

THE ROLE OF FUNDAMENTAL HUMAN RIGHTS IN CURBING ALMAJIRI SYSTEM OF EDUCATION

ADIELE, BERNICE NGOBA ABIOLA

Berniceadiele14@gmail.com

&

Charles C. Mezie-Okoye (PhD)

Charles.mezie-okoye@uniport.edu.ng

Centre For Peace and Security Studies (Cpss)

Faculty of Social Sciences

University Of Port Harcourt, Rivers State, Nigeria

Abstract

This investigation looked at the significance of fundamental human rights in curbing almajiri system of education. The specific objectives cover the role of western education in curbing almajiri system of education; right to livelihood and the child rights act. The study was anchored on Pierre Bourdieu's cultural theory and the theory of social reproduction. The study concluded that the Modern Almajiri system is a gross form of child abuse and exploitation. No society can flourish in terms of socio-economic growth and development while its future generation is illiterate, unhealthy, exposed to all manner of social ills and abused. In line with the conclusion, the study recommends amongst others that; effort should be made to the establishment of skills acquisition centres across the northern region; governors from northern Nigeria should enforce free and compulsory basic and secondary education in their various states and that government, at all levels, including relevant stakeholders should come up with the necessary interventions and viable policies for the development of the Almajiri schools.

Keywords: Role, Fundamental Human Rights, Solution, Almajiri System of Education.

Introduction

The Almajiri system has left our streets with more youngsters than we would like to see at any given time. Children should always be well fed and educated. They should dress well and sleep well; they should also have access to the best psychological and emotional care at all times. These must be prioritized if we are to have a better future than what we have now (Obiezu, 2020).

Almajiri is defined as a student who travels away from who either migrates to spread Islamic knowledge or stays at home to attend an Islamic boarding school to gain an understanding of Islam (Aghedo & James, 2013). Almaiiri will spend months or even years away from home to teach or learn Islam and get other life experiences. Aimajiri is an Islamic education system that is popular among Muslims in Northern Nigeria and adjacent countries.

Overtime, the aim and objectives of setting up the Amajiri school system has declined to something different. Today's victims of neglect and exploitation, almajiri, can be found they end up being vulnerable to abuse, drug use, human trafficking, and other forms of

exploitation because they are always singing and pleading for food and money. Their living circumstances are in violation of the 2003 Child Rights Act.

The Child Rights Act was passed by the National Assembly in 2003. It came with a slew of rights that are beneficial to children's welfare. For good measure, it also included obligations for children and consequences for anyone who violated its terms. The Child Rights Act has all the elements of a good, responsible, and responsive piece of legislation. Some Nigerian states have domesticated the Act, giving it teeth. However, many other states have reacted negatively to its provisions. The hesitation in the majority of those states is undoubtedly religious in nature. It's a truly disturbing situation. While the debate over the Act rages on, Nigerian children continue to suffer atrocities. The Act is mostly disregarded by people who ought to know better, which is especially depressing. The future belongs to children. This is an immutable global fact. Any country that chooses to ignore this reality will soon discover that it is a lie (Obiezu, 2020).

Statement of the Problem

One of the most serious charges leveled against Almajiri system of education is that it forced its students to beg. When the Kano State Committee Report on Almajiri stated that the misery of five to ten-year-old children's lives, having to live practically alone, with no evident sources of support other than the minimal alms he receives from good Samaritans was adequately reflected (Kano State, 1988), it adequately reflected this viewpoint. Aside from street begging and wandering, this analysis identified some elements that contributed to the Almajiri problem. These variables include: societal norms and values, which encouraged children aged 3-5 years to enroll in Almajiri School; parental illiteracy and poverty, because the vast majority of these kids are from low-income households. Inadequate dedication from the government, distance between learning institutions and communities in rural areas; lack of a definite graduation year in the traditional system causes almajiri pupils/students to miss out on opportunities for western types of education; unpleasant surroundings; crowding; insufficient instructional materials and teachers and instructors. This study the role of fundamental human rights in regulating the almajiri system of education was meant to address the difficulties confronting the almajiri system of education.

Aim and Objectives of the Study

The study's primary goal is to examine the role of fundamental human rights in curbing almajiri system of education. The specific objectives are as follows:

- i. Investigate the role of western education in curbing education system almajiri.
- ii. Examine the role of right to livelihood in curbing education in the almajiri system.
- iii. Find out the role of child rights act in curbing almajiri system of education.

