TOWARDS EFFECTIVE HUMAN RIGHTS EDUCATION IN AFRICA

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BY

SISAY ALEMAHU YESHANEW

PREPARED UNDER THE SUPERVISION OF

PROFESSOR KOFI KUMADO

AT THE

**FACULTY OF LAW
UNIVERSITY OF GHANA
GHANA**

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TABLE OF CONTENT

DECLARATION

I, **Sisay Alemahu Yeshanew**, hereby declare that this dissertation is original and has never been presented in any other institution. I also declare that any secondary information used has been duly acknowledged in this dissertation.

Student: Sisay Alemahu Yeshanew

Signature: _____

Date: _____

I, **Professor kofi Kumado**, have read this dissertation and approved it for examination.

Supervisor: Professor Kofi Kumado

Signature: _____

Date: _____

DEDICATION

This dissertation is dedicated to my late mother Mulunesh Yifru and my late brothers Gulilat Alemahu and Dereje Alemahu. I would have loved to have the encouragement you used to give me in every career I took.

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LIST OF ABBREVIATIONS

AU	African Union
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CRC	Convention on the Rights of the Child
ECWD	Education Centre for Women in Democracy in Kenya
ECOSOC	Economic and Social Council of the United Nations
ECOWAS	Economic Community of West African States
HRE	Human Rights Education
FGM	Female Genital Mutilation
ICESCR	International Covenant on Economic, Social and Cultural Rights
NEPAD	New Partnership for Africa's Development
OAU	Organisation of African Unity
SADC	South African Development Community
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNHCHR	United Nations High Commissioner for Human Rights

CHAPTER ONE: INTRODUCTION

1.1 Background to the study

Many African countries are marred with war, authoritarianism, and military rule.[1] Though they have struggled to establish democratic governments during the post-colonial era, they succumbed to authoritarian, usually military, rule which has hindered the economic growth and respect for civil rights that citizens had hoped would be the legacy of independence.[2] The unconventional ways in which many rulers came to power and their determination to stay in power by all means have considerably affected the way they ruled the countries. They often perceived human rights to be the weapons used against them by the opposition.[3] These are among the main reasons why we see prevalent abuse of power and violations of rules of democratic leadership in the continent.[4]

The end of the Cold War generated hopes for greater prospect of life in Africa.[5] The wave of democratisation during the 1990s has brought some positive changes in some countries.[6] However, most leaders used the competitive elections of the time to keep themselves in power.[7] In many countries, incumbents won the elections and became "democratic" leaders.[8] At a time when many African countries purport to be democracies, the realities on the ground, especially in terms of respect for human rights, do not indicate the same. Actually, the

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[1] See PC Aka 'The military, globalization, and human rights in Africa' (2002) 18 *New York Law School Journal of Human Rights* 361 438.

[2] O Oko 'Consolidating democracy on a troubled continent: A challenge for lawyers in Africa" (2000) 33 *Vanderbilt Journal of Transnational Law* 573 573.

[3] E Kaufman 'Human rights education for law enforcement' in GJ Andreopoulos & RP Claude *Human rights education for the twenty-first century* (1997) 278.

[4] These statements should not, however, be taken as disregarding the reality in countries like Botswana and Mauritius that have been continuously democratic since independence. But, considering the condition in the other countries, these are exceptions. For further information and discussion on this point, see L Diamond 'Promoting real reform in Africa" available at <http://www.chr.upac.za/ggp/coursematerial/int_law/africa%20chapter%20for%20Gyimah's%20book.rev.10-03-03.doc.> (accessed on 16-10-2004). Diamond supports his statements against African countries by statistical evidence. This paper has used the violation of human rights and the stage of democracy in Africa as a background. But, in an effort to avoid bold statements applying to all African countries, we shall use qualifications like "many" and "most". Africa". All such expressions should be understood as paying attention to the exceptional situation in some countries. We do not also have a thesis that democracy is a totally new tradition in Africa. That is why we talk of "consolidating" democracy in African states. The reference to stage of democracy in the paper is based on the degree of violation of human rights and citizens' political participation. As will be shown latter, democracy and human rights are interrelated.

[5] E Baimu 'The African Union: Hope for better protection of human rights in Africa? (2001) 2 *African Human Rights Law Journal* 299 299.

