

## KNOWLEDGE OF EDUCATION LAW AND HUMAN RIGHTS VIOLATIONS AMONG SECONDARY SCHOOL PERSONNEL IN NIGERIA

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**ABSTRACT:** *The study investigated knowledge of education law and human rights violations among secondary school personnel in Nigeria. Two research questions and one hypothesis were answered and tested in this study. Survey research design was adopted, in which questionnaire was used for data collection. A sample size of 92 respondents were selected, using stratified random sampling technique from a population of 1458 secondary school personnel, which comprised of principals, vice principals, compound masters and labour masters. A 17-item researchers' developed questionnaire known as 'Knowledge of Education Law and Human Rights Violations Questionnaire' (KELHRVQ) was used for data collection, and data generated were analyzed using mean, standard deviation and t-test statistical tools at 0.05 alpha level. Findings were that secondary school personnel do not possess knowledge of the basic principles of law related to education. Again, secondary school personnel violate students' rights in schools in Nigeria. Conclusively, the study presumed that the extent of the violations of students' rights was contingent upon the ignorance of secondary school personnel of the basic principles of law related to education. Therefore, a major recommendation is that all teacher education institutions (Universities and Colleges of Education) and programmes should incorporate legal aspects of education as a minimum curriculum requirement.*

**KEYWORD:** Education Law, Fundamental Human Rights, and Human Right Violation.

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### INTRODUCTION

Human rights are natural rights which are protected by the state and usually enshrined in the constitution of every nation as "Fundamental Human Rights". Human rights are rights inherent to all humans, without regard to nationality, sex, ethnic origin, age, religion, colour, language, or any other status. It is a universal concept which was first emphasized in the Universal Declaration of Human Rights in 1948, and which has been further reiterated in many international human rights conventions, declarations and resolutions. For instance, the Vienna World Conference on Human Rights noted that it is the duty of states to promote and protect all human rights regardless of their political, economic and cultural systems. All states have keyed into the world universal declaration of human rights.

Fundamental human rights in many countries are now a common feature in constitutions that they hardly need to be explained. Oluyede (2001) reported a one-time Chief Justice of Japan to have described fundamental human rights as rights that were not created by the state but are external and universal institutions, common to all mankind and antedating the state and founded upon natural law.

The Constitution of the Federal Republic of Nigeria (1999) refers to human rights as the bundle of rights man acquires by reasons of his human nature and same protected by the 1999

Constitution of the Federal Republic of Nigeria. Chapter IV, Sections 32-43 of the 1999 Constitution of the Federal Republic of Nigeria provided for the following Fundamental Human Rights:

- (1) Right to life, (2) right to dignity of human person (3) right to personal liberty (4) right to fair hearing (5) right to private life (6) right to freedom of thought, conscience and religion (7) right to freedom of expression and the press (8) right to peaceful assembly and association (9) right to freedom of movement (10) right to freedom from compulsory acquisition of property.

Fundamental human rights are inalienable since they are fundamental to the sanctity and existence of the human person, Jew or Gentile, black or white, man or woman, young or old and so on. Thus, students who come into the school compound do so with their fundamental human rights. This view finds bearing in the opinion of Peretomode (2004) that students do not shed their fundamental human rights at the school gate. School personnel need to be conscious of this, bearing in mind that their actions or inactions may cause an infringement upon the rights of the students under their care.

School personnel actions or inactions may constitute human rights violations. Human right violation is to deny an individual the fundamental moral entitlements. Arop (2010) refer to human right violation as the abuse, infringement and utter disregard of the rights provided in the Constitution. The author further noted that any act or omission, which are inconsistent with the human rights provisions amount to an abuse and violation of such rights.

Today, many phrases have found its way into Nigerian lexicon, such as “I will sue”, “I will call my lawyer”, “I am ready to be in court” and, “Take them to court”. Parents are becoming legally conscious of the fundamental rights of their children in schools and are ready to contest a legal battle with school authorities when their wards rights are violated. Parents sue teachers. Students sue teachers. That the school is becoming a legally hazardous setting is becoming glaring even to those who are legally illiterate, Peretomode (2004). Despite the growing awareness and relevance of school-related law, many school personnel are still unaware of their basic rights and responsibilities. Myra and David (2003) described the situation as costly professional blind spot. The future survival of teachers, principals and other school officials will very much depends upon a knowledge and understanding of the basic principles of law and the application and adherence to these principles in the school environment. Moreso, staying legally up-to-date is considered a professional task.

