



Respondents Demographic Awareness of their Human Rights for Administrative Effectiveness of Schools

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Abstract

This study examined Respondents Demographics Awareness of their Human Rights (right to private/family life, right to freedom of religion and right of expression) for administrative effectiveness of public senior secondary schools in Rivers State, Nigeria. The study was anchored on Barker's Theory of Right. Three research questions and three null hypotheses guided the study. The study adopted descriptive research design. The population of this study consisted of 68,228 in the 286 secondary schools in Rivers State with a sample size of 1,932 respondents. The multistage sampling procedure was used to select the sample. Principals', Teachers' and Students' Awareness of Human Rights for Administration of Public Senior Secondary Schools Scale (PTSAHRAPSSSS) was used for data collection. The reliability coefficient of .810 was obtained through Cronbach alpha reliability statistic. Mean and standard deviation statistics were used to answer the research questions while the hypotheses were tested using the ANOVA at 0.05 level of significance. It was found that the principals, teachers and students are very much aware of the fundamental human right for the administrative effectiveness of public senior secondary schools in Rivers State. They are aware of their right to private/family life, right to freedom of religion and right of expression. It was recommended amongst others that the school principals, teachers or students should not by omission or commission probe into each other private life in the school. Religious observation should be highly tolerated in the school irrespective of the mode of worship and denomination.

Keywords: Respondents, Demographics, Awareness, Human Rights, School Administrative, Effectiveness, Principals, Teachers, Students, Rivers State, Nigeria.

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INTRODUCTION

The constitutional provisions of fundamental human rights tend to be human oriented than every other sections of the constitution (Clifford, 2016). Great importance is placed on the respect for fundamental human right for effective institutional responsibility, dedication, commitment and improved sense of belongingness (Nwachukwu, 2018). Constitution is supreme more than every written rules and regulations guiding a country, organization or the school. The constitution is the repository of the fundamental human rights and other associated rights that are applicable to Nigerian citizens.

Right to private/family life, right to freedom of religion and right of expression is the machine of justice. Without which it may be impossible to dispense quality human freedom. Principals, students and teachers who are not given freedom may suffer emotional and physical torture and molestation that can bring about school maladjustment. Lack of freedom among the students as well as the teachers has contributed to disarray in the school disciplinary measures (Idowu, 2013).

Past studies across the globe have revealed that 60% violation of fundamental human rights is attributed to lack of possession of copy of the constitution (Clifford, 2016), inexperience (Jude, 2017), poor human relationship (Nwachukwu, 2018; Ololube, 2019) and fragrance display of stubbornness and arrogance by the employers (Philips, 2018).

The most applicable constitutional fundamental human rights provisions to secondary school principals, students and teachers ranged from right to life, right to the dignity of human person, right to personal liberty, right to fair hearing, right to private and family life, right to religion, freedom of expression, freedom of association, freedom of movement and freedom from discrimination (Gideon, 2018). Past studies have documented that employers threaten their employees of extermination of life if they did not discharge their duties expectedly (Peters, 2014). Principals, students and teachers are entitled to fullness of their life. The principals, students and teachers are not supposed to be killed by anybody irrespective of position except by the pronouncement of competent court of law. The life of every citizen as well as that of principals, students and teachers shall be protected by law. The principals, students' and teachers life shall not be arbitrary snuffed out of them. Genocide and suicidal missions should be averted among the principals, students and teachers.

Apart from the fundamental right to live, the principals, students and teachers also have the right to the dignity of human person. Dignity is the right of promotion of personal, ethical and work value of a person (Jude, 2011). Every citizen of Nigeria should be valued and respected irrespective of their age, height, colour, religion and educational level (Ndukwu, 2012). This aspect of fundamental human right is emphatic on the value and value system. This implies that the students and teachers in the school are meant to be valued irrespective of their intelligence level, colour, religious affiliation, ethnicity, age and gender. The dignity of every person is independent of creed, ethnicity, gender, age, sexuality or ability. So many factors such as hunger, poverty, oppression and injustice make it impossible to live a life commensurate with this dignity (Caritas Australia, 2020). Reportedly, an injustice can influence the quality of dignity of human person of the principals, students and teachers if adequate measures and precautions are not properly adhered to. Despite the fact that the principals, students and teachers must have freedom of human person they also have right to personal and family life and liberty.

Statement of the Problem

There may be litigations against the school that may expose principals, teachers and students to sanctions and tensions. It is not certain to the extent schools are aware of constitutional provisions of principals, students' and teachers fundamental human rights in the discharge of their administrative duties in public secondary schools in Rivers State. Therefore, the study investigated the extent administrators whether as principals, teachers and students are aware of the fundamental human rights for the administration of public senior secondary schools in Rivers State.

Purpose of the Study

The study was guided by three purposes:

- Ascertain the extent of principals, teachers' and students' awareness of human right to private/family life in the administration of public senior secondary schools in Rivers State.
- Examine the extent of principals, teachers' and students' awareness of human right to freedom of religion in the administration of public senior secondary schools in Rivers State.
- Determine the extent of principals, teachers' and students' awareness of human right of expression in the administration of public senior secondary schools in Rivers State.

Research Questions

The under listed research questions guided this study:

- To what extent are principals, teachers' and students' aware of the fundamental human right to private/family life in the administrative effectiveness of public senior secondary schools in Rivers State?
- To what extent are principals, teachers' and students' aware of the fundamental human right to freedom of religion in the administrative effectiveness of public senior secondary schools in Rivers State?
- To what extent are principals, teachers' and students' aware of the fundamental human right to freedom of expression in the administrative effectiveness of public senior secondary schools in Rivers State?

Hypotheses

To further direct this study, three hypotheses guided the study:

- There is no significant difference among principals, teachers and students on the extent of awareness of fundamental human right to private/family life in the administrative effectiveness of public senior secondary schools in Rivers State.

- There is no significant difference among principals, teachers and students on the extent of awareness of fundamental human right to freedom of religion in the administrative effectiveness of public senior secondary schools in Rivers State.
- There is no significant difference among principals, teachers and students on the extent of awareness of fundamental human right to freedom of expression in the administrative effectiveness of public senior secondary schools in Rivers State.

Scope of the Study

The study is delimited to examine respondents' demographic awareness of their human rights (right to private/family life, right to freedom of religion and right of expression) for administrative effectiveness of public senior secondary schools in Rivers State, Nigeria. The independent variable are principals, teachers and students awareness of fundamental human rights in the areas right to private/family life, right to freedom of religion, and right to freedom of expression, while the dependent variable is administrative effectiveness of public senior secondary schools in Rivers State. The respondents are principals, teachers and students in public senior secondary schools in Rivers State, Nigeria.

CONCEPTUALIZATION

Theoretical Framework

Barker's Theory of Right

Barkers (1951) view on right is not theoretically different from that of Laski. They were both liberal philosophers, though Baker has a clear bias to idealism. For him, the greatest goal of every political organization which is the state is to see to it that the personality of the individual gets ample scope for development. Therefore, it is the aims of the state not only to guarantee but also to secure the conditions necessary to actualize the objective. It is these secured and guaranteed conditions that are called rights. No individuals personality can develop automatically under the most adverse or antagonistic environment. For humans to develop in their personality, it requires favourable conditions which can be guaranteed by the state through the enactment of law.

The state, rights and the individual all have purpose. The state and rights is to help the individual in the attainment of his purpose. The justification of the state and rights lie in how much they have been able to help the individual. Barker agreed with the thought of Laski and Green when he purports in his explanation of the nature of right stating that the rights of an individual are embodied in him but there are parts of the whole system of rights and of justice. The rights of any particular individual are the parts of the right which other person exercise. The isolation of one's rights cannot be debarred from the others. When one's right is segregated, this will lead to the nullification of rights to which other persons are entitled.

In Barkers thought when all individual self is developed, then it leads to the development of the self. Rights naturally are to be guaranteed to all persons and this task belongs to the state through the law. Therefore, law is an important tool for securing rights. The legal concept of law presumes that if the state does not take initiative to secure rights through law, her citizens will be deprived of rights. Barker's concept of right should be perceived from the macro politics point of

view which implies that the idea cannot be dissected treating individuals as separate from the other. Note must be taken that when an individual exercises his/her rights, it creates impact upon other individuals and on the society as a whole.

On the moral aspects of right, Barker concurs that the law of the state helps one to secure his/her rights. Rights are claims which are originated by the individual himself. Since the individual is a moral person, it should be his prerogative that he will develop his moral personality through his rights. This effort is not geared towards inflicting any harm upon the society. That man is a moral being implies that he releases his best efforts for the general welfare of the society.

