



# RE-GIFTED AND TALENTED CHILDREN EDUCATION AND HUMAN RIGHT IMPLICATIONS IN NIGERIA

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ANI AUGUSTINE UDO AND ANI GERTRUDE UDO

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## ABSTRACT

Human rights create a protective zone around persons and allow them the opportunity to further on their own valued without interference from others. This paper applied the concept of human right to gifted and talented learners. First, the study briefly analyze the concept of human rights, their structure and justification. The study also applied the model of human rights in relation to gifted & talented education and argue that it has the resources to bridge the perceived gap between rights and needs and to offer practitioners ethically defensible practical guidance. Finally, the study included some future reflections on human rights in the area of gifted education.

**KEYWORDS:** Human rights, Gifted and Talented.

## INTRODUCTION

The concept of human rights is an ethical ideal, a way of reaching across the divisions of country, ethnicity, gender, class, and conduct in a search for what is common to all people of the world (Churchill 2006; Donnelly 2003; Nickel 2007). Moral status marks the boundaries of permissible practice while human rights set down the minimal conditions required of a worthwhile lives (Warren 2008). At the heart of such lives reside individual judgments and the pursuit of personal goals.

It is the exercise of agency that bestows dignity on human beings, the fact that people are able to translate their ideals and dreams into effective action, and by doing so, give their lives shape and meaning. If there is one group which has historically been denied the dignity and value attached to the status of being human it would have to be people who are gifted and talented.

It seems as if the life of an individual with gifted and talented has been yield as less valuable than the life of a non-disabled person, lacking in fundamental equality and moral status significance (Stratford 2009) The tendency to downgrade the value of person with gifted and talented and subjected those to gross injustices has been captured by Griffiths et al. (2003).

The concept of human rights has been utilized by gifted and talented people activists over the past few decades to argue for greater equality and dignity for all people with disabilities. However, despite the promise of a rights oriented approach, the analysis by disability theorists has been theoretically underdeveloped and proved insufficient to resolve gifted and talented problems confronting practitioners in their daily work with gifted and talented people (see Drewitt 1999)

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**Ani Augustine Udo**, Department of Special Education, Faculty of Educational Foundation Studies  
University of Calabar, Calabar, Nigeria

**Ani Gertrude Udo**, Department of Educational Foundation Studies, University of Calabar, Calabar,  
Nigeria

For one thing, in our view the tendency to oppose rights and needs based approaches is mistaken and obscures the logical relationship between the two concepts.

The argument in this paper is quite straightforward. Human rights create a protective zone around persons and allow them the opportunity to further their own valued personal projects. Moreover, the State and other people are obligated in some circumstances to supply human rights-holders with the general capabilities necessary to function as purposive agents and therefore allow them a sense of dignity. In our view there are strong reasons for maintaining that all human beings should be afforded human rights, including people with gifted and talented.

### WHAT ARE HUMAN RIGHTS?

In order to define human rights, it is first necessary to analyze the concept of a right. Following Hohfeld (2002) a right is a claim for specific human goods made against another person or the State who thereby has a duty to provide the good claimed. A right may be broken down into a number of key concepts: a rights-holder (i.e., the moral agent who makes the claim), the assertion of a claim, the object of the claim (e.g., free speech or liberty), a recipient called upon to provide the object in question (i.e., the duty-bearer), and the grounds or justification for the claim in question. Rights in this sense are yield as entitlements to non-interference from others in the agent's affairs and/or to the provision of goods that are seen as being old to the person concerned. Rights involve duties or obligations; the recipient of the claim therefore has a duty to provide the claimant with the object in question (Talbot 2005).

Rights theorists typically make a distinction between negative and positive rights (Churchill 2006). A negative right is a right that imposes a duty of inaction on the duty-bearer. A good example is the duty 'to respect an individual's right to free speech; the claim is for the duty-bearer to refrain from interfering with the expression of the rights-holder's views. A positive right is a right that imposes an obligation on the duty-bearer to act in certain ways in order to provide the right holder with a specific need or good and to take positive steps to ensure that rights are able to be enjoyed. An example is a claim against the State to provide education to all children within a certain age range. Following Orend (2002) it is possible to group the various rights contained in the UDHR into five

clusters, each cluster associated with a particular object (i.e., a target of human rights, the value or good protected): Personal freedom, material, subsistence, personal security, elemental equality, and social recognition. The human right of personal freedom refers to a subset of rights such as freedom of speech, assembly, movement, association, conscience, religion, and is associated with a number of the specific rights contained in the UDHR. Furthermore, it is directly linked to individuals' right to rely on their own judgment when deciding how to live their lives. The human right of security concerns the physical safety of individuals and includes more fine grained rights such as freedom from torture, violence, due process rights in law, and rights to seek asylum.

