

INTERNATIONAL LAW AND THE RIGHT OF CHILDREN WITH ALBINISM IN EDUCATION

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Abstract

The paper explores the state of the rights of children living with albinism in education and identifies loopholes and elements of discrimination in the realisation of rights in education. In its Nigeria perspective, it grounds that the educational sector is fraught with discrimination which is inspired by cultural, social, and political bias. Children living with Albinism like other minorities in the society have been faced with series of marginalisation and unhealthy social interaction. The particular focus of this paper revolves around two hubs which are Rights of Children living with Albinism and the Education system. Comparatively, the situation in Latin American countries is explored to provide a premise on which improvements can be achieved both ways.

Keywords: Children, Education, Albinism, Rights, Law

1. INTRODUCTION

The African Charter on the Rights and Welfare of the Child (ACRWC) recognises the need to ensure that a child is not denied access to education and that the child is free from any form of abuse, discrimination, and torture.¹ In this wise, this article would draw an inference on the condition of albinism as a possible basis for the violation of the aspirations of the ACRWC. Albinism is a hereditary condition with a relatively high prevalence in populations throughout

The African Charter on the Rights and Welfare of the Child (ACRWC) recognises the need to ensure that a child is not denied access to education and that the child is free from any form of abuse,

sub-Saharan Africa.² People with albinism are mostly described as lacking enough pigment in their hair, skin, and eyes; thus, virtually, they are visually impaired and extremely sensitive to the damaging effect of the sun on their skin.³ According to Romano *et al*, prevalence of albinism is in the temperate region suggesting that it is an uncommon occurrence in Latin America.⁴ Romano *et al* posits that:

Pigmentation disorders and consequent unusual coloration occur as a result of

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mutations in the gene encoding the tyrosinase enzyme, which controls the production of melanin, responsible for skin and fur coloration.⁵

1 See generally art 11 (Right to Education); art. 3 (Non Discrimination) of the ACRWC.

2 McCardle, H. 'Albinism in wild vertebrates Texas State University', <<https://digital.library.txstate.edu/handle/10877/4218>> accessed on August 21, 2019.

3 Marcon, C.R. and Maia, M., 'Albinism: epidemiology, genetics, cutaneous characterization, psychosocial factors.' (2019) *Anais brasileiros de dermatologia*, 94(5), 503.

4 Romano, M., M. Montani, C. Cordini, and Sofia Auil, 'First record of Albinism in Tadarida brasiliensis (Chiroptera: Molossidae) in South America and new records of leucism in central Argentina.' (2015) *Chiroptera Neotropical* 21, no. 11312-1319.

5 Romano, M., M. Montani, C. Cordini, and Sofia Auil, 'First record of Albinism in Tadarida brasiliensis (Chiroptera: Molossidae) in South America and new records of leucism in central Argentina.' (2015) *Chiroptera Neotropical* no. 11312-1319.

Disability is the umbrella term for impairments, activity limitations and participation restrictions, referring to the negative aspects of the interaction between an individual (with a health condition) and that individual's contextual factors (environmental and personal factors).⁶ There is a growing recognition and acceptance in Africa that Persons with albinism (PWA)⁷ should be recognized as Persons with disability (PWD). The same efforts are in place in Latin America with Fiji noted to be one of the highest nations with a population of PWA.⁸ It is however, noted that while the ACRWC does not mention albinism specifically, the aspiration of the Charter as provided in article 13 (2) seeks to ensure "social inclusion" of the child is a possible leverage on which the protection of the rights to and in education of children with albinism maybe protected.

Education is the course of enabling erudition, or the attainment of information, skills, values, beliefs, and habits. Educational methods include storytelling, discussion, teaching, training, and directed research. Education frequently takes place under the guidance of educators, but learners may also educate themselves. Education can take

6 Modesti, Andrea, Stefano Aguzzi, and Raoul Manenti. 'A case of complete albinism in Lissotriton vulgaris meridionalis.' (2011) 395-396.

7 Dogbe, Joslin, Ellis Owusu-Dabo, Anthony Edusei, Gyikua Plange-Rhule, Nicholas Addofoh, Sandra Baffour-Awuah, Osei Sarfo-Kantanka, Charles Hammond, and Michael Owusu. 'Assessment of prison life of persons with disability in Ghana.' (2016) no. 1 *BMC international health and human rights* 16. It is important to note the Protocol to the African Charter on Rights of Persons with Disability was adopted in 2008 and provides a strong framework for conceptualising issues around disability rights jurisprudence in Africa. See generally <<https://au.int/en/treaties/protocol-african-charter-human-and-peoples-rights-rights-persons-disabilities-africa>> accessed on May 4, 2021.