Barker avers that the state and its laws are the sources of rights, and should be seen as a single source. It is the state that recognizes rights and this makes law for its implementation. Rights ideally will always be gotten simultaneously from two sources possessing double quality: Source of the individual personality and the source of the state and its law (<https://www.politicalsciencenotes.com/theory-of-rights>).

On the distribution of rights, Barker sustains that mere declaration of rights is not enough for any society. Care should also be taken to distribute them. In the distribution of rights, care must be taken that utmost importance is been given to the idea of justice. The ultimate goal of any state should be the maintenance of justice and the distribution of rights. This distribution of rights he concedes must be hinged on three principles; liberty, equality and fraternity. In the distribution of rights, the state will take measure putting into consideration that all the individuals are free agents of the state and also have the abilities to develop their own personalities. Hence, the freedom of liberty of the individual cannot be infringed upon. The purpose of the state to distribute rights is to maximize liberty among citizens. Every citizen has the liberty to enjoy rights as well as allowing others to follow him.

The next step which is the rule of the distribution of rights is the equality which in the state makes all individuals equal. Rights must be distributed equally. What is good for one is good for all. *Ipsa facto* the state activity is concerned, all involved are equal. But outside the state, there could be inequality in economic status, political power and cultural background. These inequalities aforementioned cannot hamper or affect the procedural principle or rule. In describing the procedural principle, Barker writes: "It does not involve or mean equality in the social or extra-legal sphere: it is legal, and not social equality; it is equality in terms of capacity for the enjoyment and exercise of rights; but not in terms of capacity for the enjoyment and exercise of all the multitudinous forms of social activity" (<https://www.politicalservicenotes.com/theory-of-rights>).

The last procedural rule of the distribution of rights is fraternity which was first enunciated by the leaders of the French Revolution. They admit that goodwill, cooperation and friendship should be the basis of human relations. The flourishing of these eternal principles should be encouraged by the state through the distribution of rights. Again, the state will not recognize rights in such a manner as to exacerbate the relationship among people. For this to be a reality, the state must take an unbiased approach to all her citizens. In the recognition and implementation of rights, the development of personality shall be the chief motive. If the maximization of justice must be adhered, then the principles of liberty, equality and fraternity must be strictly and scrupulously adhered to in the distribution of rights.

This theory is relevant to the study since it supports the development of the individual person, and that the state should secure the process of actualizing the protection of the right of

the principal, teachers and the students in the school. The school environment should be conducive enough to guarantee the right of these right holders.

It also holds that the right the school personnel's have should assist them to attain their goals and not destroy. Also in schools, those with right should know that the rights they have should assist them to protect the others rights as well. The isolation of the right of one person in the school debars the other. In schools therefore, when ones right is developed if it leads to the development of others right as well. For this reason, schools should have laws made in cognizance with state laws to protect the rights of the individual.

The theory is relevant since it holds that the laws of schools should have its source from the laws of the state, and they are inseparable. Also the declaration of laws in the schools isn't enough; it should be distributed as well. Justice and distribution of rights should be maintained in the school system. Every citizen of the school has the liberty to enjoy his/her rights. In the school system, what is good for one is also good for all. This theory emphasizes the importance of fraternity in the school system. Hence, goodwill, co-operation and friendship should be the basis of the administration of schools.

Concept of School Rules and Regulations

Every school needs a set of rules to ensure an appropriate and orderly step in their process. These sets of standard are reflected in a school regulation. The fundamental reason behind any school rules is to affirm what is allowed and above all what is prohibited in relation to the behavior of the principals, teachers and students (<https://edukalpe.blogspot.com>). School rules and regulations could be defined as a document that specifies in detail, what is the internal regime that should govern patterns of behavior of the entire educational community. In school rules and regulations, there are a number of aspect that are often collected in this particular document such as respect for the established schedules, what behavior are not admissible and its corresponding sanctions, standards of hygiene as well as general patterns or models in relationships between principals, teachers and students.

School rules and regulations is not simply a set of prohibitions but it must have a purpose which must be educational and formative. The school personnel's must be made to know that the rules are positive and is not a sanctioning regime, hence, the regulations should be known by them and the meaning explained to them. Respect to the school rules and regulations is supposed to have an ethical value and take ethical limits on the student's behavior. If the limits are violated in any way or not respected, there are consequences that should be followed immediately. If the school regulations are breached, which would be an academic activity many difficulties would lead to education without values. Consequently, the formulations of rules and regulations must conform to the age of the students since their idea of respecting rules is very different (Ololube, 2017).

Peretomode (2019) agrees that school rules and regulations carry the tone of law if they are reasonable and constitutional. Reasonable school rules and regulations have been upheld in courts. Cases that are relevant are (Spiers Vs. Warrington Corporation, Flory Vs. Smith (1926), Jackson Vs. Dorrier (1970), Jones Vs Cody (1902) in the US, (Peretomode, 2019). The effectiveness of school rules and regulations depends on a number of factors which were specified by Peretomode (2019) as follows:

- Rules and regulations should be stated in positive form, on personnels responsibility rather than misbehavior been stressed. The emphasis of student's behavior should be on that which is desired, not on behavior which is detested;
- The policies and procedures should be written in clear, understandable language;
- The consequences of violating the rules should be spelt out and must be commensurate with the nature of the violation.

These guidelines are not often adhered to by the schools we have in Nigeria. School rules and regulations are drawn in attempt to achieve an organized and peaceful school environment and to maintain law and order. Therefore school management specifies rules and regulations to guide the activities of the members of the academic institution. Principals, students and staff discipline is a *conditio-sine-qua-non* to almost everything a school has to offer. Nigeria like any other country in the world has a code of discipline for students in schools found in the education Act of 2009. The maintenance of discipline in a school depends on how effective the set of rules and regulations governing them.

Through history, school rules have been changing. *Abinitio*, it was customary to physically punishment and strict discipline and currently rules are intended to prevent undesirable situations such as bullying or the lacking of respect for teachers. Debates have been on especially from the social point of view about what should be the type of school regulations. The two positions that arose from the debates are:

- Some sustain that the regulations must be strict, in its contents and its application.
- Others consider that the regulations must be flexible and its practical application has to adapt to the circumstance of each academic context.

This argument could also be stretched to two educational methodologies that are related to school rules and regulations. The strictest emphasizes on sanctioning element, while the other which is more permissive considered that the idea of prohibition should be replaced by prevention and dialogue. I think each stance depends on the situation and environment.

Just as the constitution of a country, the rules and regulations of a school is a handbook that defines boundaries for the school, staff and students. It describes what right each has in the management of a school without it, rights becomes truncated (Ololube, 2018). Haven seen what rules and regulations means the concept of human rights will now be discussed.

Concept of Human Rights

Rights are entitlements to perform certain actions, or to be in certain states, or entitlement that others perform certain action or be in certain states (<https://plato.stanford.edu/entries/rights>). Rights determine in modern understandings of what are permissible and which institutions are just. It is right that structure the form of governments, the content of laws, and the shape of morality. For set of rights to be accepted, the distribution of freedom and authority has to be approved, hence a certain view of what may, must, and must not be done must be defined. Rights have also been distinct into negative and positive rights which are popular among source normative theorists, especially those who danced towards libertarianism. He who has a negative right is entitled to non-interference. A right against assault is a classic example of a negative

right (Narveson, 2001). Negative rights are easier to satisfy than positive rights. It is respected when each person refrains from interfering with each other.

Positive rights holder is entitled to provision of some goods or services. The right to welfare assistance is an example of positive right. It is often very difficult to fulfill everyone's positive rights especially if the sum of people's claims outweighs the available resources. In the parlance of citizens' right to state enforcement, all rights are positive (Holmes & Sunstein, 1999). Rights agree to duties in three different ways:

- Individual Duties of Forbearance: This implies that individuals have a duty to forbear from taking a person's possessions without his or her consent. This is the principle of non-interference;
- Institutional Duties of Assistance: Institutions like government should establish and enforce laws against theft especially in an environment where that is a possibility;
- Individual Duties of Assistance: Hence Officials in the government have an individual duty as official to support such laws and or enforce them.

In the view of Justice Oputa (1989):

A right in its most general sense is either the liberty (Protected by law) of acting or abstaining from acting in a certain manner, or the power (enforced by law) of compelling specific person to do or abstain from doing a particular thing. A legal right is thus the capacity residing one man of controlling with the assent and the assistance of the state, the action of others. It follows then that every right involves a person invested with the right, or the person entitled; a person or persons whom that right imposes a correlative duty or obligation; an act forbearance while is the subject matter of the right, and in some cases an object, that is a person or thing to which the right has influence, as in the case of ownership. A right therefore is in general, a well-founded claim, and when a given claim is recognized by the civil law, it becomes an acknowledged claim or legal right enforceable by the power of the state.

