

The Impact of Child Rights Act on Educational Administration in Nigeria

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Abstract

This paper examines the implications of the Child Rights Act (CRA) of 2003 on educational administration in Nigeria. It explores how the Act shapes policy formulation, school governance, student welfare, and educational planning across the country. By analyzing legal provisions and administrative practices, the paper demonstrates how the CRA enforces the right to education, promotes inclusive learning environments, and compels administrators to prioritize child-centered policies. Despite notable progress, challenges such as poor implementation, limited awareness, and socio-cultural resistance remain. The paper concludes by recommending systemic reforms for better alignment between child rights and educational administration.

Keywords: Act, Education, Policy, School, Welfare

Introduction

Education is a fundamental human right and an essential tool for personal, social, and national development. Every child, regardless of background, deserves access to quality education in a safe, supportive, and enabling environment. In recognition of this, global and national frameworks have increasingly emphasized the importance of protecting children's rights, especially in educational settings. In Nigeria, the passage of the Child Rights Act (CRA) in 2003 marked a significant milestone in the country's effort to align domestic policies with international standards, particularly the United Nations Convention on the Rights of the Child (UNCRC). The CRA provides a comprehensive legal framework for the protection and promotion of children's rights across all aspects of life - including the right to education.

The CRA asserts that every child has a right to free, compulsory, and universal basic education. This mandate directly places a legal and moral obligation on government institutions, educational administrators, school managers, and policy stakeholders to prioritize child-centered educational practices. It also introduces new responsibilities in terms of student welfare, school discipline, gender equality, and the overall protection of children within the school system. As such, the Act does not merely support access to education, but also seeks to improve the quality, safety, and inclusiveness of educational environments across the country.

Educational administration in Nigeria operates within a complex socio-political landscape marked by inequality, resource limitations, and diverse cultural practices.

Administrators are not only expected to ensure academic success but must also safeguard the rights of every learner. With the CRA as a guiding legal document, educational leaders are now confronted with the challenge of integrating children's rights into school policies, teacher training, disciplinary procedures, curriculum planning, and stakeholder engagement. This requires a significant shift from traditional administrative models toward more inclusive, rights-based approaches to school governance.

However, the practical implementation of the CRA has been uneven across Nigeria. While the federal government passed the Act in 2003, it must be domesticated by each of the 36 states before it becomes enforceable. According to UNICEF, Nigeria 2021, several states - particularly in northern Nigeria - have not yet adopted the CRA in full. This has resulted in inconsistencies in application, especially concerning the protection of vulnerable groups such as girls, children with disabilities, and out-of-school youth. Educational administrators in such regions are often left without the legal backing or institutional support to enforce child-centered policies effectively.

Moreover, there remains a general lack of awareness and capacity among educational administrators regarding the content and implications of the CRA. Many school leaders are unfamiliar with the provisions of the Act, and this ignorance translates into administrative practices that may inadvertently violate children's rights. Instances of corporal punishment, discrimination, lack of facilities for inclusive education, and gender bias continue to plague the school system in Nigeria. These challenges point to the urgent need for training, capacity building, and systemic reform to embed child rights principles into the very fabric of educational administration.

This paper, therefore, seeks to examine the extent to which the Child Rights Act has influenced educational administration in Nigeria. It focuses on key areas such as school governance, student welfare, curriculum development, policy formulation, and teacher-student relationships. The study also identifies gaps in implementation and offers practical recommendations for aligning administrative practices with the legal and ethical demands of the CRA. By doing so, it contributes to the growing body of scholarship aimed at promoting equity, justice, and child-centered governance in Nigeria's educational sector.

In doing so, the paper draws on national and international literature, legal instruments, policy documents, and case studies from selected states to provide a nuanced analysis of the intersection between law, child rights, and school management. It argues that while the CRA has great potential to transform educational administration, its impact will only be fully realized when there is consistent political will, adequate funding, and a coordinated effort to build institutional capacity for implementation across the country.