8 BBC News 'Film highlights Fiji's battling rate of albinism' (2019) <<https://www.bbc.com/news/world-australia-38245893>> accessed on August 21, 2019.

place in formal or informal settings and any experience that has a formative effect on the way one thinks, feels, or acts may be considered educational. The link between education and poverty is one that is not controverted. In Latin America for instance, a direct correlation has been made on this. According to Reimers:⁹

There is a documented association between poverty and educational attainment in Latin America. The poor are those with lower levels of education because they have disproportionately more children most children in Latin America are poor.

If the development of any nation must be achieved, it is imperative that their access to education is taken seriously and approached as a fundamental right and not a human capital issue. To realize this aspiration, scholars are of the opinion that spending on education would become a necessary priority.¹⁰ The next section deals with the concept of the right to education; subsequently, the international law that protects the rights in education of children with albinism would be discussed.

9 Reimers, F. 'Education and poverty in Latin America, *Can schools make any difference?*' (1999) *ReVista Harvard review of Latin America*, Harvard University available <<https://archive.revista.drcas.harvard.edu/book/education-and-poverty-latin-america/#>> accessed August 21, 2019.

10 See generally; Brown, David S., and Wendy Hunter 'Democracy and human capital formation: education spending in Latin America, 1980 to 1997.' (2004) *Comparative Political Studies* 37, no. 7 842-864, Onuora-Oguno, A. C. 'Human Right or Human Capital Approach: Walking the Path to Actualisation of Access to Basic Education in Africa.' (2019) *Development and the Right to Education in Africa*, 123-135.

1. UNDERSTANDING EDUCATION AS A RIGHT

The right to education has been recognised as a human right in several international conventions. The Universal Declaration on Human Rights (UDHR)¹¹ recognises education as a right. The International Covenant on Economic, Social and Cultural Rights (ICESCR) recognizes a right to free, compulsory primary education for all, an obligation to develop secondary education accessible to all.¹² The African Charter on Human and Peoples' Rights (ACHPR),¹³ and the ACRWC¹⁴ also provide for the right to education. General Comment No 13 (GC)¹⁵ on education provides the ambit of the conceptual framework that enshrines education as a right. A core aspect of the GC is that on ensuring that education is accessed without any form of discrimination.¹⁶

It is therefore important to examine the question of discrimination as it relates to the right to education of PWA's. The right to education of PWA are quite paramount and vital considering their vulnerable status thus various concepts and developments have been made over the years in a bid to accommodate them, such as inclusive education, special education, quality education, among others. Discrimination in

11 Art. 26 (UDHR)

12 Article 13 ICESCR.

13 Art 18 ACHPR

14 Art 11 ACRWC

15 C E S C R General Comment No. 13: The Right to Education (Art. 13) <<https://www.refworld.org/pdfid/4538838c22.pdf>> accessed at May 4 2021.

16 See generally remarks on discrimination at 6 of <https://www.refworld.org/pdfid/4538838c22.pdf> (accessed May 4 2021).

education is strongly linked to inequalities that continue to sustain the divide and inhibit the implementation of the protection of the rights in education of people with albinism.¹⁷

For several years, the United Nations (UN) has underlined the extreme discrimination faced by PWA.¹⁸ In 2013 the UN Human Rights Council called for the prevention of attacks and discrimination against PWA and in December 2014, the UN General Assembly adopted a resolution proclaiming the 13th of June each year as International Albinism Awareness Day.¹⁹ Recently, the UN has consolidated calls to ensure that the school is safe for children with albinism desiring to attend schools.²⁰

Within the African context, children with albinism not only have rights as PWD under the United Nations Convention on the Rights of Persons with Disability (UNCRPD), they are also afforded rights under the United Nations Convention on the Rights of the Child (UNCRC)²¹ which has been signed and ratified across Africa as well as the Protocol to the ACHPR on the rights of persons with disability. The same efforts are also replicated in majority of Latin American countries. According to Mendez, Argentina and other countries are taking specific efforts to

17 Fletcher, Todd, and Alfredo J. Artiles. 'Inclusive education and equity in Latin America' (2005) *Contextualizing inclusive education* 202-229 at 204.

18 United Nations General Assembly, (2013) Report of the Office of the United Nations High Commissioner for Human Rights Rights. 5 at 15-63.