[6] Diamond (n 4 above).

[7] JF Bayart *The state in Africa: The politics of the belly* (1993) cited in B-A Andreassen 'Bridging human rights and governance: Constructing civic competence and the reconstitution of political order' in H-O Sano & G Alfredson (eds) *Human rights and good governance: Building bridges* (2002) 97.

[8] See JW Harbeson *et al Civil society and the state in Africa* (1994)2.

continent ranks among those where human rights are violated the most. [9] It is said, generally, that human rights conditions remain critically precarious on the continent. [10] Against this background, the need for institutional changes consistent with democratic ideals, and educating citizens in democracy and human rights is clear. [11] There is a need for creation of awareness of human rights and knowledge-based political participation of citizens.

In view of the history of violation of human rights in the continent, mechanisms of protection and promotion have been established. The OAU, which did not have a clear human rights agenda at the beginning[12], later adopted the African Charter on Human and Peoples' Rights[13] (hereinafter the African Charter or Charter). The Charter created the African Commission on Human and Peoples' Rights (hereinafter the African Commission or Commission), which is charged with the mandates of protection and promotion of human rights. [14] It has also imposed the obligation to protect and promote human rights on the states parties. [15] Recently, the African Court on Human and Peoples' Rights is established, with an intention to achieve the greatest protection of human rights. [16] It is believed that the Court is a potentially significant development in the protection of human rights at the continental level. [17] But still, based on an analysis of the contribution of treaty bodies, it is said that the protection of human rights through the accusation and blaming of governments or states did not yield much fruit. [18]

Human rights education (hereinafter HRE) squarely fits into the promotional mandate or obligation. The Commission is implementing its promotional mandate by disseminating copies of the Charter and sensitising governments about their responsibilities to citizens. [19] There are also ongoing thematic human rights conferences, workshops and *ad hoc* training programmes throughout the continent. [20] In addition, human rights are taught in some states over the

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9   See M Seck 'A plea for human rights education in Africa' (1990) 11 *Human Rights Law Journal* 283 293. Seck argues that the violations are linked to the nature of powers in Africa.

10   GW Mugwanya 'Examination of state reports by the African Commission: A critical appraisal' (2001) 2 *African Human Rights Law Journal* 268 268.

11   n 2 above.

12   See GJ Naldi 'Future trends in human rights in Africa: The increased role of the OAU?' in M Evans & R Murray (eds) *The African Charter on Human and Peoples' Rights: The system in practice, 1986-2000* (2002) 3.

13   Adopted on June 27, 1981, OAU Doc. CAB/LEG/67/3/Rev 5.

14   Article 45 of the African Charter.

15   Article 25 of the Charter specifically provides for the obligation to promote and ensure the respect of rights and freedoms contained in the Charter through teaching, education and publication. Article 26 also requires states to establish national institutions entrusted with the promotion and protection of the rights and freedoms.

16   V Nmehielle *The African human rights system: Its laws, practice, and institutions* (2001)259.

17   As above.

18   See N Rosemann 'Human Rights Education – Towards the end of the UN Decade' (2003) available at <http://www.hrea.org/erc/Library/rosemann03.pdf> (accessed on 15-06-2004).

19   G Baricako 'OAU has role in civic education' available at <http: www.civnet.org/civitas/africa/oau.htm> (accessed on 08-05-2004).

20   MK Addo "Implementation by African States of the Plan of Action for the United Nations Decade for

continent as a subject by itself, especially in law faculties of universities, or as a component of interdisciplinary courses.[21] But still, observers and specialists, notably teachers of higher education, who have a certain amount of experience in HRE, admit that there exists no African system of HRE *stricto sensu*.[22] Many African states do not also have HRE programmes proper.[23]

This paper stresses the importance of HRE to avoid violation of human rights and pleads for practical steps by African states to carry out their obligation with respect to promotion of human rights. It also suggests the effective usage of the African Commission's mandate of examination of states reports for monitoring and co-ordination of HRE activities. It will do these by laying down a framework for planning, implementation and co-ordination of HRE programmes.