Literature Review

Theoretical Review

Pierre Bourdieu's theories of social and cultural reproduction are used to define the Nigerian Almajiri System of Education. "The educational system reproduces all the more perfectly the structure of the distribution of cultural capital among classes (and sections of a class) in that the culture which transmits is closer to the dominant culture and the mode of inculcation to which it has recourse is less removed from the mode of inculcation practiced by the family,"

says Bourdieu (Emmanuel & Jacob, 2021). The foregoing observation is consistent with the commonly held the concept that, The family, being the primary educational setting, greatly impacts a child's attendance at school and academic achievement. The study found that variables like parental education level, family income, religious beliefs, and community values ethnicity all play role conventions all influence access to education in Nigeria. Each of these characteristics, including socioeconomic position, cultural capital, and social capital, are influenced by family background (Emmanuel & Jacob, 2021).

"Cultural capital is defined as the total of artistic practices, norms, and attitudes that are instilled in children through familial socialization—or, as Bourdieu put it, habitus."

Indigenous education in Nigeria is the country's north and south are organized around culturally diverse communities. Prior to the arrival of western education, these schools centered their education on their tradition and culture.

These types of instruction have been passed down over centuries provided children with the abilities needed to function in adult communal life. But colonists and Christian missionaries replaced these institutions, particularly in the south, with western-style education. This educational technique was more widely accepted in the south than in the north, resulting in significant disparities in literacy and enrollment rates of students in western-styled schools that continue to this day (Emmanuel & Jacob, 2021).

Conceptual Clarification of Almajiri

The Almajiri ritual is an ancient tradition that appeals to particular groups of individuals in northern Nigeria. The Hausa term "almaghiri" comes from the Arabic word "Al-Muhajir," which denotes an immigrant (Kabiru, 2010). Almajiri (Amajirai in Hausa) is a person who migrates or leaves his home to study Islam at an Islamic boarding school (Aghedo & James, 2013).

Both a student and a beggar are referred to as (Almajiri) in Hausa. Children who are marginalized are included in this group; spend the majority of the day on the street for one cause or another. Under the almajiri system, children are entrusted to the care of a Mallam, a qualified person, with whom they relocate to a different community where the Holy Quran is expected to be studied in a conducive learning environment. Parents or guardians bring these kids to an Islamic scholar for instruction in Arabic and Islam. Not all almajiris are found on the streets; those who are mistreated, denied food, shelter, and financial support, as well as those who are rejected and ignored, are the most vulnerable. Abdulfatah (1998) describes Jamila's description contextualizes the status of this group, which is found in nearly all of the federation's states. She described the average almajiri as follows:

Usually found wandering the streets, chanting rhymes, begging for food with a bowl in hand, and sleeping anywhere, mostly on the streets day and night, is a Muslim child who has been sent away from home to read the Quran.

For several months or years, Almajiri left his home to impart knowledge about Islam and acquire other experiences. Almajiri is a widely used Islamic teaching method among Muslims

in Northern Nigeria and its surrounding nations, including Ghana, the Niger Republic, and Chad. It is a long-standing tradition that has flourished over time, particularly before colonization, because of the government's and affluent individuals' assistance. Indeed, famous jurists, Islamic philosophers, and religious reformers have emerged from the almajiri system in the past (Aghedo & James, 2013). Each year, residents of a specific area would assemble their children, usually school-age males (aged six and higher), give them to an Islamic scholar (Mallam) who will teach them the principles of Islam as well as Oladosu (2012) teaches students to write and recite the Arabic alphabet.

Concept of Human rights

The rights that every person has because of their humanity are known as human rights. These rights include the freedom of thought, conscience, and religion, as well as the rights to life, human dignity, personal liberty, and a fair trial. They set an international community-wide norm of behavior. Human rights are natural, reasonable, inviolable, and immutable, and to violate them is to offend one's feeling of fairness. According to the UN General Assembly (1948), rights are moral and political claims that every person has, or feels they have, made to their society or government that are recognized "as of right" and "not by love, grace, or charity".