Conceptual Clarifications

Child Rights Act (CRA)

The Child Rights Act (CRA) is a significant legal instrument enacted in Nigeria in 2003, designed to domesticate the United Nations Convention on the Rights of the Child (1989) and the African Charter on the Rights and Welfare of the Child (1990). Its primary aim is to ensure the protection, survival, development, and participation rights of every Nigerian child. The Act defines a child as a person below the age of eighteen (18) and outlines a wide array of rights spanning civil, political, economic, social, and cultural dimensions. These include the right to life, name, dignity, education, health, protection from abuse and neglect, and participation in matters that affect the child's well-being.

In the context of education, the CRA emphasizes the right of every child to free, compulsory, and universal basic education. This is enshrined in Section 15 of the Act, which mandates that "every child has the right to free, compulsory and universal basic education, and it shall be the duty of the government in Nigeria to provide such education." Beyond access, the CRA insists on the quality of education, calling for learning environments that are safe, inclusive, and supportive of the child's physical, emotional, and intellectual growth.

Another major highlight of the CRA is its protection of children from all forms of abuse and exploitation within the educational system. This includes protection from corporal punishment, sexual harassment, bullying, forced labor, and discriminatory practices. The Act also prohibits any action or decision that does not prioritize the best interest of the child - a core principle that must guide all school-related policies and administrative actions.

However, despite its national passage in 2003, the CRA operates under a federal system in Nigeria, meaning that individual state assemblies must domesticate it for it to be legally binding within their jurisdictions. As of now, some states - mainly in the northern region - have not fully adopted or implemented the CRA, citing cultural or religious concerns. This creates disparities in how children's rights are recognized and enforced across the country, especially in the education sector.

In sum, the CRA provides a vital framework for protecting children's rights in Nigeria and places clear responsibilities on government agencies, including educational institutions, to promote the well-being and development of the child. Understanding its provisions is essential for educational administrators seeking to create rights-based and child-friendly school environments.

Educational Administration

Educational administration refers to the strategic planning, organization, direction, and supervision of the processes and resources within an educational system to achieve defined educational goals. It encompasses both the macro-level management of national education policies and the micro-level operation of individual schools, colleges, and institutions. The

concept integrates several functions including curriculum implementation, staff recruitment and development, budgeting, infrastructure management, and the monitoring and evaluation of educational outcomes.

At its core, educational administration is concerned with creating and maintaining an environment conducive to effective teaching and learning. This includes enforcing discipline, ensuring the safety and welfare of students, fostering inclusive practices, and managing relationships among teachers, students, parents, and the wider community. The effectiveness of educational administration directly impacts the quality of education delivered and the overall development of learners.

In Nigeria, educational administrators operate at multiple levels - federal, state, local government, and institutional - and face numerous challenges such as underfunding, teacher shortages, outdated infrastructure, political interference, and low policy implementation rates. Administrators also navigate socio-cultural dynamics that influence schooling, including gender norms, religious practices, and community attitudes toward education.

The role of educational administration has evolved significantly in recent decades, particularly in response to global advocacy for inclusive education, gender equity, and child protection. In this context, administrators are expected not only to manage resources and enforce regulations, but also to act as advocates for learners' rights and well-being. They are responsible for implementing child-centered policies, responding to cases of abuse or neglect, fostering participation, and promoting the psychosocial development of learners.

Within the framework of the Child Rights Act, educational administration is expected to uphold the legal and moral obligation of ensuring that every child enjoys their right to quality education in a safe and respectful environment. This requires a shift from authoritarian models of school governance to more participatory and inclusive practices that prioritize the child's best interests. It also demands that educational administrators be knowledgeable about human rights, responsive to child protection issues, and committed to eliminating discriminatory practices within their institutions.

Thus, educational administration is a crucial arena for the practical realization of the Child Rights Act. It serves as the interface between policy and practice, law and learning, and governance and child welfare in Nigeria's educational system.

The Legal Framework of the Child Rights Act (CRA) and Education in Nigeria

The legal framework of the Child Rights Act (CRA) as it relates to education in Nigeria draws from a combination of international treaties, constitutional provisions, national legislation, and state-level implementation policies. This framework provides the legal basis for the rights of children to access quality education and for educational administrators and government institutions to be held accountable in ensuring those rights are protected.