19 United Nations General Assembly. International albinism awareness day. 2014.

20 United Nations News, 'Making education safe for children with albinism in Malawi', <<https://news.un.org/en/story/2020/05/1064482>> accessed on May 4 2021.

21 United Nations, The United Nations convention on the rights of the child. Geneva: United Nations; 1989. [PubMed].

ensure that the protection of child's right is moved beyond the rhetoric.²² Additionally, the 1999 ACRWC was created to provide additional rights to protection and outlines the rights that African countries must ensure for their child population.²³ The ACRWC is the main instrument of the African human rights system for promoting and protecting child rights, complementing the UNCRC in addressing issues of discrimination, empowerment, and protection.²⁴ Despite such legislative protection of rights, it is only recently that a detailed examination of the rights of children with albinism has been undertaken.²⁵ Beyond the international scene several countries also have constitutions that advocate for their rights.²⁶ Efforts as seen in the collaboration between United Nations Children Education Fund (UNICEF) and Caribbean countries are all aimed at ensuring the protection of the right of children.²⁷ Unlike in Africa, the American Convention on Human Rights²⁸ does not make specific provisions for the right to education and other economic rights. It does however include a provision on a progressive realization of such rights. It is provided that:²⁹

22 Emilio Gracia Mendez 'Child's Right in Latin America from 'irregular situation' to full protection' <<https://www.unicef-irc.org/publications/pdf/essay8.pdf>> accessed on August 21, 2019.

23 Art. 4 encourages States to make definite Policy and Legal frameworks to ensure the best interest of the child.

24 See n 1 above.

25 International Bar Association: Human Rights Institute 'Waiting to disappear' *International and Regional Standards for the Protection of the Human Rights of Persons with Albinism*, <https://www.refworld.org/docid/5a5f59da4.html> accessed on 26 May 2021

26 States like United States of America, Canada, and South Africa.

27 Hervé Ludovic De Lys, 'From vulnerable to resilient children' (2019) <<https://www.unicef.org/lac/en/comunicados-prensa/From-vulnerable-to-resilient-children>> accessed on 26 May 2021

28 American convention on human rights <www.hrcr.org/docs/American_Convention/oashr.html>

29 Article 26, American Convention on Human Rights

The States Parties undertake to adopt measures, both internally and through international cooperation, especially those of an economic and technical nature, with a view to achieving progressively, by legislation or other appropriate means, the full realization of the rights implicit in the economic, social, educational, scientific, and cultural standards set forth in the Charter of the Organization of American States as amended by the Protocol of Buenos Aires.

While the need for a progressive realization is underscored by the authors, there is need to ensure that interpretation of such actions is done within a framework. Scholars like Viljoen argue on the need to ensure that a measurable benchmark is instituted towards forestalling a possible abuse of the doctrine of progressive realization.³⁰

Persons affected by albinism stand out among other groups of people who have traditionally suffered the most in terms of discrimination,

30 Viljoen, Frans 'The justiciability of socio-economic and cultural rights: Experience and problems.' *Human Rights in Education, Science, and Culture: Legal Developments and Challenges*, (2007) 53-111 at 53.

intolerance, and violence. The poverty and lack of education suffered by PWA does not stem from any mental or physical disability, but mostly because of discrimination, social exclusion, and stigma, and in some cases the human rights abuse they suffer because of their skin colour.³¹ For instance, it is not uncommon to find families practicing infanticide on babies born with albinism.³² Or the deliberate neglect to educate children with albinism, believing that their employment chances are limited, and therefore their education a waste of resources. PWA who do make it to school, suffer incessant teasing and bullying from peers, which fosters a core of low self-worth and assertiveness. For instance, it is reported of a child with albinism in Fiji that, 'Every time when I go in the bus, as soon as I enter, people start looking at me'³³ As a result, many people with albinism do not have the full social or economic tools to live productive lives. Lacking the confidence to compete favourably with others in the labour market and therefore unable to reach their full human potential. Both the individuals and the country suffer, as the vast majority of the skills of this group are not being utilized for the greater benefit of society.³⁴ Contrastingly, in places like Panama where PWA are

31 Onuora-Oguno, Azubike C. 'Development and the Right to Education in Africa'. (2018) Springer.

32 Omeiza A and Elebeke E, '66 Communities in FCT Still Killing Twins, Albinos, Others - Missionary' *Vanguard Nigeria Newspaper* (July 2019) <<https://www.vanguardngr.com/2019/07/66-communities-in-fct-still-killing-twins-albinos-others-missionary/>> accessed on August 21, 2019