The right to subsistence refers to a subset of objects including rights to basic levels of physical health, food, water, and education. Equality denotes goods such as equality before the law, and freedom from discrimination on the grounds of religion, gender, disability, or some other feature considered to be irrelevant for the ascription of individuals' moral status. Finally, social recognition is essentially concerned with acknowledging individuals' rights to direct the course of their own lives and to be treated in a dignified and respectful manner in accordance with their status as autonomous agents. Self-respect and self-esteem are included under this category and point to the importance of individuals possessing positive attitudes toward themselves and their own lives (in a sense, this is the internal component of human dignity). Thus, according to the UDHR and the two covenants, human rights are universal entitlements to certain goods that, if obtained, will result in at least minimally decent and dignified human lives.

### JUSTIFICATION OF HUMAN RIGHTS

The work of Alan Gewirth (2020) provides an elegant argument for the use of human rights. He argues that every agent must accept that s/he has rights to the core values of well-being and freedom, since without these objects, all effective human functioning would likely grind to a halt (Churchill 2006). Once this is accepted it logically follows that every agent must accept that other people have the same rights to freedom and well-being. In terms of the first step, prospective agents to consider the value of the goals or objectives of their potential actions.

On reflection it is clear that any ends that individuals intentionally aim to achieve must have value for them, otherwise they would not bother to seek them. Furthermore, it follows that prospective agents must also accept that any conditions that are required to accomplish their goals will be yield as having value because of the necessary relationship to their ends. Churchill (2006) argues that individuals have rights to whatever is necessary to achieve the purposes of their actions because without such guarantees they may not be able to function effectively at all (i.e., they will be unable to successfully realize their goals). Freedom to act is necessary otherwise individuals would not be able achieve their own goals. Freedom involves the ability' to act upon the basis of a person's particular intentions. This means being able to have access to the relevant information needed to make a decision, consider the possible options, formulate a plan and then to implement the plan without interference from other people. In light of these considerations, the author, asserts that freedom and ill-being are necessary conditions for the attainment of aims and therefore justifies agents' rights to these goods.

### **HUMAN RIGHTS AND DISABILITY**

Since the 1970s the conceptualization of exceptionalities has moved from one where the predominant focus was on individual impairment to a more ecological model in which exceptionality is seen as an interaction between the individual and the environment social models have highlighted oppressive social and political structures that exclude and marginalize disabled people (Oliver 1990). Within this framework there is a strong call to the notion of rights and respect for individual rights as the basis for removing discrimination and enhancing the participation of disabled people in the community (Handley 2000; Hudson 1988; Munford and Sullivan 1997). While acknowledging the significant impact of the social model in drawing attention to wider factors some authors have questioned its completeness as a theory.

The philosophy of normalization, a key driver in the deinstitutionalization and community living movements, was underpinned by a rights rhetoric - the right to ordinary patterns of life (Emerson 1992).

As the policy of normalization has been further developed there has been a greater stress on participation and social inclusiveness, self-determination and quality of life. Attention has been paid in the application of rights in policy responses such as direct payments and case management (Stainion 2007). A key feature of this theoretical elaboration has been the development of policies that promote individualized supports that are responsive to the unique needs of disabled people. Thus, inherent in contemporary approaches is recognition of the essential interdependency of all people and the fact that it is critical to take into account the person-environment interaction when designing the support plans. A functional question to consider when framing such policies concerns the degree of support "to help people who are gifted and talented participate in their communities, assume valued social roles and experience greater satisfaction and fulfilment" (Thompson et al 2002 P.390).

Person-centered planning approaches are practical ways that enable gifted and talented people to function well in the society (Ritchie et al. 2003). Important guiding principles include a genuine desire to be guided by the person and their advocates with regard to lifestyle preferences, utilization of natural supports, increased opportunities for choice and valued and respected roles, enhanced personal competencies, promotion of social connectedness and community inclusion (Ritchie et al 2003).

There is also a move away from the professional determination of individual needs. The primary emphasis in the new conceptualization of disability, is on the importance of choice and empowerment for persons who are gifted and talented. The accent on choice and judgment resonates strongly with a human rights orientation and is evident in the recent attention given to the area of intellectual disability by the United Nations and human rights theorists (Herr et al. 2006; Rioux and Carbert 2003).

The distinction between human rights and needs that is sometimes espoused (Young and Quibell 2000) is mistaken and fails to appreciate the fact that human rights function to protect the core interests and needs of individuals (Baylies 2002; Drewitt 1999).

