR), and was adopted by the United Nation General Assembly in 1948. Article 26 of the UDHR stipulates that everyone has the right to education. Education shall be free and compulsory especially at the elementary and fundamental stage.<sup>78</sup> Though the UDHR is not a legally binding document, but has had a huge influence in the development of other legallybinding human right instruments on the rights to basic education.

Since the adoption of the UDHR, the right to free and compulsory basic education, has been widely recognised and developed by a number of international human right instruments, such

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<sup>78</sup>Section 26(1) of the UDHR.

as *Convention on the Rights of the Child (CRC)*.<sup>79</sup> Article 28(1) (a) of the CRC provides that all children shall have the right to primary education, which shall be made free and compulsory.<sup>80</sup> Article 13(2) (a) of the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, also provide for the provision free and compulsory primary education by member states.<sup>81</sup> At the regional level, the right to education has been enshrined in a number of regional human right instruments, such as the *African Charter on the Rights and Welfare of the Child (ACRWC)*.<sup>82</sup> Article 11(3) (a) of the ACRWC, provides for free and compulsory basic education.<sup>83</sup> Article 13(4) (a) of the *African Youth Charter*, established that state parties to the charter shall provide free and compulsory basic education.<sup>84</sup>

The General Comment No.13 of ICESCR defined the scope and attributes of the right to education broadly under the right to education framework known as the (4-A), (Availability, Accessibility, Acceptability and Adaptability), which was developed by the former United Nations Rapporteur on the right to education, Katarina Tomasevski.<sup>85</sup> The General Comment No.13 of the ICESCR recommend that the basic education provided by member states must comply with the (4-A) framework.

In this chapter I analyse the free and compulsory universal basic education provided by the government of Nigeria under the UBE scheme, using the 4-A as a framework or a benchmark, to determine the extent to which the education provided by the government complies with this standard. Each of these four requirements (availability, accessibility, acceptability and adaptability) as prescribed by General Comment No.13 of the ICESCR will be analysed and used as a bench mark to measure the quality of basic education provided by the government. I will determine if the basic education being provided is accessible, both in terms of non-discrimination, physical accessibility and economic accessibility; if the basic education provided by government is acceptable to the people it is meant to serve; and if the basic education provided by the government is adaptable to the cultural and social needs of the people. I will also examine the extent to which the availability of sufficient infrastructure to provide quality basic education or the lack of it in public schools impacts on the growth of *Almajir/Qu'ranic* schools and its patronage by parents in northern Nigeria.

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<sup>79</sup> Article 28(1) (a) of the Convention on the right of the Child.

<sup>80</sup> Article 28(1) (a) of the Convention on the right of the Child.

<sup>81</sup> Article 13 of the International Covenant on Economic, Social and Cultural Right.

<sup>82</sup> Article 11 (3)(a) of the African Charter on the Rights and Welfare of the Child.

<sup>83</sup> Article 11(3)(a) of the African Charter on the Rights and Welfare of the Child.

<sup>84</sup> Article 13 (4)(a) of the African Youth Charter.

<sup>85</sup> Tomasevski (2001).

## 2.2 Availability

Government's obligation of ensuring that educational institutions and programmes are of sufficient quantity with necessary facilities to function appropriately is very important.<sup>86</sup> The General Comment enumerates the following guidelines for the appropriate functioning of the primary education system: adequate infrastructure, sanitation facilities for males and female learners, safe drinking water, well trained teachers that receive domestically competitive salaries, teaching materials, and facilities such as libraries, and computer facilities.<sup>87</sup> Absence of these facilities enumerated above by the General Comment No.13 of ICESCR in sufficient quantity will invariably mean that the basic education provided is not up to standard.

Dedication by the government of Nigeria at all levels to the UBE scheme resulted in massive investments in the construction of new buildings and the expansion or repair of existing structures and training of qualified teachers.<sup>88</sup> This was attested to by the Federal Ministry of Education's 2003 report. The report states that the introduction of the UBE scheme led to the training of 30 000 Nigerian Certificate in Education (NCE) teachers and 42 000 auxiliary teachers across the country.<sup>89</sup> At the time of the report work had been completed by the UBE Commission across the country on the construction of 1 500 three-classroom blocks with head teacher's offices, stores and VIP toilets.<sup>90</sup>

However, the infrastructure and facilities provided by government remain inadequate to cope with the increased enrolments that accompanied the free and compulsory basic education policy.<sup>91</sup> The school environment is generally not conducive for learning as most schools lack infrastructure, teaching and learning resources.<sup>92</sup> Inferring from the above, it can be argued that the basic education scheme provided by the government is a far cry from the guidelines prescribed by the General Comment. This is because the huge investment in the basic education sector has not translated into providing quality basic education for the Nigerian

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<sup>86</sup>General comment No.13 of the ICESCR .

<sup>87</sup>General comment No.13 of the ICESCR.

<sup>88</sup>Federal Ministry of Education (FMoE), (2003) 49.

<sup>89</sup>FMoE (2003) 49.

<sup>90</sup>FMoE (2003) 49.

<sup>91</sup>Moja (2000).

<sup>92</sup>Moja (2000).

child. This assertion is supported by the research finding of Okoya and Onoyase.<sup>93</sup> They carried out comprehensive assessments of primary school infrastructure in Nigeria. The aim of their research was to examine the state of primary school infrastructure nationally and its capacity to meet the objectives of the UBE programme. Okoya and Onoyase asserted that despite heavy investment on primary education through the UBE scheme, available structures, furniture, toilets, water, school administrative offices, laboratories, and libraries are far from being sufficient to ensure quality primary education.<sup>94</sup>

They concluded that the available primary school infrastructure was grossly inadequate, and insufficient to fulfil the objective of the UBE programme.<sup>95</sup> The major findings of the research include:

- About half of the schools lack fundamental structures;
- Only a fifth of the schools had facilities which were sufficient in both quantity and quality to fulfil the UBE objectives; and
- 65% of schools lack electricity, 54% lack pipe borne water, and 78% had no school bus/transport.<sup>96</sup>

Transportation, electricity, water, libraries and related infrastructure, are some of the basic necessities needed to ensure quality and increased access to basic education. The lack of sufficient infrastructure as noted by the report series to the UN Special Envoy for Global Education is partly responsible for the high number of out-of-school children,<sup>97</sup> as Nigeria currently accounts for the highest number of out-of-school children in the world, which is estimated to be 10.5 million.<sup>98</sup>

The manifestation of the lack of sufficient infrastructure in Nigeria basic education is observed in the overcrowding of classrooms, for example the ratio of pupil to good classrooms is stated to be 109:1,<sup>99</sup> that is an average of 109 pupils per classroom at the primary level in the country, and 125:1 at the junior secondary school level, which is much higher than the recommended 35:1 ratio as set in the National Policy on Education

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<sup>93</sup>Ikoya &Onoyase (2008) 15.

<sup>94</sup>Ikoya &Onoyase (2008) 15.

<sup>95</sup>Ikoya &Onoyase (2008) 15.

<sup>96</sup>Ikoya, P.O and Onoyase (2008) 15.

<sup>97</sup>A report series to the United Nations special envoy for global education, working paper (2013) 9.

<sup>98</sup>[www.datauis.org](http://www.datauis.org).

<sup>99</sup>Universal basic education commission (UBEC) (2009).

(NPE).<sup>100</sup> The government estimated the shortfall in classrooms for early child education at 90%, primary education at 60% and junior secondary education at 67%.<sup>101</sup> The 2008 Education Public Expenditure Review shows that about half of the primary schools in the country require major rehabilitation.<sup>102</sup>

The poor standard of basic education provided by the government is also manifested in the poor quality of the teachers, which is acute in the north with only about half of the teachers being adequately qualified.<sup>103</sup> Students and teachers do not have adequate educational tools. About 80% or more students in Nigeria do not have a textbook for a subject while about 60% of primary school pupils do not have Mathematics or English textbooks.<sup>104</sup> There is a similar dearth of materials for teachers. Fewer than 15% of teachers in Kaduna, Kwara and Lagos state have a teacher's guide, and the situation is even worse in the Jigawa and Kano states.<sup>105</sup>

The lack of adequate infrastructure and quality facilities arguably hinders enrolment of pupils into primary schools. This is so because the lack of quality and sufficient educational facilities means that available schools are a distance away from most of the students, which consequently affect their access to school. This assertion was supported by the Nigeria Education Data Survey (NEDS) 2010, when it found out that insufficient and poor school quality was a factor responsible for 16.8% of children never attending school, a figure that was much the same for urban and rural populations.<sup>106</sup>

The lack of sufficient infrastructure and amenities to provide quality basic education also result in a decrease in enrolment into public schools as parents who have the resources now enrol their children in private schools. This assertion is consistent with the views of Umar, when he posited that, to a large extent, the poor delivery of public educational services has led to the growth of private and *Almajiri/Qu'ranic* schools among rural and urban dwellers in northern Nigeria.<sup>107</sup>

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<sup>100</sup> (UBEC) (2009).

<sup>101</sup> UBEC (2009) 9.

<sup>102</sup> World Bank (2008).

<sup>103</sup> World Bank (2012).

<sup>104</sup> A report series to the UN special envoy for global education: accelerating progress to 2015. (2013) page 9.

<sup>105</sup> Universal basic education commission (UBEC) (2009). 2006 National assessment of universal basic education programme-final report. UBEC: Abuja.

<sup>106</sup> National Population Commission, and RTI International, 2011. Nigeria Demographic Health Survey Education Data 2010: education data for decision-making. Washington DC: NPC and RTI International.

<sup>107</sup> Umar (2003) 9.

Based on the discussion and figures presented above, I argue that the basic education provided by the government does not have sufficient infrastructure and facilities to provide quality basic education as recommended or prescribed by the General Comment. The question now is: what are the factors responsible for government not being able to provide adequate facilities to ensure quality basic education?

I identified the following factors from existing literature as being responsible for the lack of infrastructure and the poor quality of basic education provided by the government.

### 2.2.1 Poor Funding

One of the major factors responsible for the lack of sufficient infrastructure and the poor state of basic education in Nigeria is the poor funding of education.<sup>108</sup> For example, to provide quality education that will meet international standards, the United Nations Organization for Education Science, and Culture (UNESCO) recommended to member States to allocate a minimum of 26% of its total budget to education.<sup>109</sup> However this has not been the case in Nigeria. The highest allocation the Nigerian government has made to education from 1999 to 2009 has been 13%.<sup>110</sup> The following table shows the government budgetary allocation to education from 1999-2009.<sup>111</sup>

**Table 2**

#### **Federal Government Budgetary Allocation to Education Sector (1999-2009)**

Years	Allocation in billions of naira	Percentage
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<sup>108</sup>Akindele (2015) 7.

<sup>109</sup>UNESCO, Cited in Labo-Popoola, et al (2009) 639.

<sup>110</sup>Labo-Popoola, et al (2009).

<sup>111</sup>Olanrewaju and Folorunso (2009).

<b>1999</b>	<b>23.047</b>	<b>11.20</b>
<b>2000</b>	<b>44.225</b>	<b>8.30</b>
<b>2001</b>	<b>39.885</b>	<b>7.00</b>
<b>2002</b>	<b>100.200</b>	<b>5.09</b>
<b>2003</b>	<b>64.760</b>	<b>11.83</b>
<b>2004</b>	<b>72.220</b>	<b>7.80</b>
<b>2005</b>	<b>92.590</b>	<b>8.30</b>
<b>2006</b>	<b>166.660</b>	<b>8.70</b>
<b>2007</b>	<b>137.480</b>	<b>6.07</b>
<b>2008</b>	<b>210.000</b>	<b>13.00</b>
<b>2009</b>	<b>183.360</b>	<b>N/A</b>
<b>Total</b>	<b>1.130 trillion</b>	<b>N/A</b>

With such poor funding, it is not difficult to explain the lack of sufficient infrastructure and facilities to provide the needed quality basic education for Nigerian children. This assertion is consistent with the view of Akindele, when he posited that funding is a critical concern in education provision as only sufficient funding could guarantee adequate provision of infrastructure and human resources that are essential for effective functioning of the education sector.<sup>112</sup> However, he posited that, that has not been the case in Nigeria.<sup>113</sup>

## 2.2.2 Corruption

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<sup>112</sup>Akindele (2015) 7.

<sup>113</sup>Akindele (2015) 7.

Corruption is another factor that has contributed to the shortage of funds for the effective implementation of the UBE scheme.<sup>114</sup> Firstly corruption results in the allocation of insufficient funds and in some cases lead to the diversion of the little allocated to private pockets. This point of view is supported by Labo-Popoola et al, when they noted that in addition to poor funding of the educational system, the little funds allocated to the educational system is being embezzled by corrupt government officials working in the education system, at all levels of government in the country.<sup>115</sup> In addition to providing sufficient funds for the education system, government also need to curtail pervasive corruption ravaging the education sector, so as to judiciously utilise allocated funds.

The following reported cases confirmed the serious negative impact of corruption on the Nigerian educational system. In 2008 it was reported that between 2005 and 2006, some states in the country diverted the sum of N3.3 billion naira (R194.1 million Rand) out of the N54.7 billion naira, (R3.1 billion Rand) released for the development of primary education for private use.<sup>116</sup> In an interview with Human Right Watch, a government official in Rivers state of Nigeria stated that when allocations are made especially to the local government level, the money is shared among political friends and members of the ruling party. The consequence of this is that after the payment of salaries, there is hardly anything left to do anything else.<sup>117</sup>

As a result of corruption, the Nigeria educational system is characterised by collapsed or dilapidating infrastructure, lack of sufficient study materials, and non-payment of teachers' salaries. Consequently, frequent strike actions by school teachers have become regular features of the country's educational system. With sufficient study materials and up to date infrastructure, pupils would be motivated to go to school and study. Regular payment of teachers' salaries will also be a strong motivation for teachers to perform their duties properly. Thus the absence of these results in poor quality education in Nigeria as against the recommendation of the General Comment. The Committee on the Rights of the Child, in their concluding observations of 2010 on Nigeria, raised the concern of the endemic corruption in the country, which the committee observed served as impediment to the protection and

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<sup>114</sup>Labo-popoola et al (2009) 639.

<sup>115</sup>Labo-popoola et al (2009) 639.

<sup>116</sup>Akindele (2015)8.

<sup>117</sup>Human Right Watch (2007).

promotion of child rights in the country.<sup>118</sup> The impact of corruption on the right to basic education was also echoed in the case between *SERAP V Nigeria*, where the plaintiff submit that massive corruption in the Universal Basic Education Commission (UBEC), has denied the Nigerian child his right to quality basic education.<sup>119</sup> To address the problem of corruption, particularly in the education system, so as to improve the quality of basic education, the Nigerian government needs to effectively implement existing criminal and anti-corruption laws. It also needs to strengthen existing anti-corruption institutions such as the Economic and Financial Crime Commission (EFCC) and the Independent Corrupt Practices and Other Related Offences Commission (ICPC).<sup>120</sup> Despite the existence of these institutions in the country, corrupt activities have continued in the country unabated, almost making nonsense of the existence of these institutions and the fight against corruption. This view was shared by Egwemi when he established that each successive government has promised to fight the rising scourge of corruption in the country by punishing offenders only to come into government and perpetuate the circle of corruption.<sup>121</sup>

For the fight against corruption to be successful in Nigeria, government must summon the political will, by providing adequate support to the EFCC and ICPC, in terms of fund allocation and enabling laws. The government must also de-politicise the fight against corruption by punishing offenders regardless of party affiliation, or how highly placed the perpetrators might be in the government or social strata. This view is supported by Egwemi, when he posited that one of the ways the fight against corruption can be won is for the government to demonstrate the political will to fight the scourge.<sup>122</sup>

### 2.3 Accessibility

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<sup>118</sup>Committee on the Right of the child 'concluding observations: Nigeria (2010) 4: CRC/C/NGA/CO/3-4.

<sup>119</sup>*Registered trustee of the Socio-economic Rights Accountability Project (SERAP) V Federal Republic of Nigeria & Another (ECOWAS 2009) Suit No.ECW/CCJ/0808. 27 October 2009.*

<sup>120</sup> The Independence Corrupt Practices and other Related Offences Act 2000, and the Economic and Financial Crime Commission Act 2004, empowers both institutions the authority to investigate and prosecute financial crimes such as money laundry, bribery and other corruption related activities.

<sup>121</sup>Egwemi (2012)79.

<sup>122</sup>Egwemi (2012) 80.

The second guideline provided by the General Comment is that education provided by government has to be accessible to everyone, without discrimination. Accessibility has three overlapping dimensions, namely non-discrimination, physical accessibility and economic accessibility.<sup>123</sup>

### 2.3.1 Non-Discrimination

Education must be accessible to all, especially the most vulnerable groups. No one should be denied access to education on the basis of race, gender, age, physical disability etc.<sup>124</sup> This qualifier is significant in the Nigerian context because, despite the array of laws prohibiting any form of discrimination,<sup>125</sup> discrimination still exists especially against women in most parts of Nigeria. It is probably more prevalent in northern Nigeria.<sup>126</sup> Tuwor and Sossou attributed discrimination against women to cultural and religious factors, when they stated that religious and cultural practice has impeded many Nigerian girls from benefiting from education.<sup>127</sup> For example, they noted that a large family with limited resources tends to discriminate against the female child by enrolling the boys into schools at the expense of the girls.<sup>128</sup> This view was also supported by Chikezie and Onuora-Oguno when they submitted that when poor households do not have sufficient resources to educate all their children, it is often the girls who have to forfeit their education and stay at home until they are married.<sup>129</sup> Some parents also keep their daughters out of school due to the misinterpretation of the tenets of Islam.<sup>130</sup>

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<sup>123</sup> General comment No. 13 of ICESCR.

<sup>124</sup> General comment No. 13 of ICESCR .

<sup>125</sup> Section 42 of the 1999 Constitution of the Federal Republic of Nigeria Prohibiting discrimination on the ground of ethnicity, origin, gender, religion, circumstance of birth and political opinion. Section 42 (1) (2) also provide for gender equality among male and female children.

<sup>126</sup> Section 42 of the 1999 Constitution of the Federal Republic of Nigeria.

<sup>127</sup> Tuwor & Sossou (2008) 368.

<sup>128</sup> Tuwor & Sossou (2008) 368.

<sup>129</sup> Chikezie & Onuora-Oguno (2013) 75.

<sup>130</sup> Tuwor and Sossou (2008) 368.

A study on female access to education in northern Nigeria by UNICEF revealed strict observance of the Islamic custom of *Purdah*.<sup>131</sup> The practice is generally applied to married women and girls who have reached puberty.<sup>132</sup> Although the practice in its fundamental form has declined, it still exists and is being reinforced under Sharia law in various states in northern Nigeria.<sup>133</sup> This practice does not only discriminate against Muslim women but also denies them access to education as they have limited access to not only education but society at large.

The question now is: what are the factors responsible for the discrimination against women especially in northern Nigeria? One of the main reasons is the gender role attached to women in society.<sup>134</sup> This view was supported by Omorieg and Abraham, when they asserted that in Nigeria when a child is born the first question that is often asked is ‘is it a boy or girl’ and such question carries a great deal of significance for the child’s future.<sup>135</sup> This is because the preference for a male child not only in the Nigerian context but in the African context is very high.<sup>136</sup> Women’s role in society as noted by Omorieg and Abraham are generally associated with the functions of homemakers and caring for children.<sup>137</sup>

This perception has grossly affected girls’ enrolment in education, as some parents do not see the need to enrol girls in school.<sup>138</sup> The rationale for this perception is sometimes amplified in maxims. For example, the common phrase in Hausa land in northern Nigeria dictating the general attitude towards birth of a girl-child is “*ba ayi komai ba, macce ta haifi mace*”, meaning that nothing is gained by a female giving birth to a female.<sup>139</sup> This maxim reveals the perception of Hausa culture or society toward the girls’ child.

In Nigeria, many cultures are patriarchal, which emphasises male dominance and subservience of women.<sup>140</sup> When a woman gets married, she in most cases drops her family name and picks up her husband’s family name.<sup>141</sup> The word ‘in most cases’ is used because,

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<sup>131</sup>This practice refers to the seclusion of women from the sight of men and interaction with strangers inside and outside the home.

<sup>132</sup>UNICEF 2001 cited in Tuwor and Sossou (2008) 369.

<sup>133</sup>UNICEF 2001 cited in Tuwor and Sossou (2008) 369.

<sup>134</sup>Omorogie and Abraham (2009).

<sup>135</sup>Omorogie and Abraham (2009).

<sup>136</sup>Omorogie and Abraham (2009).

<sup>137</sup>Omorogie and Abraham (2009).

<sup>138</sup>Olubayo (2013).

<sup>139</sup>Olubayo (2013).

<sup>140</sup>Olubayo (2013).

<sup>141</sup>Olubayo (2013).

there is also an emerging trend in which some married women now attach their husband's family name to their family name, thereby bearing both family names, especially if the woman is from a very influential family or highly educated.

The Nigerian preference for a male child was epitomised in an advert of a Mobile Telecommunication Network (MTN), a network provider in Nigeria, which said "*Mama Na boy*" where the mother-in-law in the said advert broke out in singing with excitement when she was informed that her daughter-in-law had given birth to a boy. The advert has since been removed by MTN following criticisms from NGOs.<sup>142</sup>

According to Mawere it is a dominant perception in most African cultures that the girl-child will eventually get married some-day and bear the husband's family name; resources spent on her education is considered a waste, rather such resources should be channelled toward educating the male child who will bear the family name.<sup>143</sup> The pervasive discrimination against women in Nigeria was also echoed by the Committee on the Elimination of Discrimination against Women. In their 2008 concluding observation on Nigeria, the committee raised concern on the pervasive discrimination against women in all sectors of the society, which they noted constitutes a major hindrance to women's enjoyment of their human rights.<sup>144</sup>

Consequently, such discrimination against women denies them access to basic education. To remedy the situation, government should enforce laws that compel parents to enrol their female children in schools. For example Section 4 of the UBE Act 2004 prescribed criminal conviction or a fine for parents who refuse to enrol their children in school to acquire the mandatory basic education provided by government.<sup>145</sup> Since the existence of the Act, there has not been any record of parents being prosecuted for failing to enrol their children in schools. Government should enforce such laws to serve as deterrence to parents who fail to enrol their female children for whatever reason.

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<sup>142</sup>Olubayo (2013).

<sup>143</sup>Mawere (2012) 15.

<sup>144</sup>Committee on the Elimination of Discrimination against Women 'concluding observations of the committee on the elimination of discrimination against women' (2008) 4: CEDAW/C/NGA/CO/6

<sup>145</sup>Section 4 of the UBE Act 2004.