33 BBC News, *Film highlights Fiji's baffling rate of albinism* (2016) <<https://www.bbc.com/news/world-australia-38245893>> accessed on August 21, 2019

34 This experiences as shared by Jake Epele during an informal telephone conversation with him on the situation of the rights of persons with albinism in Nigeria and the focus of the Albinism Foundation of Nigeria.

seen not to suffer persecution, they are not shielded by definite policies on the protection from the menace of the sun on their skin conditions.³⁵ It is also imperative that such desired protection may be premised on the provision of article 24 of the American Convention that provides for equality of every individual regardless of their conditions.

Education is an integral part of the human life and it forms one of the basic rights in both international and national laws. PWA should enjoy rights which every other person enjoys especially that of education and it is instructive to note that the right to education of PWA is fundamentally protected by international law. This position is further reiterated below.

The adoption of the UDHR remains an important landmark in the bid to realising human rights.³⁶ The Declaration provides for several rights, among which is the right to education. According to the declaration:³⁷ (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally

35 Latina Lista 'On Panama islands, albinos battle a bright foe' (2015) <<http://latinalista.com/new-headline/on-panama-islands-albinos-battle-a-bright-foe>> Latina Lista The Smart News Source > accessed on August 21, 2019.

36 Onuora-Oguno, Azubike C. 'Development and the Right to Education in Africa' (2018). Springer,

37 Article 27 UDHR.

available and higher education shall be equally accessible to all based on merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance, and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children

The provisions of the UDHR on education, shows that discrimination is not permissible as the word everyone is inclusive and not selective. Where children with albinism are discriminated against in any way, it constitutes a violation of the right to education. Children with albinism may be afraid of or prevented from attending school for fear of being killed, as have been reported in some parts of South Africa.³⁸ The right to education is recognized in article 28 of the UNCRC. In response to its obligations under the UNCRC, the Tanzanian government has introduced special measures to protect children living with albinism in the form of police escorts to accompany them to school.³⁹ Such efforts

38 United Nations, Human Rights Office of the High Commissioner 'Status of Ratification Interactive Dashboard' <<http://indicators.ohchr.org/>> accessed on 5 March 2019.

39 United Nations Human Rights Office of the High Commissioner 'Status of Ratification Interactive Dashboard' <<http://indicators.ohchr.org/>> accessed on 5 March 2019.

aimed at ending the violence against and murder of children living with albinism⁴⁰ suggest that the Tanzanian government is aware of its commitments in terms of the UNCRC.⁴¹

There are mixed policies on the education of children with albinism in Africa, meaning children experience a range of educational experiences. Sometimes they are educated in specialist schools for visually impaired children, although there is an increasing move to adopt inclusive education.⁴² However, in some families and communities, children with albinism are not seen as 'worth educating'⁴³ as they are not considered able to contribute to society in the same way as others. An inclusive education study identified gender inequalities in the education of children with albinism in Malawi.⁴⁴

Despite albinism affecting boys and girls equally, twice as many boys as girls were attending resource centres offering specialist support for their low vision,⁴⁵ indicating a gender bias in accessing this service. Despite the obvious violation of the rights of children with albinism, there exists further discrimination against female children with albinism and their

40 Ibid.

41 Ibid.

42 Dogbe, Joslin, Ellis Owusu-Dabo, Anthony Edusei, Gyikua Plange-Rhule, Nicholas Addofoh, Sandra Baffour-Awuah, Osei Sarfo-Kantanka, Charles Hammond, and Michael Owusu. 'Assessment of prison life of persons with disability in Ghana.' (2016) *BMC international health and human rights* 16, no. 1 at 20.

43 Phatoli, Relebohile, Nontembeko Bila, and Eleanor Ross. 'Being black in a white skin: Beliefs and stereotypes around albinism at a South African university.' (2015). *African journal of disability* 4, no. 1

44 Lynch, Paul, Patricia Lund, and Bonface Massah. (2014): "Identifying strategies to enhance the educational inclusion of visually impaired children with albinism in Malawi." *International Journal of Educational Development* at 39 216-224.