International Legal Instruments

The foundation of the CRA is built upon key international legal instruments, particularly the United Nations Convention on the Rights of the Child (CRC), adopted in 1989, and the African Charter on the Rights and Welfare of the Child (ACRWC), adopted in 1990. Both documents emphasize education as a fundamental right of every child and urge states to take necessary steps to ensure its provision. Article 28 of the CRC recognizes the right of the child to education and emphasizes that primary education should be compulsory and free for all. It further advocates for secondary and higher education to be made available and accessible. Article 11 of the ACRWC reinforces this by mandating African states to eliminate discrimination in education, promote equal opportunities, and ensure that education is directed toward the holistic development of the child.

Nigeria, as a signatory to these instruments, was compelled to domesticate their provisions through national legislation, culminating in the enactment of the Child Rights Act in 2003.

The Child Rights Act (CRA) 2003

The CRA consolidates the rights and responsibilities of children in Nigeria and clearly outlines the obligations of government, parents, and institutions in upholding these rights. Section 15 of the CRA is particularly critical to education. It states:

“Every child has the right to free, compulsory and universal basic education, and it shall be the duty of the Government in Nigeria to provide such education.”

This provision creates a legal obligation on the Nigerian state to ensure that all children, regardless of gender, social class, religion, or ethnicity, have access to free basic education. In the Nigerian context, "basic education" typically covers primary and junior secondary school (up to JSS3). This aligns with the objectives of the Universal Basic Education (UBE) Act of 2004, which provides operational and funding frameworks for the delivery of free basic education across the country.

Importantly, the CRA does not merely promote access but also implies quality, inclusivity, and child-friendliness in educational delivery. It prohibits all forms of discrimination, harmful practices, and physical or mental abuse within educational institutions. Sections relating

to the protection from torture, inhuman treatment, or exploitation have direct implications on corporal punishment, bullying, and unsafe school environments.

Furthermore, the CRA acknowledges the evolving capacities of the child and the importance of child participation. This aligns with global best practices that promote the inclusion of children's voices in matters that affect their lives, including school governance and disciplinary procedures.

The Nigerian Constitution and the Right to Education

The 1999 Constitution of the Federal Republic of Nigeria (as amended), under Chapter II, Section 18, states that:

“Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels...”

However, it is important to note that this section is within the Directive Principles of State Policy, which are non-justiciable - meaning they cannot be legally enforced in a court of law. This legal gap is what makes the CRA crucial: it creates a justiciable (legally enforceable) right to basic education for Nigerian children. By making education a right and not a privilege, the CRA moves beyond the aspirational tone of the Constitution, offering clearer legal grounds for children (or their guardians) to demand compliance and redress where educational rights are violated.

The Universal Basic Education (UBE) Act (2004)

Complementing the CRA is the UBE Act, which operationalizes the right to free basic education. It sets out mechanisms for:

- i. Funding through the Universal Basic Education Commission (UBEC),
- ii. Ensuring state compliance,
- iii. Promoting gender equity and inclusion, and
- iv. Enhancing learning outcomes through capacity building and curriculum reform.

This law supports the CRA by outlining the administrative structure for basic education and provides legal backing for compulsory education enforcement. It also makes provision for parental responsibility in enrolling and ensuring children attend school, with penalties for defaulting parents.

State-Level Domestication and Legal Disparities

Despite the enactment of the CRA at the federal level in 2003, its enforcement depends heavily on state-level domestication, due to Nigeria's federal structure. As of 2024, several states

- primarily in the northern regions - have yet to domesticate the CRA in full. This means the legal protection for children's educational rights is inconsistent across the country.

Where domesticated, states are expected to harmonize the CRA with local laws and religious/cultural norms. In such states, the CRA serves as a binding tool for reforming educational administration, enforcing non-discrimination, banning child marriage (which affects school attendance), and protecting girls' rights to education.

Legal Implications for Educational Administration

For educational administrators, the CRA serves both as a guide and a mandate. It requires that school policies and practices uphold the principles of:

- a. Equality (non-discrimination in admissions, staffing, or disciplinary actions),
- b. Protection (against abuse, exploitation, and harmful traditional practices),
- c. Participation (involving students in decision-making processes),
- d. Accountability (transparent management of resources and clear grievance redress mechanisms).