### 2.3.2 Physical Accessibility

Primary education provided by the government has to be within safe physical reach either by attendance at some reasonable convenient geographical location for example situating schools within neighbourhoods, or through modern technology that will make distances learning programmes accessible.<sup>146</sup>

Physical accessibility of school remains one of the major impediments to access to basic education in Nigeria. A Nigeria Education Data Survey (NEDS) in 2010 discovered that distance to school was mostly cited as the reason for children never attending schools by most of the respondents and by a high proportion of poorer and rural households.<sup>147</sup> The number of respondents who cited distance as being responsible for their children not attending school is even higher in the northern part of the country. The survey also established distance as a major determinant of school attendance.<sup>148</sup>

According to the NEDS 2010 survey, 68% of families nationally are said to be within a kilometre of the nearest primary school, a figure which drops to 62% if only government schools are counted, and further drops to 54% and 56% for north east and north west Nigeria respectively.<sup>149</sup> However, an estimated 7% of households nationally and almost double that percentage of households in the north east travel more than 6 kilometres to the nearest primary school. 17% of children nationally travel more than 3 kilometres to get to the nearest primary school.<sup>150</sup> The General Comment do not prescribe specific distances which schools are to be located from homes, however 3 kilometres might sound reasonable for adults; but considering the age bracket for basic education, we are looking at ages from 6 to 15 years.<sup>151</sup> For primary schools in urban areas with available transport system, such distance is considered reasonable; especially for children from wealthy homes that is picked and drops in school by their parents. But for schools located in rural areas, which lack effective transport system, and most schools are not equipped with schools transport to convey school children to

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<sup>146</sup>General comment No. 13 of ICESCR.

<sup>147</sup> National Population Commission, and RTI International, 2011. Nigeria Demographic Health Survey Education Data 2010: education data for decision-making. Washington DC: NPC and RTI International.

<sup>148</sup> Nigeria Demographic Health Survey Education Data (2010) 26.

<sup>149</sup> National Population Commission, and RTI International, 2011. Nigeria Demographic Health Survey Education Data 2010: education data for decision-making. Washington DC: NPC and RTI International.

<sup>150</sup> Nigeria Demographic Health Survey Education Data 2010 (2010) 27.

<sup>151</sup>UBE Act 2004.

their various destinations,<sup>152</sup> 3 to 6 kilometres trek for children between the ages of 6 to 15 years; to school and back on a daily basis could pose a significant impediment to enrolment of children in schools.

According to the survey, distance from school also raises safety concerns amongst parents especially given the recent attacks on educational facilities by insurgents in the north.<sup>153</sup> The National Population Commission (NPC) and RTI international's 2011 survey established that safety on the way to and from school was specifically mentioned as an impediment to enrolment by about 16% of respondents nationally, with a higher figure in the north.<sup>154</sup>

The fear expressed by parents as regards distance and safety was epitomised by the killing of more than 50 students in a college of Agriculture while they were asleep in their dormitory in September 2013,<sup>155</sup> and the kidnapping of 276 girls from Government Secondary School Chibok in Borno State of northern Nigerian by insurgents on the 15<sup>th</sup> of April 2014.<sup>156</sup> In view of the above discussion I argue that physical accessibility still remains a major impediment to Nigerian children's access to basic education especially in rural areas where there is no effective and affordable transport system. To resolve this challenge I propose that government should make school buses available especially in rural areas to convey children that stay far away from the school premises. Availability of vehicles to convey children to school and back could be a motivating factor for parents who stay far away from school premises to enrol their children in schools. This view is in accordance with that expressed by Jeremy et al when they posited that gaining access to transportation in any country significantly increases the likelihood of school attendance among children of ages 6-16.<sup>157</sup>

### **2.3.3 Economic Accessibility**

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<sup>152</sup>Tuwor and Sossou (2008) 368.

<sup>153</sup> National Population Commission, and RTI International, 2011. Nigeria Demographic Health Survey Education Data 2010: education data for decision-making. Washington DC: NPC and RTI International.

<sup>154</sup> Nigeria Demographic Health Survey Education Data (2010) 26.

<sup>155</sup> Nigeria Demographic Health Survey Education Data (2010) 29.

<sup>156</sup> Charlotte (2014).

<sup>157</sup> Jeremy et al (2011) 2.

The guidelines provided by the General Comment also indicate that primary education provided by the government has to be economically accessible to all.<sup>158</sup>

One of the major factors that hinder access to basic education in Nigeria is poverty. Notwithstanding Nigeria's free and compulsory basic education scheme, poverty has remained a major obstacle to accessing basic education especially in northern Nigeria.<sup>159</sup> As noted by the report series to the UN special envoy for global education, despite Nigeria's free basic education policy, free education is not a reality in Nigeria.<sup>160</sup> Even though basic education is meant to be free, education always has some overt and hidden direct and indirect, legal and illegal costs for individual families.<sup>161</sup> Children whose parents cannot afford these direct or indirect costs are denied their right to basic education, as in most cases they drop out of school because their parent could not afford the extra costs. This assertion is supported by the report series to the UN special envoy for global education, when it posited that the lack of economic resources has remained one of the key constraints to progress in improving access to basic education.<sup>162</sup> Interviews of parents conducted by the researchers who drafted the report series indicated that in spite of the abolition of tuition fees, 10% of parents reported paying some sort of fees.<sup>163</sup> About 57% of parents also reported paying a compulsory parent-teachers association fee and a further 40% had to pay exam fees.<sup>164</sup>

In northern Nigeria, where the majority of the population is poor, such additional costs will have a significant impact on access to school as parents who could not afford such extra fees will in most cases withdraw their children from schools. This assertion was supported by the survey conducted by the National Population Commission (NPC) and RTI International in 2011. The survey shows that the number of children from low income families enrolled in schools in 2011 significantly dropped when compared with data from another survey in 2004. However, the number of children from high income households did not show a significant drop when compared with data from the same period.<sup>165</sup>

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<sup>158</sup> General comment No. 13 of ICESCR.

<sup>159</sup> A report series to the UN special envoy for global education (2013) 9.

<sup>160</sup> A report series to the UN special envoy for global education (2013) 9.

<sup>161</sup> A report series to the UN special envoy for global education (2013) 9.

<sup>162</sup> A report series to the UN special envoy for global education (2013) 9.

<sup>163</sup> For example Parent Teachers Association (PTA) fees, and exam fees.

<sup>164</sup> A report series to the UN special envoy for global education (2013) 9.

<sup>165</sup> National Population Commission, and RTI International, 2011. Nigeria Demographic Health Survey Education Data 2010: education data for decision-making. Washington DC: NPC and RTI International.

The lack of access to basic education resulting from poverty or economic status provides opportunities for parents, especially in Northern Nigeria, to seek for alternative education systems where fees are not paid, which in most cases are Qu'ranic schools. This point of view is supported by Okugbene. He argues that most parents whose children do not have access to basic education as a result of lack of resources opt for Qu'ranic schools as these are considered as fee free and backed by religious beliefs.<sup>166</sup> One parent interviewed by Okugbene in northern Nigeria on the cost of education responded with the following words:<sup>167</sup>

Western schooling is expensive but Qu'ranic School is free, so you see I must not wait until I get money before I can send my child to schools, I can just send him to Qu'ranic School; or will you feed your home or pay a child's school fees if you are in poverty?

The above response from a parent in northern Nigeria re-enforces my view that poverty has denied children from poor households' access to basic education. The research conducted by the United State Agency for International Development (USAID) in 2003 not only support the view that poverty has denied children from poor household the right to basic education, but it also provide poor households room to seek alternative educational system, which in most cases is *Almajiri/Qu'ranic* education.<sup>168</sup> The USAID research documents that poverty and limited access to western-styled schools have left the urban poor and rural Muslims populace with no option but to opt for the traditional *Almajiri/Qu'ranic* schools to educate their children.<sup>169</sup> Therefore, by the late 1990s, Qu'ranic schools commanded more pupil enrolment than conventional schools in many states in northern Nigeria.<sup>170</sup> According to Nasir, given the persistent low primary-school enrolment in states with a high presence of Qu'ranic schools, there is little reason to believe that the situation has changed in recent times.<sup>171</sup>

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<sup>166</sup>Okugbene (2013) 21.

<sup>167</sup>Okugbene (2013) 21.

<sup>168</sup>United States Agency for International Development (USAID)' Strategic assessment of social sector activities in northern Nigeria. ([www.usaid.gov/ng/downloads/rfa/usaidnorthernassessmentreport1.pdf](http://www.usaid.gov/ng/downloads/rfa/usaidnorthernassessmentreport1.pdf) accessed 19/08/2014).

<sup>169</sup>United States Agency for International Development (USAID)' Strategic assessment of social sector activities in northern Nigeria. ([www.usaid.gov/ng/downloads/rfa/usaidnorthernassessmentreport1.pdf](http://www.usaid.gov/ng/downloads/rfa/usaidnorthernassessmentreport1.pdf) accessed 19/08/2014).

<sup>170</sup>United States Agency for International Development (USAID)' Strategic assessment of social sector activities in northern Nigeria. ([www.usaid.gov/ng/downloads/rfa/usaidnorthernassessmentreport1.pdf](http://www.usaid.gov/ng/downloads/rfa/usaidnorthernassessmentreport1.pdf) accessed 19/08/2014).

<sup>171</sup>Nasir (2011) 9.

Okugbeni asserted that while the state directs all parents in the UBE Act 2004 to ensure the enrolment of their children in the free and compulsory basic education scheme, its role (as the main duty-bearer) in reducing the burden of such tasks for poor parents was missing in its policy.<sup>172</sup> The UBE Act compels parents to enrol their children to acquire the nine years mandatory basic education, without providing proper support to parents who cannot afford the extra costs associated with schooling outside the tuition fee which government made free. Tomasevski asserts that when children are hindered from accessing basic education as a result of the poor economic status of their parents, the state should stand in place for such parents as a way of securing the rights of those children to education.<sup>173</sup> Okugbene noted that parents who participated in the research continually state the need for the state to alleviate their plight, with regards to ensuring that their children have access to basic education.<sup>174</sup>

Inferring from the above discussion, I established that economic accessibility remains a major factor in denying children their right to basic education. As part of the search for a solution to the problem of economic accessibility to basic education in northern Nigeria, I argue in addition to the establishment of economic empowerment schemes for parents, through skill development training programmes, and the establishment of small scale businesses, the government should also establish a child focused social protection grant. This view is supported by Case et al. They discovered that a child support grant has proven to be effective in increasing children's access to basic education in countries such as South Africa.<sup>175</sup>

## 2.4 Acceptability

The third guideline provided by General Comment No. 13 is acceptability. It states that the form and substance of education, including curricular and teaching methods have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students and in appropriate cases, parents.<sup>176</sup> The approach adopted in teaching subjects in schools must be carried out in a way that is suitable to the students. This is imperative because it aids in

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<sup>172</sup>Okugbene(2013) 22.

<sup>173</sup>Tomasevski (2003)8 .

<sup>174</sup>Okugbene (2013) 22.

<sup>175</sup>Case et al. (2005) 479.

<sup>176</sup>General comment No.13 of ICESCR.

developing the student's capacity to assimilate and comprehend subjects that are taught in school easily. In this section of the dissertation I will deal with the question whether the basic education provided by the government is culturally acceptable and of good quality to both parents and students in northern Nigeria.

It is a well-documented fact that historically northern Nigeria has not been amenable to the introduction of western style education.<sup>177</sup> Bolujoko observed that the tacit resistance and non-receptiveness of northern Nigeria to western-styled education is a function of deep rooted resistance of Islam to western-styled education.<sup>178</sup> Winter also noted that the first attempt by the Nigerian government to introduce Universal Primary Education (UPE) scheme in 1976 was resisted in the north where Qu'ranic schools were dominant.<sup>179</sup>

Despite a rapid transformation in the sphere of education and society in general, in post-independent Nigeria and the attempt to create a unified system of education that is primarily Nigerian, there is still a lingering fear in the north that western-styled education would expose children to alien influences.<sup>180</sup> Parents feel that western education is contrary to their faith and way of life.<sup>181</sup> The tacit rejection of western education in the north provided a fertile ground for the growth of Qu'ranic schools and the high rate of enrolment into those schools.<sup>182</sup> This is because in the absence of a viable alternative education system the Qu'ranic education system will continue to thrive.

In recent decades the tangible prospect of material rewards for acquiring western education in the form of regular employment and access to the control of state economic enterprises, has been a strong enough influence to neutralise the initial Muslim resistance to western education to some extent. However, there are hardliners who still strongly opposed to western-styled education in the north.<sup>183</sup> This is exemplified by the on-going insurgence in the northern region, in which educational facilities are being destroyed and school children being kidnapped by Islamic Militants, "*Boko Haram*" (meaning western education is a sacrilege or ungodly).<sup>184</sup> Characteristically, the sect not only opposes but rejects western

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<sup>177</sup><sup>177</sup>Fafunwa (1974).

<sup>178</sup>Bolujoko (2008) 15.

<sup>179</sup>Winters (1987) 178.

<sup>180</sup>Niles (1989) 14.

<sup>181</sup>Niles (1989) 14.

<sup>182</sup>Niles (1989) 14.

<sup>183</sup>Umar (2003) 11.

<sup>184</sup>Umar (2003).

education and western culture. It embraces and advocates the propagation of and strict adherence to Islam by all regardless of anyone's personal rules.<sup>185</sup>

This situation has immense implications not only for the success of the UBE scheme in the region, but also for children and their right to basic education.<sup>186</sup> Educational facilities provided by the government have become major targets of the insurgents. As observed by Human Right Watch, in February 2012 alone 12 schools were burnt down.<sup>187</sup> At the time Human Right Watch filed its report, an estimated five thousand students (5000) were staying out of school and that number continue to increase with more schools being attacked in the north.<sup>188</sup> Human Right Watch noted that the attacks on schools by armed groups not only endanger children's and teachers' lives but also deny children their rights to education.<sup>189</sup> As a result of the attacks and consequent closing down of schools, children may entirely drop out of school.<sup>190</sup> Even when classes resume after an attack, the quality of education may suffer because students and teachers live in fear and with insufficient or damaged learning materials.<sup>191</sup> Threats of attacks may also prompt neighbouring schools to close or parents to keep their children at home.<sup>192</sup> The strong resistance and attacks on educational facilities by some groups in the north, not only undermine the right to education. Under circumstances such as these it is difficult for the government to achieve its objective of providing every Nigerian child basic education through the UBE scheme.

In addition to the rejection of western-styled education by some groups in the northern region on religious ground, the declining quality of basic education provided in public schools by government has also not being acceptable to parents who have the desire to send their children to acquire formal basic education. Such parents now seek alternative schools for their children other than the ones provided by government.<sup>193</sup> Those who could afford it send their children to private schools because they believe private schools are better equipped and are more dedicated to provide their children the kind of quality education they crave.<sup>194</sup> On the other hand those who cannot afford private school especially for poor households in the

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<sup>185</sup> Adesoji, (2010) 100.

<sup>186</sup> Human Right Watch (2012).

<sup>187</sup> Human Right Watch (2012).

<sup>188</sup> Human Right Watch (2012).

<sup>189</sup> Human Right Watch (2012).

<sup>190</sup> Human Right Watch (2012).

<sup>191</sup> Human Right Watch (2012).

<sup>192</sup> Human Right Watch (2012).

<sup>193</sup> Hoechner (2013)46.

<sup>194</sup> Hoechner (2013)46.

north could view it as an opportunity to withdraw their children and enrol them in Qu'ranic schools where they will not have to pay any fees.<sup>195</sup> Nasir noted that this result in the increase in enrolment in both private schools and Qu'ranic schools.<sup>196</sup>

In light of the above discussion, two factors can be deduced as responsible for the non-acceptance of western-styled education in the north. The first factor is religious influence and the second factor is the declining qualities of basic education provided in public schools by the government, which result in some parents enrolling their children in private schools, and others especially parent from poor households, enrolling their children in Qu'ranic schools. This decision is not made because *Almajiri/Qu'ranic* school offer a better quality education than the public schools. Rather, some of the parents are already caught between decisions to enrol their children in formal public school and *Almajiri/Qu'ranic* school. As Hoechner noted the poor quality education provided in public schools was just the excuse or the trigger needed by some parents to withdraw and enrol their children in *Almajiri/Qu'ranic* schools, so as to fulfil religious obligation.<sup>197</sup>

To reverse this trend, it is necessary for government to revitalise public schools. This can be done by increasing budgetary allocation to the education sector so as to level the quality of basic education with the recommendation of the General Comment. An increased budgetary allocation would assist school managers to embark on projects such as the provision of new facilities, repairs and upgrading of existing educational infrastructure, and training of teachers. Raising the standard of public schools to meet those of private schools would make public schools competitive. To encourage children in the northern part of the country to access western education, the government should also consider removing, or significantly reducing the amount of levies paid in public schools. The government should also vigorously pursue the option of incorporating vocational training in Qu'ranic schools, an aspect which is already included in the government *Almajiri/Qu'ranic* integrated model schools policy. An aspect I will examine in detail in chapter four when I examine measures put in place by government to address the challenges posed by the *Almajiri/Qu'ranic* schools. Government should pursue the integration policy with more vigour and commitment. This will enable pupils who attend these schools to acquire basic skills necessary for survival in a fast changing world. Furthermore, effective implementation of monitoring and evaluation of

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<sup>195</sup>Hoechner (2013)46.

<sup>196</sup>Nasir (2011) 9.

<sup>197</sup>Hoechner (2013)46.

educational activities and programmes in public schools will also help improve and revitalise public schools.

## 2.5 Adaptability

The fourth guideline provided by General Comment No. 13 points to the fact that State parties are obligated to provide education that is flexible and can adapt to the needs of changing societies and communities and also respond to the needs of students within their diverse social cultural settings.<sup>198</sup> School systems must adapt to the various needs of individual students, rather than expect children to fit within a prescribed syllabus or manage with whatever facilities that are in place.<sup>199</sup> For government and parents alike, this often involves making a conscious choice for example choosing between private or public education systems, deciding whether to allow children to be educated at home, and the sensitive issue of whether to encourage the establishment of religious schools.<sup>200</sup>

A typical example of adapting education policy to the needs of the students is the *Almajiri* and nomadic education policy of the government. In recognition of the relevance of religious education to the people of northern Nigeria, the Nigeria government as part of the implementation of the universal basic education programme, created an educational policy centred on a synergy between formal education and Qu'ranic schools, also known as the *Almajiri* model schools.<sup>201</sup> One of the aims of this synergy is to balance the cultural and religious needs of *Almajiri/Qu'ranic* students and the need for them to acquire formal education.<sup>202</sup> The synergy entails incorporating elements of conventional education into religious schools to enable the students to adapt gradually to the elements of conventional schools, and also to have the opportunity of acquiring both conventional and religious education.<sup>203</sup> Part of the implementation of this policy, is for government to provide classrooms, furniture, free lunch, teachers and other facilities that are required for the proper

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<sup>198</sup>Tomasevski (2003) 8.

<sup>199</sup>Tomasevski (2003)8.

<sup>200</sup>Tomasevski (2003)8.

<sup>201</sup>Usman (2008) 62.

<sup>202</sup>Usman (2008)62.

<sup>203</sup>Usman (2008)33.

functioning of the school.<sup>204</sup> This is significant because it will provide the *Alamajiri* children the opportunity to acquire both formal education that will provide them with basic skills to enable them function effectively in society and also acquire Qu'ranic education, which they attach so much importance.

A similar policy was also introduced by the government for the nomadic population in Nigeria, which is estimated to be 9.4 million, including 3.1 million school-age children.<sup>205</sup> The majority of them (7 million) are pastoralist, while the remainder are migrant fishers and farmers.<sup>206</sup> Just as in other countries, national education systems have largely failed the nomadic communities in terms of enrolment, and participation in the main stream education system.<sup>207</sup> This is to a large extent as a result of the nature of their occupation, which requires constant migration/movement in search of water in the case of fishermen and pasture in the case of pastoralists. The nature of their occupation does not accord them the opportunity to engage in the mainstream education system, which will require them to attend classes on a daily basis.<sup>208</sup> Similarly the centrality of child labour in their production system makes it extremely difficult to allow them to participate in formal schooling.<sup>209</sup>

It was as a result of this realisation that the Nigerian government in 1989 established the National Commission for Nomadic Education (NCNE).<sup>210</sup> The commission was tasked with the primary responsibility of implementing the Nomadic Education Programme (NEP), by providing basic education to the children of pastoral nomads and migrant fishermen.<sup>211</sup> The NCNE adopted wide ranging approaches in providing basic education to the children of nomadic pastoralists and migrant fishermen. The approaches adopted included: on-site schools, the shift-system, schools with alternative in-take, Islamayya schools and to a limited extent, mobile schools.<sup>212</sup> Classroom structures also vary according to approaches adopted. For instance, there is nomadic pastoralist schools with permanent structures, mobile classroom structures and schools in which teaching is carried out under trees.<sup>213</sup> Such on-site,

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<sup>204</sup>Usman (2008)22.

<sup>205</sup>Bashir (2011) 39.

<sup>206</sup>Bashir (2011) 39.

<sup>207</sup>Bashir (2011) 39.

<sup>208</sup>Bashir (2011) 39.

<sup>209</sup>Bashir (2011) 39.

<sup>210</sup>Bashir (2011).

<sup>211</sup>Bashir (2011).

<sup>212</sup>Situation report on Nomadic education).

<sup>213</sup>Situation report on Nomadic education.

shift and mobile classrooms is very important, as it takes the migrant or mobile nature of this group of people into consideration.