1.2 Problem statement

In many African countries, enough room is not given for enabling the citizens, in whose names changes are claimed to have been made, to acquire the necessary knowledge to know their rights and duties and have a say in the way they would like to be governed.[24] A real change should be accompanied by nurturing the culture of democracy and human rights in citizens. As Nelson Mandela once said, "we need to develop a new political culture based on human rights".[25] HRE would play a pivotal role in this respect.

To date, there have been international, regional and national initiatives for HRE. At the 1993 World Conference on Human Rights (Vienna), the importance of HRE was emphasised and, in December 1994, the UN General Assembly declared the years 1995-2004 as Decade for Human Rights Education.[26] It laid down a Programme of Action for the strengthening of HRE at

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[ ] Human Rights" (2000) 44 *Journal of African Law* 96 104.

[21] See Report of the United Nations High Commissioner for Human Rights on the mid-term global evaluation of the progress made towards the achievement of the objectives of the United Nations Decade for Human Rights Education (1995-2004), adopted at the 55th session of General Assembly, UN Doc. A/55/360 (2000) paras. 31 and 32.

[22] Seck (n 9 above) 295.

[23] See generally the section on Africa in the mid-term evaluation report (n 21 above). See also L Gearon *The human rights handbook: A global perspective for education* (2003) 160-161. According to the later source, in the African countries taken as case studies, like the Central African Republic and Chad, national plans of HRE were yet to be adopted or the mandate of HRE was not assigned for a specific organ of a state. In Egypt, human rights were still being incorporated in the curriculum of two levels of formal education.

[24] See Background Paper CIVITAS, Africa workshop Pretoria, South Africa, May 11-14, 1997 available at <http://www.civics/Background Paper-civic educatiion.htm> (accessed on 09-08-2004)

[25] Quoted in S Koenig 'Human rights education for social transformation: Innovative grassroots programs on economic, social and cultural rights' in D Barnhizer (ed) *Effective strategies for protecting human rights: Prevention and intervention, trade and education* (2001) 165

[26] United Nations *The United Nations Decade for Human Rights Education, 1995-2004: The Right to Human*

international, regional, national and local levels.[27] The implementation of the Plan of Action is a globally co-coordinated undertaking to which African states' actors are expected to make contributions.[28] However, only a handful of African countries were responsive to this valuable plan.[29] Considering the effectiveness of the Decade, a second UN Decade for HRE is proposed.[30] But still, it should be borne in mind that the programme is designed for international application and hence not based specifically on the real situations in Africa.

Regionally, the African Commission tries to call attention to education on human rights.[31] At national level, Human Rights Commissions have been established in many countries with a mandate to promote human rights. Many NGOs are also involved in HRE in countries across the continent.[32] These initiatives aside, HRE still remained with a need for serious attention in many African countries.[33] Even in countries where HRE programmes are launched, they are attended by flaws.[34] There should also be mechanism for co-ordination of HRE efforts at a continental level.

This paper discusses the need for African states to take HRE seriously and develop programmes by taking the specific realities of their countries in to consideration. It will do this by identifying the normative foundation for HRE, and laying down a framework in which concerted effort shall be exerted on HRE.

1.3 Objectives of the study

This study has the following major objectives:
- To argue that HRE has special importance in Africa.
- To identify elements of effectiveness of HRE.

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[27] *Rights Education* (1999) 1.
See generally United Nations *The United Nations Decade for Human Rights Education 1995-2004: Lesson for life* (1998).
[28] Addo (n 20 above) 99.
[29] See UN Doc. A/51/506 and UN Doc. A/52/469 cited in Addo (n 20 above) 100. For instance, Algeria, Chad, Tunisia, Ghana and Sudan are the only countries that have responded on the establishment of national focal point and centre for HRE for implementing HRE programmes, which is a requirement in the Plan of Action.
[30] Study on the follow-up to the United Nations Decade for Human Rights Education (1995-2004), Report of the High Commissioner adopted at the 59th session of ECOSOC, U.N Doc. E/CN.4/2003/101(2003) Para. 8-13.
[31] Interview with Professor Evo Dankwa, Chair African Commission on Human and Peoples' Rights, on 10-10-2004.
[32] See JP Martin *et al* 'Promoting human rights education in a marginalized Africa' in Anreopoulos & Claude (n 3 above) 447-448.
[33] n 31 above.
[34] See Martin *et al* (n 32 above) 446. They are sometimes used as means of legitimising the ruling political party.