Chapter IV of the Nigerian Constitution guarantees the following: the right to life, the right to human dignity, the right to personal liberty, the right to a fair trial, the right to private and family life, the freedom of thought, conscience, and religion, the right to freedom of movement, the right to be unaffected by discrimination, and the right to purchase and possess property anywhere in Nigeria Federal Republic of Nigeria Constitution of 1999. Furthermore, Chapter II allows for a variety of other rights under the essential aims and guiding fundamentals of governmental policy. Human rights are a living, breathing set of political, social, economic, legal, ethical, cultural, and philosophical principles that establish the inherent value and dignity of every human being.

Regardless of religion, nationality, race, political beliefs, color, social affinity, or sex, everyone has the unalienable right to exercise their human rights; however, necessitates respect for others' rights and freedoms. A state's government is responsible for preserving and ensuring its residents' rights. This definition's elements can be found in the constitutions of the world's sovereign nations. Human rights are rights that exist prior to political society and exist irrespective of conventional law.

Human Rights include key documents and ideals that are necessary components of knowledge development. The cornerstone of human rights education is the 1948 adoption of the Universal Declaration of Human Rights (UDHR). The United Nations General Assembly convened in the midst of World War II's horrendous human rights breaches and atrocities approved it in 1948. According to Nancy Flowers (1999), the following are the core principles of the UDHR:

1. **Equality-** Article 1 of the Universal Declaration of Human Rights states that all people are equal and free at birth.

2. **Universality**- Civil liberties is universal in the sense that they are moral and ethical in nature ideas that all regions of the world share. It is up to governments and communities to acknowledge and support them. This is not to say that human rights cannot or should not be respected should not exist should not be respected should not change, or that everyone experiences them in the same way.

3. **Nondiscrimination**: Everyone is entitled to human rights, irrespective of their religion or ethnicity.

4. **Indivisibility**: Civil, political, social, economic, cultural, and communal rights are all protected by the law all examples of human rights should be handled as a unified whole.

5. **Interdependence**: Human rights are interconnected in the same manner as flower petals and necklace beads are. Individual rights are linked to the rights of others. Infracture of a single right reduces the worth of others. Promoting one right, on the other hand, encourages other legal rights; and

6. **Accountability**: accountability Governments and people are responsible. Governments are responsible for upholding and protecting all citizens' human rights. Individuals must also defend human rights and punish offenders (including governments and other entities) responsible.

Individual governments' approval and implementation of these treaties is required for international Human rights are protected and enforced. All treaties signed by the world are the Genocide Convention (1948), the Convention on The conventions that followed were the Social and Cultural Rights (1951), the Convention on Civil and Political Rights (1966), the Convention on the Elimination of All Forms of Discrimination Against Women (1979), the Convention on the Rights of the Child (1989), and the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Torture (1984). The great majority of nations have ratified these treaties. There are, however, notable and significant exceptions:

- i. i. The Convention Against Discrimination Against Women has not been ratified by the United States;
- ii. ii. The Convention against Torture has not been ratified by Afghanistan or Switzerland degrading Punishment; and
- iii. Roughly the Convention against torture and cruel, inhuman, or degrading punishment has not been ratified by half of the world's countries.

Even though the idea of human rights and the expression "inalienable rights" are still debated, the phrase "inalienable rights" has been coined to suggest that there are certain rights that are not subject to negotiation that cannot be taken away fundamental rights that cannot be accessed or enjoyed without other rights. Among these inalienable rights are:

- a) The right not just to life, but also to a living;
- b) The freedom from acts of violence;
- c) The right to food, shelter, and clean drinking water;
- d) The rights to education and health; and
- e) The entitlement of both genders to direct their own lives.

Without getting into specifics, the right to life claims that man's rights are inalienable and that all beings have the right to survive. Because there is no human person without life, this is the most important human right. This implies that without life, no other human being can exercise any other right. As a result, no person, organization, or government has the authority to take another man's life. As a result, no man has the right to kill himself. Socio-cultural variations,

class, caste, and ethnicity, on the other hand, are all variables in the exercise or misapplication of power, and subsequently the denial or violation of rights. Guaranteed rights by a state's constitution may, in theory, be unavailable to men and women who belong to a marginalized minority or who are afraid of expressing their rights because of the powerful.

