



Evaluation of Human Rights Violations in Student Personnel Administration in Secondary Schools in Cross River State

Festus O. Arop*, Franca N. Anijaobi-Idem* and Theresa O. Illegbune**

**Faculty of Education, University of Calabar, Nigeria*

***Faculty of Law, University of Nigeria, Nsukka, Nigeria*

*E-mail: obunarop@yahoo.com, francaanijah@yahoo.com,
obiammailegbune@yahoo.com*

ABSTRACT

In recognition of the need to observe and promote the rights and welfare of the Nigerian child, this study sought to find out the extent to which students' rights, especially the right to a safe and healthy environment are violated in personnel administration in secondary schools. The ex-post facto design was adopted. One thousand (1000) SS3 students were randomly sampled from a population of 7378 SS 3 students in 232 public secondary schools in Cross River State. A five point Likert scale instrument, Students Legal Rights Protection Questionnaire (SLRPQ) was used for data collection and analyzed using the population (one sample t-test), at .05 level of significance. The finding was that there is significant violation of secondary school students' rights (right to dignity of human person, fair hearing, freedom of thought/religion, freedom of expression/press, peaceful assembly/association and freedom from discrimination). It therefore recommended the establishment of human rights culture and intervention programmes for the re-induction of both teachers and students to enhance the protection and promotion of individual and corporate human rights in the school system.

Key words: Human rights, violations, student, personnel administration

INTRODUCTION

Human rights are "basic rights and freedoms to which all humans are entitled" as recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family. This is the foundation of freedom, justice and peace in the world (Wikipedia, 2010). These rights are embedded in the Fundamental Human Rights provision of the constitution of the Federal Republic of Nigeria, the African Charter on the

Human Rights Violations in Cross River State Schools, Nigeria

Rights and Welfare of the child (ACRWC) and other international treaties. The Child Rights Act (CRA) 2003, provides for the rights and responsibilities of the child as well as the rights of parents and by extension the school administrators (i.e. the principal and teachers) by virtue of the principle of “in loco parentis” (in place of the parents). Unfortunately, Africa is one of the continents where the Child Rights are still a mirage and issues of violation of their rights are not seen as a serious problem (Achilihu,2002).

Student personnel administration which incorporates various administrative activities and services for the development of students has become increasingly tedious and challenging in recent times. This has found expression in student militancy, cultism, drug addiction and general restiveness. Today, schools have lost their appeal as centres of discipline and excellence. This unfortunate scenario has grave implications for the teaching and learning environment which is expected to guarantee a conducive, safe and pedagogically friendly school climate. A conducive school climate incorporates the protection and promotion of human rights of persons within the school organization especially the students. The achievement of the school objectives presupposes the existence of an atmosphere of peace and tranquility – which is only possible through respect for the rule of law. Although students may not always be right, but they always have rights which are constitutionally guaranteed. Generally students have been victims of various crimes such as physical and sexual abuse, early marriage, child labour and prevention of a child from going to school. School authorities have been found guilty of gross negligence and abuse of office particularly the repulsive case of one Miss Grace Okon Akpan, a 12 year old JSS1 student of Duke Town Secondary School, Calabar, who was flogged by her teacher to a state of unconsciousness and ultimate death (Peretomode, 1992 p. 235). However apart from cases involving disciplinary procedures not much information was available on environmental health and safety violations in schools, apparently because they are not considered important or serious enough to warrant attention or action.

Until recently such issues and problems arising from the education sector hardly found their ways into the regular courts, because they were regarded as domestic or localized matters. Today, with citizens’ greater awareness of their constitutional rights, and fundamental human rights, the school administrator, as it were, is now being caught up with the legal implications of his job. The school as a public institution has legal duties not only to teach but also to take care of the child’s all round development in terms of physical, moral, social, mental and emotional well-being. It therefore, follows that teachers and school administrators owe a duty of care to every child in the school. The “*in loco parentis*” status enjoins them to be answerable to the parents, particularly where their negligent conduct results in injury or disability to the students. Cases such as principal/teacher-student conflict and disciplinary actions undertaken are now being referred to courts for hearing and adjudication.