Rightly is an interest recognized and protected by the law. A legal right is any advantage or benefit confirmed upon a person by a right law. The Black's Law Dictionary (8th edition) defined right as that which is proper under law, morality, or ethics. Something that is due to a person by just claim, legal guarantees, or moral principles. From the aforementioned, human rights are those rights which are futuristic of or common to human beings. Human rights could be seen as the freedoms, immunities, and benefits that, according to modern values, all humans should be able to claim as a matter of right in the society which they live (Garner, 2019). The concept of human right arises from the intrinsic nature of man. He cannot be used as a means to an end.

Human Rights are natural rights that are and should be protected by the state and are usually enshrined in the constitution of every nation as "Fundamental Human rights" (Ukpai & Mkpandiok, 2016). Human Rights are inherent to all humans, without recourse to nationality, sex, ethnic origin, age, religion, colour, language or any other status not mentioned here. Human rights are universal concept which was first emphasized in the Universal Declaration of Human Rights (UDHR) in 1948. These Rights have been re-emphasized in many International Human Rights convention, declaration and resolutions. For instances, the Vienna World Conference on

Human Rights noted that it is the primary duty of states to promote and protect all Human Rights irrespective of their political, economic and cultural systems (Ukpai & Mkpandiok, 2016). With this perception, virtually all states in the world have accepted and keyed into the World Universal Declaration of Human Rights

In *Ransome-Kuti Vs. A.G. of the federation* (1985), Kayode Esq, JSC emphasized the status and position of human rights. He authoritatively maintained that the rights of a human being stands above the ordinary laws of the land and which in fact is antecedent to the political society (Aniekan, 2014). He stated that “It is a primary pre-condition to civilized existence...and what has been done by our constitution, is to have these rights enshrined in the constitution so that the rights could be immutable to the extent of the immutability of the constitution itself (Aniekan, 2014, p.155).

Oluyede (2001) emphasizing on what the one time Chief Justice of Japan once said that fundamental Human Rights were not created by the state but is external and universal institutions, which is common to all mankind and antedates the state and founded upon natural law. In *Kayode, JSC in 1989* remarked again in *Saude Vs. Abdullahi* (1989), described it as multi-causal, neo- earthly, neo – divine. He further said that these rights are not just mere rights. They are fundamental. They belong to the citizen. They have always existed even before orderliness prescribed rules for the manner they are to be sought (Aniekan 2014).

The constitution of the Federal Republic of Nigeria (1999) perceives Human Rights as the bundle of rights man (woman) acquire by reason of his/her human nature and same is 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:

- Right to life;
- Right to dignity of Human Person;
- Right to personal liberty;
- Right to fair hearing;
- Right to private life;
- Right to freedom of thought, conscience and religion;
- Right to freedom of expression and the press;
- Right to peaceful assembly and association;
- Right to freedom of movement;
- Right to freedom from discrimination.

These fundamental human rights are alienable since they are fundamental to the sanctity and existence of the human person, Jews or Gentiles, black or white, man or woman, young or old etc.

Before the establishment of United Nations Organization in 1945, human rights were seen as domestic status. With the proclamation of Human Rights in the United Nation Charter in 1945, and Universal Declaration of Human Rights in 1948 coupled with other continental or regional conventions and charter, bestows, in modern times, a universal, continental and international status on human right. Human rights haven developed in status into a norm of international dimension (*jus-cogens*) such that wide spread infraction thereof are regarded as constituting crime against humanity and which is punishable depending on the gravity.

Consequently, government through its tripartite arm of the legislature, executive and judiciary is enjoined to protect fundamental human rights.

The New Encyclopedia Britannica (Vol. 6), defined human rights as a wide continuum of values that are universal in character and in some sense equally claimed for all human beings. Akiri (2013) posited that rights are legal, social, or ethical principles of freedom or entitlement while rights are the fundamental normative rules about what is allowed to people or owed to people based on some legal system and social convention.

Elvin (1977) saw rights as the contextual framework of social, relationship which is seen in principles as a virtue of which claims is made in society on behalf of the individuals, a group of persons or society as a whole, with strong sense of moral compulsion behind it and justified on the ground that unless it is recognized and acted upon, a perfectly possible well-being will fail to be attained. Human rights have been a child of necessity. The protection of individual rights is an integral and essential part of majority rule which is the essence of democracy.

Reiterating the obvious, school administrators, teacher, and students are entitled to legal rights. Igwe (2014) highlighted that human rights can be civil, political, social and economic or cultural in nature. The civil and political rights are based on liberty and protection against state violation of individual rights. They are determination rights to life and liberty, right to vote and be voted for. These are called first generation rights. The second generation rights are the socio-economic rights which include equality and accessibility to social and economic goods, services and opportunities and they include the right to work and just conditions of work, the fair remuneration and adequate standard of living, as well as the right to education and participate in cultural life. It is so unfortunate that the constitution did not recognized an aspect of socio-economic rights pertaining to the right to education and to work. This is a big slap on our educational approach. Adumbrating on what we have already emphasized, Human rights are those moral rights that are morally important and basic and held by every human being. It is one of the significant aspects of human political reality; it is the moral rights of highest order. It evolved out of self-respect.

Human rights are protected and supported by international and national laws and treaties. The first international document that spelled out the basic civil, political, economic, social and cultural rights that all human beings should enjoy is the UDHR “Universal Declaration of Human Rights”. This declaration was ratified by the UN General Assembly on December 10, 1948. Under this treatise, government has the responsibility to shield and promote human rights. The government should ensure human rights. The UDHR states:

Every individual and every organ of society shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance (<https://www.civildserviceindia.com/subject/political-science/notes/rights-meaning-and-themes.html>).

The characteristics of human rights can be summed as follows:

- Human rights are inalienable, that is they are innate irrespective of any factor even after death;
- Human rights are essential and necessary;

- Human rights are associated with human dignity;
- Human rights are irrevocable, that is they cannot be taken away by any authority;
- Human rights are essential for the fulfillment of purpose of life. These rights are sacrosanct, inviolable and immutable;
- Human rights are universal irrespective of the class;
- Human rights are never absolute – each right has limitations especially when it comes to the common good;
- Human rights are dynamic – they are not statutory. With the socio-eco-cultural and political developments within the state, human rights keep on expanding. With the changes in social values judges can construe laws;
- Rights as limits to state power – individuals have legitimate claims in the society for certain freedom and benefits. Hence human rights limit the state power especially when there is a negative restriction.

The principles of human rights can be itemized as follows:

- Universality;
- Inviolable;
- Inalienable;
- Indivisible;
- Interdependent;
- Inter-related;
- Equity;
- Non-discriminatory.

The National Policy on Education 6th. Ed. (FRN, 2014) states that the overall philosophy of the nation includes, but not limited to:

- Live in unity and harmony as one indivisible, indissoluble, democratic and sovereign nation founded on the principles of freedom, equality and justice (2,a).;
- Education is compulsory and a right of every Nigerian irrespective of gender social status, religion, colour, ethnic background and any peculiar individual challenges (3,d).
- One of the 5 main national goals of Nigeria as stated in the Constitution of the Federal Republic of Nigeria is to build – a free and democratic society (5,a).

The quality of instruction at all levels of education shall be oriented towards inculcating:

- Respect for the and dignity of the individual – (9,a);
- Promotion of the physical, emotional and psychological development of all children (9,e).

The purpose of early child care development and education shall be to:

- Provide adequate care, supervision and security for the children while their parents are at work. (15,c).

The goals of educational support services shall be to:

- Provide conducive environment for learning (126,c).

Human rights cannot be fully understood in the school without knowing what rights the members of an academic institution have. Rights in the secondary level of education will now be articulated.

Rights in the Public Secondary Schools

What are your legal rights and responsibility as a student and a teacher and other school personnel in the school? What legal rights do principals, students, teachers and school personnel enjoy and do they have legal responsibility? Today, lawyers and judges are increasingly a part of school life due to litigations. How should teachers deal with ethical issues that emerge in the classroom? School teachers take positions on moral issues? In Schools today, actions match words. Today, Parents sue teachers, teachers sue schools, principals sue teachers or students and vice versa. What rights do you have in the classroom? Recently, we have seen extraordinary changes in the legal rights of both teachers and students.

Once there are victims of arbitrary school rules and regulations, principals, teachers and students can institute legal actions if their constitutional rights are being threatened. What disciplinary methods are acceptable? How does your role as a teacher or principal limit your personal life? Staying legally up-to-date is an ongoing professional task.