The foregoing analysis is a pointer to a very great challenge for school administrators and managers. Therefore, the task of this paper is to investigate the extent to which school personnel in secondary schools in Nigeria are adequate with the knowledge of the basic principles of law and how their knowledge or otherwise affect human rights violations in schools.

### **Statement of problem**

Peretomode (2004) expressed the concern about the level of ignorance of the law by school personnel, particularly when it is realized that the activities of these persons are associated with legal consequences. The extent to which school personnel are being dragged to court to answer questions bothering on their action or inaction has assumed an alarming frequency today. Our society is fast becoming literate. Parents are ready to go to court for redress

whenever the rights of their children are violated. More frequently than ever, especially beginning from the 80s, court cases instituted by parents against school personnel in such issues as assault and battery, sexual abuse, fraud in the form of extortion of money, suspension, expulsion, the prevention of student from writing examination duly registered for, corporal punishment, the shaving of students hair or cutting of skirts to size at students assembly and other unusual punishments have become alarming. Teachers especially, the compound and labour masters, apply cane on students at random during the performance of their duties. At this point, it seems pertinent to raise some hypothetical questions: Do teachers and other school personnel have the knowledge and understanding of the basic principles of law that guide their actions or inactions in their job? Will the extent of the knowledge they have on the basic principles of law related to education affect human rights violations in school? It is the gap created by these pertinent questions that gave impetus to this study.

### **Objectives of the study**

The aim of this study is to examine the relationship between knowledge of education law and human rights violations among school personnel in Nigeria. Specifically, the study will achieve the following objectives:

1. To determine whether secondary school personnel possess the knowledge and understanding of the basic principles of law related to education in Nigeria.
2. To investigate whether secondary school personnel knowledge and understanding of the basic principles of law related to education affect human rights violations in schools in Nigeria.

### **Research Questions**

The following research questions were posed and answered in this study:

1. Do secondary school personnel possess the knowledge and understanding of the basic principles of law related to education in Nigeria?
2. Do secondary school personnel knowledge and understanding of the basic principles of law related to education affect human rights violations in schools in Nigeria?

### **Statement of hypothesis**

The hypothesis formulated and tested in this study is:

Secondary school personnel do not differ in the violation of human rights based on their knowledge and understanding of the basic principles of law related to education in Nigeria.

## **REVIEW OF LITERATURE**

School personnel should be concerned about laws. The concern stem from the fact that school personnel are legally obligated, held strictly accountable, and because children have many of the same rights that adults have. Since school teachers and administrators function in a complex environment with numerous legal ramifications, Gullatt and Tollett (1995) avers that

school personnel need to be aware of the requirements mandated upon them by the courts and the legislatures of the state.

Dunklee and Shoop (1986) opined that teacher programmes often do not prepare teachers to understand the relationship of the constitution, statutes, and judicial decisions to the daily process of delivering instruction and providing supervision. Sergiovanni, Burlingame, Coombs and Thurston (1992) have suggested that school administrators may have a larger responsibility than other professionals to understand the legal process as well as the substantive requirements of certain landmark decisions and their effects on school policies. Taylor (2001) avers that, in this 21<sup>st</sup> century, the vast amount of legal action requires educators to possess a basic understanding of the laws that impact them and the concerns that frequently arise in education law.

Numerous studies such as McCann and Stewart (1997), Peters and Montgomerie (1998) and Findlay (2007) support the importance of teachers having knowledge of education law. Two specific subcategories of education law that are specifically relevant for teachers are tort liability and student rights. Teachers must recognize, respect, and uphold the dignity and worth of students as individual human beings, and therefore deal justly and considerately with students. This legal responsibility mandates that teachers are expected by the state to be knowledgeable of such student rights to avoid accidental infringements. Moreover, these same regulations outline how teachers can be held professionally accountable if they “engage in any misconduct which would put a student at risk” (Department of Education Certification Regulations 2010, p. 7). Due to this accountability, there is a strong incentive for teachers to inform themselves on tort liability in order to protect themselves.