The nomadic education and *Almajiri* education policies are examples of adaptability where education is provided to suit the needs of the students. However one of the biggest challenges in Nigeria has not been about viability of government policies but implementation. Both the *Almajiri* and nomadic education policies have been hampered by implementation challenges. For example the nomadic education is marred by lack of sufficient and qualified teachers. There is about a ratio of 3 teachers per nomadic school, which is wholly insufficient.<sup>214</sup> A significant number of these teachers do not possess the required teaching certificate prescribed by the government.<sup>215</sup> There is also an inadequate supply of infrastructure such as classrooms, furniture, and teaching materials such as textbooks and exercise books.<sup>216</sup>

Similar implementation challenges are also hampering the *Almajiri* education policy. For example, Usman carried out an assessment of the *Almajiri* model schools provided by government. Part of the government responsibility is to provide classrooms. However Usman discovered that at the time of the assessment, two years after the launch of the programme, there was still a lack of sufficient classrooms.<sup>217</sup> Teachers employed in the school did not have the required skills to teach conventional subjects such as math, English, and sciences other than the Qu'ran.<sup>218</sup> Proper education and awareness drive was not carried out with the students prior to the implementation with the result that food and chairs provided in some of the schools were rejected on the ground that they were alien to their culture.<sup>219</sup>

In view of the above discussion, the government policy of providing educational system that adapts to the social, economic and cultural needs of nomads and *Almajiri* is highly commendable. This will afford the millions of nomads and the *Almajiri* that are outside the mainstream education system either as a result of their occupation or as a result of their religious and cultural beliefs the opportunity to acquire basic education skills, that are required to function effectively in this modern world. From exiting literature, I identify insufficient funding, lack of skilled and qualified teachers, inadequate infrastructure, insufficient teachers and the lack of proper consultation with stakeholders in the schools as

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<sup>214</sup>Situation Report on Nomadic Education.

<sup>215</sup>Situation report on Nomadic education.

<sup>216</sup>Situation Report on Nomadic Education.

<sup>217</sup>Usman (2008)63.

<sup>218</sup>Usman (2008) 62.

<sup>219</sup>Usman (2008)62.

some of the challenges facing the nomadic and *Almajiri* education systems. These challenges have hampered the success of the Integrated *Almajiri* Model School and the Nomadic education policy. To resolve the challenges highlighted above, the need for proper consultation with students of both the *Almajiri* and Nomadic schools is necessary to ensure their cooperation and effective implementation of policies affecting them. In addition sufficient funding will assist in the recruitment and training of qualified teachers as well as in the provision of adequate infrastructure and study materials.

## 2.6 Conclusion

The central thesis of this chapter was to appraise the free and compulsory basic education provided by the government of Nigeria to tackle the challenge of the high number of out-of-school children and guarantee their right to basic education in the country. The aim was to ascertain whether the quality of education provided complies with the international standards of availability, accessibility, acceptability and adaptability (also known as the 4-A framework) recommended by the General Comment No 13. Based on the discussions and analysis provided, it can be concluded that while the Nigerian government has made efforts to make basic education available through its UBE scheme, these efforts are far from meeting international standards. Sufficient infrastructure, teachers and other resources needed to provide quality education are still missing. Despite the fact that basic education is declared free in the country, other indirect costs continue to hinder poor households from benefitting from the scheme. Resistance to western-styled education by some elements in northern Nigeria continue to pose a challenge to the success of the UBE scheme in the Muslim dominated northern Nigeria. The inability of the government to provide quality education through the UBE scheme that is available, accessible, acceptable and adaptable has continued to deny children their right to basic education in Nigeria. It has also provided fertile ground for the growth of private schools and the patronage of Qu'ranic schools in northern Nigeria. Until sufficient funding is provided by the government to tackle the infrastructural deficit, and provide the needed training for teachers in the basic education sector, a huge gap will continue to exist between the basic education provided by the Nigerian government, and the one recommended by the General Comment No.13. In the next chapter I will examine the

effect of religious and cultural practices such as *Almajiri* and the practice of early child marriage on the right to basic education of children in northern Nigeria, and the challenges such practices present to the success of the universal basic education scheme in the north.

## Chapter 3

### **The Effect of *Almajiri/Qu'ranic* Education and Early Child Marriage on the Right to Basic Education in Northern Nigeria**

#### **3.1 Introduction**

The aim of this chapter is to examine the effect of *Almajiri/Qu'ranic* education and early child marriage as religious and cultural practices on the right to basic education of children in northern Nigeria. While the practice of *Almajiri* affects the right to basic education of the male child, as the practice is associated with boys,<sup>220</sup> the practice of early child marriage affects the right to basic education of the girl child.<sup>221</sup> These two practices have had a significant impact on the right to basic education of children in the region. Statistics indicates that over 12 million girls between the ages of 13-14 are married in the region,<sup>222</sup> while an estimated 9.5 million boys are enrolled in *Almajiri/Qu'ranic* schools.<sup>223</sup> In northern Nigeria, religious and cultural practices influence parents' decisions to send their boys at young age to *Almajiri/Qu'ranic* schools to learn the Quran, while the girls are given out to marriage at a very young age.<sup>224</sup> The implication of these practices is the violation of the children's right to basic education as provided by the *UBE Act 2004*.<sup>225</sup>

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<sup>220</sup>Usman (2008) 63.

<sup>221</sup>Okereke et al. (2012) 75.

<sup>222</sup>IRIN Africa (2008).

<sup>223</sup>Onuoha (2014).

<sup>224</sup>Bunting and Engle (2006) 312.

<sup>225</sup>Section 2(1) of the UBE Act.

The chapter is divided into two parts. The first part of the chapter examines the effect of *Almajiri/Qu'ranic* education system on the right to basic education of children in northern Nigeria. This includes the meaning, origin and the development of the *Almajiri/Qu'ranic* education system from the pre-colonial era, colonial era and through to the post-colonial era. The chapter evaluates the *Almajiri/Qu'ranic* education system vis-a-vis its continued relevance to modern society. The second part of the chapter examines early child marriage as a religious and cultural practice that has denied the girl child her right to basic education in northern Nigeria. It examines the meaning of child marriage, the causes of child marriage, and the effect this practice has on the right to basic education of children in the north.

Early child marriage is viewed as any marriage carried out below the age of 18 years, before the girl is physically and physiologically ready to shoulder the responsibilities of marriage and childbearing.<sup>226</sup> While more women are marrying at the age of 20 years and above in the developed world, an estimated 50% of women are married by the age of 18 in the developing world with the highest percentage in West Africa.<sup>227</sup> The Nigerian 2008 Demographic and Health survey report indicates that the average range age for marriage in the north is 15 to 19 years old. In the north east the average age is 15.9 while in the North West is 15.7.<sup>228</sup> The 2005 National HIV/AIDS Reproductive Health Survey revealed that 73% of girls between the ages of 13 and 19 years are married in the north-eastern states of Nigeria.<sup>229</sup> The number of married adolescents in north-east and north-west make up about 42% of the total number of Nigerian married adolescents within the age range 15-19.<sup>230</sup> The combined religious and cultural practices of *Almajiri* for boys and early child marriage for girls have had a significant effect on the right to basic education of children in northern Nigeria.

### 3.2 Meaning and Origin of *Almajiri/Qu'ranic* Education

As previously noted the word *Almajiri* emanated from Arabic word 'AL-MUHAJIRIN' which resulted from the Prophet Mohammed's (peace be unto him) migration from Mecca to

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<sup>226</sup>Okereke et al (2013) 74.

<sup>227</sup>Okereke et al (2013) 74.

<sup>228</sup>Nigeria Demographic and Health Survey( 2008).

<sup>229</sup>The (2005) National HIV/AIDS and Reproductive Health Survey.

<sup>230</sup>The 2005 National HIV/AIDS and Reproductive Health Survey.

Medina.<sup>231</sup> From the Islamic point of view the word was first used by Prophet Mohammed to indicate those of his companions (*Muhajirun*) who migrated with him for the sake of Islam from Mecca to Medina.<sup>232</sup> However, the name *Muhajirun* later came to refer to those knowledge seekers who move from place to place in search of knowledge like the *Qu'ranic* school teacher and his pupils.<sup>233</sup> It refers to the traditional method of acquiring and memorising the Quran in *Hausa/Fulani* land where boys at their tender age are sent out by their parents or guardian to other villages, towns or cities for *Qu'ranic* education under a knowledgeable Islamic scholar called *Malam*.<sup>234</sup> Bambale noted that *Almajirai* (plural of *Almajiri*) are categorised into 3 classes: *Gardi* (adult), *Titibiri* (adolescent) and *Kolo* (infant).<sup>235</sup> The *Gardi* (adults) engage in some labour intensive services as a means of livelihood while the *Kolo* (infant) and *Titibiri* (adolescents) beg for alms/food.<sup>236</sup>

The development of *Almajiri/Qu'ranic* education in northern Nigeria can be viewed in three stages namely the pre-colonial, colonial and post-colonial eras. The next section of the chapter will examine the development of the *Almajiri/Qu'ranic* education during each of these eras. This is necessary to show the significance of the *Almajiri/Qu'ranic* education to Muslims in northern Nigeria during the pre-colonial era, and the gradual decline in significance of the *Almajiri* education system during the colonial era and the post-colonial era due to the introduction of western-styled education.

### **3.3 Development of the *Almajiri/Qu'ranic* Education System in Pre-Colonial to Post-Colonial Era**

The development of *Almajiri/Qu'ranic* education in Nigeria passed through different phases or eras, namely the pre-colonial, colonial and the post-colonial era. Each of these phases or eras presented different experiences and challenges to the *Almajiri/Qu'ranic* education system. This section of the study examines the development of *Almajiri/Qu'ranic* education system from the pre-colonial to the post-colonial era.

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<sup>231</sup>Ifijeh&James (2012) 98.

<sup>232</sup>Ifijeh, & James (2012)98.

<sup>233</sup>Ifijeh, & James (2012) 98.

<sup>234</sup>Ifijeh, & James (2012) 98.

<sup>235</sup>Bambale 2003 cited inYusha et al (2013) 127.

<sup>236</sup>Bambale 2003 cited inYusha et al (2013) 127.

### 3.3.1 Almajiri/Qu'ranic Education System in the Pre-Colonial Era

The pre-colonial era saw the establishment in Northern Nigeria of the *Almajiri* education system originally called the *Tsangaya* under the *Kanem-Borno* Empire, one of the oldest ruling empires in the world extending from the frontiers of northern Nigeria across the Chadian region up to the borders of Libya.<sup>237</sup> It was established as an organised and comprehensive system of education for learning Islamic principles, values, jurisprudence and theology.<sup>238</sup> It was a model of Islamic learning centres in many Muslim countries such as *madrasah* in Pakistan, Malaysia, Egypt, Indonesia etc.<sup>239</sup>

*Almajiri/Qu'ranic* education evolved as an institution highly revered and noted for moral and spiritual education.<sup>240</sup> These schools enjoyed support in the pre-colonial era as valued institutions for religious socialisation and social reproduction.<sup>241</sup> In the pre-colonial era, the schools were maintained by the state, communities, and parents.<sup>242</sup> These were supplemented by teachers and pupils through farming, fishing, masonry, productive trades, tailoring and small businesses.<sup>243</sup> Since Islam encourages charity to wayfarers and to students, the communities often supported the *Almajiris* most of whom came from faraway places to enrol in the schools.<sup>244</sup>

The *Almajiris* in return offered services such as laundry, cobbling, gardening, weaving, and sewing to the community that contributed to their wellbeing.<sup>245</sup> *Almajiri* teachers and their pupils were reported to have freely provided their community with Islamic education in addition to the development of reading and writing of Hausa languages using Arabic alphabets.<sup>246</sup> Based on this system which is founded upon teaching of Quran, Muslims in northern Nigeria were educated in their way of life, including governance, customs,

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<sup>237</sup> Almajiri Project (2012) 1.

<sup>238</sup> Almajiri Project (2012) 1.

<sup>239</sup> Almajiri Project (2012)1.

<sup>240</sup> Awofeso et al. (2003) 314.

<sup>241</sup> Fafunwa(1974) 48.

<sup>242</sup> Elechi and Yekorogha (2013) 72.

<sup>243</sup> Elechi and Yekorogha (2013) 72.

<sup>244</sup> Elechi and Yekorogha (2013) 72.

<sup>245</sup> Abdulgadir( 2003) in Elechi and Yekorogha (2013) 72.

<sup>246</sup> Abdulgadir( 2003) in Elechi and Yekorogha (2013) 72.

traditional crafts, trades and even mode of dressing.<sup>247</sup> In addition the *Almajiri/Qu'ranic* education system aimed to provide training that includes moral training that inculcate respect for elders, shunning of alcohol consumption, dishonesty, lies, developing good habits and the development of a virtuous man that will be useful to the society.

Initially restricted to scholarly families, religious knowledge has been a political asset since inception of Islam not only in northern Nigeria but in other Muslim countries in Africa.<sup>248</sup> As the main literate class prior to colonisation, religious scholars became particularly influential in the Sokoto Caliphate because they were the ones eligible for certain government positions.<sup>249</sup> The wide spread-demand for religious education and the proliferation of *Almajiri* schools is attributed to the importance the reformist government of Usman Dan Fodio placed on religious education and the substantial support Qu'ranic schools received from both state and community.<sup>250</sup>

*Almajiri/Qu'ranic* education was the pillar and the live-wire of the Sokoto Caliphate established by Usman Dan Fodio in 19<sup>th</sup> century.<sup>251</sup> Documented evidence shows *Almajiri/Qu'ranic* education system produced the religious reformers as well as rulers, judges and scholars who maintained the existing legal system at the time.<sup>252</sup> It also produced several clerics who played a significant role in the administrations as well as religious men who tried to maintain the tone of religious life.<sup>253</sup> During the pre-colonial era as indicated in the discussion the *Almajiri/Qu'ranic* education was at the height of its significance.

### 3.3.2 *Almajiri/Qu'ranic* Education in the Colonial Era

During the colonial era, the *Almajiri/Qu'ranic* education system did not enjoy the kind of support or influence it wielded during the pre-colonial era. The British invasion and colonisation of northern Nigeria in 1904 led to a gradual decline in relevance of the

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<sup>247</sup>Abdulgadir( 2003) in Elechi and Yekorogha (2013) 72.

<sup>248</sup>Hoechner (2013) 33.

<sup>249</sup>Hoechner (2013) 33.

<sup>250</sup>Hoechner (2013) 33.

<sup>251</sup>Gbadamosi (1967) 5.

<sup>252</sup>Gbadamosi (1967) 5.

<sup>253</sup>Gbadamosi (1967) 5.

*Almajiri/Qu'ranic* education in northern Nigeria.<sup>254</sup> As accounted by Dambuzu, the colonialist killed and disposed of Emirs who resisted foreign rule, and those who were subjugated lost control of their territories and were forced to accept their new role as mere traditional rulers used only for indirect rule.<sup>255</sup> The British took control of the state treasury and withdraw state funding for *Almajiri/Qu'ranic* schools.<sup>256</sup> The colonialist also refused to recognise the *Almajiri/Qu'ranic* education system as a relevant education system and deliberately abolished state funding arguing that they were religious schools.<sup>257</sup> *Boko*, meaning western education, was introduced and funded instead.<sup>258</sup>

Western-styled education introduced by the colonialist became predominant because it enjoyed state patronage.<sup>259</sup> Its graduates took the centre stage in statecraft, social work and administration.<sup>260</sup> This was the beginning of the setback and the gradual decline in relevance of the *Almajiri/Qu'ranic* education system. The graduates of the *Almajiri/Qu'ranic* education system were gradually made redundant, while the products of the western-styled education were employed and paid lucratively in government positions. According to Salisu the entire Muslim community was all of a sudden declared illiterate.<sup>261</sup>

Consequently, Muslim scholars who were considered learned people as a result of their knowledge of the Quran and were in charge of state affairs before the introduction of western-styled education were all of a sudden considered illiterate or uneducated, (at least to the government in the new status quo).<sup>262</sup> This development rendered the Muslim scholars not only unemployed but unqualified and unemployable regardless of being able to read and write.<sup>263</sup> Islamic scholars who were revered professionally for controlling the moral fibres of the society gradually became neglected.<sup>264</sup> Muslim scholars who were a source of arbitration to the people of their communities were demoted to the delivery of a sermon once a week at a local Mosque on Fridays.<sup>265</sup>

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<sup>254</sup> Elechi and Yekorogha (2013) 77.

<sup>255</sup> Dambuzu 2012 cited in Elechi and Yekorogha (2013) 72.

<sup>256</sup> Dambuzu(2012) cited in Elechi and Yekorogha (2013) 72.

<sup>257</sup> *Almajiri Project* (2012)2.

<sup>258</sup> *Almajiri project* (2012)2.

<sup>259</sup> Salisu (2006) 6.

<sup>260</sup> Salisu (2006) 6.

<sup>261</sup> Salisu (2006) 6.

<sup>262</sup> *Almajiri project* (2012)2.

<sup>263</sup> *Almajiri Project* (2012)3.

<sup>264</sup> *Almajiri project* (2012)3.

<sup>265</sup> *Almajiri project* (2012)3.

The loss of support in terms of funding, infrastructure and training from the government, which were now diverted to sponsor western-styled education in the form of missionaries schools,<sup>266</sup> resulted in the responsibility of *Almajiri/Qu'ranic* education being taken over by the local scholars who considered it as a moral and religious obligation to educate these pupils for the sake of *Allah* (God).<sup>267</sup> One of the negative consequences that developed as a result of the withdrawal of state support by British colonialists is the introduction of street begging, which has come to be associated with the *Almajiri/Qu'ranic* education system today.<sup>268</sup> The pupils were sent out to beg for alms from the general public, so as to sustain the system.<sup>269</sup> Begging was not part of the system when it was introduced by the founding fathers, but because of withdrawal of state funding *Malams* who took over the responsibility of running these schools were overwhelmed by the challenges of feeding, clothing and housing these children, hence the introduction of begging to sustain the system.<sup>270</sup> In essence the *Almajiri/Qu'ranic* education experienced a significant setback during the colonial era.

### 3.3.3 *Almajiri/Qu'ranic* Education System in the Post-Colonial Era

The condition of the *Almajiri/Qu'ranic* education in the post-colonial era was not very different from that of the colonial era. The neglect of the *Almajiri/Qu'ranic* education system that started in the colonial era continued with the transfer of government to the local political authorities.<sup>271</sup> While enormous resources were expended by the post-colonial government on formal education, *Almajiri/Qu'ranic* education was considered a private affair of parents. The assistance that used to be offered by the members of the Muslim community to the *Almajiri/Qu'ranic* education was no longer forthcoming in sufficient quantity. This was as a result of the prevailing harsh economic condition in the region during the colonial era. Hence, *Almajiri/Qu'ranic* school pupils were exposed to begging, hawking, and roaming about the street in search of food.<sup>272</sup>

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<sup>266</sup> Elechi and Yekorogha (2013) 72.

<sup>267</sup> *Almajiri Project* (2012) 3 .

<sup>268</sup> *Almajiri Project* (2012)2

<sup>269</sup> *Almajiri Project* (2012)2

<sup>270</sup> *Almajiri Project* (2012)3.

<sup>271</sup> Salisu (2006) 12.

<sup>272</sup> Salisu (2006) 12.

In the post-colonial era several education laws and policies were put in place to entrench western-styled education in Nigeria. The introduction of the Universal Primary Education (UPE) policy, which started in 1955 when Nigeria was governed by regional government, is an example of such policies.<sup>273</sup> The regional governments were the western region, eastern region and the northern regional governments. The aim of the UPE programme was to increase access to formal primary education to benefit children of school age.<sup>274</sup> The UPE scheme produced mixed outcome in the three regions.<sup>275</sup> While the policy recorded significant success in the western region, as it increased the enrolment of children in formal primary schools, the situation was not the same in the eastern and northern regions.<sup>276</sup> In the eastern region, the introduction of the UPE scheme was marred by inadequate planning, infrastructure and teachers.<sup>277</sup> In the northern region the scheme was not also successful because of the resistance of the region towards western-styled education.<sup>278</sup>

In 1999, the Universal Primary Education scheme was repackaged and re-launched in the form of the Universal Basic Education (UBE).<sup>279</sup> In 2004 the UBE scheme was passed into law as the UBE Act 2004. The Act made basic education free and compulsory.<sup>280</sup> The Act also confers on every child in Nigeria the right to free and compulsory basic education.<sup>281</sup> It imposes a legal obligation on parents to ensure that their children acquire the mandatory basic education prescribed by the government.<sup>282</sup> The UBE Act made it a criminal offense for parents who failed to fulfil this legal obligation.<sup>283</sup> In essence parents in northern Nigeria who continued to enrol their children in *Almajiri/Qu'ranic* schools are violating the rights to basic education of their children. This is because the curriculum of the universal basic education as defined by UBE Act is at variance with the *Almajiri/Qu'ranic* educational curriculum. The curriculum of basic education provides basic literacy skills in subject area such as Maths, English, Sciences and other related subjects, while the curriculum of the *Almajiri/Qu'ranic* education has the Quran as its curriculum.<sup>284</sup> In essence graduates of the

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<sup>273</sup> Labo-Popoola et al (2009) 637.

<sup>274</sup> Labo-Popoola et al (2009) 637 .

<sup>275</sup> Labo-Popoola et al (2009) 637.

<sup>276</sup> Labo-Popoola et al (2009) 637.

<sup>277</sup> Labo-Popoola et al (2009) 637.

<sup>278</sup> Labo-Popoola et al (2009) 637.

<sup>279</sup> Labo-Popoola et al (2009) 637.

<sup>280</sup> UBE Act 2004.

<sup>281</sup> Section 2(1).

<sup>282</sup> Section 3 of the UBE Act 2004.

<sup>283</sup> Section 4 of the UBE Act.

<sup>284</sup> Usman (2008) 64.

*Almajiri/Qu'ranic* education system are not equipped with basic literacy skills that will enable them contribute meaningfully to modern society, driven by numeracy skills and technology. The following table highlights the differences between *Almajiri/Qu'ranic* education and formal basic education.

**Table 3**

**The Difference Between *Almajiri/Qu'ranic* and Formal Basic Education from 1960 to 2011.**<sup>285</sup>

	<b>Formal or western-styled basic education</b>	<b><i>Almajiri/Qu'ranic</i> education</b>
<b>Curriculum/subjects</b>	Maths, English, Sciences and other related subjects.	Quran
<b>Cost</b>	Officially free but recurrent expenses for learning materials, uniforms, school running cost, and in some cases transport	Donations (grain, money) for teachers upon enrolment and graduation.
<b>Schedule</b>	Mostly morning shifts, some schools operate afternoon shifts	Early morning, morning, afternoon, and evening shifts; seasonal movement to rural areas during farming season
<b>Teaching methods</b>	Age-graded classes, classrooms, desks, chairs and blackboards	Flexible learning groups based on students' progress, wooden slates and inks, prayer mats on the floor,

<sup>285</sup> Nigeria Research Network (NRN) (2013) 2.

		often in mosques or open space
<b>Students accommodation</b>	At primary level mostly day schools, at secondary level many boarding schools	Day and boarding schools, boarding schools often lack physical infrastructure; students sleep and study in mosques, open spaces, teachers, neighbours or employers houses

Table 3 gives a brief distinction between western-styled or formal basic education and *Almajiri/Qu'ranic* education, from 1960 to 2011. The reason for this time frame is that in 2012 the curriculum of the *Almajiri/Qu'ranic* education was altered by the government policy to integrate elements of formal education into the *Almajiri/Qu'ranic* system. This will enable students of the *Almajiri/Qu'ranic* education to acquire basic literacy skills that will enable them to contribute meaningfully to society. I will analyse the integration policy in detail in chapter four when I examine the measures put in place by government to address the problems associated with the *Almajiri/Qu'ranic* education system.