The constitution of the Country does not mention education, it does guarantee to individuals basic rights, rights that are of concern in schools. The school has the social and constitutional responsibility of educating its citizenry and to protect clientele, the learners from abuse of their rights and privileges. A conducive school environment ensures among others the protection and promotion of human rights. The 1999 constitution of the Federal Republic of Nigeria is the basic organic law which has provided a plethora of rights to Nigerian Citizens, including the Secondary School inhabitants.

The Federal Ministry of women Affairs and Youth Development (2001, p. 5) have brought forth the basic principles of the children's right to include: "Every child is free to belong to any association or assembly according to the law, no child should suffer any discrimination irrespective of ethnic origin, birth, colour, sex, language, religion, political and social beliefs, status or ability".

Just as the rights of the adults and vulnerable persons are protected, so that of the Nigerian Children including students and teachers. The supreme court of America (Morphet, John & Reller, 1994, p. 50) asserts with respect of students right:

In our system, state operated schools may not be enclave of totalitarianism. School officials do not possess absolute authority over their students. Students in school as well as out of school are "Persons" under our constitution. They are possessed of fundamental rights which the state must respect, just as they themselves must respect their obligations to the state.

Students who come into the school compound do so with their fundamental human rights. Students do not shed their fundamental human rights at the school gate as declared by the US

Supreme Court (Peretomode, 2019). Parent's primary concern is always a child's safety, yet parents routinely place their children's safety in the hands of the school personnel for large portions of the day. Thus, schools take the responsibility very seriously and enact codes of conducts often called rules and regulations designed to keep students safe and focused. These codes often include do's and don'ts of the school such as bans on drugs and weapons, on school property, examination, bans on personal technology which creeps further into students' lives and poses an ever increasing distraction. Schools where discipline is maintained are also cracking down on the use of negative aspect of technology. Schools are also taking a more active role in protecting students and everybody against bullying in all its forms.

Nonetheless, a school can only protect students in ways that do not infringe on their constitutional rights. Students have fewer rights than adults, but they still have limited rights that schools must respect. In the preparation, outlining of school code of conducts, do schools consider the inalienable constitutional rights of the students who is also a citizen.

Akiri (2013) had stated that students' rights are important in school and advanced that those rights protects students. The level of rights accorded to students varies around the world, such rights are subsumed within the constitutional provision for the fundamental rights as contained in chapter four (section 33-44) of the 1999 constitution of the Federal Republic of Nigeria and those implied by the duty of the school as an institution to the students. Nwangwu (2018) agrees that educational administrators know the details of these fundamental human rights enshrined and guaranteed by the constitution, because of the legality or otherwise of education law, rules and regulations rest on their compliance within human rights provision. Hence, the existence and operation of students in schools and the drawing of codes of conducts depends on reasonable rules and, regulations and fair treatment by the operators.

Chianu (1995) and Atonuje (2011) observed that students rights violations takes several forms including imposition of excessive punishment (corporal punishment), denial of students access to learn in class, sexual harassment by teachers, malicious maltreatment of student, imposition of illegal levies among others. Consequently, it appears that students are not aware of their rights and the school personnel not also aware that they are infringing on the rights of the students. From the foregoing, the school as a hazardous place has many legal issues involving legal implications that should not be ignored by the school administrators. These legal issues include students and Staff discipline, infringement of students rights, search and seizure of students' items, writing of reports on students and personnel/teaching conditions, physical and safety of students, school attendance, maintaining order and students right following the rule of law (Biokoro , 2019).

Students are to be trained in courses on legal aspects of school operations. These courses are intended to equip the students with some basic knowledge of the law which will enable them to be conscious of the legal implications of their actions or inactions and decisions. The school should be the ideal context for legal education activities. Can the Principals, staff and students rights be limited and to what degree? Do they have absolute right because the constitution and rules of the school specifies it? Without a full knowledge of the limits of human rights in secondary schools, the perception of human rights may be blurred and mismanaged. The limits of human rights in secondary schools will now be adumbrated to aid in the understanding of the school personnel operation of rights.

Concept of Right to Private and Family Life (Section 37)

Right to private and family life is provided under section 37 of the 1999 constitution of the Federal Republic of Nigeria. The section provides that: The privacy of citizens, their names, correspondence, telephone conversations and telegraphic communication is hereby guaranteed and protected. This means that and guarantees the security agencies should not tap one's telephone lines or subject one's house to an unwarranted search of his property to seizure. It should also be noted that the right to private and family life may be derogated in the overwhelming interest of defense, public safety, public order, public morality or public health or for the purpose of protecting the right and freedom of the other persons as enacted in section 45 (1)(a) and (b) of the 1999 constitution (<https://martinslibrary.blogspot.com>)

In *Olmstead Vs. U.S.*, it was held that evidence obtained by wire-tapping of telephone on a criminal prosecution is admissible. The above decision of the court was informed by the fact that the wire tapping of telephone which was a violation of a person's right to private and family life was justified because it was done to enhance criminal prosecutions which affects the public. In the same instance, it was held in *Cox Broadcasting Corporation Vs. Cohn* by the Supreme Court of the United State of America, that it was not actionable as pre private life for a mass medium to publish the name of a rape victim because according to Douglas, J. "There is no power on the part of government to suppress or penalize the publication of "news of the day" ".

Actions that infringe upon students human right in this instance are such as exposing information about a student without the students consent or parents/guardians permission, accessing student's mails or letter before giving it to the student, unreasonable search and seizure activities of teachers on students' lockers, pockets, phones, etc.

Principals, teachers and Students have the right to be free from intrusion into personal matters, but these rights end where the safety of others is concerned. Information that makes a principal to believe a student has a weapon in his backpack justifies a search of the backpack. Schools do not have the right to disclose personal information about students that bothers on academics, disciplinary and health records to third parties. Nevertheless students are not always protected from doing testing. Students athletes may be tested without suspicion in accordance with a 1995 US Supreme Court decision (*Veronica Vs Acton*) rejecting a Fourth Amendment claim of privacy invasion (<http://education.fridlaw.com>).

Teachers have the right to live in place of their own choice, to be free of restraints in their mode of living and the use of their leisure time shall not be abridged. Principals, students and teachers should be allowed to exercise their freedom of thought, conscience and religion in the school environment. They are not to be hindered of the right to their private life if they apply the due process.

Concept of Right to Freedom of Thought, Conscience and Religion (Section 38)

Right to freedom of thought, conscience and religion is provided by section 38 of the 1999 constitution of Nigeria. By virtue of the provision (section 38(1)) every person shall be entitled to freedom of thought, conscience and religion or belief, and freedom (either alone or in the community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance. Under section 38(2), no person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if such instruction, ceremony or observance relates

to a religion other than his own, or a religion not approved by his parent or guardian (<https://martinslibrary.blogspot.com>).

In section 38(3) provides that no religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination. The fact remains that Nigeria is a sovereign nation and without any prescribed state religion by section 10 of the 1999 constitution is strengthened by the above provision of section 38.

There are instances of actions in school that could violate students' human rights in this instance such as forcing students to receive religious instructions or take part in religious ceremonies other than their own or that approved by parents, punishing students for refusing to participate in saluting the national flag or reciting the pledge.

The issue of religion in school continues to be controversial, particularly with respect to prayer and worship. In the US, the first amendment prohibits the establishment of any particular religion by the government. Since public schools are government entities, they may not encourage, sponsor, endorse or in any way direct religious activities. However, teachers may discuss religion in the context of education such as discussing the crusade or the Christian influence on renaissance art. School prayer is protected, but only if it is voluntary and non-disruptive (<https://education.find/law.com>).

School religious clubs are permitted and the clubs may meet on school ground provided that other organizations and religious groups are given equal access and treatment. Examples where the right to freedom of thought, conscience and religion of students can be denied are; not allowing or honouring parents/guardians request to allow their children attend an important particular religious service, forcing students or even staff to take part in a religious instance he/she do not accept, encouraging personnel to form a particular religious movement in the school, punishing students or staff who refuse to recite the pledge and take part in the flag salute.

Teachers and principals are as well entitled to a life of dignity equal to the high standard of service that is justly demanded of their profession. Teachers and principals have the right to think freely and to express themselves openly and without fear. They could also hold views contrary to the majority. They shall also be entitled to the free exercise of their religion. No restriction or restraint shall be put upon them in the manner, time or place of their worship.

The right to freedom of thought, conscience and religion should go hand in hand with the right to freedom of expression and press. If people cannot express their thoughts, conscience and religion, then they remain puppets. There is the need to discuss the concept of right to freedom of expression and press.

Concept of Right to Freedom of Expression and the Press (Section 39)

By virtue of the provisions of section 39(1) of the 1999 constitution, every person shall be entitled to freedom of expression which includes freedom to hold opinions and to receive and impart ideas and information without interference. The right of freedom of speech according to Bernard Shaw, is predicated on the theory that "everybody is wrong on some point on which somebody also is right so that there is a public danger in allowing anybody to be unheard".