Statement of the problem

There is a growing concern over the state of the school environment as it affects the general welfare and safety of the students: such as: overcrowded and roofless classrooms, dilapidated school buildings that collapse ever so frequently, unsanitary conveniences, indiscriminate disposal of waste, unclean and unsafe drinking water, overgrown weeds harboring snakes and mosquitoes etc. Common as these issues may appear, such environmental factors pose serious health challenges that violate the right to life and human dignity because the right to a safe environment is akin to the right to life and dignity of the human person which the school is expected to protect and promote. For instance, one of the Nigerian dailies recently reported that a tree fell on a classroom block killing a student and leaving several others wounded. This report triggered off another publication by a correspondent who visited two schools in Lagos: African Church Primary School 1 & 2 titled: "Roofless classroom dot nation where lawmaker earns N15 m per month,..120 pupils struggle for space in a class for 30; Teachers sit under trees" He reported that:

"When it rains, bowls are kept in different places in the class to prevent flooding. The pupils are huddled together not because of cold, but because of lack of space. A chair that is meant for two pupils now sits six. The school toilet is old and sinking. Consequently, the pupils defecate at any place they consider hidden enough. The teachers are forced to befriend people living around the school in order to use their toilets. The school has no library. It does not also have a science laboratory. Because of its closeness to Iju-Isaga garage, the pupils are exposed to hoodlums, who have converted the school premises to Indian-hemp smoking joint." (Segun & Asaolu (2010, December 17).

The above scenario clearly depicts the inhuman conditions students are subjected to in schools.. It is a gross violation of the students' right to dignity of human person. Against this backdrop one could not but ask, could it be that the school authorities lack knowledge or are ignorant of their moral and legal obligations to the students and their fundamental human rights? These abuses prompted this study on violation of human rights in the administration of secondary schools. The nature, extent and characteristics of these violations remain largely crucial to this study which sought to establish the extent to which students' rights were violated with regard to the following:

1. right to dignity of human person
2. right to fair hearing
3. right to freedom of thought, conscience and religion
4. right to freedom of expression
5. right to peaceful assembly and association
6. right to freedom from discrimination

Human Rights Violations in Cross River State Schools, Nigeria

To achieve this objective, one research question and one hypothesis were used for the study. They are:

- to what extent are students' rights violated in secondary schools.
- the rights of secondary school students are not significantly violated in student personnel administration.

METHODOLOGY

A sample of one thousand (1000) SS3 students randomly selected, constituting about 14% of the population of 7378 SS3 students in public schools in Cross River State, responded to the Students' Legal Rights Protection Questionnaire (SLRPQ). The instrument comprised of three parts. Section A sought to obtain respondents' personal and demographic data, while Section B was a five point likert type instrument where the students were required to rate specific statements on human rights in a continuum ranging from always, most often, through sometimes, hardly to never. Section C was to elicit free comments from students on their experiences with regard to violation of their rights in the school. The instrument was developed by the researchers and face validation was carried out by experts in measurement and evaluation. The reliability estimate of the instrument was established through the test-retest reliability method. The reliability coefficient range from 0.79 – 0.90.

RESULTS AND DISCUSSION

The population t-test (one sample t-test) was used to test the hypothesis which embodied students rights along the six dimensions earlier stated. The result of the data analysis is presented in Table 1 below.

Table 1: Results of population t-test analysis of violation of students rights in personnel administration (N = 1000).

Students' rights	Sample mean X	SD	Hypothesized mean	t-value
Dignity of human person	25.91	2.51	23.00	23.88*
Right to fair hearing	19.83	3.07	18.00	18.36*
Freedom of thought/religion	20.14	2.88	18.00	23.78*
Freedom of expression/press	20.35	2.85	18.00	26.11*
Peaceful assembly/association	20.38	2.89	18.00	26.44*
Freedom from discrimination	18.28	1.88	18.00	4.67*

* Significant at .05 level , critical t = 1.96, df – 999.

The result shows the sample mean and standard deviation for each of the six students' rights selected for the study. A comparison of each of these sample means with the hypothesized mean value of 23.00 and 18.00 respectively produced the calculated t-value of 23.88, 18.36, 23.78, 26.11, 26.44 and 4.67 respectively for dignity of human person, right to fair hearing, freedom of thought/conscience and religion, freedom of expression/press, peaceful assembly/association and freedom from discrimination. The calculated t-value for each of these sub variables is higher than the critical t-value of 1.96 at .05 level of significance with 999 degrees of freedom. With these results, the null hypothesis was rejected. This implies that, the rights of students in secondary schools are significantly violated in students' personnel administration. The findings reveal that students' rights along the six dimensions of human rights in the (SLRPQ) were significantly violated.