One of the most important distinctions provided by the Table 3 is the curriculum or subjects. As indicated in the table, western-styled education or formal education equipped its students with basic literacy skills such as Maths, English, Science and other related subjects, while *Almajiri/Qu'ranic* education equipped its pupils with Islamic principles and values and has the Quran as the main curriculum.

Inferring from the two curricula provided in the Table 3 above, it can be argued that *Almajiri/Qu'ranic* education system does not provide basic literacy skills to its students and can at best be described as religious classes. It is on this basis I posit that enrolment of children into *Almajiri/Qu'ranic* schools is a violation of the children's right to formal basic education as guaranteed by the UBE Act 2004.<sup>286</sup>

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<sup>286</sup>Section 2(1) of the UBE Act 2004

### 3.4 Critique of the *Almajiri/Qu'ranic* Education System

According to Fafunwa, in assessing any education system, one must determine the extent to which it meets the needs of a particular society at any given time.<sup>287</sup> The question that needs to be asked here is does the *Almajiri/Qu'ranic* education system meet the needs of modern Nigerian society? As noted by Khalid, there is no doubting the fact that *Almajiri/Qu'ranic* education produced highly knowledgeable northern Hausa-Fulani Muslims in the past.<sup>288</sup> However, he noted that given the geopolitical configuration of modern Nigeria, whatever educational system that is adopted, should be able to produce not only Hausa-Fulani Muslims but full Nigerian citizens and clearly the traditional *Almajiri/Qu'ranic* education system cannot achieve that.<sup>289</sup> Khalid went further to note that if the Hausa-Fulani Muslim society is to develop, the skills and techniques required for organising and administering a modern society must be acquired. In the past, the Hausa-Fulani in the north possessed these assets through the *Almajiri/Qu'ranic* education system.<sup>290</sup> This is exemplified by the fact that in the pre-colonial era, graduates of the *Almajiri/Qu'ranic* education system were viewed as the only literate class. Documented evidence shows that the *Almajiri/Qu'ranic* education system produced the religious reformers as well as rulers, judges and scholars who maintained the existing legal system at the time.<sup>291</sup> It also produced several clerics who played a significant role in the administrations as well as religious men who tried to maintain the tone of religious life.<sup>292</sup> However with the advent of colonialism and the introduction of western-styled education, the situation changed.

While it can be argued that the *Almajiri/Qu'ranic* education system met the needs of the existing social order during the pre-colonial northern Nigeria, it is fair to argue that it has failed to meet the needs of modern northern Nigerian society. The modern Nigerian State is an integral part of the global system driven by technology, and advance skills in commerce and industry, management and communication.<sup>293</sup> The *Almajiri* education cannot offer these

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<sup>287</sup>Fafunwa (1974) 17.

<sup>288</sup>Khalid (2006) 12.

<sup>289</sup>Khalid (2006) 12.

<sup>290</sup>Khalid (2006) 12.

<sup>291</sup>Gbadamosi (1967) 5.

<sup>292</sup>Gbadamosi (1967) 5.

<sup>293</sup>Khalid (2006) 12.

skills, as indicated from its curriculum, which has the Quran as its only text of study. The *Almajiri/Qu'ranic* education system has lost its value; this is because as noted by Fafunwa the skills given by the *Almajiri/Qu'ranic* education system seemed to be of little help in the modern world of commerce, industry, improved agriculture and more sophisticated administrative machinery of government.<sup>294</sup> In a similar vein Bello noted that the *Almajiri* education system exposed its students to sound moral and strict discipline but without the skills to confront today's world.<sup>295</sup>

According to El-Amin Zubairu, the coordinator of Peoples' Advocacy for Human Rights, who is a Muslim from the north, noted that while the *Almajiri* education system was believed to have achieved what it was set out to achieve in the past, there is a general consensus that it has become an avenue for mass production of miscreants, thugs and vagabond, as such the system should be confined to history.<sup>296</sup>

As noted by Aluaigba, graduates of the *Almajiri* education system are faced with grim future of unemployment as a result of their lack of basic literacy skills to be gainfully employed.<sup>297</sup> Most of them are eventually condemned to menial jobs such as dish washing in restaurants, errand boys for wealthy families, luggage conveyors in motor parks and markets, while others continued with street begging to survive.<sup>298</sup>

According to Aluaigba the mass poverty in the region as compared to other regions of Nigeria is arguably connected to the high level of illiteracy in the northern region. Documented evidence has shown that northern Nigeria currently harbours the highest concentration of illiterate children in the world.<sup>299</sup> This is because despite the fact that the *Almajiri/Qu'ranic* education system does not equip its students with the necessary basic literacy that will enable them to contribute meaningfully to the modern Nigerian society, it continued to command high enrolment of children.<sup>300</sup> The report released in 2013 by the Education for All Monitoring team (EFA), the arm of the United Nation Educational, Scientific and Cultural Organization, (UNESCO), indicates that there are currently an

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<sup>294</sup> Fafunwa (1974) 209.

<sup>295</sup> Bello page 7.

<sup>296</sup> El-Amin Zubairu Quoted in Vanguard newspaper (2012) 2.

<sup>297</sup> Aluaigba (2009) 22.

<sup>298</sup> Aluaigba (2009) 22.

<sup>299</sup> Obaji (2014).

<sup>300</sup> Awofeso et al (2003) 317.

estimated 10.5 million out of school kids in Nigeria<sup>301</sup> of these numbers as noted by Obaji *Almajiri/Qu'ranic* pupils account for over 9 million of the 10.5 million out of school children.<sup>302</sup> Mahmood Yakubu, the executive secretary of the Tertiary Education Trust Fund (TETFund), divulged in April 2012, that there were over 9.5 million *Almajiri/Qu'ranic* school children that are denied their right to basic education in the country due to the *Almajiri* schooling.<sup>303</sup>

The following Tables highlight the enrolment of students into formal schools and *Almajiri/Qu'ranic* schools in 2010 in northern Nigeria.

**Table 4**

**Formal Primary School Enrolment in the three Geopolitical Zones in the North for 2010.**<sup>304</sup>

Zones	Male	Female	Total
<b>North West</b>	3.470 million	2.670 million	6.140 million
<b>North East</b>	1.790 million	1.490 million	3.200 million
<b>North Central</b>	1.690 million	1.470 million	3.160 million
<b>Total enrolment</b>	6.950 million	6.730 million	12.500 million

**Table 5**

**Almajiri School Enrolment for the three Geopolitical Zones in the North for 2010.**<sup>305</sup>

Zones	Figures in million
<b>North West</b>	4 903 million
<b>North East</b>	2 657 million
<b>North Central</b>	1 133 million
<b>Total</b>	8 694 million

<sup>301</sup> [www.uis.unesco.org/datacentre/pages/country-profile](http://www.uis.unesco.org/datacentre/pages/country-profile).

<sup>302</sup> Obaji (2014).

<sup>303</sup> Onuoha (2013).

<sup>304</sup> Ministry of Education (2011).

<sup>305</sup> Nigeria education fact sheet, United State Embassy in Nigeria (2012).

Table 5 above shows the huge following *Almajiri/Qu'ranic* education commands in northern Nigeria. It is worth emphasising that the *Almajiri* education system is mostly practiced by boys,<sup>306</sup> and if that is the case, if we are to take the enrolment of boys into formal primary education, and compare it with the enrolment into *Almajiri* schools, it shows that *Almajiri* education actually recorded more enrolment in 2010 than formal education. The table shows that formal primary schools recorded 6.950 million enrolments in the north, while *Almajiri* schools recorded 8 694 million pupil enrolment for the same year.

### **3.5 Challenges posed by the Continued Existence of the *Almajiri/Qu'ranic* Education System**

The continued existence of the *Almajiri* education system poses the following challenges to the government of Nigeria.

#### **3.5.1 Effect of *Almajiri* on the Right to Basic Education of Children in Northern Nigeria**

The *Almajiri/Qu'ranic* education system has had a significant effect on the right to basic education of children in northern Nigeria. Children enrolled in *Almajiri/Qu'ranic* schools do not have access to formal basic education, as such the right to basic education of those children attending *Almajiri* schools as guaranteed by section 2(1) of the UBE Act 2004 are denied.<sup>307</sup> For example, Okugbeni in his study identifies three schedules of classes in his interview with *Malams* (teachers at *Almajiri* schools).<sup>308</sup> The first session starts after the 5:30 am morning prayers and goes on until 10 am; the second session starts at 2:30 pm in the afternoon and runs until about 6 pm, and the third session starts from 8:30 pm until 10 pm.<sup>309</sup> This time schedule does not give room for pupils of *Almajiri/Qu'ranic* schools to also attend formal primary school as the schedule clashes with formal schooling schedules.

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<sup>306</sup>Bunting and Engle (2006) 321.

<sup>307</sup>Section 2(1) of the UBE Act 2004.

<sup>308</sup>Okugbene (2013) 30.

<sup>309</sup>Okugbene (2013)30.

Abu, an *Almajiri* student interviewed by the Vanguard newspaper of April 26 2012, gave account of a typical day in an *Almajiri* pupil's life. It begins with Quran recitation in the morning and memorisation from the pre-dawn prayer.<sup>310</sup> After this invariably without brushing or bathing, they disperse into the streets, local food restaurants, mosques, motor parks, markets, residence of wealthy persons and social gatherings begging for alms.<sup>311</sup> This dirty job is repeated three times a day, interrupted by breaks at interval for further lessons.<sup>312</sup> Some also engage in domestic chores in exchange for a bowl of food or worn-out clothing items.<sup>313</sup> After the day's toil and hustle, they finally withdraw to their residences for night lessons and sleep. This pattern of wretched existence continues for up to fifteen years or more.<sup>314</sup>

Research has shown that six out of ten *Almariri* pupils that left home for Qu'ranic education never find their way back home.<sup>315</sup> Many are lost through street violence, ritual murder, while others die through disease and hunger.<sup>316</sup>

### **3.5.2 Failure of Government's Obligation with Regard to the UBE Act 2004**

The continued existence and high enrolment in the *Almajiri/Qu'ranic* schools poses a challenge to the government, on the basis that the UBE Act 2004 confers on every child the right to basic education.<sup>317</sup> It is the responsibility or obligation of the Nigerian government to ensure that these rights are protected. The existence of over 9.5 million pupils in the *Almajiri* education system means that 9.5 million children are outside the mainstream education system.<sup>318</sup> It also indicates that the government has failed in its responsibility to guarantee the rights to basic education of the over 9.5 million children attending the *Alamjiri* schools in northern Nigeria. The existence of such a huge number of children outside the mainstream education system, poses a challenge to the government, as this makes it difficult for

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<sup>310</sup>Charles (2012).

<sup>311</sup>Charles (2012).

<sup>312</sup>Charles (2012).

<sup>313</sup>Charles (2012).

<sup>314</sup>Charles (2012).

<sup>315</sup>Almajiri Project (2012) 4.

<sup>316</sup>Almajiri Project (2012) 4.

<sup>317</sup>Section 2(1) UBE Act 2004.

<sup>318</sup>Onuoha (2013).

government to achieve its objective or goal of providing basic education to every Nigerian child.

### 3.5.3 Security Challenge

The continued existence of the *Almajiri/Qu'ranic* education system poses a significant security challenge not only to the government but to the entire society. As noted by El-Amin Zubairu, the coordinator of the Peoples Advocacy for Human Rights, there is general consensus that the *Almajiri* education system has become an avenue for mass production of thugs and vagabonds.<sup>319</sup> There is documented evidence that the *Almajiri/Qu'ranic* pupils have played negative roles during religious and ethnic conflicts in northern Nigeria.<sup>320</sup> According to Aluaigba, the *Almajiri* children are transformed from street beggars into street gangs known as *Yandabasin Kano*.<sup>321</sup> In recent years Nigeria has witnessed several religious riots, and the participants of these riots have been mostly products of the *Almajiri/Qu'ranic* schools.<sup>322</sup>

For example, during the *Maitatsine* riots in Kano in 1980, Kaduna and Maduguri in 1982, and Yola in 1984, the *Almajiri* pupils were handy in stimulating the crisis.<sup>323</sup> The 2004 religious crisis in Kano (the city with highest concentration of *Almajiri*), was very violent because of the involvement of the *Almajiri* gang.<sup>324</sup> There have also been documented reports that *Almajiri/Qu'ranic* schools have become breeding and recruitment grounds for *Boko Haram* terrorist organisations in northern Nigeria.<sup>325</sup> According to Therell, after the completion of their *Qu'ranic* education most of the graduates do not have anywhere to turn to.<sup>326</sup> This is largely because of their lack of literacy skills, which makes it difficult to obtain gainful employment; as such they become willing tools for the *Boko Haram* terrorist organisation in northern Nigeria.<sup>327</sup> Consequently the continued existence of the

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<sup>319</sup>El-Amin Zubairu Quoted in Vanguard newspaper (2012) 2.

<sup>320</sup>Ya'u 2000 cited in Aluaigba (2009) 22.

<sup>321</sup>Ya'u 2000 cited in Aluaigba (2009) 22.

<sup>322</sup>Winters (1987) 197 cited in Aluaigba (2009) 22.

<sup>323</sup>Hasket 1987 cited in Aluaigba (2009) 22.

<sup>324</sup>Human Rights Watch (2005) 60.

<sup>325</sup>Therell (2014).

<sup>326</sup>Therell (2014).

<sup>327</sup>Therell (2014).

*Almajiri/Qu'ranic* education poses a significant security challenge to government and the society at large.

The question is: what are the motivating factors that still influence parents' decisions to send their children to *Almajiri/Qu'ranic* schools other than formal schools? From available literature, I identified two main factors that are responsible for such decision. In the next section I will examine the two motivating factors that influence parents' decision to enrol their children in *Almajiri/Qu'ranic* schools.

### **3.6 Motivating Factors Influencing Parents' Decision to Enrol Children in *Almajiri/Qu'ranic* Schools**

Several factors have been attributed to the rationale behind parent's decision to enrol their children in the *Almajiri/Qu'ranic* education system, this section of the study examines two of these factors namely, acceptability challenge and economic accessibility challenge.

#### **3.6.1 Acceptability**

As noted in chapter two, General Comment No.13 of the ICESCR recommended that basic education provided by government must be acceptable to the people in terms of meeting the religious and cultural needs of the people.<sup>328</sup> Some parents in northern Nigeria are of the view that the basic education provided by government does not meet their religious and cultural needs.<sup>329</sup> Parents in the north hold religious and moral education very dearly.<sup>330</sup> The perception of parents is that *Almajiri/Qu'ranic* schools provide religious and moral education that Islam requires.<sup>331</sup> According to Bello some Muslim parents and religious leaders in the

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<sup>328</sup>General Comment No 13 of the ICESCR.

<sup>329</sup>Okugbene (2013) 30

<sup>330</sup>Hoechner (2013) 70.

<sup>331</sup>Hoechner (2013) 70.

north believe that outside *Almajiri/Qu'ranic* education, all other education systems are mundane and worthless, a trend which according to him continues.<sup>332</sup>

According to Okugbeni, the main difference between the *Almajiri/Qu'ranic* and western-styled schools is the responsiveness of *Almajiri/Qu'ranic* schools to the religious belief of Muslims.<sup>333</sup> For parents, this aspect of moral education constitutes an important part of the upbringing of their children and a main reason for enrolling their children in *Almajiri/Qu'ranic* schools.<sup>334</sup> Muslim parents in the north believe that the moral education provided by *Almajiri/Qu'ranic* education is an aspect they believe is lacking in western-styled education.<sup>335</sup>

The high enrolment in *Almajiri* schools as shown in Table 4 epitomises the faith and belief some parents still have in the *Almajiri/Qu'ranic* education system. Some Muslims believe that western-styled education only teaches means to be wealthy, whereas parents want an education that is also morally relevant to their children.<sup>336</sup> The continued patronage of the *Almajiri* education system by parents who resent Western-styled education system continues to ensure that the *Almajiri* education system survives.<sup>337</sup>

### 3.6.2 Economic Accessibility

As noted in Chapter two, General Comment No. 13 of the ICESCR recommends that basic education provided by the government must be economically accessible. However, despite the fact that government has declared basic education free in Nigeria, poverty has continued to prevent parents in northern Nigeria from enrolling their children in formal schools. This is as a result of other costs associated with formal education.

Several studies have established that most of the children enrolled in *Almajiri/Qu'ranic* schools are from poor households.<sup>338</sup> Interviews by Okugbene of parents who enrolled their

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<sup>332</sup> Bello (1998) 3.

<sup>333</sup> Okugbene (2013) 30.

<sup>334</sup> Okugbene (2013) 30.

<sup>335</sup> Okugbene (2013) 30.

<sup>336</sup> Okugbene (2013) 71

<sup>337</sup> Okugbene (2013) 71.

<sup>338</sup> Aluaigba (2009), Hoechner, (2013), Okugbene, (2013) 30, all point to the fact that children from poor household account for the highest number of enrolments in Qurqnic/Almajiri education.

children in *Almajiri/Qu'ranic* schools confirmed this assertion.<sup>339</sup> Parents pointed out that despite the free basic education of government, there are other costs associated with western-styled education,<sup>340</sup> such as school development levy, parent teachers association fees, exam fees, transport, etc.<sup>341</sup> These are costs parents from poor households pointed out they could not afford, and have inhibited them from sending their children to formal schools.<sup>342</sup> Parents noted that no fees are paid in *Almajiri/Qu'ranic* schools.<sup>343</sup>

The two factors discussed, influence parents decision to enrol their children in *Almajiri/Qu'ranic* schools. Addressing these two factors by the government will reduce enrolment into *Almajiri* education system and enhance the chances of children from poor households' to access formal basic education. On this basis I advocate for the following intervention measures.

### 3.7 Intervention Measures

To tackle the concerns of morality raised by parents as being responsible for their continued enrolment of children into *Almajiri/Qu'ranic* schools, I propose that that government should reintroduce moral instructors in public schools in the north. This should be tailored to meet the religious needs of students and strengthening of laws on discipline, and their effective implementation should also be considered necessary. This view is in accordance with the assertion of Salisu who posits that the introduction of moral instructors, who will teach Islamic discipline in formal schools, will have a far reaching effect on helping to boost enrolment and retention, especially formal schools located in predominantly rural areas.<sup>344</sup>

The recent government policy to integrate the *Almajiri/Qu'ranic* education with the formal education system if sustained and implemented properly will not only resolve the moral education concerns of parents that influence them to enrol their children in *Almajiri/Qu'ranic* schools, but will also equip the graduates of the *Almajiri/Qu'ranic* education system with the needed basic literacy skills to enable them function effectively in modern society. This is

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<sup>339</sup> Okugbene (2013) 30.

<sup>340</sup> Okugbene (2013) 21.

<sup>341</sup> Okugbene (2013) 21.

<sup>342</sup> Okugbene, (2013) 21 .

<sup>343</sup> Okugbene (2013) 21.

<sup>344</sup> Salisu (2014) 12.

because the integrated *Almajiri* model school is an integration of the curriculum of formal education system with that of *Almajiri/Qu'ranic* schools. As earlier mentioned, this policy will be discussed in detail in chapter four when I examine the measures put in place by government to address the challenges posed by the *Almajiri* practices. But the concern for most people is the sustainability of the policy.<sup>345</sup> The *Almajiri* model school policy is a federal government driven policy in partnership with state governments, in which federal government is to set up these schools, while states governments will be responsible for the running of the schools.<sup>346</sup>

Billions of Naira will be expended on these schools for the *Almajiris*, but the question is can individual state governments cope with the future recurrent expenditures that will be incurred by these model schools, given that they will operate a boarding system.<sup>347</sup> This is to ensure that the *Almajiri* pupils do not go back to their old habits of begging for alms on the streets. Nigeria has had such intervention in the past driven by the federal government, which after the initial momentum faded away.<sup>348</sup> Some examples are the education for the girl child in the north, the boy child drop-out syndrome in the south-east, the nomadic education, and the education of the children of migrant fishermen.<sup>349</sup> These projects are assumed to have failed as noted by Okoro because their impact is not being felt by the nation.<sup>350</sup> To ensure sustainability of the system I advocate that both state and federal governments collaborate and set up a mechanism to ensure periodic monitoring and evaluation of the policy. This will enable the government to determine success rate and meet the challenges facing the integrated *Almajiri* model schools. I also advocate that adequate funds be made available to ensure the smooth running of the schools. This view is in accordance with the suggestion made by Usman, who posits that strong collaboration among stakeholders and supervision to check the effectiveness of the integrated *Almajiri* model school policy will ensure a positive outcome for the policy.<sup>351</sup>

In addition I advocate for enlightenment and sensitisation measures targeted at parents and religious leaders, on the need to allow their children to access formal education. Parents and community leaders should be made aware that that the lack of formal education for their

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<sup>345</sup>Salisu (2014) 12.

<sup>346</sup>Okoro (2012)1.

<sup>347</sup>Okoro (2012)1.

<sup>348</sup>Okoro (2012)1.

<sup>349</sup>Okoro (2012)1.

<sup>350</sup>Okoro (2012)1.

<sup>351</sup>Usman (2008) 69.

children in modern society driven by technology and a complex government administrative system will spell doom for the employment prospects of their children, and render them redundant in society; this view is supported by Aluaigba.<sup>352</sup>

Poverty alleviation measures such as subsidising or reducing levies paid in schools, and the provision of children focused grants to support poor rural households in northern Nigeria should be put in place. This assertion is in accordance with the view of Okugbene who posits that the introduction of social protection scheme for rural poor household will provide poor parents with the needed resources to offer their children with meaningful education.<sup>353</sup> Feeding schemes should also be introduced in public schools in rural areas in the north. This will not only help in providing meals for children from poor households, but will also serve as a motivating factor for parents to enrol their children in formal schools. This view is in accordance with Yusha'u et al who are of the view that adequate and regular feeding schemes in schools located in rural areas will encourage enrolment into public schools.<sup>354</sup> Bursaries should also be awarded to children from poor rural households; this will also serve as an incentive for parents to enrol their children in formal schools rather than *Almajiri/Qu'ranic* schools. This assertion is consistent with the view of Usman, who posits that wealthy individuals in community should support government efforts by providing scholarship to intelligent students from poor households in the north. This will provide opportunity to children from poor household who could not afford formal basic education.<sup>355</sup>

In summary, I have examined the *Almajiri/Qu'ranic* education system, and based on the discussion above, the chapter established that the *Almajiri/Qu'ranic* education system is based on religious and cultural practice that has denied children enrolled in the *Almajiri* schools their right to basic education. In the next section I will examine early child marriage especially for girls as another religious and cultural practice that has denied children in the north especially the girl child, their right to basic education.