Justice Cardozo said in *Palko vs. Connecticut* an American case, that freedom of expression is "the matrix, the indispensable condition of nearly every other form of speech". Also, Professor Ajomo eloquently stated that freedom of expression is the bedrock of democratic process. It stems from the fact that no one has the monopoly of truth. Based on the process, it is

apparently proved in section 39(C) that without prejudice to the provision of section 39(2), everybody shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions.

With this, it is implied that every person has the right to establish private schools and higher institutions in *Okogie Vs. A.G. of Lagos State* (1981) INCLR 218. It was held that section 36(2) of the 1999 constitution (which impair material with section 39(2) of the 1999 constitution) guaranteed the right to establish any medium for the dissemination of information, ideas and opinions and this includes establishment of schools.

The freedom of expression and the press guaranteed under the constitution can be restricted in that under section 45 of 1999 constitution, the state is permitted to make any law which is reasonably justifiable in democratic society in the interest of defense, public safety, public order, public morality, public health of for protecting the rights and freedoms of other person shall may in turn restrict the freedom of speech and the press. Instances that could serve as student's violation of their right are barring students from expressing their opinion to receive and impart ideas and information, punishing a student for expressing opinion against a school policy.

Perspectives on free speech in schools have changed dramatically throughout the years. The concept of free speech in school was routinely dismissed prior to the US Supreme Court's 1969 *Tinker vs Des Moines Independent School District* Decision. The court held that the white student speech is constitutionally protected, it may be censored if it causes "substantial interference with school discipline or the rights of other" (<https://education.findlaw.com>).

US First Amendment protects the rights of students to speak; which may include the right to do or say something in a school setting such as protest against actions that violate legally-protected rights which may also include symbolic speech actions such as the wearing of armbands or graphic tees (<https://education.findlaw.com>).

The first court case establishing that students have some protection was 1943 *West Virginia State Board of Education vs Barnette*. West Virginia had passed a law requiring all students to salute the flag and recite the pledge of allegiance. Jehovah Witness parents complained that their sect prevented vows of allegiance. The Supreme Court sided with the students and parents and struck down the law as an infringement (<https://education.findlaw.com>). Again in 1969 there was a law suit involving students in the Supreme Court. *Tinker Vs. Des Moines Independent Community School District* centered on a group of students who wore black armbands in protest to the Vietnam War. School administrators passed a rule banning black armbands and suspended any student caught wearing one. The suspended students sued the school district. The court ruled that students have the protection to protest but created an important caveat that school could limit free speech to prevent the disruption of order in the classroom.

Students clothing has been an important mode of expression and there has been significant debate about whether dress code policies impermissibly limit student's right to free expression. There are lawsuits that established that schools may limit self-expression if there is a legitimate concern that such expression will be disruptive to the school environment or violate the right of others.

Dress Codes that have successfully been implemented and banned are gang relating cloths, cloths bearing lewd, obscene, or offensive imagery, and cloths revealing parts of the body including baggy pants or short skirts (<https://education.findlaw.com>). Nevertheless, schools cannot prevent students from expressing their religious beliefs. Hence bans on religious head

scarves, cross necklaces, rosaries, and traditional dress at graduation have all be struck down as a violation preventing student's expression of their religious beliefs.

However, schools have the right to create rules that provide an effective education for their students. Schools therefore can come up with and enforce a dress code; *ipso facto* they can show that their dress code is in conformity with their goals and prevent violent or abusive behavior.

School administrators have some leeway to censor student newspaper articles for instance. Students can also be restricted on speech that's considered vulgar or lewd, that promotes drug use and promotes hates, causes a "material and substantial disruption" to the school system, or infringes on another students rights.

The rights of principals, students and staff in the school could be tampered when they are disallowed the formation of a press club or other social or educative clubs that are not prohibited by the law, preventing them from expressing their opinions in a peaceful manner or in protest letter, limiting and censoring the contents or opinions of students which is not inimical to the peace and morality of the school, suspending students and staff for expressing their views about certain practices and aspects of the school administration.

Freedom of expression is universal, but speech is an action like any other. When the students and the teachers gather in the classroom, the purpose is to impart and gain knowledge. Any action, including speech that disrupts or distracts from that purpose defeats the purpose. It is therefore necessary to limit free speech in the school setting in order to accomplish the goal which is gaining of knowledge in the school. As it is said, free speech does not guarantee an audience. Student's speech can be censored and limited. Clothing's, armbands, newspaper editorials and demonstrations have all been found legal forms of free speech. This also covers internet communications. Other forums designated by the institution as public forums students may express themselves without content regulations or removal. The online Policy Group vs. Diebold Inc. 2004 stipulates that regulation may take place to prevent illegal activities (Tashman, 2017).

The Supreme Court has held that "teachers do not also shed their constitutional rights to freedom of expression at the school house gate." *Tinker Vs. Des Moines Indep. Sch. Dist.* 393 U.S. 503, 506 (1969) (Media. aclj.org). In USA, the Supreme Court determined in 1968 that teachers have a constitutionally guaranteed right to speak on issues of public importance in a case which involved a teacher who was fined for criticizing his employer in a newspaper editorial. Though, this speech should not be a material that could disrupt the educational environment or negatively affect the working relationships (<https://education.findlaw.com>). The right to freedom of expression and press can be truncated if people are not allowed to peaceful assembly and association. Groups have the right to exist. This discussion comes next and is found in section 40 of the 1999 constitution.

Review of Empirical Studies

The Right to Private and Family Life and Secondary School Administration

In a study carried out by Ukpai and Mkpandiok (2016) titled, "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 the study. Survey research design was adopted. The population of the study is made up the principals, vice principals, compound masters and

labour masters. 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. 17 items questionnaire was developed by the researcher titled “Knowledge of Education Law and Human Rights Violations Questionnaire” (KELHRVQ) was used to collect data. Data generated were analyzed using mean, standard deviation and t-test statistical tool. Findings from the study indicate a low level of human right violation by school personnel at it related to right to privacy. The study agreed that the extent of the violations of student’s rights was contingent upon the ignorance of secondary school personnel of basic principles of law related to education. The study recommends among others that all teachers’ education institutions and programmes should incorporate legal aspect of education. This present empirical study is similar to this study in these areas: the instrument used in both study is questionnaire for data collection and the hypothesis were analyzed in both study using means and standard deviation. On the other hand, there are some dissimilarity in these studies in the areas of the title, research design, the number of research questions and hypothesis, area of the study, population of the study, sample and sampling technique and the data analysis for the hypothesis.

The Right to Freedom of Thought, Conscience, Religious and Secondary School Administration

A study was carried out by Arop and Bassey (2018) titled “administrators conflict management techniques and supervision of students legal rights in secondary schools in Cross River State, Nigeria”. Descriptive survey research design was used for the study. The population was 231 public secondary schools in Cross River State. The sample of the study is 92 principals selected through the simple random sampling technique. Two instrument, “Administrators Effectiveness in Conflict Management Technique Questionnaire” (AECMTQ) and “Administrators Recognition and Protection of Students Rights Questionnaire” (ARPSRQ) were used to collect data. The instrument were validated and the reliability of the instrument gotten through the test-retest approach using Pearson Product Moment Correlation analysis. The result gotten indicated that the use of dialogue by administrators has no significant influence on their recognition and protection of students’ right to freedom of thought, conscience and religion, while the use of dominance by administrators influences not students freedom of thought, conscience and religion in school administration. Among others the study recommended that a proper conflict management skills as well as proper dialogue use should be an option for resolving conflicts in the schools instead of the use of brute force. In the present empirical review is similar to the present study in the areas of research design, the instrument and the data analysis for the hypothesis. On the other hand, there are dissimilarity in the areas of the title of the work, number of research questions and hypothesis, area of the study, population, sample and sampling technique and method of data analysis for the hypothesis.

In another work carried out by Bassey et al. (2012) titled “students location and human rights violation in secondary schools students’ personnel administration in Cross River State, Nigeria”. Ex-post facto research design was used for the study. One research question and one hypothesis were used for the study. The population of the study is 95,000 students and 235 public secondary schools. The sample for the study is 1000 students and 50 public secondary schools selected through the multi-stage sampling technique. The instrument for the study is titled, “Students Legal Rights Protection Questionnaire” (SLRPQ). Face validation was done and

reliability gotten through test-retest method. The data analyzed through the SPSS used one-way ANOVA. The result gotten indicates that there is a significant difference in students human rights violation across levels of locality was established for freedom of thought, conscience and religion. Among others, the study recommended that legal education of principals, teachers and students was consequently necessary as well as inclusion of education law in teacher education curriculum. In the present empirical study, there are some similarity with the study at hand in the areas of the use of questionnaire as an instrument for data collection, the use of multi stage sampling technique to draw sample, the use of mean and standard deviation to analyze the research questions and one way ANOVA to test the hypothesis. In terms of dissimilarity, both studies didn't agree in the title of the study, research design, number of research questions and hypothesis, area of the study and population and sample of the study.