Apart from the Convention on the Rights of the Child (CRC) and the Universal Declaration of Human Rights (UDHR), there exists the International Covenant on Civil and Political Rights (ICCPR) is the principal human rights document that clearly states children's rights (1989, United Nations General Assembly). Although children are covered by the Universal Declaration of Human Rights, they are nevertheless among the most vulnerable populations in regarding violations of rights. That's the reason a convention defining their rights was necessary. The Children's Convention on Human Rights of the United Nations is separated into three sections: rights to survival and development, rights to protection, and rights to participate are all important considerations.

- a) The rights to survival and development guarantee children the means, abilities, and participation necessary for their complete development;
- b) The right to protection encompasses defense against all types of maltreatment, disregard, and violence; and
- c) and participation rights safeguard kids' freedoms of speech and involvement in issues influencing their social, cultural, religious, political, and financial lives.

It appears that acceptance and implementation levels differ amongst Nigerian states, even though the country has ratified the Convention on the Rights of the Child and the National Legislature passed the Child Rights Act. State and municipal governments reflect a varied spectrum of ethnic groups and customs, making implementation difficult.

The Child Rights Convention is an international treaty excellent resource for teaching about human rights. Children must be aware of and understand their own rights, as well as develop a sense of responsibility for other people's rights. In Nigeria, Almajiri is a frequent instance of a violation of children's rights; a teacher with Islamic training typically oversees this group of kids (Mallam). In most situations, there are a large number of these youngsters, and their Mallam has little choice except to send them out to beg for food with no regard for the quality of Food: prepared, fresh, or stale, available from wherever because they scavenge in dirty locations (Taiwo, 2014). They also don't seem to take baths based on their appearance. It is surprising, though, because they are rarely ill. According to Abdulkareem Kwandoa, a medical expert, "the conditions in which these street urchins live allow them to build extremely great immunity against illnesses and maladies that medical practitioners are familiar with unable to explain" (Taiwo, 2014). Almajiris are unable or unwilling to get essential living necessities such as food, water, housing, clothing, cleanliness, and healthcare. The results are visible in their poor living situations. They're all over our streets, marketplaces, homes, and garages, clothed in dirty clothes and performing horrific acts for a living.

It goes without saying that the pre-colonial Almajiri system reflects the spirit of the present Child Rights Act because it centred on the development, education and general welfare of its pupils both children and adults and it produced the most morally upright people in the

society that contributed to its growth and development. This and more is what the Child Rights Act seeks to achieve.

The same cannot be said about the modern or post-colonial Almajiri system as it has digressed from the old system by concentrating more on begging for alms that actually educating the pupil which is a direct contravention of Section 30 of the Child Rights Act that prohibits using children to beg, it also makes it an offence punishable with ten years of imprisonment.

As aforementioned these children are mostly hungry, malnourished, infected with so many skin diseases, sleep in non-conducive environments. All these show, again, how this system is at par with the Child Rights Act and it has contravened section 2, 11, 13 and 17 of the Act. Using the children for menial jobs or labour for a stipend or paltry sum contravenes section 28 and 29 of the Act which makes it an offence to make a child do exploitative labour, punishable upon conviction with a fine of not more than N50,000.00 or imprisonment for not more than five years or both.

The Act, under Section 15 of the Act protects a child's right to free compulsory universal elementary education states that the government should provide this education and the parents, guardians or those that the child is in their custody should ensure that they get this education. Under the modern Almajiri system, these children have left home and are under the care of the Mallam who is considered their custodian or guardian, they are not under the care of their parents. The Mallam, usually in the morning, coordinates the children and teach them Islamic education, even though they are made to chant some verses from the holy Quran, making whatever Islamic education they are taught not comprehensive enough. The rest of the day they spend looking for means of livelihood which they end up giving the Mallam any stipend gotten that day. Thus, without providing comprehensive Islamic education and allowing them to wander about the rest of the day, instead of ensuring that they get the universal primary education or learn any vocational skill is contrary to the provision of the Act. The type of food they eat, the environment they live and the horror they are exposed to also contravenes the Act.

Conclusion

Human rights are rights that all humans have as a result of their existence. Human rights, such as the right to life, human dignity, personal liberty, a fair trial, and freedom of thought, conscience, and religion, are all examples of fundamental human rights are examples of their humanity. The Modern Almajiri system is a gross form of child abuse and exploitation. No society can flourish in terms of socio-economic growth and development while its future generation is illiterate, unhealthy, exposed to all manner of social ills and abused. Adequate application of the Child Rights Act in all Northern Nigerian states together with some strategic long term goals can help to eradicate this degrading and abusive system, this might seem far-fetched but it is not impossible, however it will, first of all, require will power from the parents, the Government including Agencies and Parastatals involved in child protection and education, and lastly the community.