- To recommend ways of monitoring and co-ordinating HRE activities in Africa.

1.4 Research questions

The main research questions of this paper are:
- What are human rights?
- What is HRE?
- How is HRE especially important in Africa?
- How can HRE foster respect for human rights?
- How should programmes of HRE be formulated and administered?
- Who should play the role of formulating, implementing, evaluating, and co-ordinating programmes of HRE?

1.5 Hypotheses

- The formulation and implementation of efficient programmes of HRE can bring about respect for human rights.
- The African Commission can co-ordinate HRE efforts and monitor the implementation by states of their obligation to educate on human rights.

1.6 Significance of the topic

HRE can play a very important role in bringing about respect for human rights of citizens. By teaching or training potential violators, innocent as well as reckless acts of abuse of power can be avoided or at least minimised. The creation of citizens informed of their rights and duties will also help to challenge and remedy arbitrariness and violation of rights. HRE can also augment the informed political participation of citizens. It further creates informed citizens who can question the way in which their governments lead their countries.

This paper is important in that it proposes methods of attaining the goal of actual respect for human rights in Africa through the formulation, administration and co-ordination of effective HRE programmes. It also tries to adopt a perspective of HRE which suits many African countries.

1.7 Literature survey

Inquiry of literature reveals that writings have covered diversified issues relating to human rights in general and HRE specifically.

Hegarty and Leonard[35] edited a book which has included contributions on the history, development and classification of human rights and the evolving role of NGOs in the realm of human rights. But, this book fails to define human rights as such.

Flowers[36] addressed the issues of definition of HRE and its theoretical basis. She provides definitions from the perspectives of governmental bodies, NGOs and academics and educational thinkers. This paper tries to provide a comprehensive definition of HRE.

A book edited by Andreopoulos and Claude,[37] incorporated contributions by renowned authors in the field of HRE. It addressed diversified issues relating to theories and contexts of HRE, approaches to teacher-training, college and adult education, specialised human rights training for professionals; community-based and non-formal HRE, and resources and funding. Though the book covers a whole list of important issues, it does not put emphasis on the need for administration and co-ordination of HRE programmes in Africa.

Rosemann[38] examined the UN Decade for HRE towards its end and Addo[39] assessed the implementation by African states of the Plan of Action for the Decade. These authors identified some problems of HRE but failed to suggest as to what should be done towards its effectiveness in Africa. This paper makes an addition in this respect. Seck[40] underlines the need for HRE in Africa and pleads for a HRE policy. The argument of the author is taken further by recommending effective ways of promotion of human rights.

Sano and Alfredsson[41] addressed issues concerning the relationship between good governance, democracy, accountability and human rights. Their book especially devotes a section on the building of and need for civic competence. It draws on the importance of civic education to support the capacity of citizens' influence and oversight and its contribution to responsive and responsible leadership. This paper shows that HRE can be used for the same purpose.

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[35] A Hegarty & S Leonard (eds) *Human rights: An agenda for the 21st Century* (1999).
[36] N Flowers 'What is human rights education?' (2003) available at <http://www.hrea.org/erc/Library/display.php?doc id=1219> (accessed on 15-07-2004).
[37] Andreopoulos & Claude (n 3 above).
[38] n 18 above.
[39] n 20 above.
[40] n 9 above.
[41] n 7 above.

A journal by the U.S. Department of State,[42] constituted of contributions from human rights educators and activists, explores some of the issues and problems in mounting effective HRE programmes. It incorporated, among others, discussions on how the effectiveness of HRE can be enhanced and pragmatic challenges involved in HRE training. Most of the articles address the issues generally and within the context of the U.S. Their validity in the African context is tested.

As the above survey may indicate, there are a few writings on HRE. First and foremost, there is a dearth of materials written on HRE in Africa. Again, the available materials put little emphasis on the role of HRE in preventing violation of human rights and bringing about better social and political order in many African states. They do not also forward a comprehensive framework for effective HRE. The need for co-ordination of HRE at continental level is not also dealt with. This paper adds these aspects to the available literature.

1.8 Methodology of the study

The methodology to be employed in the writing of this paper is mainly legal research methodology. Within this domain, library or desk research, including Internet research, is exploited most. Interviews are also conducted in relation to some specific issues.