In a study carried out by Ukpai and Mkpandioke (2016) titled, "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 the study. Survey research design was adopted. The population of the study is made up the principals, vice principals, compound masters and labour masters. 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. 17 items questionnaire was developed by the researcher titled "Knowledge of Education Law and Human Rights Violations Questionnaire" (KELHRVQ) was used to collect data. Data generated were analyzed using mean, standard deviation and t-test statistical tool. Findings from the study indicate a low level of human right violation by school personnel at it related to right to freedom of thought, conscience and religion. The study agreed that the extent of the violations of student's rights was contingent upon the ignorance of secondary school personnel of basic principles of law related to education. The study recommends among others that all teachers' education institutions and programmes should incorporate legal aspect of education. This present empirical study is similar to this study in these areas: the instrument used in both study is questionnaire for data collection and the hypothesis were analyzed in both study using means and standard deviation. On the other hand, there are some dissimilarity in these studies in the areas of the title, research design, the number of research questions and hypothesis, area of the study, population of the study, sample and sampling technique and the data analysis for the hypothesis.

In another study carried out by Arop et al. (2011) titled, "Evaluation of human rights violations in students' personnel administration in secondary schools in Cross River State". Ex-post facto research design was used. 1000 SS3 students were randomly sampled from a population of 7378 SS3 students in 232 public secondary schools in Cross River State. The instrument used is "Students Legal Rights Protection Questionnaire" (SLRPQ) for data collection. The data collected was analyzed using one sample t-test. The finding revealed that there is a significant violation of school students' rights and other personnel in the school especially in the area of right to freedom of thought, conscience and religion. Among others, the study recommended the establishment of human rights culture and the need for intervention programme for the re- induction of both teachers and students to enable the protection and promotion of individuals and corporate human rights in the school system. In this empirical study, there runs some similarity with the present study at hand in that both studies used questionnaire as an instrument for collecting data and the use of t-test to answer the research questions. There are some dissimilarity in the areas of the title of the work, number of research questions and hypothesis, area of the study, population, sample and sampling technique.

The Right to Freedom of Expression and Press and Secondary School Administration

In a research work carried out by Arop and Bassey (2018), “administrators conflict management techniques and supervision of students legal rights in secondary schools in Cross River State, Nigeria”. Descriptive survey research design was used for the study. The population consists of 231 public secondary schools in Cross River State. The sample of the study is 92 principals selected through the simple random sampling technique. Two instrument were used, “Administrators Effectiveness in Conflict Management Technique Questionnaire” (AECMTQ) and “Administrators Recognition and Protection of Students Rights Questionnaire” (ARPSRQ) were used for collection. The instrument were validated and the reliability of the instrument gotten through the test- retest approach using Pearson Product Moment Correlation analysis. T-test was used to analyze the data. The result indicates that the use of dialogue by administrators has no significant influence on their recognition and protection of students freedom of expression and school administration while the used of dominance by administrators influences students freedom of expression in school. Among others the study recommended that a proper conflict management skills as well as proper dialogue use should be an option for resolving conflicts in the schools instead of the use of brute force. In the present empirical review is similar to the present study in the areas of research design, the instrument and the data analysis for the hypothesis. On the other hand, there are dissimilarity in the areas of the title of the work, number of research questions and hypothesis, area of the study, population, sample and sampling technique and method of data analysis for the hypothesis.

In another work carried out by Bassey et al. (2012) titled “Students Location and Human Rights Violation in Secondary Schools Students’ Personnel Administration in Cross River State, Nigeria”. Ex-post facto research design was used for the study. One research question and one hypothesis were used for the study. The population of the study is 95,000 students in the 235 public secondary schools in the state. The sample for the study is 1000 students and 50 public secondary schools selected through the multi-stage sampling technique. The instrument for the study is titled, “Students Legal Rights Protection Questionnaire” (SLRPQ). Face validation was done and reliability gotten through test-retest method. The data analyzed through the SPSS used one-way ANOVA. The result gotten indicates that there is a significant influence in students human rights violation across levels of locality was established for freedom of expression and the press. Among others, the study recommended that legal education of principals, teachers and students was consequently necessary as well as inclusion of education law in teacher education curriculum. In the present empirical study, there are some similarity with the study at hand in the areas of the use of questionnaire as an instrument for data collection, the use of multi stage sampling technique to draw sample, the use of mean and standard deviation to analyze the research questions and one way ANOVA to test the hypothesis. In terms of dissimilarity, both studies didn’t agree in the title of the study, research design, number of research questions and hypothesis, area of the study and population and sample of the study.

In a study carried out by Biokoro (2019) titled “principals’ knowledge of law in secondary schools administration in Delta and Bayelsa States, Nigeria” to determine the right to freedom of speech of students and the administration of secondary schools. Ex-post facto research design was used for the study. The population of the study is 617 principals of public secondary schools. Random sampling technique was used to draw sample of 124 participants. A self-developed instrument was used to obtain data. Test retest method was used to generate data,

mean and standard deviation were used to answer the research questions and Pearson (r) statistics employed to test the hypothesis at 0.05 level. An instrument developed by the researcher was used to obtain data. Test re-test method was employed to analyze the data. The result indicated that students' freedom of speech has a strong relationship in the administration of secondary schools. The study among others recommended that school principals should be trained in education law since all aspects of school administration involves application of legal guidelines. This empirical study correlates with the present study at hand in the use of mean and standard deviation to answer the research questions and the use of questionnaire for the instrument. The dissimilarity amongst them falls in the areas of the research design, number of research questions and hypothesis, area of the study, population, sample and sampling technique, reliability and method of data analysis for the hypothesis.

In a study carried out by Ukpai and Mkipaudiok (2016) titled, "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 the study". Survey research design was adopted. The population of the study is made up the principals, vice principals, compound masters and labour masters. A sample size of 92 respondents were selected using stratified random sample technique from a population of 1458 secondary school personnel which comprised of principals vice principals, compound masters and labour masters. 17 items questionnaire was developed known as "Knowledge of Education Law and Human Rights Violations Questionnaire" (KELHRVQ) was used for data collection. Data generated were analyzed using mean, standard deviation and t-test statistical tool. Findings from the study indicates that secondary schools personnel do not possess knowledge of the basic principles of law as related to education in Nigeria and indicates a high level of human rights violation as it relates to right to freedom of expression and press. The study agreed that the extent of the violations of student's rights was contingent upon the ignorance of secondary school personnel of basic principles of law related to education. The study recommends among others that all teachers' education institutions and programmes should incorporate legal aspect of education. This present empirical study is similar to this study in these areas: the instrument used in both study is questionnaire for data collection and the hypothesis were analyzed in both study using means and standard deviation. On the other hand, there are some dissimilarity in these studies in the areas of the title, research design, the number of research questions and hypothesis, area of the study, population of the study, sample and sampling technique and the data analysis for the hypothesis.

In another study carried out by Arop et al. (2011) titled, "evaluation of human rights violations in students' personnel administration in secondary schools in Cross River State". Ex-post facto research design was used. 1000 SS3 students were randomly sampled from a population of 7378 SS3 students in 232 public secondary schools in Cross River State. The instrument used is "Students Legal Rights Protection Questionnaire" (SLRPQ) for data collection. The data collected was analyzed using one sample t-test. The finding revealed that there is a significant violation of school students' rights and other personnel in the school especially in the area of right of expression and press. Among others, the study recommended the establishment of human rights culture and the need for intervention programme for the re-induction of both teachers and students to enable the protection and promotion of individuals and corporate human rights in the school system. In this empirical study, there runs some similarity with the present study at hand in that both studies used questionnaire as an instrument for collecting data and the use of t-test to answer the research questions. There are some

dissimilarity in the areas of the title of the work, number of research questions and hypothesis, area of the study, population, sample and sampling technique.

METHODS

Research Design

The study adopted an analytical descriptive survey research design. This is because this design would enable the researcher to gather information about the existing situations and conditions with the view of describing and analysis the information. The data that would be collected would not be manipulated in any way.

Population for the Study

The population of this study consists of 68,228 (61,049 SS Two students, 6,893 teachers and 286 principals) in 286 secondary schools in Rivers State.