While we appreciate the pragmatic utility in relying on rights discourse to press for social services and goods for persons with disabilities, it has led to conceptual confusion (Shakespeare 2006). The two conditions of ill-being and freedom essential for effective agency (and thus objects of human rights) involve the meeting of basic needs for nutrition, safety, threats, and relatedness. Human needs directly entail the conditions essential for psychological ill-being and fulfillment, and individuals can only achieve satisfactory if they are met. Failure to meet basic needs for goods such as autonomy, relatedness, and competence will inevitably cause psychological distress and will likely result in the acquisition of maladaptive defenses and impaired agency (Deci and Ryan 2000). In other words, thwarted basic needs result in stunted lives. Rights and needs play distinct conceptual roles in political and social theories and should be considered as conceptual allies rather than rivals.

#### **HUMAN RIGHTS IN PRACTICE**

People with intellectual disabilities are frequently denied the opportunity to live their lives according to their own interests and preferences. It is often assumed that they are eternal children, unable to speak on their own behalf and therefore not competent to their own. Following on from such reasoning is the claim that gifted and talented people should not be allowed to fully participate in the world or be allowed the opportunity to learn the skills necessary to do so. It is simply assumed that having the "mind of a child" and therefore lacking competency would make such efforts futile and a waste of community resources. This is the case despite evidence that people who are gifted and talented are able to display distinct preferences and interests (Lohrmann-O'Rourke and Browder 1998). In our view the research evidence and the ethical requirement of human rights obligate the rest of the community to work harder in ascertaining the preferences and interest of Gifted and Talented people and to cultivate the sensitivity, concern, and skills to be able to do this. It is also important to recognize that personal attributes (i.e. severity of impairment) do not account for all the variability in control obtained with people who are gifted and talented (Stancliffe et al. 2000) and that the opportunity to be more self-determining can help people to achieve this important aspect of human dignity.

The state and the community need to allow people the time to make informed choices, adopt processes to facilitate participation and use augmentative communication system where needed. The obligation is to take positive steps to ensure that the rights of a Gifted and Talented people are met. In light of the above comments, a key issue concerns those people who by virtue of Gifted and Talented, social discrimination or illness lack the necessary freedom and ill-being conditions required to function as effective agents. Considerations of equity mean that the State and its citizens have an obligation to provide the resources that will enable people with disabilities to either function as purposive agents on their own (with appropriate support and learning) or else continually scaffold their agency attempts. All human beings share the same degree of moral status and have intrinsic value as prospective agents. Although people who are gifted and talented may temporarily or even permanently lack the necessary conditions to independently act in service of their goals they are still capable of experiencing wants, and have fundamental interests that if not met are likely to result in serious harm and if met, lead to significant ill-being. In view of the fact that people who are gifted and talented have their own unique goals (desires, preferences, interests etc), and that action in pursuit of these goals will give them a sense of dignity, it follows that inability to act to achieve these goals will result in a lack of dignity and (feeling of) diminishment as a human being. In such circumstances what remains is a gap between individuals' aspirations and reality: they would like to achieve certain outcomes and their self-evaluation of their status as person depends on it, but for a variety of reasons are unable to do this. Individuals with disabilities may experience discordance between their goals and their lives; unable to achieve things they consider important or desirable they are left feeling bad and without value.

The metaphor of a scaffold is helpful because it enables us to distinguish between two related but distinct dimensions of support for people who are gifted and talented: (a) the intensity of support, and (b) the duration of support.

This consistent with the notion of support outlined in the systems of support whereby support intensity needs vary across people, situation and life stages provide a framework and means to promote and protect human rights. The intensity of support refers to the strength and extensiveness of a scaffold, just how far does it extend around a person's life and what domains of living does it cover? Thus, a person who are gifted and talented who can speak and function dependently will need significant support in ensuring that his/her particular interests and goals are realized. This may mean having another agent function as an advocate and/or learning adaptive living skills. His or her support workers will need to seriously consider what specific goals the individual has and how best to structure his/her environment so they can be achieved in a way that respects his/her dignity as a prospective agent and also the rights of others. Clearly, the intensity of support is partly a function of the severity of the person's needs and also their pervasiveness (how many adaptive domains require intervention). The duration of support offered by a scaffold refers to the length of time that support will be needed in order to shore up a person's agency efforts. Despite the existence of high levels of need and the subsequent requirement for intensive support, the aim should always be to increase the degree of agency possessed by individuals who are gifted and talented and to work hard to put in place the capabilities required for them to function as prospective agents. Representatives of the State and its agencies, caregivers, and members of the community all have a duty to promote the self-determination of people who are gifted and talented, provide support or speak on their behalf only in those areas where it is clearly needed (i.e not be unduly paternalistic), to know and understand an individual's preferences, and always to act in the person's best interests.

## **GIFTED AND TALENTED AND HUMAN RIGHTS VIOLATION**

Global trends in education reforms have led to a focus on human capital formation, especially the very valuable aspect of human capital. The Gifted and Talented Human Capital development or formation had to do with acquiring and increasing the population of skilled, educated and experienced individuals for regional and national development (Ibe, 2008) Human capital formation often begins at the early stages of life in order to discover gifts and talents in children which can be harnessed for national gains.