45 Lynch, Paul, Patricia Lund, and Bonface Massah 'Identifying strategies to enhance the educational inclusion of visually impaired children with albinism in Malawi.' (2014). *International Journal of Educational Development* at 39 (216-224).

right to education. Literature has also revealed how parents feared sending their child to school, concerned for their safety while walking to school and lack confidence in teachers' abilities to keep them safe. Children with albinism have a right to education, thus attention needs to be given to ensuring that their needs are met within mainstream settings. This can sometimes mean only minor adaptations to classroom layouts, such as access to visual aids, but perhaps more fundamentally requires a change in attitudes amongst teaching staff and other pupils.⁴⁶

A study at a special school for children with albinism in rural South Africa identified that although the school had access to magnifiers and low vision devices, these were only used in specific lessons such as map reading.⁴⁷ In Zimbabwe and parts of Zambia children with albinism attend mainstream schools where inclusion can be challenging. Teachers fear teaching a child with albinism⁴⁸ and a lack of education and correct information about the condition in the local community inevitably increases the probability of teachers drawing on local myths in their approach to children with albinism.⁴⁹ Access to appropriate educational support, including teachers with the knowledge of how to assist children with albinism has been recognized as important in

⁴⁶ Ibid

⁴⁷ Yahalom C, Tzur V, Blumenfeld A, Greifner G, Eli D, Rosenmann A, Glanzer S, Anteby I 'Refractive profile in oculocutaneous albinism and its correlation with final visual outcome'. (2012) Br J Ophthal. 96:537-9; see generally Lynch, Paul, Patricia Lund, and Bonface Massah. 'Identifying strategies to enhance the educational inclusion of visually impaired children with albinism in Malawi.' *International Journal of Educational Development* 39:216-224. (2010):

⁴⁸ Miles, Susie. 'Exploring understandings of inclusion in schools in Zambia and Tanzania using reflective writing and photography.' *International Journal of Inclusive Education* 15, no. 10 (2011): 1087-1102.

⁴⁹ Baker, Charlotte, Patricia Lund, Richard Nyathi, and Julie Taylor. 'The myths surrounding people with albinism in

enhancing the self-esteem of these children, promoting their personal development and growth, and creating a sense of belonging.⁵⁰ The above situations are further captured by the United Nations Secretary General to sustain discrimination against PWA the world over in enjoying their right to education.⁵¹

It is also informative to note that with the adoption of the Regional Action Plan on Albinism,⁵² which interestingly is the first regional effort, the plight of persons with albinism would be reduced. The first plan of the action plan interestingly is hinged on education. It identifies the need to ensure:

Demystify albinism through creative use of media. Involve faith-based organizations and traditional healers, family members and PWA. Appoint PWA in high status roles. Replicate image of PWA in public materials. Use both traditional and social media. Train media personnel on the issue.⁵³

From the foregoing, the jurisprudence of the right to education as it pertains to PWA has been analysed and settled. The next section would

⁵⁰ Christianson, Arnold L., Mmuso B J Poole-Monyemore, and Thandisizwe R. Mavundla. 'The experience of people with oculocutaneous albinism.' *Health SA Gesondheid* 17, no. 1 (2011): 1-8.

⁵¹ Social development challenges faced by persons with albinism available at <<https://www.refworld.org/pdfid/59ad2e824.pdf>> accessed on August 21, 2019.

⁵² African union plan of action (2021-2031) <<https://actiononalbinism.org/page/sfj6gs7s8kjd5f6c6zyhw7b9>> accessed on August 29, 2019.

⁵³ This action is contained under the preventive heading of the action plan and targets to use education to realize this.

examine in specific context the situation of the right to education of PWA in Nigeria.

2. THE RIGHT OF PWA TO EDUCATION IN NIGERIA

Under the Nigerian law, children's right to education has persistently been excluded from among the fundamental rights entrenched in the Nigerian Constitution.⁵⁴ Firstly, education in Nigeria is recognized as a directive of state policy⁵⁵ even though the Child's Right Act (CRA) considers education as absolute right of every child at the elementary level.⁵⁶ The CRA prescribes punishment for parents and guardians on the violation of the rights of a child to education occasioned by them but is silent on the part of the government.⁵⁷ The punishment for a parent/guardian violating a child's right to education ranges from being reprimanded to imprisonment.⁵⁸ The Act does not state what should be done when government does not provide an educational structure for a child or an enabling environment to promote their right to education.