Sametz, McLoughlin and Streib (1983) suggested that teachers had three distinct reasons to possess knowledge on education law. First, “teachers need to be mindful of these relevant laws in order to be effective professionals, and it is their duty to do so” (p. 10). This idea is reflected in the Connecticut Certification Regulation quoted above; teachers are legally expected to know the law and how it affects them. Sametz et al.’s second reason emphasizes a particular aspect of education law noting how “children’s rights were particularly focused on because a teacher’s main responsibility deals with children” (p. 10). Due to the nature of teaching, teachers are often in a position of power over children. Because of the children’s young age, teachers need to be aware of boundaries and rights concerning this population and not overstep them. Sametz et al.’s last reason stated that “parents of students are likely to be knowledgeable in the rights of the child and likely to respond with litigation; if they feel those rights have been violated” (p. 10).

The fact remains that much as the study of education law is not to make teachers lawyers, yet, the knowledge of education law is quite an imperative in school practices.

**Table 1. School personnel practices that constitute violation of students’ human rights in school**

S/N	Fundamental Human Rights	Practices that violates Human Rights in School
1.	Rights to Life	Actions that can lead to death or disfigure the student permanently.
2.	Right to the Dignity of Human person	Non provision of adequate health services such as good toilets, portable water and medical clinics.

		<p>Inflicting battery and assault on students.</p> <p>Shaving students hair or cutting students dress, cloths to fit in the name of grooming.</p> <p>Making a student partially naked before other students no matter the reason.</p> <p>Using abusive and derogatory language that cause emotional pains on a student.</p>
3.	Right to Personal Liberty	<p>Subjecting a student to false imprisonment.</p> <p>Barring a student from writing examination that the student has duly registered for.</p>
4.	Right to Fair Hearing	<p>Punishing a student without an opportunity to defend himself/herself against the charges.</p> <p>Punishing a student without making his offence known to him.</p> <p>Being a judge and accuser in a case against a student.</p> <p>Breaching the laid down disciplinary procedures.</p>
5.	Right to Private Life	<p>Exposing information about a student without the student's consent or parents/guardians permission.</p> <p>Accessing student's mails or letters before giving it to the student.</p> <p>Unreasonable search and seizure activities of teachers on students lockers, pockets, phones etc.</p>
6.	Right to Freedom of Thought, Conscience and Religion	<p>Forcing students to receive religious instructions or take part in religious ceremonies other than their own or that approved by parents.</p> <p>Punishing students for refusing to participate in saluting the national flag or reciting the pledge.</p>
7.	Right to Freedom of Expression and the Press	<p>Barring students from expressing their opinion, to receive and impart ideas and information.</p> <p>Punishing a student for expressing opinion against a school policy.</p>
8.	Right to Peaceful Assembly and Association	<p>Barring students from forming or belonging to social clubs in school.</p> <p>Standing against students' peaceful demonstration or rally.</p>
9.	Rights to Freedom of Movement	<p>Keeping a student under punishment after school.</p> <p>Subjecting a student to false imprisonment.</p>
10.	Right to Freedom from Discrimination	<p>Discriminatory admission policies such as the use of quota system.</p> <p>Inequitable access to educational services.</p>

### Case study

School officials have been dragged to court by parents and students for their gross actions or inactions. In *Akinjide VS Ademola* as cited by Arop (2010) where a principal negligently allowed a student to bleed to death after an accident in the school playground. The court in

judgment upheld that the principal's action is a gross violation of the right to the dignity of the student. In *Boniface Njoku VS Idika Nwankwo* as reported in Peretomode (1999) where Mr. Nwankwo was alleged to have had a carnal knowledge of his student, the court ruled that Mr. Nwankwo violated the right to the dignity of the student and was to forfeit his salaries for six months. In another development, a teacher who flogged a 12 year old girl to death was convicted of manslaughter.

In *Garba VS University of Maiduguri* as reported in Peretomode (1999), where the students were expelled from school for involvement in demonstration. The court reversed the decision on the ground that the students were denied the right to fair hearing. School personnel can be liable for pecuniary damages as a result of infringing on students human rights.