Sample and Sampling Techniques

The sample size of this study is 1,932 (920 students, 920 teachers and 92 principals) respondents. The multistage sampling procedures through cluster, simple and purposive random sampling techniques were used to arrive at the sample size. Firstly, the cluster sampling technique was used to cluster the schools into 23 Local Government Areas. Secondly, four schools were simple randomly drawn from each of the Local Government Areas from the 23 Local Government Areas making a total of 92 schools. Using purposive sampling technique, this 92 school automatically gave 92 principals. Similarly, 10 students were simple randomly drawn from each of the 92 sampled schools making a total of 920 students. Finally, 10 teachers were drawn from the 92 schools which gave 920 teachers. The sample size is 1,932 is statistically justified since it is above the minimum sample size of 398 for a population of 68228 as determined using Taro Yamene

Instrument for Data Collection

The instrument for data collection is titled Principals, Teachers and Students Awareness of Human Rights for Administration of Public Senior Secondary Schools in Rivers State Scale (PTSAHRAPSSSS). The instrument has two sections: 'A' and 'B'. Section 'A' elicited demographic information of the respondents such as sexes, status, location and school. The section 'B' has 3 clusters, which represented the various research questions (1. right to private/family life; 2. right to freedom of religion; and 3, right of expression). Each of the clusters contains 6 items, which gave a total of 18 items. The instrument was structured along a Four-Point Likert scale of Very High Extent (4), High Extent (HE), Low Extent (LE) and Very Low Extent (VLE) respectively. Items in the questionnaire are structured in such a way that all the categories of respondents were able to respond to the items. The criterion mean value was determined as follows: $4 + 3 + 2 + 1 = 10/4 = 2.50$. Items that were above the criterion mean value of 2.50 are agreed upon while those below the criterion mean value are disagreed.

Validity of the Instrument

The face and content validities of the instrument were conducted. To ensure this, the instrument, Principals, Teachers and Students Awareness of Human Rights for Administration of Public Senior Secondary Schools in Rivers State Scale (PTSAHRAPSSSS) was validated by the researcher's supervisor, one lecturer from the Department of Educational Administration and Policy and two lecturers in test and measurement in University, Port Harcourt. They were requested to look at the ambiguity of the words, clarity of expression, facial arrangement, content coverage and suitability for the purpose of the study. Their comments, corrections, suggestions and recommendations were incorporated into the final draft of the instrument.

Reliability of the Instrument

The internal consistency reliability coefficient was determined using Cronbach alpha statistical method. The researcher administered the instrument to 30 (10 teachers, 10 students and 10 principals) subjects that constitute the sample of the study. The Cronbach alpha method was suitable because the instrument PTSAHRAPSSSS has clusters as well as multiple response options. It also ascertained the inter-item correlations in the instrument. The reliability coefficient of .810 was obtained. The reliability coefficient was high, which justifies the need for continuity.

Administration of the Instrument

The researcher administered the instrument with the help of two research assistants. These assistants were briefed on how to administer and collate the instrument PTSAHRAPSSSS when properly completed. Out of 1,932 copies of PTSAHRAPSSSS administered only 1907 (90 principals, 911 students and 906 teachers) copies were collated thus, representing 99% return rate. Out of the 92 copies distributed to principals, 90 copies were duly completed, returned and were used for the study showing 97% returned rate. Out of the 920 copies distributed to teachers, 906 copies were duly completed, returned and were used for the study showing 98% returned rate. Out of the 920 copies distributed to students, 911 copies were duly completed, returned and were used for the study showing 99% returned rate.

Method of Data Analysis

Mean and standard deviation statistics were used to answer the research questions while the null hypotheses were tested using One Way Analysis of Variance (ANOVA) at 0.05 level of significance. The Decision rule for the research questions are: 1.00 – 1.49 (Very Low Extent), 1.50 – 2.49 (Low Extent), 2.50-3.49 (High Extent) and 3.50-4.00 (Very High Extent).

RESULTS

Answer to Research Questions

Research question 1: To what extent are the principals, teachers' and students' aware of the fundamental human right to private/family life in the administrative effectiveness of public senior secondary schools in Rivers State?

Table 1: Weighted mean and standard deviation on the extent of principals, teachers' and students' awareness of fundamental human right to private/family life in the administrative effectiveness of public senior secondary schools in Rivers State

S/N		Principals			Teachers			Students		
		Mean	SD	Decision	Mean	SD	Decision	Mean	SD	Decision
1	Are phones always searched to find out conversations of students and teachers	3.13	.50	HE	3.12	.51	HE	1.93	.57	LE
2	Are the school authorities always interested with what I discuss with your friends	3.13	.66	HE	2.47	.56	LE	3.36	.66	HE
3	Is your bag always searched in order to ascertain the content without your consent	3.16	.70	HE	2.52	.64	HE	2.99	1.04	HE
4	Is your family cajoled in the midst of discussion	3.31	.55	HE	2.44	.80	LE	3.21	.82	HE
5	Are you always asked the relationship that exists in your families forcefully	3.09	.51	HE	2.85	.39	HE	3.23	.72	HE
6	Are you not allowed to have my time in the school when it is break period	2.42	.54	LE	3.22	.52	HE	3.26	.68	HE
Aggregate mean and SD		3.04	0.58	HE	2.77	0.57	HE	2.99	0.75	HE

Table 1 revealed that principals, teachers and students have aggregate mean values of 3.04, 2.77 and 2.99 respectively. This showed that the principals, teachers and students are to a high extent aware of the fundamental right to private/family life in the effective administration of public senior secondary schools in Rivers State.

Research Question 2: To what extent are principals, teachers' and students' aware of the fundamental human right to freedom of religion in the administrative effectiveness of public senior secondary schools in Rivers State?

Table 2: Weighted mean and standard deviation on the extent of principals, teachers' and students' awareness of fundamental human right to freedom of religion in the administrative effectiveness of public senior secondary school in Rivers State

S/N		Principals			Teachers			Students		
		Mean	SD	Decision	Mean	SD	Decision	Mean	SD	Decision
7	Are you victimized because of the way you pray	2.30	.66	LE	2.89	.43	HE	3.38	.54	HE
8	Are you isolated because of your belief system	2.47	.78	LE	3.00	.56	HE	3.26	.51	HE
9	Are you not allowed to carry out your religious observance	2.91	.29	HE	2.94	.43	HE	3.23	.72	HE
10	Are you subjected to the religion of the school administrator	3.22	.51	HE	3.03	.66	HE	3.40	.61	HE

11	Are your religious postures not accepted in the school	2.89	.44	HE	3.09	.31	HE	3.29	.46	HE
12	Does the school subject everybody to one religious practice	3.09	.51	HE	2.92	.48	HE	3.37	.55	HE
Aggregate mean and SD		2.81	0.53	HE	2.98	0.48	HE	3.32	0.57	HE

Table 2 revealed that principals, teachers and students have aggregate mean values of 2.81, 2.98 and 3.32 respectively. This showed that the principals, teachers and students are to a high extent aware of fundamental right to freedom of religion in the effective administration of public senior secondary schools in Rivers State.

Research Question 3: To what extent are principals, teachers' and students' aware of the fundamental human right to freedom of expression in the administrative effectiveness of public senior secondary schools in Rivers State?

Table 3: Weighted mean and standard deviation on the extent of principals, teachers' and students' awareness of fundamental human right to freedom of expression in the administrative effectiveness of public senior secondary schools in Rivers State

S/N		Principals			Teachers			Students		
		Mean	SD	Decisi on HE	Mean	SD	Decisi on HE	Mean	SD	Decisi on HE
13	Are people given freedom to air their opinion through prints	3.00	.37	HE	2.85	.62	HE	3.29	.46	HE
14	Are you barred to speak to the press	3.12	.63	HE	3.41	.49	HE	1.69	.64	LE
15	Is there prohibition on making publicity in the WhatsApp concerning the school	3.07	.25	HE	3.27	.47	HE	2.03	.59	LE
16	Are there restrictions on publication of self-worth in the social media	2.89	.44	HE	3.39	.55	HE	1.9	.63	LE
17	Is hate speeches discouraged by imposing restriction on social media application	2.77	.64	HE	3.41	.53	HE	3.37	.48	HE
18	Are Parents not given opportunity to express their views as related by their children	3.42	.49	HE	3.23	.47	HE	3.57	.49	HE
Aggregate mean and SD		3.05	0.47	HE	3.26	0.52	HE	2.64	0.55	HE

Table 3 revealed that principals, teachers and students have aggregate mean values of 3.06, 3.26 and 2.64 respectively. This showed that the principals, teachers and students are to a high extent aware of fundamental right to freedom of expression in the effective administration of public senior secondary schools in Rivers State.