Right to dignity of human person

The study revealed that students suffer indignity by way of cramped, and overcrowded classrooms with some students taking lessons standing and others sharing seats or sitting on the bare floor. This is dehumanizing and does not provide a conducive atmosphere for teaching and learning. The classroom theatre represents the pinnacle of the students' endeavour and so is expected to present a cordial and student friendly climate that guarantees respect for the dignity of human person. Furthermore the result reveals that hazardous unhealthful and unsanitary environments are common features in most of the schools in the state. The right to safe and sanitary environment is akin to the right to life and dignity of human person. An unsanitary school environment characterized by indiscriminate waste disposal, stinking toilets, overgrown weeds and bushes, dilapidated walls and leaking roofs and lack of portable drinking water, etc can be a source of frequent ailment of students with the accompanying risks of epidemic and life threatening diseases. It was in this regard that Okoro (2009), noted that "both education and health are human rights in themselves and an inalienable means of the realization of other human rights". He observed that the dilapidated condition of infrastructure would not promote effective teaching or learning and also lamented that the right to health of the Nigerian child is largely unrealized..."In the same vein, Okafor (1991) in his study, reported large scale deficiencies in the provision of school health services in both primary and secondary schools. Also, WHO (1996) asserted that "a good health policy should ensure a safe and secure physical environment." Indeed . a school health policy can provide the platform and opportunities for school authorities to demonstrate commitment to safeguarding and protecting the students right to dignity and respect for human person. The findings also revealed that the administration of corporal punishment is arbitrary, indiscriminate and unreasonable. There are 3 canons by which punishment is usually assessed: retribution, deterrent and reformatory. Punishment that does not satisfy all or any of these may lose the protection of the law. The

Human Rights Violations in Cross River State Schools, Nigeria

Education Edict provides guiding principles for the administration of corporal punishment in schools.

Right to fair hearing

With regard to fair hearing, the study revealed that students are sometimes suspended, detained and rusticated or even denied certain lawful rights without formally accusing them or allowing them to state their own case. Indeed, student disciplinary cases involving suspension and expulsion have been decided against school authorities, not on their merit, but on the grounds that fair hearing was denied the students or action was taken against the principle of natural justice (Peretomode, 1992). The study also revealed that students could never appeal against the decision of school disciplinary committee and in case of any dispute between a student and a teacher, the student is hardly ever given the opportunity for defense or allowed to question whoever makes a report about them. The right to fair hearing highlights the importance of school rules and the sanctions or consequences of violating such rules. It amounts to a violation of the students right to fair hearing where a student is punished for infringing a school rule and regulation that was not hitherto known to him.

Right to freedom of thought, conscience and religion

The result in Table 1 shows that right to freedom of thought, conscience and religion is infringed in student personnel administration in Cross River State as students views are hardly ever considered in decision effecting them. However the result also revealed that students are always free to practice religions of their choice and free to address and pray with others in the school but never allowed to carry out evangelism in the school premises. The violation of students right to freedom of thought, conscience and religion is damnable and unconstitutional.

Right to freedom of expression

Two cases cited by Gani (1999) where students victimized by principals for exercising their freedom of expression, got judgment against such school authorities for infringing their right to freedom of speech in Orlu and Benin High Courts respectively. There is no doubt that students involvement in student government and decision making process in secondary schools will open avenues for student self expression because it gives them responsibility, which invariably expose them to the norms and values of citizenship and democratic ethos. The findings show that although students were allowed to join clubs/associations of their choice they could not argue or discuss with teachers and are never allowed to express their views in the dallies or magazines or complain openly about things not right in school/or report incompetent or lazy teachers.

Right to peaceful assembly and association

The results revealed that students' right to freely assemble and associate with whomever they wish is greatly circumscribed in schools. This right to peaceful assembly and association extends to the student's liberty to choose to belong to any of the variety of associations in school. This does not however, give students the license to join illicit and unlawful associations such as secret cults and any form of gangsterism. Where such right becomes abused by the students themselves in unlawful assemblies and associations, then of course, they would have denied themselves the protection of this provision. Secret cult societies and gangsterism are of unlawful purpose and therefore not peaceful assemblies or association as contemplated by this provision. However, students are encouraged to hold meetings in the school compound.

Right to freedom from discrimination

The result revealed invidious discrimination in the treatment of students by reason of place of origin, sex, religion, etc. Students suffer discrimination in the award of examination grades as some children from higher social status or same ethnic group as the teacher, are encouraged and treated with greater respect than their counterparts of lower social status or different ethnic group in nearly every aspect of the school programme, This sharp and unwholesome practice grossly infringes students' right to freedom from discrimination.