### **3.8 Effect of Early Child Marriage on the Right to Education in Northern Nigeria**

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<sup>352</sup> Aluaigba (2009) 21

<sup>353</sup> Okugbene (2013) 36

<sup>354</sup> Yusha'u et al (2013) 132

<sup>355</sup> Usman (2009) 70.

This section of the study examines the effect of child marriage on the right to basic education of the girl child in northern Nigeria. The right to basic education of girls in northern Nigeria has suffered a great deal, because of the pervasiveness of child marriage in the region.

### **3.8.1 Definition of Early Child Marriage**

Different legal instruments have either defined what a “child” means or what the appropriate age of marriage should be. For example Article 1 of the Convention on the Right of the Child (CRC) views a child as any human being below the age of 18 years unless under the law applicable to the child, maturity is attained earlier.<sup>356</sup> Article 21(2) of the African Charter on the Right and Welfare of the Child (ACRWC) defines the age of marriage to be 18 years.<sup>357</sup> Section 21 of the Child Right Act 2003 defines the age of marriage to be 18 years. It goes further to prohibit child marriage by stating that any marriage below the age of 18 years is null and void.<sup>358</sup> Inferring from the legal instruments discussed above, early child marriage can be defined as any marriage in which the contracting parties are below the age of 18 years old.

### **3.8.2 Overview of Early Child Marriage in Northern Nigeria**

The betrothal of female children to adult males is still a regular occurrence among the Hausa and the Fulani ethnic groups who are predominantly Muslims and occupy northern Nigeria, and to a lesser extent prevail in other part of Nigeria.<sup>359</sup> In northern Nigeria, child marriage is a cultural and religious practice, which is severely influenced by Islam.<sup>360</sup> According to the United Nation Population Fund (UNFP) 2005 fact sheet, the child marriage rate in Nigeria is 88%, with northern Nigeria accounting for the highest number of child marriages in the country.<sup>361</sup> The Nigerian 2013 Demographic and Health survey report, indicates that while the

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<sup>356</sup> Article 1 of the CRC (1989).

<sup>357</sup> Article 21(2) ACRWC (1990).

<sup>358</sup> Section 21 of the CRA (2003).

<sup>359</sup> Braimah (2014) 475.

<sup>360</sup> Braimah (2014) 475.

<sup>361</sup> United Nations population Fund Fact Sheet (2005).

media age for marriage in the northwest is 15.3 years, the media age for marriage in the northeast is 16.4 years.<sup>362</sup> The 2005 National HIV/AIDS Reproductive Health Survey revealed that 73% of girls between the ages of 13 and 19 years are married in the north-eastern states of Nigeria.<sup>363</sup> The number of married adolescents in north-east and north-west make up about 42% of the total number of Nigeria married adolescents of age rang 15-19.<sup>364</sup> IRIN Africa estimates that about 12 million girls between the ages of 13-14 are married in the north.<sup>365</sup> This gives an idea of the scale of the problem of child marriage in northern Nigeria. Given that the north is predominantly occupied by Muslims, the question that is often asked is does Islamic religion condones early child marriage? In the next section I will examine Islamic religion and early child marriage. This is necessary so as to determine if Islamic religion permits early child marriage or not.

### 3.8.3 Islamic Religion and Early Child Marriage

According to the Quran, Prophet Mohammed is the pattern of conduct for Muslims.<sup>366</sup> As such the conducts and behaviour of Muslims are guided by the teachings of the Quran and the Hadith.<sup>367</sup> On this basis as regard to early child marriage, the following Hadith, states that ‘it is a blessing for a man that his daughter does not menstruate in his home.’<sup>368</sup> In other words, it will be a blessing for a father to give his daughter out for marriage before she starts menstruating. Prophet Mohammed himself married a child bride. Aisha the child bride of Prophet Mohammed reported that Allah’s prophet, (Prophet Mohammed) married her when she was six years old and was admitted to his house when she was nine years old.<sup>369</sup>

In laying down the rule for divorce for Muslims, the Quran in (Surah 65:4) states that if a Muslim man wants to divorce his wife, he has to hold on until she goes through three monthly cycles (menstruation) to make sure that she is not pregnant. Two Months for women who do not have monthly menstruation because of old age, and two months for girls who do

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<sup>362</sup>Nigeria Demographic and Health Survey( 2013)page 86.

<sup>363</sup>The (2005) National HIV/AIDS and Reproductive Health Survey.

<sup>364</sup>The 2005 National HIV/AIDS and Reproductive Health Survey.

<sup>365</sup>IRIN Africa (2008).

<sup>366</sup>Quran Surah (33:21).

<sup>367</sup>Hadith Corpus of the report of the teachings, deed and sayings of the Islamic Prophet Mohamed

<sup>368</sup>Wasa’il, Vol. 20. P.61-63

<sup>369</sup>Iyabode (2011)88

not have menstruation because they are too young. Three months for women and girls who do not have a monthly cycle because they are pregnant.<sup>370</sup>

Tafsir Maududi, a classic Muslim Commentary went further to clarify the provision of (Surah 65:4) of the Quran. He stated that “here one should have in mind the fact that according to the understanding given by the Quran, question of the waiting period arises in respect of the women with whom marriage may have been consummated”.<sup>371</sup> There is no waiting period if the marriage has not been consummated. Therefore, making mention of the waiting period for girls who have not yet menstruated, clearly proves, that it is not only permissible for parent to give away their daughter out for marriage at an early age but is also permissible for the husband to consummate marriage with her.<sup>372</sup> It is obvious that no Muslim has the right to act contrary to what the Quran hold acceptable.<sup>373</sup>

Inferring from the discussion above, while the Quran does not explicitly grant child marriages, the case of Prophet Mohammed marrying Aisha at nine years, and the Quran making reference to men, divorcing girls that have not started their menstrual cycle because they are too young, have often been used as justification by some Muslims for child marriage. For example In 2010 when a Nigerian Senator, Ahmed Yerima, allegedly married a 13 year-old Egyptian girl, the marriage created an uproar as it contravened section 21 of the Child Right Act; however Yerima justified his action on religious ground in the following words:<sup>374</sup>

Prophet Mohammed (peace and blessings be upon him) married Aisha at the age of nine. Therefore, any Muslim who marries a girl of nine years and above is following the teaching and practices of Prophet Mohammed. If there is anybody who will tell me that what I did contradicts Islam, I will say I will submit, and I will do whatever they ask me to do.

This religious factor among other factors arguably accounts for the pervasiveness of early child marriage in the north.

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<sup>370</sup> Surah 65:4 of the Quran cited inlyabode (2011)88

<sup>371</sup> TafsirMaududi (2014)

<sup>372</sup> TafsirMaududi (2014)

<sup>373</sup> TafsirMaududi (2014)

<sup>374</sup> Braimah (2014) 479.

The practice of early child marriage have profound implications for the social, economic and health of the girl child, this have been well documented by various studies.<sup>375</sup> In the next section I will examine the implication of early child marriage for girls on the right to basic education of girls in northern Nigeria.

### **3.8.4 Effect of Early Child Marriage on the Right to Basic Education of Girls in Northern Nigeria**

Studies have established that early child marriage have a significant effect on the education of the girl child.<sup>376</sup> A study conducted by Bunting shows an inverse relationship between education and early child marriage.<sup>377</sup> Bunting indicated that places that have low enrolment into basic education usually have very high incidence of early child marriage.<sup>378</sup> For example Mali, Niger, Senegal, and Yemen, where the average age of first marriage ranges between 15.1 and 16.2 the percentage of women with no education is very high, between 73% in Senegal to 89% in both Niger and Yemen.<sup>379</sup>

A similar inverse relationship is established by studies in northern Nigeria. For example The 2013 National Demographic and Health Survey indicated that there was a higher level of illiteracy among women in northern Nigeria than any other part of the country.<sup>380</sup> Statistics of the National Demographic and Health Survey showed that 62.8% of women in the north-west and 61.1% of women in the north-east had no formal education, and the cause of this surprising fact was attributed to the practice of child marriage in those regions.<sup>381</sup> Section 2(1) of the UBE Act 2004 confers on every child the right to basic education in Nigeria. However, the practice of early child marriage for girls as indicated in the figures provided has denied girls in the north the benefit of this right.<sup>382</sup> Early marriage is associated with child rearing at early age which makes it impossible for girls who get married at early age to continue with their education, consequently ending the girl child's educational career. This assertion is

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<sup>375</sup>Nnadi (2014), Braimah (2014) and Iyabode (2013).

<sup>376</sup>Iyabode (2011), Bunting (2005) 31.

<sup>377</sup>Bunting (2005) 31.

<sup>378</sup>Bunting (2005) 31.

<sup>379</sup>Bunting (2005) 31.

<sup>380</sup>Nigeria Demographic and Health survey, (2013)23

<sup>381</sup>Nigeria Demographic and Health survey, (2013)23

<sup>382</sup>Section 2 (1) of the UBE Act 2004.

supported by Bunting and Engle when they documented that, in north west and north east of Nigeria 50% of girls age 15-19 were either already mothers or pregnant, compared to 8% in the Southern region of Nigeria, which affect the education of girls in the northern region.<sup>383</sup>

Given the health, educational and social implications of early child-marriage for girls, the question is what are the compelling reasons for the continued practice of early child marriage in northern Nigeria? In the next section I will examine the factors responsible for the prevalence of early child marriage in northern Nigeria.

### **3.8.5 Causes of Early Child Marriage**

This section of the study will examine the causes of early child marriage in northern Nigeria, namely Religious and Cultural factors and poverty.

#### **3.8.5.1 Religious and Cultural Practices**

Religious and cultural practices as already noted earlier plays a major role in the prevalence of early child marriage in northern Nigeria.<sup>384</sup> As earlier noted the people of northern Nigeria are predominantly Muslim. The conducts of Muslims are largely influenced by the Quran and the teachings of Prophet Mohammed. As noted by Nnadi, some Muslim scholars' are of the view that no age limit is fixed by Islam for marriage and children of young age maybe married or betrothed.<sup>385</sup> This, arguably to a large extent contributed to the continued practice of early child marriage in northern Nigeria.

#### **3.8.5.2 Poverty**

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<sup>383</sup>Bunting and Engle (2003) 332.

<sup>384</sup>Bunting and Engle (2003) 333.

<sup>385</sup>Nnadi (2014) 32.

Poverty plays a major role in the prevalence and continued practice of early child marriage in northern Nigeria. The sad case of Hauwa Abubakar as documented by Nnadi epitomises the role poverty plays in the prevalence of early marriage in northern Nigeria. Hauwa at 9 years old was married off to one *Malam* Shehu Garuba Kiruwa, a 40 years old cattle dealer. Hauwa's father owed the proposed husband some money, and as a payment for the debt Hauwa was forcefully given as a wife to Shahu at the tender age of 9 years.<sup>386</sup> She attempted unsuccessfully to abscond from the husband's house twice. Each time she was brought back by her parents. To prevent her further escape, the husband pinned Hauwa down and chopped off her legs with a machete.<sup>387</sup> In reaction to this inhuman, degrading and repugnant treatment, the government of the state at the time swiftly enacted a decree empowering government to prosecute any parent who withdraws a child from school for early marriage.<sup>388</sup>

To further buttress the assertion that poverty contributes significantly to the prevalence of early child marriage, countries in West Africa account for some of the highest incidence of early child marriage in the world and are also among the poorest countries.<sup>389</sup> For example Niger with 76.5% early marriage rate, Chad with 71.5%, and Mali 70.6%.<sup>390</sup> If the early child marriage data of Nigeria is viewed by zones or region, the pattern in northern Nigerian states is strikingly similar to those of neighbouring states such as Niger, Mali and Chad.<sup>391</sup> All of these countries with high prevalence of early child marriages have something in common. Northern Nigeria like the other countries mentioned with high rate of child marriages are all predominantly Muslim countries.<sup>392</sup> This is consistent with the assertion that Islamic religious practices in addition to poverty influence the practice of early child marriage. The countries mentioned are also some of the poorest countries in the world. For example, over 83% of the Chadian population live below US\$2 a day, in Niger the figure stands at 75%, Mali 77.1%.<sup>393</sup> In Nigeria the National Bureau of Statistics put the rate of poverty in Nigeria at 67.1%, however northern Nigeria accounts for 77.7% of the poverty rate in the country.<sup>394</sup>

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<sup>386</sup>Nnadi (2014) 32.

<sup>387</sup>Nnadi (2014) 32.

<sup>388</sup>Nnadi (2014) 33.

<sup>389</sup>Walker (2012) 231.

<sup>390</sup>Walker (2012) 239.

<sup>391</sup>Walker (2012) 239.

<sup>392</sup>Walker (2012) 239.

<sup>393</sup>Walker (2012) 239.

<sup>394</sup>BBC' Nigerian living in poverty rise to nearly 61%' <http://www.bbc.com/news/world-africa-17015873> (accessed 17/12/2014).

In view of the above discussion, it can be deduced that poverty and religion play a major role in promoting early child marriage in northern Nigeria, and any measure put in place to address the scourge of early child marriage must address these two factors. It is on this basis I prescribe measures to tackle these factors. In the following section I discussed the intervention measures as proposed by me.

### 3.9 Intervention Measures

Considering the influence of poverty on the prevalence of early child marriage in northern Nigeria, I propose that the government embarks on strengthening poverty alleviation measures in rural areas in northern Nigeria. Some of the main causes of rural poverty are as a result of small land holdings and low productivity, coupled with poor educational background, which perpetuates rural poverty in northern Nigeria.<sup>395</sup> To address this challenge government need to invest in rural agricultural programmes that will benefit the poor in the north. This can also be done through the provision of vocational training and skill development programmes. These trainings could be provided in the areas of farming such as crops or live stocks. Training could also be provided in small and medium scale businesses, with the option of providing credit facilities for those who successfully complete such training programmes, to enable them establish their own businesses. Such poverty reduction strategies as noted by Anand et al. have been successful in reducing rural poverty in India.<sup>396</sup> These programmes will reduce rural poverty in the north, and provide parents with the needed resources to send their female children to school rather than give them out for marriage at an early age for the reason that they cannot afford their up-bring cost or education fees. This view is supported by Umemoto, who asserts that empowerment of poor family household, will provide the needed resource for parents to send their female children to school, thereby preventing early child marriage for girls, consequently increasing their access to basic education.<sup>397</sup>

Parents and religious leaders in northern Nigerian states also need to be targeted for specific sensitisation and enlightenment programme on the relevance of the girl child's education and

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<sup>395</sup> Olugboyega and Kolawale (2005) 5

<sup>396</sup> Anand et al (2014) 10

<sup>397</sup> Umemoto (2001)1

the danger or health implication of early child marriage for girls. This view is in accordance with the assertion made by Oyabode who posits that there is a need to raise awareness among family heads, parents, traditional rulers and other stakeholders on the consequences associated with child brides.<sup>398</sup> I advocate for a redefinition of certain provisions of Islamic teaching regarding early marriage in line with modernity. The practical benefits of the measures proposed above are not in dispute; however, it can be argued that the success of these measures depend on the existence of both international legal instruments and domestic laws. It is on this basis that I will be examining the legal measures put in place by government to address the challenges of child marriage in chapter four.

### 3.10 Conclusion

In this chapter I examined the effect of *Almajiri/Qu'ranic* education and early child marriage as religious and cultural practices on the right to basic education of children in northern Nigeria. I established that the enrolment of children into the *Almajiri/Qu'ranic* education is a violation of the children's right to basic education as guaranteed by the UBE Act 2004. This is because the *Almajiri/Qu'ranic* schools are religious schools that have the Quran as its only curriculum. The *Almajiri/Qu'ranic* school does not offer basic literacy skills such as Maths, English, Sciences and other related subjects. As such graduates of the *Almajiri/Qu'ranic* education are not equipped with basic literacy skills. It is on this basis, I argued that enrolment of children into *Almajiri/Qu'ranic* school is a violation of the children's right to basic education. I identified religion practices and poverty as the main factors responsible for parents' decision to enrol their children in *Almajiri/Qu'ranic* schools, rather than formal schools provided by the government. To resolve these two motivating factors I advocated for the introduction of moral instructors in public schools to provide moral education, as means of resolving the moral concern raised by parents in public schools.

To resolve the influence of poverty I advocated for feeding schemes to be introduced in public schools located in poor rural areas not only to provide food for children from poor rural household, but also to serve as an incentive for parents to enrol their children in public schools. I also commended government *Almajiri* model school policy, which seeks to

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<sup>398</sup>Oyabode (2010) 12

integrate the *Almajiri* education system and formal education system, if the policy is sustained, it will enable children attending the model school to acquire both basic literacy skills and Qu'ranic education. If these measures are properly implemented, it will resolve the challenges associated with *Almajiri* schooling.

I also posited that the practice of early child marriage, which is arguably influenced by Islam in the north, has a significant effect on the right to basic education of girls as guaranteed by the UBE Act 2004 in the north. I used the concept arguably because; while some Muslims have used the marriage of Prophet Mohamed to Aisha when she was nine years old as a yardstick to justify early child marriage, other Muslims could hold a contrary view to the notion that Islam permits early child marriage. The marriage of girls between the ages of ten and thirteen probably means the end of their educational carrier. This is so because marriage comes with responsibilities of child rearing and domestic work. I identified poverty and religious factor as the two main factors responsible for the prevalence of child marriages for girls. Whatever measures put in place to address the prevalence of child marriage must put these two factors into consideration. To resolve the challenges of poverty I advocated for poverty alleviation programmes such as skill development, training, and provision of credit facilities to people who attended the skill development training to enable them establish small scale businesses or farming. This will provide parents the needed resources to send their children to schools, thereby delaying the age of marriage for girls.

I also advocated for targeted sensitisation of parents and religious leaders on the dangers or health and social implication of early child marriage for the girl child. Such sensitisation will address the religious influence on early child marriage. However these measures will only be successful with the backing of the law. It is on this basis that I will be looking at the legal and non-legal measures put in place by the Nigerian government to address the *Almajiri* and early child marriage issues in chapter four.

## Chapter 4

### Measures Established by Government to Address the Effect of *Almajiri* Practice and Early Child Marriage on the Right to Basic Education

#### 4.1 Introduction

In chapter three I examined the *Almajiri/Qu'ranic* schooling and the practice of early child marriages for girls as religious and cultural practices, which affect the right to basic education of children in northern Nigeria. I noted that while the *Almajiri* schooling affect the right to basic education of the boy child in northern Nigeria in the way and manner that the practice of early child marriage affects the right to basic education of the girl child.

I established that the combined practices of *Almajiri* schooling and early child marriage for girls have had a profound negative effect on the right to basic education of children in northern Nigeria. While the practice of *Almajiri* has led to the denial of the right to basic education of over 9.5 million children in northern Nigeria,<sup>399</sup> early child marriage has resulted in the marriage of over 12 million girls between the ages of 13-14,<sup>400</sup> which in most cases effectively end their educational career. The continued practices of *Almajiri* and early child marriages in northern Nigeria, which affect the right to basic education of children in northern Nigeria is an indication of government's failure in its responsibility to guarantee the right to basic education of children in northern Nigeria as guaranteed by the UBE Act.<sup>401</sup> The aim of this chapter is to examine measures put in place by government to address the challenge of early child marriage and the practice of *Almajiri* schooling as discussed in chapter three.

I will focus specifically on two measures that were established by the government to address the menace of early child marriage and the practice of *Almajiri/Qu'ranic* schooling. The first measure I will examine in the chapter is the *Almajiri* integrated model school policy, also

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<sup>399</sup> Onuoha (2014).

<sup>400</sup> IRIN Africa (2008).

<sup>401</sup> Section 2(1) of the UBE Act 2004.

referred to as the *Almajiri* model schools, put in place by government under Universal Basic Education (UBE) scheme to address the *Almajiri/Qu'ranic* schooling challenge.

In this section I will appraise the extent to which the *Almajiri* integrated model school system has achieved the objective of providing *Almajiri* children access to basic education, and eradicating the street begging associated with the *Almajiri* education system. In the second section of this chapter I will examine the legal instrument put in place by government to address the issue of early child marriage for girls. Specifically, I will focus on the Child Right Act (CRA) 2003, which prohibits child marriage. I will examine the extent, to which CRA has achieved the goal of eradicating or reducing the prevalence of child marriage in northern Nigeria and what the challenges are facing the CRA and how those challenges can be resolved.

#### **4. 2Almajiri Integrated Model School Policy**

Before the introduction of the integrated *Almajiri* model school policy by the Federal Government of Nigeria to address the *Almajiri* practice, attempts have been made previously by some state governments in the north to address the practice. For example, in the 1950s as Mohammed recalls, the Kasina Native Authority passed a by-law prohibiting *Malams* from taking children out of their town and villages.<sup>402</sup> In 1980 the Sokoto State Government made an edict on the practice of *Almajiri* entitled 'the control of juvenile accompanying Kuranic *Malams* adoptive rule'.<sup>403</sup> The aim of the edict was to control the movement of children accompanying *Malams* in their quest for knowledge. However the edict was thwarted by popular opposition against the law spearheaded by sections of *Malams*, who accused the government of undermining Islamic education.<sup>404</sup> This experience as Khalid has noted, perhaps made the government reluctant to introduce laws that will prohibit the practice of *Almajiri*.<sup>405</sup>

Worried by the negative consequences of the *Almajiri* education system, President Goodluck Jonathan in April 2012 launched the Integrated *Almajiri* Model School System to curb the

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<sup>402</sup> Mohammed (1991) cited in Khalid (2006).

<sup>403</sup> Khalid (2006) 8

<sup>404</sup> Khalid (2006) 8

<sup>405</sup> Khalid (2006) 8

menace of *Almajiris* in the northern part of the country. According to the President in his speech during the launch:<sup>406</sup>

Our administration believes that the time has come for the nation to build on the moral foundation of the traditional system by providing the *Almajirai* with conventional knowledge and skills that will enable them fully realize their creative productive potentials.