In *Adeyika Badgo VS Federal Ministry of Education and Ors in Obi* (2004) where Adeyika sued for an unjust denial of admission into Federal Government College based on quota system. The court held that the quota system policy is a violation of the appellant right from discrimination. The cases mentioned here justifies the need for teachers to acquire the knowledge of education law to survive on their job.

### **Methods of the Study**

The study was undertaken using the following methods.

### **Design of the Study**

The research design adopted in this study is survey in which questionnaire was used for data collection. A survey design according to Ofo (2001) makes it possible for a generalization to be drawn on the population using a sample.

### **Population of the Study**

The population of this study is made up of principals, vice principals, compound masters, and labour masters classified as school personnel in secondary schools in Akwa Ibom State. The population is estimated to be about 1458, (State Education Board Statistics, 2015).

### **Sample and Sampling Technique**

The sample size of the study is 92 respondents selected through stratified random sampling technique. The state was stratified into three senatorial districts and 10%, (23 out of 243) public secondary schools in each senatorial district were selected as sample schools. From each of the selected sample schools, 4 school personnel were selected as sample.

### **Instrumentation**

A 17-item researchers' developed questionnaire known as 'Knowledge of Education Law and Human Rights Violations Questionnaire' (KELHRVQ) was used for data collection.

### **Method of Data Analysis**

Data generated for the study was analyzed using mean, standard deviation and t-test statistical methods. The hypothesis was tested at 0.05 alpha level.



**RESULTS AND DISCUSSION OF FINDINGS**

The results and findings are provided accordingly. Data generated to provide answer to research question 1 was subjected to mean analysis and the results is presented in table 2.

**Table 2. School Personnel knowledge and understanding of the basic principles of laws related to education.**

S/N	Statement	SA(4)	A(3)	D(2)	SD(1)	TOTAL	MEAN
1.	I document every incident with student.	4 (16)	11(33)	61(120)	16(16)	185	2.01
2.	I visit board policies to determine my classroom management and extra-curricular involvement.	7(28)	23(69)	58(116)	4(4)	217	2.36
3.	I think there is something wrong in forcing students to perform compulsory labour.	5(20)	14(42)	64(128)	9(9)	199	2.16
4.	I am abreast with the knowledge of basic principles of law related to education.	8(36)	20(60)	56(112)	8(8)	216	2.35
5.	I have done a course in legal aspect of education while in the tertiary institution.	3(12)	2(6)	69(138)	18(18)	174	1.89
6.	I have received training in matters relating to school laws and discipline.	13(52)	11(33)	54(108)	14(14)	207	2.25
7.	It is necessary that schools must provide students with clean and safe drinking water.	15(60)	8(24)	64(128)	5(5)	217	2.36

The results presented in table 2 show that the mean response of school personnel in items 1-7 were less than the weighted mean of 2.50. This indicates that school personnel do not possess knowledge of the basic principles of law related to education in Nigeria.

**Research question 2:** Data generated was analyzed using mean as shown in table 3.

**Table 3. School personnel knowledge of basic principles of law and human rights violations**

S/N	Statement	SA(4)	A(3)	D(2)	SD(1)	TOTAL	MEAN
8.	There are unsafe playgrounds in my school.	31(124)	38(114)	6(12)	17(17)	267	2.90
9.	I shave students' hair as a way of grooming them.	29(116)	28(84)	5(10)	30(30)	240	2.61
10.	In most circumstances, I keep students after school hours to do some work as punishment.	33(132)	26(78)	6(12)	27(27)	249	2.71
11.	I often punish students without due explanation of the offense	42(168)	32(96)	8(16)	10(10)	290	3.15

	committed.						
12.	I have sometimes seize phones from students and read their mails to check if there are something bad in the messages.	22(88)	26(78)	17(34)	27(27)	227	2.47
13.	Students are not free to exercise their preferred religious practices.	24(96)	21(63)	15(30)	32(32)	221	2.40
14.	The opinion of students in matters of school policies is highly not considered me.	41(164)	28(84)	10(20)	13(13)	281	3.05
15.	I do not allow student to freely form and belong to club of their choice.	18(72)	24(72)	32(64)	18(18)	226	2.46
16.	I have often asked students to kneel down in my office for a reasonable time as a form of punishment.	35(140)	22(66)	11(22)	24(24)	252	2.74
17.	I give extra attention to brilliant students.	31(124)	18(54)	23(46)	20(20)	244	2.65

The results presented in table 3 show that the mean scores for items 8,9,10,11,14,16 and 17 were higher than the weighted mean of 2.50. This indicates a high level of human rights violations by school personnel. However, items 12, 13 and 15 indicates that violation of human rights in those areas were not statistically significant.