1.9 Scope of the study

As the title may suggest, the focus of this paper is on the issue of effectiveness of HRE in Africa only. It does not address each and every issue relating to HRE. It argues on the importance of HRE in Africa and suggests ways of making it effective. Furthermore, the paper limits itself to laying down a general framework for the effectiveness of HRE. Country experience in human rights or civic education is referred to only by way of example or substantiating positions.

1.10 Outline of the chapters

Chapter one provides background to the study, identifies the problems to be tackled with, summarises the relevant literature and introduces the objectives, hypotheses, methodology and scope of the study. Chapter two defines human rights and HRE. It also lists the goals of HRE and discusses the importance of the same. Moreover, it identifies normative foundation for HRE. Chapter three discusses the elements of efficient programme of HRE. It identifies

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[42] Electronic Journals of the U. S. Department of States: Issue of Democracy, Volume 7 Number 1(2002) available at <http://usinfo.state.gov/journals/itdhr/0302.htm> (accessed on 20-07-2004).

factors of effectiveness of HRE programme from its design to its implementation. Chapter four deals with the role of state and non-state actors in HRE and suggests ways of building partnership among the actors and co-ordination of efforts by the African Commission. Chapter five concludes the paper and provides list of recommendations for effective HRE in Africa.

CHAPTER TWO: HUMAN RIGHTS EDUCATION- DEFINITION, GOAL, IMPORTANCE AND NORMATIVE FOUNDATION

Introduction

The first step in dealing with the role and effectiveness of HRE is to have a clear understanding of human rights in general and HRE in particular. This is because, human rights as well as HRE lend themselves to interpretations. The first two sections of this chapter present different perspectives and adopt definitions pertinent to the subject under consideration. The importance of HRE is treated in some detail, with specific emphasis on realities in many African countries. Finally, the normative basis for HRE in Africa is identified.

2.1 What are human rights?

"Human rights" is common parlance, but not all agree on its meaning.[43] Many definitions are given to it in various words in different materials. Common to almost all the definitions is that human rights belong to all people simply because they are human beings, irrespective of their citizenship, race, ethnicity, language, sex, sexuality, or abilities. They are recognised legitimate claims of individuals upon their society to specific freedoms and other goods and benefits, which the society is morally, politically, even legally obligated to respect, ensure, and realise.[44] Throughout the evolutionary history of human rights, three aspects of human existence have sought to be safeguarded: human integrity, freedom and equality, all of which are premised on the respect for the dignity of every human being.[45] They are based on the worth of human beings and the respect which should be accorded thereto.

It is submitted that we give weight to the value underlying human rights, i.e., human worth. Human rights should be respected for human beings deserve to be considered and treated with due regard to their importance or value. The idea of sovereignty of the people (that the people should not be subordinated to anyone except themselves) as a framework for the elaboration of human rights[46] should also be given a very important place. Citizens should be enabled to participate and decide on the social and political affairs of their states because they are sovereign and their choice of life deserves respect. The association of human rights with

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[43]   L Henkin 'Human rights: Ideology and aspiration, reality and prospect' in S Power & G Allison
        Realising human rights: Moving from inspiration to impact (2000) 5.
[44]   As above.
[45]   A Eide 'Economic, social and cultural rights as human rights' in A Eide *et al* (eds) *Economic, social and cultural rights: A textbook* (1995) 24.
[46]   See Eide (n 45 above) 25.

the need for respecting human dignity and worth should inform any undertaking in the field, especially in attempting to forward mechanisms of avoiding the violation of human rights. This paper shall treat 'human rights' as a phrase of universal acceptance which upholds the feelings of self-respect and self-worth of individuals. It is a self-evident value system that arises from human need and applies to all humanity.

It has become common to refer to three categories of human rights, sometimes also referred to as the three 'generations' of human rights, namely, *civil and political rights* (first generation), *economic social and cultural rights* (second generation) and *collective rights* (third generation).[47] There is also a classification between *"negative"* (referring to civil and political rights) and *"positive"* (referring to economic, social and cultural rights) human rights based on the type of action required to realise the rights. The former (including the right to life, a fair trial, liberty, assembly, privacy, speech, religion) are seen as generally requiring protection against abuse, whereas the latter (including the right to work, shelter, food, social security, health care) require more positive action on behalf of the state or civil society in order for those rights to be attained and realised.[48] Collective rights (including the right to self-determination, development, rights of indigenous peoples and the right to protected environment) are added in recognition of the need to incorporate rights belonging to groups as opposed to the individualistic nature of the other generation of rights.