Educational managers are legally and morally obligated to ensure that schools function not just as centers of learning, but as safe spaces where the rights of children are respected and fulfilled.

Impact of the Child Rights Act (CRA) on Educational Administration in Nigeria

The Child Rights Act (CRA), enacted in Nigeria in 2003 to domesticate the United Nations Convention on the Rights of the Child (UNCRC), has had a considerable impact on educational administration in the country. It has not only provided a legal backing to the child's right to education but also reshaped the policies, priorities, and operational strategies of educational administrators across the federation.

First and foremost, the CRA reinforces the constitutional guarantee under Section 18(1) of the 1999 Constitution of Nigeria, which mandates the government to provide free, compulsory, and universal primary education. The CRA elevates this mandate by making education a legal entitlement and a matter of rights enforcement rather than charity or policy discretion. Section 15 of the CRA specifically states that "every child has the right to free, compulsory and universal basic education and it shall be the duty of the government in Nigeria to provide such education." This clause directly influences educational planning and budget allocation, compelling educational administrators to prioritize access, inclusivity, and resource deployment to ensure compliance with the law (Federal Republic of Nigeria, 2003).

Moreover, the CRA has reshaped how schools are managed, particularly in areas such as school discipline, curriculum design, and welfare services. Traditional practices that involved corporal punishment or punitive disciplinary measures are now increasingly questioned under the lens of child rights. Educational administrators are compelled to revise school policies and codes

of conduct in line with the CRA's provisions on protection from abuse and the child's dignity. This has led to the promotion of child-friendly schools that emphasize participatory learning, positive discipline, and psychosocial support (UNICEF, 2017).

Another significant impact is the heightened emphasis on gender equity and the elimination of discriminatory practices in school administration. Section 10 of the CRA prohibits any form of discrimination against a child on the grounds of sex, religion, or status. This has influenced educational administrators to implement gender-sensitive policies and develop monitoring mechanisms to ensure equitable treatment of boys and girls. Programmes like the National Gender in Education Policy (NGEP) have been strengthened in tandem with the CRA to reduce gender disparity in enrollment, retention, and academic achievement (Aderinto, 2018).

The CRA has also encouraged the institutionalization of child participation in educational governance. As prescribed in Section 3 of the Act, children have a right to express their views freely in all matters affecting them. In practical terms, this has led many educational institutions to establish student councils, forums, and suggestion boxes as mechanisms for student voice. Educational administrators are now expected to incorporate children's perspectives in decision-making, thus promoting democratic leadership and fostering accountability within the school system (Obidiegwu, 2021).

Furthermore, the CRA mandates protection from all forms of abuse and exploitation, including child labour and trafficking, which directly intersects with educational administration. School administrators are now required to track pupil attendance, report absenteeism, and work closely with child protection agencies to combat cases where children are withdrawn from school for exploitative labor. The Universal Basic Education Commission (UBEC), in collaboration with state education boards, has developed child protection policies to guide school operations and safeguard learners (UBEC, 2020).

At a macro level, the CRA has impacted national educational planning and data management. There is a growing emphasis on data disaggregation to monitor the enrolment and performance of vulnerable groups such as children with disabilities, street children, and internally displaced children. The CRA compels educational authorities to ensure these marginalized populations are not excluded from schooling. This has spurred the development of inclusive education policies and teacher training programs aimed at equipping educators to support children with special needs (Eze & Igwe, 2019).

In conclusion, the Child Rights Act has brought about a paradigm shift in educational administration in Nigeria. It has redefined the responsibilities of educational administrators from service providers to duty bearers of children's rights. While challenges remain - particularly in states yet to domesticate or implement the CRA fully - the Act stands as a powerful tool for transforming Nigeria's education system into one that is equitable, inclusive, and rights-based.

Challenges in the Implementation of the CRA in Educational Administration in Nigeria

Despite the commendable framework established by the Child Rights Act (CRA) to promote access, equity, and quality in education, its full implementation within Nigeria's educational administration continues to face several systemic, institutional, cultural, and financial challenges. These obstacles significantly hinder the realization of the rights-based approach to education that the CRA advocates.