In this statement the President identified the need to reform the more than a century old *Almajiri* education system so as to enable the moral training and acquisition of model skills by *Almajiri* to enable them to contribute meaningfully to society. The integrated *Almajiri* education system, as already alluded to in previous chapters involves the merger of *Almajiri/Qu'ranic* education with formal or western-style education system.<sup>407</sup> It involves the introduction of elements of the formal basic school system, such as literacy, numeracy and life skills into the *Almajiri/Qu'ranic* school system.<sup>408</sup> The integrated education system also place *Almajiri/Qu'ranic* school teachers on salaries and allowances so as to enable them leave a better life.<sup>409</sup>

Before the government intervention the *Almajiri/Qu'ranic* education system was owned and operated by private individuals known as *malams*, and funded based on charity from the general public and funds raised through begging by the *Almajiri* pupils.<sup>410</sup> Teachers of the *Almajiri/Qu'ranic* education were not paid salaries and some of them survived on charity from the general public and parents who have their children enrolled in the schools.<sup>411</sup> The teachers also survived from funds raised through begging by the *Almajiri* pupils.<sup>412</sup> The *Almajir/Qu'ranic* schools lack infrastructure such as classrooms, furniture, and other learning materials. This resulted in students in the *Almajiri* schools taking classes under trees, teachers' houses, dilapidated buildings and inside mosques.<sup>413</sup> They also do not have places to sleep; as such some of them sleep on streets, dilapidated buildings, mosques, motor parks, market stores and their teachers' houses.<sup>414</sup>

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<sup>406</sup> Alechenu, (2012) 59 the Sunday punch Newspaper April 29.

<sup>407</sup> Yusha'u et al (2013) 130.

<sup>408</sup> Yusha'u et al.(2013) 130.

<sup>409</sup> Yusha'u et al.(2013) 130.

<sup>410</sup> Almajiri project (2012) 3.

<sup>411</sup> Yasha'u et al. (2013)127.

<sup>412</sup> Yasha'u et al. (2013)127.

<sup>413</sup> Yasha'u et al. (2013)127.

<sup>414</sup> Yasha'u et al. (2013)127.

As part of the reform or intervention in the *Almajiri/Qu'ranic* education system, government is to provide the following:<sup>415</sup>

- Funds for construction of the schools, accommodation, equipment, furniture, and textbooks.
- Designing of curriculum for use in the schools.
- Capacity building training for teachers, and
- Free lunch for the *Almajiri* pupils attending the integrated *Almajiri* educational system.

### 4.3 Evaluation of the *Almajiri* Model School Policy

Government intervention to incorporate the curriculum of formal basic education into the *Almajiri/Qu'ranic* education curriculum and the provision of funding and infrastructure and other support needed for the smooth running of the *Almajiri* model schools are highly commendable. The intervention by the government to reform the *Almajiri/Qu'ranic* education system will resolve some of the challenges posed by the *Almajiri/Qu'ranic* education system. For example the incorporation of the curriculum of formal basic education into the *Almajiri/Qu'ranic* education will address the moral and religious concerns raised by parents as the reason for the enrolment of children into *Almajiri/Qu'ranic* schools.<sup>416</sup> This is because the integrated *Almajiri* model schools in addition to the formal basic education curriculum also have the Quran as part of the curriculum to be taught by the Qu'ranic teachers. This will continue with the moral education and Islamic principles been provided hitherto by the *Almajiri/Qu'ranic* education system.<sup>417</sup>

The *Almajiri* model schools will also equip its graduates with not only Qu'ranic education, but also with literacy skills that will brighten not only their prospect of job security but will also enable them contribute meaningfully to modern society. Consequently, it will also resolve the challenge associated with denial of the right to basic education of children that are enrolled in the *Almajiri/Qu'ranic* schools. This is because the curriculum of the integrated

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<sup>415</sup> Elechi et al. (2013) 73.

<sup>416</sup> Okugbene (2013) 30.

<sup>417</sup> Usman (2008) 66

model school: includes formal basic education curriculum, which will provide access to basic education for the children of the integrated *Almajiri* model schools; thereby guaranteeing their right to basic education.<sup>418</sup>

The feeding scheme introduced by the government to the integrated *Almajiri* model school will not only resolve the menace of begging associated with *Almajiri/Qu'ranic* education, but will also serve as an incentive for parents to enrol their children into the integrated *Almajiri* model schools.<sup>419</sup> This is because as indicated in chapter three, the majority of the children engaged in *Almajiri/Qu'ranic* education system are from poor households.<sup>420</sup> As noted by Aluaigba, the overwhelming burden of the upbringing of these children results in parents sending their children away to *Almajiri/Qu'ranic* schools.<sup>421</sup> As such the provision of meals by government in the integrated *Almajiri* model schools will serve as an incentive for parents to enrol their children in the schools, thereby increasing access to basic education of children in northern Nigeria and also ensuring that government meets its objective of providing basic education for all children of school going age in Nigeria.

The provision of boarding facilities in the integrated *Almajiri* model schools to house the students will also address the security threat posed to the *Almajiri* students. The provision of boarding facilities means that they will no longer roam the street where they will be prone to violence or willingly available to be used as tool to cause mayhem in the region. It will afford government the opportunity to monitor their activities and movements.

As indicated in the above discussion the effective implementation of the integrated *Almajiri* model school policy will address some of the concerns and challenges highlighted in chapter three, which are associated with the *Almajiri/Qu'ranic* education system.

However one of the major challenges in Nigeria has been about effective policy implementation. This assertion is consistent with the view of Ugwuanyi and Emma, whom are of the view that over the years in Nigeria, numerous policies have been formulated and implemented.<sup>422</sup> Yet there has not been significant positive outcome or impact of such policies because of the lack of effective implementation of those policies.<sup>423</sup> While it will be

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<sup>418</sup>Yasha'u et al. (2013)130.

<sup>419</sup>Salisu (2014) 8

<sup>420</sup>Hoechner (2013).

<sup>421</sup>Aluaigba (2009) 20.

<sup>422</sup>Ugwuanyi and Emma (2013) 34.

<sup>423</sup>Ugwuanyi and Emma (2013) 34.

too early to pass judgement or assess the effectiveness of the integrated *Almajiri* model school policy, as the implementation of the policy only began in 2012, early reports indicates that the policy has had mixed outcomes.

Reports from the region are that some progress has been made in the initial implementation of the policy relating to the provision of infrastructure. For example, out of the 124 *Almajiri* model schools slated for construction, 85 have been completed and some are already being utilised.<sup>424</sup> The remaining 39 *Almajiri* model schools are under construction and have attained 80% completion rate.<sup>425</sup> Textbooks produced for the integrated *Almajiri* model schools have also been adapted to suit the needs of the students.<sup>426</sup> All completed schools have been furnished with single chairs, pupils' tables, filing cabinets, desktop computers, laboratories and dining hall table, science kits; television sets, and refrigerators.<sup>427</sup> This shows commitment on the part of government to ensure that the integrated *Almajiri* model schools are well equipped to achieve the aims and objective set out, which is to provide access to both western-styled basic education and *Qu'ranic* education to the *Almajiri* children.

Student enrolments in the *Almajiri* model schools though has been slow, little progress has been made. For example the pioneering schools were set up to cater for the three states of Sokoto, Kebbi and Zamfara, began with attendance of 50 students, but as at the time Daily Trust News Paper filed its report in August 2014, the enrolment figure has risen to 300 pupils.<sup>428</sup> In light of this it can be argued that the *Almajiri* integrated model schools has so far been successful to some extent in ensuring access to basic education for the *Almajiri* children.

However given the fact that the *Almajiri/Qu'ranic* education system has been in existence for over a century, it will be difficult for the *Almajiri* integrated model school policy to transform the system within such a short period of time. As such the integrated *Almajiri* education system still faces a number of challenges. The following are some of the challenges I identified from available literature that are still facing the *Almajiri* integrated education system.

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<sup>424</sup> Nigeria vision in progress (VIP).

<sup>425</sup> Nigeria vision in progress (VIP).

<sup>426</sup> Nigeria vision in progress (VIP).

<sup>427</sup> Nigeria vision in progress (VIP).

<sup>428</sup> AbubaKar, Daily Trust newspaper 1 August 2014.

### 4.3.1 Acceptability Challenge

As noted in chapter two, General Comment No. 13 prescribes that education provided by the government must be acceptable in terms of content and in quality.<sup>429</sup> One of the challenges facing the integrated *Almajiri* model school policy is acceptability. This is exemplified in the very low enrolment in the *Almajiri* integrated model schools. Resistance from both a section of parents and some *Almajiri/Qu'ranic* teachers is posing a challenge to the policy.<sup>430</sup> While there has not been record of any official study conducted to determine the extent of resistance to the *Almajiri* integrated model school, interviews conducted by *Thisday Newspaper* and *The Nation newspaper* with parents and *malams*, indicates a mixed reaction from parents and *Malams*, with some applauding the initiative while others are not comfortable with the new policy.<sup>431</sup>

Some parents are of the view that it will be in the best interest of their children to attend and stay in the *Almajiri* integrated model schools provided by the government rather than be seen roaming the street.<sup>432</sup> Other parents hold a contrary view, for example, some individuals interviewed by *The Nation Newspaper* are of the view that the proposed curriculum to incorporating western-styled education subject into *Almajiri/Qu'ranic* education curriculum will distort the age long Qu'ranic teaching, or turn the children's hearts toward western education in the near future.<sup>433</sup>

According to *Malam Aliyu Mai Yara*, an *Almajiri/Qu'ranic* school teacher interviewed by *The Nations newspaper* in Sokoto State, there are still some parents who are resistant to anything western, and will not want to send their children to the new *Almajiri* model schools, because they believe certain western curriculum will be taught in the new schools.<sup>434</sup> According to *Abdullahi*, also an *Almajiri/Qu'ranic* school teacher, who has over 70 pupils in his care,

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<sup>429</sup> General Comment No. 13 of the ICESCR.

<sup>430</sup> Akowe et al. (2012) 1 the Nation newspaper.

<sup>431</sup> Thisday newspaper (2012), The Nation newspaper (2012).

<sup>432</sup> Abubakar, Daily trust (2014).

<sup>433</sup> Akowe et al. (2012) 1 the Nation newspaper.

<sup>434</sup> The Nation Newspaper (2012).

selling the new government *Almajiri* model schools scheme to the parents of children under his care, has been challenging. In his words:<sup>435</sup>

It has been a hell of time educating, convincing and making parents and guardians of these children to buy into the scheme. The majority of them are insisting that their children and wards are sent to learn Quran and the ways of Allah as given to us by His Prophet. Aside from this, most of them live in other towns and cities far away from Minna and we are yet to get their consent.

According to Iliyasu Sani, who is also an *Almajiri/Qu'ranic* school teacher, the government's proposed integrated *Almajiri* model schools are fraught with dangers because the original text of the Quran could be contaminated by those whom, he believes know nothing about Qu'ranic teaching.<sup>436</sup> He posits that the new system will expose pupils to certain traits of western culture and will make the pupils victims of counter culture at an early stage in life.<sup>437</sup> Formal education has long been linked with colonial rule and viewed as an alien religion; as such it is regarded as tools of westernisation.<sup>438</sup>

According to Malam Yakubu Ahmed, a Qu'ranic teacher in Niger state, the proposed integrated *Almajiri* model schools by the government is a failure from its inception, because he is not releasing any child in his custody to attend the new model schools.<sup>439</sup> He pointed out that the establishment of the model schools by the government is not the solution to the problems in the north.<sup>440</sup> He states that this is just another ploy to confuse [our] children.<sup>441</sup>

However, some *Malams* hold a different view concerning the integration of the two education systems. For instance *Malam Ibrahim Isa*, a *Qu'ranic* teacher with a large number of *Almajiri* students in Sokoto metropolis, told *Thisday Newspaper* that the initiative embarked upon by the Federal Government to integrate the two systems of education is a welcome development, provided it will compliment the old system rather than being a replacement.<sup>442</sup> He said he is ready to allow the *Almajiri* students under his care to attend the integrated

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<sup>435</sup> Akowe et al. (2012) 1 the Nation newspaper.

<sup>436</sup> Akowe et al. (2012) 1 the Nation newspaper.

<sup>437</sup> Akowe et al. (2012) 1 the Nation newspaper.

<sup>438</sup> Education Sector Support Programme in Nigeria (ESSPIN) UKaid, from the Department for International Development.

<sup>439</sup> Akowe et al. (2012) 5 the Nation newspaper.

<sup>440</sup> Akowe et al. (2012) 5 the Nation newspaper.

<sup>441</sup> Akowe et al. (2012) 5 the Nation newspaper.

<sup>442</sup> Thisday newspaper 22 April 2012.

*Almajiri* model schools, if the government will allow the pupils to come back to learn the Quran after lessons. According to him the *Almajiri/Qu'ranic* education system has been in existence for over a century and was not given due recognition by government.<sup>443</sup> In fact, he went further to state that the government's neglect of the *Almajiri/Qu'ranic* education system is responsible for the street begging currently associated with the system. So it will be difficult for some of us to abandon the old system and join the integrated *Almajiri* model Schools.<sup>444</sup> Abdullahi, also a Qu'ranic teacher, noted that the majority of his colleague has failed to come to term with the new *Almajiri* model school policy, and he expressed fear that this might just result in the failure of the policy.<sup>445</sup>

It can be argued that the resistance of the *Almajiri* model school policy by the *Malams* (the schools teachers) could be for selfish reasons, rather than genuine concern for the wellbeing of the students. The integration of the schools will mean some of them losing control over the schools or even losing their means of livelihood. Some of the *Malams* earn their living through returns made by the *Almajiri* students from their begging outings. As such, to ensure the success of any measure put in place to address the *Almajiri* practice the interest of the *Almajiri/Qu'ranic* school teachers must be addressed.

### 4.3.2 Way Forward

To resolve these challenges, I propose that government engage in elaborate public enlightenment campaigns through the media, community based organisations, and door-to-door campaigns to sensitise and convince parents, community leaders, religious leaders, *Almajiri/Qu'ranic* school teachers and proprietors of the importance of the integration and the introduction of formal school disciplines into the *Almajiri/Qu'ranic* education system. Government should educate the community leaders and parents about the benefits of allowing their children to acquire western-styled basic education skills, which will make them more useful in modern society. This view is supported by Salisu when he posits that the significance of government engaging in enlightenment campaigns, sensitising parents and other stakeholders on the needs to accept the incorporation of formal school subject into the

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<sup>443</sup>Thisday newspaper 22 April 2012.

<sup>444</sup>Thisday newspaper 22 April 2012.

<sup>445</sup>Akowe et al. (2012) 1 the Nation newspaper.

*Almajiri/Qu'ranic* education system for the success of the *Almajiri* model school policy cannot be over emphasised.<sup>446</sup>

Assurance should also be given to the *Malams* that the integration of the two systems will not lead to the replacement of the *Almajiri/Qu'ranic* education system; rather it is an effort meant to complement the existing system. Hausa films, television and radio programmes could be sponsored on the important role formal education has played in the lives of northern leaders who have in the past and are currently occupying leadership position in the country. They should be made aware that these people are occupying such positions, on the basis that they acquired formal education. This is in accordance with the suggestion made by Bello, who posits that countries like Malaysia, Indonesia, Algeria and Pakistan, that are all mainly Muslim countries, but were able to develop as a result of the pursuit of modern education without abandoning traditional Islamic education, should be used as examples to enlighten parents and stakeholders in the north on the need to accept western-styled education.<sup>447</sup> Such efforts could influence their negative perceptions about formal education.

To allay the fears of the *Almajiri/Qu'ranic* school teachers, they should be trained in basic teaching methods, school management techniques and administrative skills, with the aim of making them stakeholders in the *Almajiri* integrated model schools. Such elaborate enlightenment scheme targeted at parents, religious leaders, community leaders, and the children themselves, coupled with the training provided for the *Almajiri/Qu'ranic* teachers, and making them stakeholders in the new *Almajiri* model schools, will go a long way in resolving the acceptability challenge, to the integration of the two education systems.

### 4.3.3 Resource Constraints

Resource constraint has always been a major challenge in determining the success and failure of any education policy.<sup>448</sup> This situation is not different from the integrated *Almajiri* education policy. One major concern that has been raised concerning the integrated *Almajiri* model schools has been sustainability of the policy.<sup>449</sup> This is as a result of the huge

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<sup>446</sup> Salisu (2014) 9

<sup>447</sup> Bello (1998) 9

<sup>448</sup> Taiwo (2005) 63

<sup>449</sup> Salisu (2014) 9.

resources required for the running of the schools.<sup>450</sup> The *Almajiri* model schools are boarding schools, which require basic welfare provisions such as clothing, food, toiletries and other basic needs that require substantial budgetary allocation to sustain.<sup>451</sup> It has been observed that the lack of sufficient funding to provide enough secular subject teachers for these schools has resulted in the delay in the take-off of some of the schools.<sup>452</sup> For example a group known as the Grassroots Development Network noted that the *Almajiri* model schools cannot provide quality teaching because they are underfunded; as such there are no sufficient qualified teachers to provide quality education.<sup>453</sup>

#### 4.3.4 Way Forward

To resolve this challenge, I advocate that government provides sufficient budgetary allocation to the integrated *Almajiri* model schools. This is consistent with the view of Fowoyo, who posits that to ensure success of the integrated *Almajiri* model school policy, funding should be adequate, regular and monitored.<sup>454</sup> For long term sustenance of the policy, I advocate that government involves private entities. Community, leaders, wealthy individuals, private companies and the international community should be asked to contribute to the funding of these schools. This view is in accordance with the assertion made by Salisu, who posits that by critically examining the enormous expenditure facing *Almajiri* model schools it becomes clear that the effective participation of the entire Muslim community in term of financial contributions is the cornerstone for success of the policy.<sup>455</sup> I advocate that government should also check the menace of corruption that could creep into the system, so as to ensure that whatever funds that are made available for the running of the schools are judiciously utilised. Funds should also be made available for the training of qualified teachers that could teach both the Qu'ranic curriculum and the formal education curriculum. Putting these measures in place will not only ensure the sustainability of the *Almajiri* integrated model schools, but will also attract more enrolment into the schools, thereby providing access to

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<sup>450</sup>Salisu (2014) 9.

<sup>451</sup>Salisu (2014) 9

<sup>452</sup>NRA (2013).

<sup>453</sup>Odimegwu.

<sup>454</sup>Fowoyo (2013) 71

<sup>455</sup>Salisu (2014) 9

basic education for the *Almajiri* pupil. Failure on the part of government to address these issues will hamper the success of the policy.

In addition to the above discussed measures directed towards resolving the *Almajiri* challenge in northern Nigeria, I advocate for the involvement of civil society organization to hold the government accountable through litigation of the violation of the right to basic education of the *Almajiri* children. For long the plight of the *Almajiri* children have been left unattended to by the government. According to Abdullahi, the Nigerian *Almajiris* have been denied every single right enshrined in the *Child Right Convention* (CRC). He added that these street urchins are a product of a failed Islamic system of education and impoverished homes.<sup>456</sup> Despite the pervasive violation of the rights of the *Almajiri* children and the available legal instruments internationally,<sup>457</sup> regionally<sup>458</sup> and domestically<sup>459</sup> protecting the rights of these children, no effort has been made by civil society organization to utilise the available legal instruments to hold the government accountable for failing to fulfil its obligation.

The plight of the *Almajiris* in Nigeria is similar to those of *Talibes* in Senegal, that are engaged in similar religious and cultural practices, in which children between the ages of 4 and 12 years are sent away by their parents to go and acquire Qu'ranic education under the guidance of instructors known as marabouts. The *Talibes* like the *Almajiri* in Nigeria are sent by their instructors to go work on the street as beggars without adequate protection of these children by the Senegalese government. However, in the case of the *Centre for Human Rights University of Pretoria and La Rencontre Africaine Pour La Defense Des Droits Del L'Homme Versus Government of Senegal*, it was proven that government can be held accountable through available legal instruments for failing to fulfil its obligation of protecting vulnerable children within its jurisdiction that are exploited in the disguise of religious and cultural practices.

In this case the complainants submitted an application to the Secretariat of the African Committee of Experts on the Rights and Welfare of the Child, alleging that Senegal has violated the rights of as many as 100 000 children known as *Talibes*.<sup>460</sup> The *Talibes*, as noted

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<sup>456</sup> Abdullahi (2011).

<sup>457</sup> Convention on the right of the child, ICESCR.

<sup>458</sup> African Charter on Rights and Welfare of the Child, African Youth Charter.

<sup>459</sup> Child Right Act 2003, Universal Basic education Act 2004.

<sup>460</sup> University of Pretoria and La Rencontre Africaine Pour La Defense Des Droits Del L'Homme V Government of Senegal:003/Com/001/201(<https://www.crin.org/en/library/legal-database/centre-human-rights-university-pretoria-and-la-rencontre-africaine-pour-la> (accessed 14/10/2015)).

earlier are children between the ages of 4 and 12 years, sent away by their parents to acquire Qu'ranic education under the guidance of marabouts. The complainants alleged that once the *Talibes* are in the custody of the marabouts, they are forced into the street to work as beggars, and are required to make targeted returns to the marabouts.<sup>461</sup> In a situation where the *Talibes* failed to make this targeted returns, they are beaten and punished by the marabouts. The complainants also allege that the accommodation housing the *Talibes* are unhygienic, unsafe and overcrowded as such unsuitable for habitation.<sup>462</sup>

The complainants asserts that in spite of the harsh conditions that the *Talibes* are subjected to, the Senegalese government has failed to adequately protect the *Talibes* from the exploitation of the marabouts, which the complaints assert, breaches a number of the *Talibes* rights protected by the African Charter on the Rights and Welfare of Child.<sup>463</sup>

The legal question is: whether the Senegalese government's failure to adequately protect the *Talibe* children amounts to breach of the *African Charter on the Rights and welfare of the Child (ACRWC)*? The committee held that the government was in breach of Article 4, 5, 11, 14,15,16,21 and 29 of the *ACRWC*.<sup>464</sup> Given the fact that Nigerian *Almajiris* faces a similar harsh socio-economic condition as the *Talibes* in Senegal, the outcome of this case is a landmark decision that Nigeria can learn some lessons from.