The three generations of rights are also associated respectively with Western nations (first generation), Socialist nations (second generation) and African and Asian nations (third generation).[49] There has actually been resistance to parts of the human rights system and the universality of human rights in general.[50] The Vienna World Conference on Human Rights, which was held in an effort to find some common ground, declared that human rights are universal, indivisible, interdependent and interrelated.[51] It called upon the international community to treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and underlined the duty of states to promote and protect all human

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[47]   J Ife 'Human rights beyond the three generations' (2003) available at
         <http://www.humanities.curtin.edu.au/pdf/hre/ThreeGenerations.pdf> (accessed on 18-08-2004). The
         division of human rights into three generations was initially proposed in 1979 by the French jurist Karel
         Vasak.
[48]   As above.
[49]   P Cumper 'Human rights: History, development and classification' in Hegarty & Leonard (n 35 above) 7-8.
[50]   Eide (n 45 above) 23.
[51]   Vienna Declaration and Programme of Action, World Conference on Human Rights, Vienna U.N.
         Doc. A/CONF.157/24 (Part I) at 20 (1993) para. 5.

rights regardless of their political, economic and cultural systems.[52] Human rights are also inalienable in the sense that they are there even where not recognised or respected.

Furthermore, human rights are related to the concepts of democracy in general and good governance in particular. Respect for human rights and fundamental freedoms is taken as an important element of democracy. That is actually the reason why the UN General Assembly, in its Resolution 2000/47, has called on states to promote and consolidate democracy by taking actions, among other things, to strengthen human rights and fundamental freedoms.[53] The 1993 World Conference on Human Rights concluded that democracy and respect for human rights are interdependent and mutually reinforcing.[54] Good governance is also often understood as involving respect for human rights. In fact, accountable governance and human rights go hand in hand.[55]

There are human rights instruments at international, regional, and national levels. Real commitment to the excellent overarching body of human rights would really bring about change in the life of the people. That human rights belong to human beings, by the mere fact of their being so, being a clear fact, that they have to know them is a corollary. Moreover, education is a basic human right.[56] Since the development of personality is one of the intentions of education, it must involve empowerment in human rights.[57] Education in and for human rights is a right in itself.[58] Action should be taken to have all people know human rights and have them join in "reminding" governments, and if necessary shame them- by holding them accountable to the many "Plans of Action" they have signed on to, the Conventions and Covenants they have ratified, undertaking a clear obligation for human rights to become the law of the land.[59] The fact is that many people do not have functional knowledge of human rights.[60]

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[52]   As above.
[53]   See UNHCHR 'Issue of Democracy' available at
        <http://www.ohchr.org/english/issues/democracy/index.htm> (accessed on 15-08-2004)
[54]   As above
[55]   M Kjoer & K. Kinnerup 'Good governance: How does it relate to human rights?' in Sano & Alfredsson (n 7 above) 1.
[56]   Gearon (n 23 above) 157.
[57]   Rosemann (n 18 above).
[58]   United Nations (n 27 above) iv.
[59]   Koenig (n 25 above) 166.
[60]   N Flowers 'Human rights education in the USA' (2002) (n 42 above) 18.

2.2 What is human rights education?

Though HRE has a history of more than fifty years, there is no consensus on its definition, even among human rights educators themselves. This is mainly because such a variety and quantity of activity is taking place in the name of HRE. There seem to be as many definitions of HRE as there are users of the subject. For example, a lively electronic debate on a definition posted on a listserv of HRE Associates[61], which reaches more than three thousand human rights educators around the world, illustrated the strikingly different ways HRE is conceived and practiced today.[62] The problem of definition mainly arises from the perspective taken by different and distinct groupings concerned with HRE.