Test of Hypotheses

Hypothesis 1: There is no significant difference among principals, teachers and students on the extent of awareness of fundamental human right to private/family life in the administrative effectiveness of public senior secondary schools in Rivers State?

Table 4: ANOVA calculation on the difference among principals, teachers and students on the extent of awareness of fundamental right in school administration

	Sum of Squares	Df	Mean Square	F	Probability value	Alpha extent	Decision
Between Groups	961.62	2	480.81	140.44	.00	.05	Significant
Within Groups	6518.58	1904	3.42				
Total	7480.19	1906					

Table 4 revealed that the ANOVA value (F) is 140.44 with degrees of freedom of 2 and 1904. The null hypothesis is rejected because the probability value of .00 is less than the alpha extent of .05. This implied that there is a significant difference among principals, teachers and students on the extent of awareness of fundamental right to private/family life in the effective administration of public senior secondary schools in Rivers State. Since the hypothesis is significant, there is need for post hoc mean comparison.

Table 5: Post Hoc mean comparison

(I) respondents	(J) respondents	Mean Difference (I-J)	Probability value	Alpha extent	Decision
Principals	Teachers	1.64*	.00	.05	S
	Students	.25	.03	.05	S
Teachers	Principals	-1.64*	.00	.05	S
	Students	-1.39*	.00	.05	S
Students	Principals	-.25	.03	.05	S
	Teachers	1.39*	.00	.05	S

Table 5 revealed that principals and teachers differed significantly in their opinion on the extent of constitutional provision of private/family life. Also principals differed significantly with the students. Finally, teachers differed significantly with students in their opinion on the extent of awareness of fundamental human right of private/family life.

Hypothesis 2: There is no significant difference among principals, teachers and students on the extent of awareness of fundamental human right to freedom of religion in the administrative effectiveness of public senior secondary schools in Rivers State?

Table 6: ANOVA calculation on the difference among principals, teachers and students on the extent of awareness of fundamental human right to freedom of religion in the administrative effectiveness of public senior secondary schools in Rivers State

	Sum of Squares	Df	Mean Square	F	Probability value	Alpha extent	Decision
Between Groups	2181.02	2	1090.51	587.16	.000	.05	Significant
Within Groups	3536.20	1904	1.86				
Total	5717.22	1906					

Table 6 revealed that the ANOVA value (F) is 587.16 with degrees of freedom of 2 and 1904. The null hypothesis is rejected because the probability value of .00 is less than the alpha extent of .05. This implied that there is a significant difference among principals, teachers and students on the extent of awareness of fundamental right to freedom to religion in the effective administration of public senior secondary schools in Rivers State. Since the hypothesis is significant, there is need for post hoc mean comparison.

Table 7: Post Hoc mean comparison

(I) respondents	(J) respondents	Mean Difference (I-J)	Probability value	Alpha extent	Decision
Principals	Teachers	-.77*	.00	.05	S
	Students	-.73*	.00	.05	S
Teachers	Principals	.77*	.00	.05	S
	Students	.05	.06	.05	NS
Students	Principals	.73*	.00	.05	S
	Teachers	-.05	.06	.05	NS

Table 7 revealed that principals and teachers, teachers and students as well as principals and students differed significantly in their awareness on the extent of awareness of fundamental human right to freedom of religion in the administrative effectiveness of public senior secondary schools in Rivers State

Hypothesis 3: There is no significant difference among principals, teachers and students on the extent of awareness of fundamental human right to freedom of expression in the administrative effectiveness of public senior secondary schools in Rivers State?

Table 8: ANOVA calculation on the difference among principals, teachers and students on the extent of awareness of fundamental human right to freedom of expression in the administrative effectiveness of public senior secondary schools in Rivers State

	Sum of Squares	Df	Mean Square	F	Probability value	Alpha extent	Decision
Between Groups	6379.34	2	3189.67	1038.47	.000	.05	Significant
Within Groups	5848.13	1904	3.07				
Total	12227.47	1906					

Table 8 revealed that the ANOVA value (F) is 1038.47 with degrees of freedom of 2 and 1904. The null hypothesis is rejected because the probability value of .000 is less than the alpha extent of .05. This implied that there is a significant difference among principals, teachers and students on the extent of awareness of fundamental right to freedom of expression in the effective administration of public senior secondary schools in Rivers State. Since the hypothesis is significant, there is need for post hoc mean comparison.

Table 9: Post Hoc mean comparison

(I) respondents	(J) respondents	Mean Difference (I-J)	Probability value	Alpha extent	Decision
Principals	Teachers	-1.32*	.00	.05	S

	Students	2.42*	.00	.05	S
Teachers	Principals	1.32*	.00	.05	S
	Students	3.74*	.00	.05	S
Students	Principals	-2.42*	.00	.05	S
	Teachers	-3.74*	.00	.05	S

Table 9 revealed that principals and teachers differed significantly in their opinion on the extent of awareness of the freedom of expression. Also principals differed significantly with the students. Finally, teachers differed significantly with students in their opinion on the extent of awareness of freedom of expression.

DISCUSSION

Principals, teachers' and students' awareness of human right to private/family life in the administration of public senior secondary schools in Rivers State

The study showed that principals, teachers and students are aware of fundamental right to private/family life to a high extent in the effective administration of public senior secondary schools in Rivers State. Probing into personal and family life can lead to mistrust and lack of self-confidence to freely associate with each other because of the release of one secret or the other (Titus, 2013; Osinbajo, 2010; Collins 2016). The violation of right to private/family life is as a result of gross ignorance. Going by importance of avoiding interference into private/family secret, Ukpai and Mkpandiok (2016) reported that schools recorded low extent of human right violation as related to right to privacy. The study reported that in cases of violations of rights were contingent upon the ignorance of secondary school personnel of basic principles of law related to education and fundamental light to private life. The study showed that there is a significant difference among principals, teachers and students on the extent of awareness of fundamental right to private/family life in the effective administration of public senior secondary schools in Rivers State. The teachers, principals and students strongly shared the same that there is no need to encroach into each other's family life.

Principals, teachers' and students' awareness of human right to freedom of religion in the administration of public senior secondary schools in Rivers State

The study showed that the principals, teachers and students are aware of fundamental right to freedom of religion to a high extent in the effective administration of public senior secondary schools in Rivers State. The right to religion should be with every sense of humor. Religious dissonance is capable of causing unrest and uproar in the school which can affect effective school administration and management. This study is in tandem with the findings of Arop et al. (2012) which showed that realization of human rights of culture and religious tolerance are indispensable in the actualization of effective school administration. Freedom of religious observation will attract academic freedom and moral development in the school (Nmaduka, 2016; Uchekukwu, 2015). The hypothesis revealed that there is a significant difference among principals, teachers and students on the extent of awareness of fundamental right to freedom to religion in the effective administration of public senior secondary schools in Rivers State.

Principals, teachers' and students' awareness of human right to freedom of expression in the administration of public senior secondary schools in Rivers State

The study showed that the principals, teachers and students are aware of fundamental right to freedom of expression to a high extent in the effective administration of public senior secondary schools in Rivers State. Freedom of expression should be put under close monitoring and check so that people cannot make inciting and indicting statements that cannot jeopardize the administration of the school (Kalu, 2013; Anthony, 2011). Similarly, Arop and Bassey (2018) found that freedom of expression is associated with school administration. Furthermore, Biokoro (2019) and Ukpai and Mkipaudiok (2016) reported that regulated freedom of speech has a strong relationship in the administration of public senior secondary schools. The hypothesis revealed that there is a significant difference among principals, teachers and students on the extent of awareness of fundamental right to freedom of expression in the effective administration of public senior secondary schools in Rivers State. This is supported by Bassey et al. (2012) and Arop et al. (2011) who reported a significant relationship between violation of fundamental right to freedom of expression and effective school administration.

CONCLUSION

This study examined respondents' demographic awareness of their human rights for administrative effectiveness of schools, which is their right to private/family life, right to freedom of religion, and right to freedom of expression and enshrined in the constitution of the Federal Republic of Nigeria. Based on the findings of this study, it was concluded that the principals, teachers and students were very much aware of their human rights in the administration effectiveness of public senior secondary schools in Rivers State, Nigeria. furthermore, The findings derived from this study confirm the researcher's believe that the principals, teachers and students are aware of their fundamental human rights, and one of the reason for these is that principals, teachers, students are informed of their rights via different mediums regardless of the dysfunctional educational policy and administrative procedures.

Recommendations

It is highly recommended that:

- The school principals, teachers or students should not by omission or commission probe into each other private life in the school;
- Religious observation should be highly tolerated in the school irrespective of the mode of worship and denomination;
- The principals, teachers and students should be properly guided by the school activities in order not to make bloated expressions that are capable of causing anarchy in the school as well as in the host community.

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