The first lesson that can be learnt from the outcome of this case is the fact that, though just as in the case of the *Talibes* in Senegal, where the government is not directly responsible for the violation of the rights of the *Talibes*, same can be said about the *Almajiri* in northern Nigeria, where the government is not directly responsible for the violation of the rights of the *Almajiris*. However government on the basis of the various legal instruments, which they have ratified that protects the right of these children, are under obligation to ensure that these children are protected from such exploitation. The *CRC*, *ACRWC* and the *Child Right Act 2003* in Nigeria, are establish to prevent the kind of harsh social and economic conditions the

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<sup>461</sup>University of Pretoria and La Rencontre Africaine Pour La Defense Des Droits Del L'Homme V Government of Senegal:003/Com/001/201(<https://www.crin.org/en/library/legal-database/centre-human-rights-university-pretoria-and-la-rencontre-africaine-pour-la>) (accessed 14/10/2015).

<sup>462</sup>University of Pretoria and La Rencontre Africaine Pour La Defense Des Droits Del L'Homme V Government of Senegal:003/Com/001/201(<https://www.crin.org/en/library/legal-database/centre-human-rights-university-pretoria-and-la-rencontre-africaine-pour-la>) (accessed 14/10/2015).

<sup>463</sup>University of Pretoria and La Rencontre Africaine Pour La Defense Des Droits Del L'Homme V Government of Senegal:003/Com/001/201(<https://www.crin.org/en/library/legal-database/centre-human-rights-university-pretoria-and-la-rencontre-africaine-pour-la>) (accessed 14/10/2015).

<sup>464</sup>University of Pretoria and La Rencontre Africaine Pour La Defense Des Droits Del L'Homme V Government of Senegal:003/Com/001/201(<https://www.crin.org/en/library/legal-database/centre-human-rights-university-pretoria-and-la-rencontre-africaine-pour-la>) (accessed 14/10/2015).

*Talibes* in Senegal and the *Almajiri* in Nigeria are subjected to. However because of the lack of enforcement of these legal instruments, they are alienated from the objective they are meant to serve. This landmark decision indicates that government can be held accountable for failing on its obligation to protect the rights of children within its jurisdiction.

The second lesson that can be learnt from this case is that civil society organisations have a huge role to play if the plight of the *Almajiris* in Nigeria and other children facing a similar plight elsewhere is to be resolved. This remarkable decision was achieved, because of the involvement of the Centre for Human Rights, University of Pretoria and *La Rencontre Africaine Pour La Defense Des Droits Del L'Homme*. Civil society organizations in Nigeria have to use available legal frameworks, protecting the rights of the *Almajiri* children to put pressure on the government through litigation or threat of it, to ensure that government is put on its toes to take the necessary steps to address the plight of the *Almajiris* in northern Nigeria.

In summary, in this section I have established that the *Almajiri/Qu'ranic* education is a religious and cultural practice in northern Nigeria, which has posed a significant challenge to the government on the grounds that the practice denies children in the region their right to basic education as guaranteed by the *UBE Act 2004*. In response to these challenges the government introduced the *Almajiri* integrated model school policy to address the challenges of the *Almajiri* practice. I noted that the policy has the potential of resolving the challenges associated with *Almajiri* practice if effectively implemented. However the policy is faced with challenges which need to be addressed to ensure its effectiveness. As a measure of ensuring that government fulfil its obligation of protecting the right of the *Almajiri*, I advocate for the involvement of civil society organisations to utilise available legal frameworks protecting the rights of the *Almajiris* to litigate violation of these rights, as a measure of holding government accountable for such violation. I indicated that such litigation approach has been used successfully to hold the government of Senegal accountable for violating the (*Talibes*) children who find themselves in similar situations as the *Almajiris* in northern Nigeria.

In the next section of the chapter I will examine the measures put in place by government to address the menace of early child marriage in northern Nigeria. Specifically, I will examine the *Child Right Act 2003* passed into law by the Nigerian parliament with the aim of among others to eradicate early child marriage. This section will examine the extent to which the Act has achieved this objective, and the challenges affecting the effectiveness of the Act.

#### **4.4 Measures to Prohibit Child Marriage and the Effect on the Right to Basic Education of Girls in Northern Nigeria**

Early child marriage is a social evil that has huge repercussion on the health and educational prospects of young girls not only in Nigeria but worldwide. As noted in chapter three, the United Nation Population Fund (UNFP) (2005) fact sheet put the rate of early child marriage in Nigeria at 88%, with northern Nigeria accounting for the highest number of child marriages in the country.<sup>465</sup> The Nigerian 2013 Demographic and Health survey report put the average age for marriage in the north-east at 16.6 years while in the north-west it is 15.3 years.<sup>466</sup> The 2005 National HIV/AIDS Reproductive Health Survey revealed that 73% of girls between the ages of 13 and 19 years are married in the north-eastern states of Nigeria.<sup>467</sup> The number of married adolescents in north-east and north-west make up about 42% of the total number of Nigeria married adolescents age 15-19.<sup>468</sup> IRIN Africa documented that an estimated 12 million girls between the ages of 13-14 are married in the north.<sup>469</sup> This gives an idea of the scale of child marriage in northern Nigeria. The implication of the pervasiveness of early child marriage for girls in northern Nigeria is not only the fact that it denies them their right to basic education in the region, but has also resulted in a high level of illiteracy among women in the region.<sup>470</sup> Data shows that 62.8% of women in north-west and 61.1% of women in north-east are without formal education.<sup>471</sup> In the next section I address the following questions: what measures has government put in place to address the scourge of early child marriage in Nigeria? Have they been effective? If not, why have they not been effective?

Nigeria is signatory to plethora of legal instruments both internationally and domestically that prohibits early child marriage. Some of these instruments include the *Convention on the Right of the Child (CRC)*, *African Charter on Rights and Welfare of the Child (ACRWC)*, *Convention on Elimination of all forms of Discrimination against Women (CEDAW)* and the

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<sup>465</sup> United Nations population Fund Fact Sheet 2005.

<sup>466</sup> Nigeria Demographic and Health Survey (2013)86.

<sup>467</sup> The 2005 National HIV/AIDS and Reproductive Health Survey.

<sup>468</sup> The 2005 National HIV/AIDS and Reproductive Health Survey.

<sup>469</sup> IRIN Africa (2008).

<sup>470</sup> Nigeria Demographic and health survey (2013)86.

<sup>471</sup> Nigeria Demographic and health survey (2013)23.

*Child Right Act 2003 (CRA)*. For the purpose of this chapter I will focus on the CRA because it is a fusion of both ACRWC and the CRC, and has to a large extent been domesticated by a significant number of the states in Nigeria. It also provides comprehensive protection for children's rights and most importantly, prohibits early child marriage.<sup>472</sup>

#### **4.5 An Overview of the Child Right Act 2003**

The aim of the CRA is to domesticate the CRC and the ACRWC into the Nigerian law. The passing of the CRA signals Nigeria's domestic intentions to preserve and protect the right and welfare of the Nigerian children. The CRA not only protects the rights of Nigerian children but also provides for duties and obligations of parents, government and organisations towards children. Some of the relevant sections of the Act include the prohibition of the use of children for exploitative labour,<sup>473</sup> prohibition of the use of children for criminal activities;<sup>474</sup> unlawful sexual intercourse with a child,<sup>475</sup> recruitment of children into the armed forces,<sup>476</sup> and most importantly to this study is the prohibition of early child marriage. Section 21 of the CRA states as follows:<sup>477</sup>

No person under the age of 18 years is capable of contracting a valid marriage, and any marriage so contracted is null and void and of no effect whatsoever.

In addition, the CRA also prohibits the betrothal of children.<sup>478</sup> Violation of either section 21 or section 22 of the CRA carries a fine of 500 000 Naira, or imprisonment for a term of five years or to both fine and imprisonment.<sup>479</sup>

According to UNICEF since the coming into force of the CRA in 2003 early child marriage has declined by 9%.<sup>480</sup> However, despite the explicit prohibition of early child marriage by

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<sup>472</sup> Article 21 of the Child Right Act 2003.

<sup>473</sup> Section 28 of the CRA 2003.

<sup>474</sup> Section 26 of the CRA 2003.

<sup>475</sup> Section 31 of the CRA 2003.

<sup>476</sup> Section 34 of the CRA 2003.

<sup>477</sup> Section 21 of the CRA 2003.

<sup>478</sup> Section 22 of the CRA 2003.

<sup>479</sup> Section 23 of the ACR 2003.

<sup>480</sup> United Nation Population Fund (UNFPA) (2012).

the CRA, statistics from UNICEF 2013 indicates that 43% of girls get married before the age of 18 years old, while 17% get married before they are 15 years old in northern Nigeria.<sup>481</sup>

The inference that can be drawn from the continued practice of early child marriage despite the existence of the CRA is that the implementation of the CRA has not been effective in eradicating early child marriage in northern Nigeria. The question is why the CRA has not been effective in eradicating child marriage in Northern Nigeria?

To answer this question it is necessary to highlight the challenges the CRA faced in the Nigerian parliament before it was eventually passed into law. It is also necessary to examine briefly the Nigeria legal system and how it affects the effectiveness of the CRA.

#### **4.5.1 Challenges of the CRA in Eradicating Child Marriage**

The effectiveness of the CRA in eradicating early child marriage is hampered to a large extent by various challenges. The first challenge the CRA encountered was when it was introduced as a bill in the Nigerian federal parliament. It was vehemently opposed when it was introduced in the Nigerian parliament by religious and traditional groups, on the ground that the content of the bill is contrary to the culture, and Islamic values of the people of the north.<sup>482</sup> The opposition to the bill resulted in the rejection of the bill in 2002 by the Nigerian federal parliament.<sup>483</sup> The bone of contention that resulted in the rejection of the Child Right Bill was the setting of the marriage age at minimum of 18 years, which law makers from the north believe was contrary to Islamic view as Islam did not specify any specific age for marriage, rather it indicated puberty as the age of maturity.<sup>484</sup>

According to Braimah, the Child Right Bill brought about a clash between tradition, religion and the law.<sup>485</sup> To resolve this impasse, a special committee was established to harmonise the Child Right Bill with Nigeria's religious and customary beliefs.<sup>486</sup> Pressure from the international community, domestic and international NGOs on the Nigerian parliament to

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<sup>481</sup>UNICEF state of the world children (2013).

<sup>482</sup>Braimah (2014)479.

<sup>483</sup>Braimah (2014)479.

<sup>484</sup>Braimah (2014)479.

<sup>485</sup>Braimah (2014)481.

<sup>486</sup>Braimah (2014)479.

reconsider the debate on the Child Right Bill, eventually led to the passing into law of the CRA in 2003.<sup>487</sup> The acrimony generated by CRA at the federal parliament before it was eventually passed into law set the stage for further challenge for the CRA from the northern states.

The opposition encountered by the CRA did not end with the federal parliament passing it into law. The second challenge the CRA encountered is the fact that Nigeria operates as federal system of government with 36 states as the federating units. The CRA can only be effective or enforceable in prohibiting early child marriage if each of the 36 states incorporates the CRA into their various states laws.<sup>488</sup> Since the passing into law of the CRA in 2003, 12 states have yet to incorporate the Act into their state laws.<sup>489</sup> Not surprising, of the 12 states that are yet to incorporate the CRA into their state laws, outside Enugu state, which is located in southern Nigeria, the remaining 11 states are all located in the north where the practice of early child marriage is pervasive.

The case of Jigawa state, one of the states in the north that has incorporated the CRA into the state laws supports the argument that the CRA was oppose by the north as a result of the 18 years age limit prescribed for marriage in the CRA. According to Ahmed Bello, the Director of the region's Agency for the Prohibition of Human Trafficking, before Jigawa state incorporated the CRA into the state law, it replaced the 18 years limit for marriage as specified in the original draft of the CRA with "puberty".<sup>490</sup> As stated by the Secretary of the Jigawa State Judicial Reform Commission, which reviewed the CRA, "we substituted the age limit of 18 years in the original draft with "puberty", which we find acceptable with our people".<sup>491</sup>

Attempts to introduce the CRA for debate with the aim of incorporating it into the Zamfara state law;(state in northern Nigeria) was met with severe criticism and resistance from Islamic clerics, parents and state parliamentarians, who view the CRA as a contravention and a direct assault on their cultural and religious norms.<sup>492</sup> Protests were held in some parts of the State.<sup>493</sup> Among the inscriptions on the placards carried by protesters in Gusau, Zamfara

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<sup>487</sup> Braimah (2014).

<sup>488</sup> IRIN Africa, (2008).

<sup>489</sup> Braimah (2014)481.

<sup>490</sup> IRIN Africa(2008).

<sup>491</sup> IRIN Africa (2008).

<sup>492</sup> IRIN Africa (2008).

<sup>493</sup> IRIN Africa (2008).

state capital was ‘Islam is not against marrying 13 years old’.<sup>494</sup> It was reported in their protest letter titled: “No to the Child Rights Bill”, written in English, Hausa, and Arabic, that they are opposing the bill because of its insensitivity to the provisions of Sharia and intended to impose on Muslims, western family life and values.<sup>495</sup> In fact debate on the CRA in the Zamfara State House of Assembly did not even get the first reading before it was thrown out; because the legislators believed it was designed against Sharia and Muslims.<sup>496</sup>

The implication of this is that, if a child marriage is practiced in any of the states that are yet to incorporate the CRA into their statelaws; it will not be an offence.<sup>497</sup> In other words early child marriage is not prohibited in those states.

The third challenge that impedes the effectiveness of the CRA is the complex Nigerian legal system. Nigeria operates a tripartite legal system, with common law, Customary and Islamic legal systems operating simultaneously.<sup>498</sup> Prior to colonialism as accounted by Vincent, customary law held sway in southern Nigeria, while Islamic or Sharia law governed the affairs of the people in northern Nigeria. The establishment of British control in Nigeria, resulted in the introduction of English or common law, where both Islamic law and customary law were categorised as local customs that were inferior to English law, and were subjected to repugnancy doctrines.<sup>499</sup> While these three categories of laws have continued to exist and are recognised by the Constitution, Section 1 of the 1999 Constitution states clearly that the Constitution is the supreme law of the land and any law that contravenes the Constitution is null and void.<sup>500</sup>

The recognition of the simultaneous existence of these three categories of laws is indicated in Section 6(1) of the 1999 Constitution, which provided for the establishment of a Supreme Court, Court of Appeal, Federal High Court, High Court of Federal Capital territory, High Court of a state, Sharia Court of Appeal of the Federal Territory, Sharia Court of Appeal of a state, Customary Court of Appeal of the Federal Capital Territory, and a Customary Court of Appeal of a state.<sup>501</sup>

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<sup>494</sup>Global Movement for Children.

<sup>495</sup>Global Movement for Children.

<sup>496</sup>Global Movement for Children.

<sup>497</sup>Braimah (2014)481.

<sup>498</sup>UNFPA (2013).

<sup>499</sup>Vincent (200) 737.

<sup>500</sup>Section 1 of the 1999 constitution.

<sup>501</sup>Section 6(1) of the 1999 constitution.

Section 277(1) of the Constitution confers jurisdiction on the Sharia Court of Appeal in addition to jurisdiction conferred upon it by law of the state, to exercise jurisdiction in civil proceedings involving questions of Islamic personal law which the court is competent to decide.<sup>502</sup> Section 277(2)(1)(a) of the Constitution also confers on the Sharia Court of Appeal jurisdiction on Islamic personal law regarding a marriage conducted in accordance with Islamic law, including a question relating to the validity or dissolution of such marriage.<sup>503</sup> While these three categories of laws have existed simultaneously, their existence as noted by Oba has not been without conflict and tension.<sup>504</sup> This tension manifests itself in different ways, for example, as regards the issue of marriage, Section 61 of the 1999 constitution states as follows:<sup>505</sup>

The formation, annulment and dissolution of marriage other than marriages under Islamic law, and customary law including matrimonial causes relating thereto

The implication of Section 61 of the 1999 Constitution is that the Federal Government does not have control over marriages conducted under customary and Islamic laws, but only have control over marriages conducted under Common law. This means that when a child marriage occurs under Islamic law which arguably permit child marriage in northern Nigeria, and by implication contravenes section 21 of the CRA, such person cannot be prosecuted because the government will be interfering with an Islamic marriage and will be in violation of section 61 of the 1999 Constitution. Section 61 of the 1999 Constitution renders the CRA ineffective. As the supreme law of Nigeria, the Constitution overrides every other law that contradicts it. The Committee on the Elimination of Discrimination against Women, in their 2008 concluding observation raised concern regarding this issue. The committee express concern about the lack of consistency and contradictions created by the application of the tripartite legal system of sharia, customary and statutory laws in the area of marriage. The committee noted that the application of the tripartite legal system in the area of marriage has resulted in lack of compliance by Nigeria to its obligation under the convention.<sup>506</sup>

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<sup>502</sup>Section 277 (1) of the 1999 constitution.

<sup>503</sup> Section 277(2) (1)(a) of the 1999 constitution.

<sup>504</sup> Oba (200) 826.

<sup>505</sup> Section 61 of the 1999 Constitution of the Federal Republic of Nigeria.

<sup>506</sup> Committee on the Elimination of Discrimination against Women 'concluding observation' (2008) 3 CEDAW/C/NGA/CO/6.

The challenge posed by section 61 of the Nigerian constitution on the eradication of early child marriage in northern Nigeria was epitomised in the case of Senator Yerima, a Nigeria Senator who married a 13 year old Egyptian girl. The marriage generated condemnation in different circles on the ground that it violated section 21 of the CRA.<sup>507</sup> As documented by Tardzer, there was a huge outcry from some sections of the general public for the Senator to be prosecuted, however as noted by the Attorney-General of the Federation, Mohammed Bello Adoke, in as much as the Senator's action is unacceptable, he cannot be prosecuted on the ground that the marriage was contracted under Islamic law.<sup>508</sup> The decision not to prosecute the senator was on the basis of the provision of section 61 of the 1999 Constitution of Nigeria.

The fourth challenge as regards to the ineffectiveness of the CRA in prohibiting early child marriage is posed by section 29 (4) (b) of the 1999 Constitution of Nigeria. Section 29 (4) (a) of the constitution defines full age to mean 18 years and above.<sup>509</sup> However, Section 29 (4) (b) with regards to the issue of marriage stipulates that 'any woman who is married shall be deemed to be of full age'.<sup>510</sup> By implication this provision as rightly pointed out by Onuora-Oguno is that marriage automatically promotes the status of even a year old female child to womanhood.<sup>511</sup> Full age based on the definition of section 29 (4) (b) is based on marriage. That is, if a woman is married, she is automatically of full age regardless of her age. If that is the case it arguably invalidates Section 21 of the CRA, which prescribed the age of marriage at 18, as the Constitution overrides all other laws that contradicts its.

Attempts to delete or expunge Section 29 (4) (b) of the constitution in the on-going Constitutional amendment exercise as noted by Onuora-Oguno was met with significant resistance in the Nigerian Senate.<sup>512</sup> The opposition to the amendment of Section 29 (4) (b) of the Constitution is on the basis of Islamic religious belief, which as stated earlier does not prescribe age limit for marriage.<sup>513</sup> The status quo as it is suit Islamic view on the age of marriage.<sup>514</sup> The continuous existence of Section 29 (4) (b) of the Nigeria Constitution legitimises early child marriage, and renders the CRA ineffective in prohibiting early child

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<sup>507</sup>Okereke et al .(2013) 74.

<sup>508</sup>Tardzer (2012) 77 cited in Braimah (2014) 486.

<sup>509</sup>Section 29 (4) (a) of the 1999 constitution of Nigeria.

<sup>510</sup>Section 29 (4) (b) of the constitution of Nigeria.

<sup>511</sup>Onuora-Oguno (2013) 1.

<sup>512</sup>Onuora-Oguno (2013) 2.

<sup>513</sup>Onuora-Oguno (2013) 2.

<sup>514</sup>Nnadi (2014) 32.

marriage in northern Nigeria. The implication of this is that child marriage will continue to occur and the right to basic education of girls married in the region at a young age will continue to be denied.

The combination of religious factors, the complex Nigerian legal system, Constitutional loopholes and different levels of acceptance of the CRA in the country has significantly impeded the effectiveness of the CRA in eradicating early child marriage. The consequences of the ineffectiveness of the CRA in prohibiting early child marriage is the continued prevalence of early child marriage in northern Nigeria, which in turn continues to affect the right to basic education of girls in northern Nigeria. The question is how can these challenges be resolved? In the next section I will make recommendations on how the existing measures can be improved upon to eradicate the scourge of child marriage in northern Nigeria, which will in turn promote the right to basic education of children in the region.

#### **4.5.2 Way Forward**

Government efforts to eradicate early child marriage through the CRA have not been effective for various reasons already discussed.

I propose that the Federal Government of Nigeria, NGOs, and the international community should dialogue and persuade religious and political leaders in the various states that are yet to incorporate the CRA into their state laws on the need to do so. Political leaders, community leaders, religious leaders and parents in the north should be educated on the health and social implications of early child marriage. States in northern Nigeria should also be prevailed upon not reduce the minimum age for marriage from 18 years as Jigawa State did when it incorporated the CRA into its state law. Doing so will defeat the purpose of the CRA, which amongst others things is to eradicate early child marriage. The wide acceptance and enforcement of the CRA by the 36 states will significantly reduce child marriage and enhance the right to basic education of girls in northern Nigeria.

Section 61 of the constitution, which restricts the government from having control over Islamic and customary marriages, should be amended to give government control over any

marriages contracted either under Islamic law, customary or civil law which is below the 18 years age limit set by the CRA. This is consistent with the view of Braimah, who posits that to protect girls from early child marriage section 61 of the 1999 Constitution must be amended to involve the Federal Government in the formation, annulment and dissolution of all marriages including Islamic and traditional marriages.<sup>515</sup> In addition, I recommend that the government set up an agency with a division in every local government area. The aim of the agency will be to register and issue marriage permits to every marriage either Islamic or customary, after a thorough investigation has been carried on the age of the girl getting married and also to ensure that the girl is getting married by choice, and not that she is forced into it. This will ensure that the government has full control over the issue of marriage and will have the power to prosecute whoever violates the prohibition of early child marriage. This will help prevent cases such as Senator Yerima's, who got married to a 13 years old Egyptian girl and could not be prosecuted because the marriage was contracted under Islamic law.