**HO1:** Data generated to test the hypothesis was subjected to t-test analysis as presented in table 4.

**Table 4. Result of t-test Statistical Analysis of Difference in human rights violations based on school personnel knowledge of basic principles of law related education.**

Variables	N	$\bar{x}$	SD	Df	$t_{cal}$	$t_{crit}$	Remark
Possess knowledge of basic principles of law.	28	13.46	3.84	90	24.061	1.960	Rejected
Do not possess knowledge of basic principles of law	64	33.19	3.62				

*Not Significant at  $P > 0.05$*

The result presented in table 4 show calculated t value as 24.061 while the critical t value is 1.960 at degree of freedom 90 and at 0.05 alpha level. Since the calculated t value is greater than the critical t value, the null hypothesis is rejected. Therefore, school personnel differ in the violation of human rights based on their knowledge of basic principles of law related to education.

### Discussion of findings

The findings of this study are quite revealing. Secondary school personnel do not possess adequate knowledge of the basic principles of law related to education in Nigeria as reflected



in table 2. Findings further revealed that secondary school personnel violated fundamental human rights of students as reflected in table 3. Again, there was a significant difference in human rights violations between secondary school personnel that possesses knowledge of the basic principles of law related to education and their counterparts who do not possess the knowledge of the basic principles of law related to education. The study show that the mean rating of violations of human rights (33.19) of secondary school personnel who do not possess knowledge of basic principles of law related to education was significantly higher than that of their counterparts (13.46) who possess the knowledge of the basic principles of law related to education. This implies that school personnel, who do not possess knowledge of the basic principles of law, violated students' rights more than their counterpart who possesses knowledge of the basic principles of law. Finally, with reference to item 5 and 6 in table 2, only 5 respondents had a course in legal aspects of education while in tertiary institutions, and, only 24 respondents have received training in school law and discipline respectively.

These findings lend credence to Dunklee and Shoop (1986) who decried the state of inadequacies in the preparation of teachers, and Peretomode (2004) who remarked that the high level of ignorance of the law by school personnel is responsible for the spate of litigation against schools in Nigeria. It is quite unfortunate that the Colleges of Education and the Universities in Nigeria turn out graduates without courses in legal aspects of education. To have practitioners of education who do not know where their rights begins and where it ends, spells doom to the profession because such persons are bound to commit litigation errors in their daily practices. Legal principles are provisions that give limitations to both the teacher and students to avoid instances that may violate the rights of both parties. The knowledge of the basic principles of law related to education is imperative as a guide for school personnel in the conduct of their day-to-day activities.

## **CONCLUSION**

Based on the findings of this study, the following conclusions were made: A significant number of secondary school personnel do not possess knowledge of the basic principles of law related to education in Nigeria. There are also high level violations of students' human rights by secondary school personnel. Ignorance is not an excuse in law. It may be obvious that school personnel violated students' rights because they not aware of the provisions of law in that area, but that should not be an excuse, because as professionals, they are expected to be abreast with the laws that guide their conduct in place of work.

## **RECOMMENDATIONS**

Based on the conclusions drawn in this study, the following recommendations seem pertinent:

1. All teacher education institutions (Universities and Colleges of Education) and programmes should incorporate legal aspects of education as a minimum curriculum requirement. It is a crime to turn out teachers to function in schools without knowledge of the basic legal principles of law that defines their operations in schools, especially given the highly litigious environment that characterizes our schools today.

2. Government should as matter of necessity conduct training-and-retraining for secondary school personnel in Nigeria. This can be achieved by training the school principals and their vice counterparts first, who in turn would train other personnel in their various schools.
3. Academic bodies should mount conferences, seminars and workshops on education law with a view to sensitize participants on education related issues.
4. Academic bodies should take advantage of the social and electronic media to persistently educate the public on education related issues.

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