1. Incomplete Domestication Across States

Although the CRA was enacted at the federal level in 2003, it requires domestication by each of Nigeria's 36 states to become fully operational at the state level. As of recent reports, several states - particularly in the northern region - have yet to domesticate the CRA due to cultural, religious, or political reasons (UNICEF Nigeria, 2021). This legislative gap undermines nationwide implementation and creates disparities in how children's educational rights are protected and enforced across the country. For educational administrators, this inconsistency presents difficulties in applying standardized policies and protections for all learners.

2. Weak Enforcement Mechanisms

Even in states where the CRA has been domesticated, enforcement mechanisms are often weak or non-existent. There is a lack of dedicated institutions or adequately trained personnel to monitor and ensure compliance with the provisions of the Act within schools. Many schools operate without child protection policies, and where such policies exist, they are not always enforced. Educational administrators often lack the capacity or authority to intervene in cases of abuse, neglect, or discrimination, especially when such cases occur outside school premises or involve community leaders (Eze & Igwe, 2019).

3. Cultural and Religious Resistance

In many parts of Nigeria, particularly in rural and traditionally conservative communities, cultural and religious beliefs often clash with the principles embedded in the CRA. Practices such as early marriage, gender-based discrimination, child labour, and corporal punishment remain prevalent and socially acceptable in some areas. These beliefs affect school enrolment and retention, particularly for girls, and limit the effectiveness of education-based interventions. Educational administrators may find themselves in conflict with community norms when attempting to implement CRA-compliant policies, such as enforcing compulsory basic education or promoting gender parity.

4. Inadequate Funding of Education

Another major obstacle to effective implementation is chronic underfunding of the education sector. The CRA obligates the government to provide free, compulsory, and quality basic education for all children, yet the allocation to education in national and

state budgets has consistently fallen below the UNESCO recommended benchmark of 15–20% of total expenditure. This shortfall leads to inadequate infrastructure, lack of instructional materials, overcrowded classrooms, and a shortage of trained teachers - all of which compromise the ability of educational administrators to fulfill the objectives of the CRA (World Bank, 2020).

5. Lack of Awareness and Sensitization

Many school administrators, teachers, parents, and even children themselves are not fully aware of the rights guaranteed under the CRA. Without adequate sensitization, it is difficult to build the institutional culture required to uphold and respect children's rights. For example, many teachers and headteachers are not familiar with the provisions relating to protection from corporal punishment or the right to participate in decisions affecting the child. Consequently, harmful practices persist, often unknowingly, within schools (Aderinto, 2018).

6. Poor Data Management and Monitoring

Effective educational planning and child rights protection require accurate data on school enrolment, attendance, gender disparities, children with disabilities, and child protection concerns. Unfortunately, many states lack robust Education Management Information Systems (EMIS) that are disaggregated enough to inform CRA-related policies. Without such data, educational administrators are unable to track progress, identify vulnerable groups, or develop targeted interventions. This also hinders the evaluation of compliance with CRA mandates at local, state, and federal levels (UBEC, 2020).

7. Limited Inter-Agency Collaboration

The implementation of the CRA, particularly as it pertains to education, requires collaboration between multiple ministries and agencies - such as the Ministries of Education, Justice, Women Affairs, Youth Development, and Social Welfare. However, inter-agency coordination is often weak, with roles and responsibilities poorly defined or duplicated. This fragmentation leads to inefficiencies and hampers a holistic approach to child rights enforcement in schools. School administrators frequently lack a clear referral system when child rights violations occur, leading to delays or inaction.

Recommendations

1. All Nigerian states should domesticate and implement the CRA with focus on education policy reform.
2. Continuous training for educational administrators and teachers on child rights and school governance.

3. Strengthen school-based child protection committees and link them with relevant agencies.
4. Launch grassroots campaigns to educate communities on the benefits of child rights and inclusive education.
5. Establish clear sanctions for school-level violations of CRA provisions.

Conclusion

The CRA presents an important legal and moral framework for transforming educational administration in Nigeria. Its focus on the dignity, protection, and development of the child has redefined the responsibilities of educational managers. While progress has been made, the future of CRA-driven education depends on political will, institutional commitment, and cultural transformation. Aligning educational administration with the spirit of the CRA is not just about law - it is about justice, equity, and sustainable development for Nigerian children.

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