A survey by the Albinism Foundation in 2019 revealed that Kogi state

54 Chapter II Constitution of the Federal Republic of Nigeria 1999 as amended (CFRN)

55 Ibid; Section 18 (3) CFRN 1999 as amended.

56 Section 15 (6) Child's Right Act.

57 Section 15 Child's Right Act

58 Ibid

had more children with albinism in Nigeria.⁵⁹ Although the paper explores the state of rights to education for CWA, there is not much to discuss regarding this in Nigeria.⁶⁰ Nigeria needs to create an enabling environment for children to go to school. Structures need to be put in place and teachers will need to be well equipped to ensure a good education system for children amongst other things.

For instance, the National Policy on Albinism (NPA)⁶¹ recognises the importance of ensuring that requisite infrastructures are put in place to ensure a friendly education for CWA in Nigeria. The NPA recognises that to ensure the enrolment of children with albinism in schools and a smooth transition from primary to secondary and even tertiary institution, it is imperative that workshops to promote inclusive education are continually held for teachers, children, and the society. The place of awareness is pivotal as it is underscored that a pivotal paradigm for changing the narrative of CWA is partly socio-legal (in this wise improving teacher-pupil) relationship for mutual respect.⁶²

Aside the awareness advocated above, another major effort is ensuring

59 NGO educates teachers on inclusive education for children with albinism (2020) <[NGO educates teachers on inclusive education for children with albinism \(vanguardngr.com\)](https://www.vanguardngr.com/2020/04/ngo-educates-teachers-on-inclusive-education-for-children-with-albinism/)> accessed on 7 April 2021.

60 Onuora-Oguno A.C., 'Development and Right to Education in Africa, Palgrave, Macmillan, Switzerland, (eBook)' available at <<https://doi.org/10.1007/978-3-319-90335-4>> accessed on November 2018

61 Federal Ministry of Education Policy <<https://albinofoundation.org/wp-content/uploads/2017/04/National-Policy-on-Albinism.pdf>> accessed on May 4 2021.

62 This position is further elaborated in the sense that socio factors lead to circumstances that affect the dignity of the CWA and affects either access to school or completion rate in school. See generally for further insight, Adelakun OS, Ajayi MAO Eliminating discrimination and enhancing equality : A case for inclusive basic education rights of children with Albinism in Africa. Niger J Med 2020, 29: 244-51.

that fees in education that could limit access to education of CWA are limited. According to the Albinism Foundation, majority of PWA are poor and generally unable to access education because of the financial burdens there.⁶³ With this background, the next section of the paper examined issues that ensue from the education of CWA.

3. ISSUES ENSUING FROM RIGHTS OF CHILDREN LIVING WITH ALBINISM

Myths and superstitions, fuel led by a lack of understanding surrounding albinism and the visible difference in the appearance of PWA can lead to stigmatization, rejection, a lack of acceptance, perceptions of difference and limited social integration. Their visible difference is so stark that they are in effect viewed as white people within a black community.⁶⁴ Bucaro points out some of the cultural superstitions in Tanzania and other African countries, especially, sub-Saharan African countries, whereby the health issues faced by PWA are seen to be a result of a curse, or they are perceived as 'omens of disaster'.⁶⁵ Brocco on the other hand highlights the negative labels and terminology used to describe and

63 See generally, <<https://actiononalbinism.org/page/4rjvuijp24gelam590fs8o7p66r>> accessed on May 4, 2021.

64 See generally, under the same Sun Report Retrieved at <https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/TZA/INT_CRC_NGO_TZA_18032_E.pdf> accessed on August 21, 2019.

65 Bucaro, Susie. 'A black market for magical bones: the current plight of east African albinos.' *Pub. Int. L. Rep.* 15 (2009): 131.

define PWA in Africa.⁶⁶ In Africa, mothers of children with albinism are often blamed for their child's condition, accused of infidelity with white people, carriers, or spirits. Thus, many children with albinism are raised without the support of both parents, creating financial difficulties and an inability to afford health care or education for their child.⁶⁷

The efforts of many NGOs in Africa aim to offer this support. Other authors have explored the implications of both old and new myths about albinism on personal identity and social acceptance.⁶⁹ Over half of the pupils in a sample of school children in Zimbabwe did not know why their skin was pale – other common misconceptions being that they thought they had the top (black) layer of skin missing.⁶⁹ If well informed, teachers can be an important, and effective route for dissemination of information about genetics and health care, especially as they are such highly respected members of the community. Different realities obtain in different countries; Kenya, South Africa, Germany, and USA, this is not unconnected from the realities that separate the First World Countries from the Second World and the Global South.