People who are gifted and talented are often denied what is considered to be basic human right for the non-disabled population and violations or right occur across a wide range of areas. It may be that an individual with a disability is denied the opportunity to decide where they live and with whom they live; are faced with restrictions on their personal relationships and expressions of sexuality; women may be coerced into having a hysterectomy without being made aware of all the options; employees who are gifted and talented may be discriminated against in employment and receive their full employment entitlements; people may be denied equitable and accessible health care through discriminatory and insufficient health services and support to maintain optimal levels of well-being; Gifted and Talented people may not have access to supports, adaptations, and communication systems that will enable them to participate in the social world and express their choices to others.

**CONCLUSION**

The study outlined and applied a model of human rights to the domain of Gifted and Talented. The analysis of the case example utilizing our model of human rights revealed its ability to provide a resolution of important ethical issues in a way that reaffirms the dignity and humanity of persons who are gifted and talented. In the study's analysis the concept of scaffolding plays a major role and reminds practitioners that their role is to facilitate the translation of persons with disabilities interests and goals into tangible outcomes. Rights protect agency and it is through action that people form their sense of who they are and where they are going.

Denying the gifted and talented students the opportunity for the dedication that best suits their needs is like destroying the entire country, this because the nation is missing out the opportunities that can be made available to the society by the Gifted and Talented individuals. This paper is therefore a clarion call on government at all levels, school owners, private organizations.

**RECOMMENDATION**

The policy planners should review the instructional policy to the development of the special ability of the students.

The curriculum planners should review the curriculum for appropriate adaptation of the Gifted and Talented interest.

The government should provide students friendly learning environment for the Gifted and Talented educational programme

**REFERENCES**

- Albrecht, K. Seelman and M. Bury (nds.) The handbook of gifted and talented students, 711-733. Thousand, Oaks, CA: Sage Publications.
- Baylies O. M. et al, 2002. If you think your child is gifted. London, Allen and Unwin.
- Churchill, R. P., 2006. Human rights and global diversity. Upper saddle River, NJ: Prentice Hall.
- Churchil M. O., 2006. Gifted children with handicapping conditions.
- Deci, O. C and Ryan, P. P., 2000. Care and management of exceptional children.
- Deci, E. L. and Ryan, R. M., 2000. The "what" and "why" of goal pursuits. Human needs and the self determination of behaviour. Psychological inquiry, 11,227 – 268.
- Donnelly, J., 2003. Universal human right in theory and practice (2<sup>nd</sup> ed.). London, Uk: Cornell University press.
- Drewitt M. O., 2019. National survey of identification practices in gifted and talented Education.
- Emerson, S., 2009. Handicapped children: Identification and programming development
- Freedden C. K., 1991. Gifted children with Handicapping conditions.
- Girlfithsetal, 2013. Evaluating a local gifted programs: A cooperative effort. Exceptional children.
- Genlirth O. R., 1981. The multiple Talent Approach in mainstream and Gifted Programme Exceptional Children
- Handley B. D., 2000. Estimates of giftedness. Journal of school psychology 21(3), 26-13.
- Hudson, M. N., 1988 creativity and intelligence.
- Hohfield, 2022. Career Education for gifted and telexed students: A senior High School Model.
- Herrot et al, 2000. Torrance tests of creative thinking: Norms
- Ibe, O. P, 2008. The early mental traits of three hundred geniuses.
- Lohmann, O. R and Vriwderm A, O. and Browder, A. O., 2008. Structure of intellect in search of promise

- Kitchie R. O, et al, 2003. Tolerance of Ambiguity and creativity thinking in elementary school children
- Obvien L. M., 2008. The gifted child grows up, genetic studies of genius vo. Iv Stanford calif, standford University Press.
- Optend P. I., 2002. The Revolving Door identification model.
- Ovend M. M., 2002. Identification of the gifted person in Nigeria. Journal of applied Psychology, 2, 47-55
- Oliver R. O: Scale for rating behavioural characteristics of superior students, 201. PP. 447-485.
- Stratford O P., 2009. Identifying creative potential in Handicapped children exceptional children.
- Sullivan, B. S., 2017. Personality integration as a determinant in the relationship intelligence
- Shakespeare, S. P., 2006. Education of the gifted and talented report to the congress at the United States by the U.S. commissioner of Education and Back ground papers... Washington D.C. U.S Government printing office.
- Stainion R. J. Identifying intellectually superior black children, Journal of Educational Research, 76, January/February.
- Talbott O. R., 2005. The multiple Talent Approach to the world of world.
- Thompson, O. M. et al., 2002. Convergent and divergent measurement of creativity in children "Educational and psychological measurement P. 67, spring.
- Young O. P and Quibell C. O., 2000. Ability more than I. Q science.