I also advocate that section 29 (4) (b) should be expunged from the constitution. This view is in accordance with the assertion made by the Committee on the Elimination of Discrimination against Women in their 2008 concluding observation on Nigeria. The committee posits that the Section 29(4) of the Constitution as it is lend support to early marriage, as such it should be repeal without delay.<sup>516</sup> Human rights groups, the international community and civil society must lobby and pressurise the Nigeria Federal Parliament to ensure that section 29 (4) (b) is expunged from the constitution and should be replaced with a section stipulating 18 years as the minimum age for marriage. This view is also explicitly echoed by Onuora-Oguno, when he posits that Nigeria is not a religious state, rather it is a secular state as such the constitution should not have any religious connotation.<sup>517</sup> Religion should not be used as a basis to justify the existence of Section 29 (4) (b) of the Constitution as such it should be expunged from the Constitution.<sup>518</sup> The status quo as it is legalises early child marriage and its continued existence in the Constitution does not only render the CRA useless as regards to the prohibition of earl child marriage but also provides a basis for the continued prevalence of child marriage in Nigeria. The removal of Section 29 (4) (b) and

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<sup>515</sup>Braimah (2014)487.

<sup>516</sup>Committee on the Elimination of Discrimination against Women 'concluding observation' (2008) 3 CEDAW/C/NGA/CO/6.

<sup>517</sup>Onuora-Oguno (2013).

<sup>518</sup>Onuora-Oguno (2013).

enshrining of 18 years as the minimum age for marriage in the Constitution will give more bite to the fight against early child marriage, thereby reducing the prevalence of child marriage and consequently guaranteeing the right to basic education of girls.

In addition to strengthening the legal instruments concerning the prohibition of early child marriage, government must also publicise the existence of these laws through the media, door-to-door campaigns, school-to-school, raising awareness of the implications of early child marriage and the consequences of violating the laws prohibiting child marriage. Girls should also be educated in schools concerning the existence of the laws prohibiting child marriage and in a situation where they are forced into marriage; they should be taught how to seek redress. I recommend that a special agency be set up, which will be accessible to girls who are pressured into marriage at a young age by their parents. Such agency should have liaison offices in every school, with at least one staff member to entertain issues of forced marriage or early marriage that might be reported by the students.

These measures in addition to the strengthening of laws prohibiting child marriage will drastically reduce its prevalence, thereby enhancing the chances of more girls in the northern Nigeria accessing basic education.

## **4.6 Conclusion**

In this chapter, I have examined the *Almajiri* integrated model school system and the CRA as measures established by the Nigerian government to address the scourge of *Almajiri* schooling and early child marriage. These religious and cultural practices have had a profound effect on the right to basic education of children in the northern region of Nigeria. While the *Almajiri* integrated model schools were established to address the menace of *Almajiri* schooling, the CRA was passed into law to address among other things the scourge of early child marriage. The chapter established that both measures have achieved relative success in their various objectives. However, both measures are faced with challenges which have made it difficult to achieve greater levels success. For example, the integrated *Almajiri* model schools policy has led to the construction of infrastructure for the *Almajiri* school system. It has also incorporated formal education curriculum, such as maths, English, sciences and other related subjects into the *Almajiri/Qu'ranic* education curriculum,

which would enable students of the *Almajiri* model school to acquire both Qu'ranic and formal education so as to contribute meaningfully to the society. However, challenges such as lack of acceptability from some parents and *Malams* of the *Almajiri* model schools, and resource constraints threaten the sustainability of the policy. I recommended that adequate budgetary allocation be made available for the smooth running of the schools; in addition, I advocated that the government engage with religious leaders, community leaders and parents on the need for their children to acquire formal education. I also recommended that *Malams* should be given training and be made stakeholders in the integrated *Almajiri* model schools. It is only on this basis that the *Almajiri* integrated model school policy will be sustainable and achieve greater success.

The CRA has also achieved relative success on the basis that since the passing into law of the CRA in 2003, early child marriage has reduced by 9%. However, challenges, such as religious factors, the different levels of acceptance and the complex nature of the Nigerian legal system have hampered the overall success of the CRA in eradicating early child marriage. As a solution to some of the challenges, I advocated for an amendment to some Sections in the Constitution that has made the CRA ineffective. I also advocated that the Federal Government, NGOs, and the international community engage with States in northern Nigeria, that are yet to incorporate the CRA into their state laws to do so with the aim of achieving wider enforcement of the CRA. I posited that if these measures are put in place, it would resolve the challenges posed by the practice of early child marriage, and *Almajiri* schooling, which would in turn guarantee access to basic education of children in northern Nigeria.

## Chapter 5

### Conclusion and Recommendations

This chapter deals with the overall conclusion and recommendations of the dissertation. The chapter begins with a summary of the main arguments of the dissertation and close with the recommendations.

## 5.1 Conclusions

In this dissertation, I set out to examine the effects of religious and cultural practices of *Almajiri* and early child marriage on the right to basic education of children in northern Nigeria. The main question was: to what extent do the religious and cultural practices of *Almajiri* and early child marriage affect the right to basic education of children in northern Nigeria? The study established that the religious and cultural practice of *Almajiri* and early child marriage have had a severe effect on the right to basic education of children in northern Nigeria. This assertion was made on the basis of available data, which indicates that while there are over 9.5 million children registered in *Almajiri* schools without formal basic education,<sup>519</sup> the practice of early child marriage has resulted in an estimated 12 million girls being married at ages between 13 and 14 years in northern Nigeria.<sup>520</sup>

The study noted that while the practice of *Almajiri* served a good cause in the past, its relevance in modern society has passed; its continued existence has become a menace to the society. Furthermore, despite the social, economic and health implications of early child marriage to the girl child, the practice continues to exist.

Based on existing literature, the study identified poverty and religious factors as being responsible for the continued existence of early child marriage and *Almajiri* practices. The government has established some measures in the form of the CRA to combat early child marriage, and the *Almajiri* model school policy to combat the menace of *Almajiri* practice. The dissertation noted that while it is quite early to pass judgement on the effectiveness of the *Almajiri* model school policy, as the policy was only introduced in 2012; early reports indicated that the policy is facing challenges of inadequate resources and resistance from parents and *Malams* who are adverse to western education. The dissertation posits that unless these challenges are addressed it will ultimately lead to the failure of the policy. The CRA on the other hand has been a failure as it has not been effective in combating early child marriage. The failure of the CRA has been attributed to various challenges, which include resistance from some sections of the Muslim community in the north who are of the view that the content of the CRA is at variance with their religious beliefs and cultural values.

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<sup>519</sup> Onuoha (2013).

<sup>520</sup> IRIN Africa (2008).

The CRA has also failed or remain ineffective because of loopholes in the constitution, which have been used to justify or legitimise the practice of early child marriage. Similarly the effectiveness of the CRA is also affected by the refusal of some states to incorporate the it into their state laws since it was passed into law by the Nigerian National Assembly in 2003. 11 states in the north have refused to incorporate the CRA into their state laws. The implication of this is that if child marriages occur in any of the 11 states it will not be viewed as a crime. The failure of measures put in place by government to address early child marriage and the *Almajiri* practice, means that these practices will continue to exist, and the effect of this is that the right to basic education of children will continue to be denied. It is on this basis that I recommended a multidisciplinary approach. This will, in addition to the legal approach, address the socio-economic dimensions that perpetuate the existence of the *Almajiri* practice and early child marriage.

## 5.2 Recommendation

### 5.2.1 Multidisciplinary Approach in Resolving *Almajiri* Practice and Child Marriage

The mere integration of the *Almajiri* education system with that of the formal education system and the focus on legal approach in combating early child marriage as done by the government has not been sufficient in resolving the challenges associated with the *Almajiri* practice and early child marriage. This is demonstrated by the continued practices of early child marriages and high enrolment rate in the *Almajiri* schools. According to Nnadi, Braimah, and UNICEF, poverty is at the centre stage of early child marriage, with parents needing the bride price of a daughter to feed, cloth, educate, and cater for the rest of the family.<sup>521</sup> I also noted in chapter three that one of the well documented factors that continue to sustain the practice of *Almajiri*<sup>522</sup> and early child marriage in addition to the pervasiveness

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<sup>521</sup>Nnadi (2014) 38. UNICEF (2008) 32, Braimah (2014) 483.

<sup>522</sup>Aluaigba (2009), Hoechner (2013), Okugbene (2013) 13 all pointed to the fact that most of the children enrolled in *Almajiri*/Qu'ranic schools are from poor households.

of poverty in the north is religious and cultural practices of the people of the region.<sup>523</sup> In such a situation as noted by Abdullahi any effort aimed at addressing the problems of early child marriage and *Almajiri* practice that does not tackle the basic problem of rural poverty; and the re-orientation of the people's religious beliefs and attitude is doomed to fail.<sup>524</sup> Government's efforts to address the practice of early child marriage and *Almajiri* have neglected these factors. It is on this basis, I proposed a multidisciplinary approach that will not only deal with the symptoms of *Almajiri* practice and early child marriage, but address the fundamental problems of poverty through economic empowerment and skills development programmes in local communities; and the re-orientation of religious and cultural beliefs of the people of northern Nigeria through massive media campaigns and consultation.

### **5.2.2 Addressing the Poverty Dimension of Early Child Marriage and *Almajiri* Practices**

It is well documented that northern Nigeria accounts for the highest percentage of poor people in Nigeria.<sup>525</sup> According to the Nigeria Bureau of Statistics, the poverty rate in Nigeria is 67.1% when globally compared. However, among the various regions in Nigeria, the poverty rate in northern Nigeria is 77.7%.<sup>526</sup> Several factors have been identified as being responsible for the high rate of poverty, especially rural poverty in northern Nigeria. These include unemployment, poor governance, corruption, high illiteracy rate, rapid population growth, and environmental degradation, the use of out-dated and inefficient agricultural production technique, lack of credit facility, drought and the neglect of rural infrastructure.<sup>527</sup>

The government has introduced several programmes over the years to address the issues of poverty especially in rural areas, some of these programmes includes:<sup>528</sup>

- Nigeria agricultural and cooperative Banks
- Rural water supply scheme
- Directorate for food, roads, and rural infrastructure

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<sup>523</sup>Umemoto (2001)1.

<sup>524</sup>Khalid (2006) 12.

<sup>525</sup>Nigerian Bureau of Statistics.

<sup>526</sup>Nigerian Bureau of Statistics.

<sup>527</sup>Abubakar (1975) cited in Sulaiman.

<sup>528</sup>Bolarin (2009).

- Small and medium scale enterprises programmes,
- Better life for rural women and family support programmes.
- Universal basic education scheme
- Nomadic education scheme

These and many other programmes established by government aimed at eradicating poverty through the provision of credit facilities to rural farmers, small scale business, training and empowerment programmes for rural dwellers.<sup>529</sup> However despite the plethora of policies and programmes established by government to eradicate poverty, very few have actually had some sort of progress.<sup>530</sup> This accounts for the reason why despite available programmes, the poverty rate is still very high in the country. If the poverty eradication programmes put in place by government were effective, the poverty level would have decreased. As mentioned in chapter four the problems of Nigeria have never been about policy formulation, but implementation. Bolarin attributed the failure or ineffectiveness of these programmes to the problems of poor implementation, corruption and the lack of political will, which has made the programmes ineffective.<sup>531</sup>

To solve the problem of poverty in the north, I advocate for a sustained strong partnership between the government and the private sector, where the private sector and the benefiting communities are seriously involved in the design and implementation of poverty eradication programmes. The involvement of the private sector and the benefiting communities will ensure that policies aimed at eradicating poverty are designed to meet the specific need of the benefiting communities and are effectively implemented. This approach will address the issue of corruption that has marred the effective implementation of government programmes. I used the concept ‘sustained partnership’ because government have had such partnerships in the past, but once the private partners withdraw their support, it effectively brings an end to the programmes. This is evidenced in Fadama I Development Project implemented between 1993 and 1999. The Fadama I is an Agricultural Development Programme (ADPS) assisted by the World Bank in Nigeria, with the aim of eradicating rural poverty.<sup>532</sup> This recommendation is consistent with the view of Bolarin, when he noted that poverty eradication programmes that involved private partnership funding such as international

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<sup>529</sup>Bolarin (2009).

<sup>530</sup>Bolarin (2009).

<sup>531</sup>Bolarin (2009).

<sup>532</sup>Muhammed et al. (2011) 248.

organizations have achieved enormous success. An example of such programmes includes Fadama II programme.

The Fadama II project was introduced in 2004 and was implemented in 11 states in Nigeria, the major objectives of the project was to tackle and address the challenges encountered in the Fadama I project.<sup>533</sup> The Fadama II project adopts a community-driven development strategy. Unlike the Fadama I project, the Fadama II adopted a bottom-up strategy, with the objective of providing rural non-farm enterprises, marketing infrastructure, sustainable increase in income of beneficiaries by at least 20% and encouraging beneficiaries' participation.<sup>534</sup> The success of the program as noted by Muhammed is largely due to the active involvement of the partners, the government and the benefiting communities in the project design and implementation.<sup>535</sup> A sustained private partnership with the government and the active involvement of the intended beneficiaries of the programme in its design and implementation will be successful in empowering the intended communities. Consequently, providing parents with the needed resources to educate their children in formal schools rather than enrol them in *Almajiri/Qu'ranic* schools. The availability of fund will also discourage parents from giving their daughters out for marriage at an early age; consequently increasing access to basic education of children in the north.

I also advocate that government in collaboration with the private sector sets up a special programme targeted at the most vulnerable households and specific needs of rural household in the north, which will provide training for rural communities(both male and female), in medium and small businesses, and farming techniques. At the end of such training, credit facilities should be provided to graduates of such training programmes to enable them set up their own businesses. Improved modern agricultural tools should be provided for those who are interested in going into agriculture. In addition, I advocate for a social security programme, to alleviate the immediate harsh economic condition of the poor households in the region, pending the full implementation of the poverty alleviation programmes put in place by government and its development partners. Such poverty alleviation programmes as noted by Raghav have played a significant role in reducing poverty in rural households in India.<sup>536</sup>

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<sup>533</sup>Bolarin (2009).

<sup>534</sup>Muhammed et al. (2011) 248.

<sup>535</sup>Muhammed et al. (2011) 249.

<sup>536</sup>Raghave (2008).

In addition, it has been well established that one of the measures of addressing poverty is through education. According to a study by Olaniya & Bankole; Oni & Yusuf, households headed by an educated person significantly improve the welfare of such family as compared to households headed by individuals without education.<sup>537</sup> On the basis of this finding, it is not surprising that the north accounts for the highest percentage of poor people in the country.<sup>538</sup> This is because the region also accounts for the highest number of illiterate people in the country.<sup>539</sup> As such, it is only logical to suggest that government in addition to other poverty alleviation measures should ensure the increased educational access to the people of northern Nigeria by removing any obstacles that have impeded access to education in the region. The higher the number of educated persons in the northern region, the higher the possibility of job opportunity for as many people as possible, consequently parents are economically empowered with the needed resources to enrol their male children in formal schools rather than *Qu'ranic* schools, and also enrol their female children in schools rather than marry them out at an early age because they could not afford their fees or their upbringing. This assertion is in accordance with the view of Okugbene, who posits that the empowerment of parents will provide the needed resources for parents to provide their children with meaningful education.<sup>540</sup>

The promotion of education will not only improve the socio-economic standing of parents in northern Nigeria, but will also serve as an antidote for early child marriage. For example, a study by the International Centre for Research on Women (ICRW), indicates that secondary school education have significantly emerged as a factor associated with the decrease in prevalence of child marriage, this is because the higher the girl child climbs the ladder of education, the less likely that she will get married at an early age. Therefore the promotion of girls' education is an effective way of addressing early child marriage.<sup>541</sup>

### **5.2.3 Addressing the Religious and Cultural Dimension of Almajiri and Early Child Marriage in Northern Nigeria**

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<sup>537</sup> Olaniyan and Bankole (2005), Oni and Yusuf (2007) cited in Bolarin 2009.

<sup>538</sup> Aluaigba (2009) 21.

<sup>539</sup> Aluaigba (2009) 21.

<sup>540</sup> Okugbene (2013) 39.

<sup>541</sup> International Center for Research on women (2007).

In chapter three I identified religious and cultural factors as playing significant roles in influencing the practice of *Almajiri* and early child marriage in the north. The people of the north are predominantly Muslims, as noted by Nnadi, Islamic law seems to permit early child marriage.<sup>542</sup> Nnadi posits that Islamic scholars are of the view that Islam does not have a fixed age for marriage; as such girls at a young age are withdrawn from school and married off.<sup>543</sup> This religious belief among other factors as noted by Nnadi may account for the high prevalence of child marriage in northern Nigeria.<sup>544</sup> Also the practice of *Almajiri* is a religious practice, in which Muslim boys are expected to be educationally oriented in the basic tenets of Islam in their early childhood.<sup>545</sup> Consequently there have been proliferations of *Almajiri* schools in the northern region, which have resulted in the challenges associated with the *Almajiri* practice. The combined practices of *Almajiri* and early child marriage as noted in chapter three have had significant effects on the right to basic education of children in northern Nigeria.

Religion and culture are very sensitive issues in Nigeria; as such, matters that have religious connotations are usually handled with care. Nigeria is divided mainly along religious lines, with Christianity and Islam as the dominant religions.<sup>546</sup> Governments often has to tread carefully in handling religious issues so as not to be seen as interfering with issues concerning a particular religion or not to be seen as supporting a particular religion. This has made laws and policies established by government to address issues with strong religious connotation difficult.<sup>547</sup> An example of such situation is the protest held against the CRA in some states in northern in Nigeria.<sup>548</sup> The protesters are of the view that the CRA is a direct assault on Islam and Nigeria Muslims.<sup>549</sup> In 1980, the government of Sokoto State passed a law to address the *Almajiri* challenge. The law was entitled “the control of juveniles accompanying Koranic *Malams* adoptive rules.” The aim of the law was to control the migration of juveniles accompanying Qu’ranic teachers.<sup>550</sup> However the law was thwarted by popular hostility towards it spearheaded by a section of *Malams* accusing the government of

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<sup>542</sup>Nnadi (2014) 36.

<sup>543</sup>Nnadi (2014) 36.

<sup>544</sup>Nnadi (2014) 36.

<sup>545</sup>Aluaigba (2009) 19.

<sup>546</sup>Ismene (2002) 1.

<sup>547</sup>Ismene (2002) 1.

<sup>548</sup>Ismene (2002) 1.

<sup>549</sup>Emmanuel (2010) Vanguard newspaper.

<sup>550</sup>Khalid (2006) 12.

trying to undermine Islamic education.<sup>551</sup> The current integrated *Almajiri* model school policy has also being viewed by some sections of the Muslim community as an attempt to undermine Islamic principles and values.<sup>552</sup> This experience as noted by Khalid has perhaps made government reluctant to promulgate new laws to prohibit the practice of *Almajiri*.<sup>553</sup>

It is on this basis I advocate that in addition to a legal approach to combat the menace of early child marriage and *Almajiri* practices, government needs to engage in robust mobilization, sensitization and enlightenment programmes with religious leaders, community leaders, parents, politicians and every stakeholder in the north. These group of people need to be sensitised, on the importance of providing formal education to their children, which will make them more useful in the society. The government needs to engage with Qu'ranic school teachers to assure them that the introduction of formal school curriculum into the *Almajiri/Qu'ranic* school curriculum is not to displace the *Almajiri /Qu'ranic* education system but to complement it. They should also be assured of a role in the *Almajiri* integrated system. The media should be engaged to play a role in this mobilization and sensitization programmes. This view is in accordance with the view of Bello who posits that dialogue with, religious leaders, traditional leaders, parents and politicians in the north will address the suspicion concerning the intension of the incorporation of formal school curriculum into the *Almajiri/Qu'ranic* education.<sup>554</sup> Bello posits that being a Muslim does not mean isolation or fear of acquiring education that will be beneficial to society.<sup>555</sup> He pointed out that the situation in Malaysia, Indonesia, and Pakistan, which are all Muslim countries but developed as a result of the pursuit of modern education without abandoning traditional Islamic education, should be used as an examples when sensitizing religious leaders in the north on the need to pursue formal education for children and for the benefit of the region.<sup>556</sup>

A similar view was held by Salisu, when he posited that, the significance of sensitisation, advocacy and mobilization to the success of the *Almajiri* model school policy cannot be ignored.<sup>557</sup> He noted that to ensure success of the policy government must sensitise, mobilise and enlighten all stakeholders on the need to support the *Almajiri* model school policy, which will empower their children with basic literacy skills that will enable them contribute

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<sup>551</sup> Khalid (2006) 12.

<sup>552</sup> Usman (2009)

<sup>553</sup> Khalid (2006) 12.

<sup>554</sup> Bello (2007) 8.

<sup>555</sup> Bello (2007) 8.

<sup>556</sup> Bello (2007) 8.

<sup>557</sup> Salisu (2014) 9.

meaningfully to society.<sup>558</sup> Salisu noted that the most important stakeholders are the parents, the *Malams* and the entire Muslim community in the north.<sup>559</sup> He asserts that the support of the stakeholders to the *Almajiri* integrated model schools is the cornerstone of the success of the policy.<sup>560</sup>

I recommend that a similar mobilisation and sensitisation approach be utilised through the media, civil society, non-governmental organisations to raise awareness in cities, in local communities on the social, economic and health implications of early child marriage for girls. Such sustained campaign in addition to the mobilisation of community leaders to support legal frameworks prohibiting child marriage will go a long way towards eradicating early child marriage in northern Nigeria. This is consistent with the view of Iyabode who asserts that any effort geared towards addressing early child marriage must take into cognisance the powers of traditional leaders, family heads, parents, and religious leaders.<sup>561</sup> Iyabode posits that government must mobilise and engage with these stakeholders on the needs for change of attitude toward early child marriage.<sup>562</sup> Awareness should be created that it is not a fight against religious beliefs; it is to save the lives of child brides from the negative consequences of early child marriage.<sup>563</sup>

The multidisciplinary approach will be more effective in combating early child marriage and *Almajiri* practices as compared to the government legalistic approach. This is because government focuses more on a single approach, which do not make provision to resolve the main causes of early child marriages and *Almajiri* practices in the north. The multidisciplinary approach does not focus only on the legal approach to solve the problems, but also examines the socio-economic dimensions sustaining the practices of *Almajiri* and early child marriage. As noted by Khalid, it is only by solving the socio-economic causes of *Almajiri* and child marriage practices that the legal approach will be more effective. I conclude by asserting that it is only when government adopts a multidisciplinary approach in dealing with the issue of *Almajiri* and early child marriage that this menace will be eradicated otherwise, the practices of child marriage and *Almajiri* will continue to exist in the north

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<sup>558</sup>Salisu (2014) 9.

<sup>559</sup>Salisu (2014) 9.

<sup>560</sup>Salisu (2014) 9.

<sup>561</sup>Iyabode (2011) 96.

<sup>562</sup>Iyabode (2011) 96.

<sup>563</sup>Iyabode (2011) 96.

consequently denying both the male and female children their right to basic education in the region.

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