66 Ibid.

67 Franklin, Anita, Patricia Lund, Caroline Bradbury-Jones, and Julie Taylor. 'Children with albinism in African regions: their rights to 'being' and 'doing'.' *BMC international health and human rights* 18, no. 1 (2018): 2.

68 Ibid.

69 Lund P. 'Living With Albinism: A Study of Affected Adults in Zimbabwe.' (1998) *J Soc Biol Hum Aff.* 63 pp3–10.

Also, in South Africa, notwithstanding the fact that the country signed the Conventions on child's rights, and that the Government embarked on a process of domestic law reform to bring domestic legislation in line with these international commitments, as well as to try and ensure an equal dispensation to all the country's children, South Africa remains a hub of violence for persons with albinism both for the adult and most regrettably for the children too.

As for Germany which is a country in the first world, Germany is a party to the global conventions that protect the rights of the child, yet Germany prefers to interpret these according to the precepts of European agreements, particularly the European Human Rights Convention, and in accordance with German Constitutional guarantees. All in all, the German child and youth welfare system is holistic in the sense that it also promotes early voluntary intervention and preventive work. Regulations for mandatory cooperation in cases of (suspected) child endangerment between the 'Child and Youth Welfare Authority' and schools or health care exist in many Landers of Germany. Thus, the German laws with respect to child abuse are also quite stringent and in

line with the best international practices and are properly implemented. The situation is no better either in the United States of America. The United States has one of the worst records among industrialized nations – losing on average between four and seven children every day to child abuse and neglect. Yearly, referrals to state child protective services involve 6.6 million children, and around 3.2 million of those children are subject to an investigated report. The legal response to child abuse and neglect as obtainable in the United States is quite contextual as the research reveals. The state acts in the role of the parent to a child, usually through a public/private child welfare system. This is sometimes referred to as *public family law*, since the state is an active participant in what is otherwise a private set of relationships between the parents and child; when an abuse of a child is at the instance of a non-family member, the criminal laws of America responds and when it is at the instance of a family member, the civil law response.

Recent anthropological research has critiqued the media for their simplistic approach of blaming traditional superstitions for the killings of PWA, identifying that contract killers are fulfilling a market demand

for body parts for use as charms thought to bring wealth and good fortune.⁷⁰ There are strong arguments that it is poverty that drives the violence towards PWA, and this is specifically acknowledged by the United Nations as a key contributor to witchcraft related violence.⁷¹

It is possible to make a direct link to the boom in mining and rapid social change and inequalities in Tanzanian society and though poverty in and of itself does not cause violence; in terms of PWA it seems to be a significant risk factor. Media reports of violence against people with albinism have mostly focused on identifying and punishing the perpetrators, although there are articles focused on awareness raising and political activism.

Burke *et al.*'s content analysis of media reports illuminates how some of the strategies aiming to prevent abuse or violence are criticized and debated, highlighting the complexities involved in protecting and promoting competing rights. The profound effects of this violence, on PWA as well as on the wider community, are also documented regularly in the media, illustrating how family members are forced to escort their children to school and to other areas of the community. There are

70 Burke J, Kaijage TJ, John-Langba J. *Media Analysis of Albino Killings in Tanzania: A Social Work and Human Rights Perspective* Ethics SocWelf. (2014) pp117–34.

71 Ibid.

accounts of parents hiding their children at home, seeking asylum in police stations, or moving to safer parts of the country. Some families report sending their children away to boarding schools, camps, or relations in safer areas. Such media attention has also raised awareness of the need to address the challenges facing PWA, including stigma and the lack of access to education and health services. Thomas emphasizes the importance of understanding the psychosocial effects of albinism.⁷² Although there is a paucity of evidence on this aspect, a qualitative study conducted with 15 adults with albinism in South Africa highlighted the negative effects the disablist external environment can have on self-image and on their sense of belonging at home and within the wider community.⁷³ Previous studies have also identified that prejudice and stigma are a major challenge faced by most PWA. A sample of children with albinism in Zimbabwe reported problems they encountered around children avoiding, antagonizing, and indeed fearing them. Further, the development of self-esteem through group and team activities taking place in outside spaces is being denied to this group.

72 Thomas, Carol. 'How is disability understood? An examination of sociological approaches.' *Disability & society* 19, no. 6 (2004): 569-583.

73 Thomas, Carol. 'How is disability understood? An examination of sociological approaches.' *Disability & society* 19, no. 6 (2004): 569-583.