Free comments by students on violation of their rights

Commenting on violation of their rights by school administrators in Section C, the students stated that the use of offensive words, foul language, passing derogatory remarks, speaking disrespectfully to students, humiliating students on the assembly ground, locking up students in the toilet, stripping students partially naked for wearing unauthorized uniforms in the school especially in the presence of their colleagues, tend to mar their integrity and upset their emotions. The respondents also lamented the dangers they were being exposed to and blamed the government for the neglect of the schools.

It is believed that the abuse of students' right may result from teachers' ignorance of fundamental human rights law and other related legislations to which they are amenable. Education law and human rights as a concept and practice are relatively new in education curriculum. It is the view of the researchers that older teachers who now occupy administrative positions as principals, did not have the opportunity to acquire basic human rights education and culture during their training and so remain traditional perpetrators and violators of students rights in schools.

CONCLUSION

In the light of the findings, it is obvious that ignorance of human rights regime by school administrators is evident. School operatives are to some extent ignorant of human rights as provided by the 1999 constitution of the Federal Republic of Nigeria. Vague awareness of one's rights and obligations grossly undermines one's ability and poise for such promotion and protection of human rights. Since School Law is a new development in the curriculum for teachers, it is possible that the older teachers and principals were not exposed to courses in education law which may be responsible for this unfortunate scenario. In this era of legal support for and commitment to the survival and proper development of the child, any polity that allows majority of its citizens uneducated may find itself afflicted with human rights abuses. Religious intolerance which we are witnessing in Nigeria today as well as child abuse, bullying in school and torture are but fallouts of mass illiteracy and ignorance of the polity, as it were. The rights of the child must be observed if we are to have well balanced leaders of tomorrow in Nigeria. However, facts and awareness of human rights culture can only transcend intellectual significance when students are made to approach these facts and awareness from the perspectives of their real life experience in terms of their own understanding of justice, freedom and equity.

RECOMMENDATIONS

Based on the findings of the study, the following recommendations are made:

1. Conscious and concerted effort should be made to integrate human rights culture in secondary school curriculum.
2. Workshops and seminars on Human Rights Education should form part of the training and retraining programmes of secondary school teachers to enhance the realization of human rights culture in the polity.
3. Curriculum reforms and innovations should designate a separate subject to be named and called Human Rights, at the secondary school level. This would cater for human rights, democratic culture and politics with its attendant electioneering ethos.
4. Establishment of student committees in secondary schools with plenary powers to elect their own representatives into such committees to enable them imbibe national philosophy and values.
5. School rules and regulations should contain sanctions upon violation to prevent arbitrariness in dispensing justice.
6. Government should set up a school monitoring team that would be responsible for ensuring human rights culture in schools.
7. Government should ensure a common code of conduct and disciplinary procedures for all schools. This will guarantee common practice and principle of natural justice in dispensation of justice.

8. The government or its agency should establish environment sanitation standards and good health policy for all schools, urban or rural.

REFERENCES

- Achilihu, N. S. (2009). *The UNO 1989 Convention on the Rights of the Child*. St Annes Church: Redcliffe on trent Publishers, Church information.
- Federal Ministry of Women Affairs (2005). *Child Rights Act (simplified version)*. Abuja: Marvellous Mike Ventures.
- Federal Republic of Nigeria (1999). *Constitution of the Federal Republic of Nigeria*. Lagos: Federal Government Press
- Gani, F. (1999). *Okoi vs Sokifi*, Nigerian Weekly Reports, 17th May, p510-512. Article of the United Nations Universal Declaration of Human Rights by the United Nations Assembly in 1948.
- Ojugo, A. I. (2005). Status of health appraisal services for primary school children in Edo State, Nigeria. *International Electronic Journal of Health Education* 8, 146-152.
- Okafor, P. (1986). *Human rights, the only solution for effective and efficient*. Onitsha: Chuba Publishers.
- Okoro, D. (2009). Budgeting for children's rights in N. Okoronkwo (2009). *Promoting rights of the Nigerian child*. News Extra, News Agency of Nigeria.
- Peretomode, V. F. (1992). *Education Law: Principles, cases and materials on schools*. Owerri: International University Press Ltd.
- Segun, O. and O. Asaolu (2010, December 17). Roofless classrooms dot nation where lawmaker earns ₦15m per month. *The Punch Newspaper* p.3.
- WHO (1996). *Improving school health programme: Barriers and strategies*. Geneva: World Health Organization.
- Wikipedia.org/wiki/Human rights (20010).