Recommendations

The study recommends as follows:

- i. Effort should be made to the establishment of skills acquisition centres across the northern region.
- ii. Governors from northern Nigeria enforce free and compulsory basic and secondary education in their various states.
- iii. Government, at all levels, including relevant stakeholders should come up with the necessary interventions and viable policies for the development of the Almajiri schools.
- iv. Government should carry out proper funding of the programme and subsequently address the issue of insecurity, reduce street begging among the students.

References

- Abdulfatah, M (1998). The marginalized groups in education and national development: *Journal of Education*. 2(1), 23-43.
- Abdul Qadir, I.A. (2003). *The Almajiri System of Education in Nigeria Today*. Paper presented at the 21st Convocation Ceremony of Bayero University, Kano. <http://www.gamji.com/article5000/NEWS5956.htm>.
- Aghedo I. & James, S.E. (2013). From Alms to Arms: The Almajiri Phenomenon and Internal Security in Northern Nigeria, *The Korean Journal of Policy Studies*, 28(3), 97-123.
- Danbuzu (2012). Origin of almajiri education system – Dialog NG. *Danbuzu*. <https://danbuzu.wordpress.com/2012/06/09/origin-of-almajiri-edu>
- Emmanuel, A., J., & Jacob, D., G., (2014). *Integrating Almajiri system of education with conventional education: A stimulus for peace and security in northern Nigeria*. www.ijariie.com
- Flowers, N., (1999). *Human Rights Here & Now: Celebrating the Universal Declaration of Human Rights*. Minneapolis: Human Rights Educators' Network of Amnesty International USA, Human Rights Resource Center, Stanley Foundation. <http://www1.umn.edu/humanrts/edumat/hreduseries/hereandnow/Default.htm>. 05/09/2010.
- Hilda I., O. & Ibrahim M., A. (2014). Contemporary issues in nomadic, minority and almajiri education, problems and prospects. *Journal of Education and Practice*, 5(24), 19-27.
- Hoechner, H. (2013). *Searching for knowledge and recognition: Traditional Qur'anic Students (Almajirai) in Kano, Nigeria*: University of Ibadan, French Institute for Research in Africa.
- Kabiru, R., (2010). Guidelines the north [Www.gamil.com/article&8000/NEWS8282.htm](http://www.gamil.com/article&8000/NEWS8282.htm).
- Kano, (1988). *Report of the Northern States of Nigeria Joint Committee for the Coordination of the Programme of Action on new social policy*.
- Lubeck, M.P. (1985). Islamic Protest under Semi-Industrial Capitalism: 'Yan Tatsine Explained. *Africa*, 55(4), 369-389.
- Muhammad ,F.(2015). *Prevalence of child abuse among pupils in almajiri system of education in Zara Local Government, Kaduna State, Nigeria*. Masters thesis submitted at University of Nigeria, Enugu.
- Obene, W.R. (2012). *Home-grown terrorism: An emerging challenge to Nigeria's national security*. Presentation to Haske Biyu 2012 participants at the Armed Forces Command and Staff College, Jaji, Kaduna.

- Obiezu, K. (2020).** *The almajiri system and the rights of the Nigerian child.* The Gaurdian Nigerian News.
- Oladosu, A., G. (2012). Arabic and Islamic education in Nigeria: The case of Al- Majiri schools. *World Academy of Science, Engineering and Technology*, 71: 1820-1824,
- UN General Assembly. (1989). *Convention on the rights of the child.*
<http://www2.ohchr.org/english/law/crc.htm>. 05/09/2019.
- UNESCO. (2007). *A Human Rights-Based Approach to Education For All.* New York: UNESCO.
http://www.hrea.org/erc/Library/display_doc.php?url=http%3A%2F%2Funesdoc.unesco.org%2Fimages%2F0015%2F001548%2F154861E.pdf&external=NEmbedded
Content Mark this item complete. 03/09/2019.
- UNICEF. (2019). <https://www.unicef.org/nigeria/child-protection>. 01/10/2019