Individual testimonials provide first-hand accounts of these difficulties. The first Member of Parliament with albinism to be appointed in Tanzania, Ms. Kway-Geer, described her life as a schoolchild:

When I was at primary school, people used to laugh at me, tease me - some didn't even like to touch me, saying that if they touched me, they would get this colour. People used to abuse me on the road when I took the buses to school. They would run after me - crowds of kids following me - shouting 'zeru, zeru' (derogatory term for someone with albinism)

Although, the outdoor activities and group work goes a long way to help the PWAs, its denial will in no small measure impede their easy assimilation into the society. It is seen that amid this prejudicial treatment to PWAs, a step-in progress can easily be achieved by group activities that involved all kinds of people and gives no room for unfairly prejudicial conduct to anyone.

4. CONCLUSION

The article concludes that there are a good number of international instruments, conventions and regional laws that have aptly captured the right to education. Most of these laws view children as vulnerable individuals who should be under the protection of the state in form of effective deterrence against breaches of bodily integrity. It is however, noted that the right to education and in education of persons with albinism is not directly covered by both international and municipal laws. Notwithstanding, the protection of the rights of PWA to education can be read into several international and national law instrument.

It is also concluded that as important as education is, many children are unable to access education because of several factors included but not limited to security, COVID-19 pandemic, discrimination, and poverty. Majority of this number include CWA. Additionally, discrimination experienced by CWA are hinged on the cultural and societal misconceptions against PWA and it has resulted in stigmatization of these individuals in several spheres of the society. The myth continues to ensure the discrimination of PWA in both social stigma and environmental challenges.⁷⁴ The seemingly lack of direct

⁷⁴ See generally Mansell, M. A. (1972): 'ALBINOS IN SOUTH AMERICA.' *The Lancet* 299, no. 7744 265.

route to the enforcement and justifiability of the right to access quality basic education compounds the problem making the situation more challenging for the persons living with these conditions in Africa.

Furthermore, the absence of a defined structure and system of education that effectively caters for the children with and without special needs poses more difficulties. The African Union adoption of Policy guideline is lauded by the authors as an instructive one for the realization and protection of rights of PWA.

It is generally believed that children are the leaders of tomorrow and the hope of future generations, more efforts are needed to ensure their survival, growth, and development. This is by protecting their welfare and from all forms of child labour, sexual exploitation, and other child-related abuses regardless of their birth conditions with or without albinism.

APPRAISAL OF THE PATIENT'S RIGHT TO MEDICAL CONFIDENTIALITY

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Abstract

This paper examined one of the long-standing elements of a doctor's Hippocratic Oath, which is the maintenance of a patient's medical confidentiality. However, if not protected, medical confidentiality may be subjected to one form of discrimination or the other due to certain details of their past or present medical status. Stigmatisations could take centre stage when disclosing certain medical information without caution; confidentiality is required to stem the tide of stigmatization. Maintaining confidentiality is one of the ethics in the medical profession, but these rules are not absolute. The Constitution of the Federal Republic of Nigeria 1999 (as amended) and other sundry legislations do not guarantee the disclosure of medical confidentiality by a medical practitioner in the absence of any of the exceptions permitted by law. The breach of medical confidentiality has taken centre stage in some private hospitals due to inadequate health facilities. This research adopted doctrinal research methodology; health practitioners made recommendations on how to protect/maintain patients' medical confidentiality to reflect international best practices.

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1.1 INTRODUCTION

Developing and maintaining an effective national health system that can function optimally for both patients and healthcare providers is an ongoing project in Nigeria, with challenges arising from the lack of well-designed and functional institutions and the complex issues arising day by day. While healthcare delivers positive benefits to many people, persistent failings and more blatant violations continue to occur across health settings. These difficulties are exacerbated in Nigeria, where collective interests have historically trampled Individual rights. There is a need to define adequate frameworks for protecting basic rights in delivering healthcare services in Nigeria.¹

The human rights inpatient care concept offers a framework relevant to both patients and healthcare providers. Specifically, human rights in patients' care cover the patient's right to liberty and security of the person, privacy, confidentiality, bodily integrity, life, the highest attainable standard of health, freedom from torture and cruel inhuman and degrading treatment, to participate in public policy, and non-discrimination and equality. The provider has the right to work in decent conditions, freedom of association, due process, and related rights. Central to this approach is human rights, focusing on patients as active agents in health care settings and as the ultimate beneficiaries of services.

¹ Beletsky, I. Ezer, T. I. and others, Advancing Human Rights in Patients Care; The Law in Seven Transitional Countries (open society foundations, 2013), 9 – 10.