Nancy Flowers, a human rights educator and activist, once analysed the definitions of HRE by three distinct groupings, namely, governmental bodies, NGOs, and academics and educational thinkers. She wrote:

> …Governmental definitions emphasize the role of HRE to create peace, continuity, and social order and oppose socially disruptive behaviours and attitudes… [and] indicate that it is the responsibility of governments to see that HRE is accomplished properly. … Definitions formulated by NGOs emphasize violations, stressing the potential of HRE to enable vulnerable groups to protect themselves, claim rights and challenge their oppressors.[63]… They see HRE as a tool for social change: to limit state power, to protect people from state power, and in some cases, to enable people to seize state power. … The writings of academics and educational thinkers tend to shift the emphasis from outcomes to the values that create and inform those outcomes …emphasizing on principles, norms, standards, values, and moral choices.[64]

From Flowers' analyses, one can see differences, and sometimes conflict, in the approaches of the various groupings to the subject. For instance, NGOs challenge the prerogative of governments to define "social good" and determine the goals of HRE. Also, the former stress transformative outcomes while the latter are preservative. It should, however, be underlined that all the definitions tell what HRE is about. A good definition of HRE should have elements of all the above perspectives. Taking a holistic approach, we should understand HRE as a process which involves teaching principles, norms, values and skills in an effort to enable learners to claim their rights and challenge or avoid violation thereof towards the goal of social order or social good. It should, therefore, be taken as an empowerment process.[65]

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[61]   See <http://www.hrea.org> accessed on 13-08-2004).
[62]   Flowers (n 36 above) 1.
[63]   The analysis of Flowers has taken NGOs operating at grassroots level in to consideration. See specifically Flowers (n 36 above) 5.
[64]   Flowers (n 36 above) 2- 12.
[65]   See G Meinjes 'Human rights education as empowerment: Reflections on pedagogy' in Andreopoulos &

All learning that develops the knowledge, skills and values of human rights is HRE. Knowing about human rights should include why people have them and what to do if they are denied. This means that teaching *about* human rights is not enough. HRE must also involve teaching *for* human rights. Its targets must not only learn *of* human rights but learn *in* them.[66] This means that the education should be geared towards enabling learners to derive practical benefits. HRE is an educational process that facilitates the critical assessment of the learner's personal and social experiences vis-à-vis human rights standards for the pursuit of individual and societal well-being.[67]

There are some types of education which can be seen side by side with HRE. These include: development education, character education, gender education, civic education or citizenship education. One of the problems in defining HRE is of its location with reference to these forms of education. Many feel that human rights are integral to these other forms of education though they remain unclear as to whether one subject subsumes the other.[68] With specific reference to citizenship education, HRE is taken as a subset.[69] In some cases, 'human rights' forms part of the list of "key concepts" in citizenship education.[70] But still, HRE is a subject which stands by itself and differs from the other related educational endeavours in that it takes its authority and relevance from values enshrined in human rights instruments like the UDHR.

It is good to consider a definition of civic education as we may see HRE as an element thereof. Civic education in a democracy is education in self-government.[71] Democratic self-government means that citizens are actively involved in their own governance and that they do not just passively accept the dicta of others or acquiesce in the demands of others.[72] It is, therefore, education for the participation of citizens in a democratic society based on informed, critical reflection, and on the understanding and acceptance of their rights and responsibilities. HRE can be taken to have the same general purpose as citizens' knowledge of human rights is basic for their meaningful political participation.

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[66] Claude (n 3 above) 66. According to Meinjes, HRE as empowerment requires enabling each target group to begin the process of acquiring the knowledge and critical awareness it needs to understand and question oppressive patterns of social, political, and economic organisations.
United Nations 'ABC teaching human rights' available at <http://www.unhchr.ch/htlm/menu6/2/abc.htm> (accessed on 20-08-2004).
[67] FI Yeban 'Reclaiming and reaffirming HRE: Reflections from a human rights educator' available at <http://www.tolerance-net.org/news/podium/podium061.html> (accessed on 12-08-2004).
[68] Flowers (n 36 above) 11.
[69] D Pitts 'Human rights education in U.S. schools' (2002) (n 42 above) 23.
[70] L Davis *Citizenship education and human rights education: Key concepts and debates* (2000) 15.
[71] CF Bahmueller (ed) *CIVITAS: A framework for civic education* (1991) 3.
[72] MS Branson 'The role of civic education' (1998) available at <http://www. civiced.org> (accessed on 20-07-2004).

Finally, it cannot be gainsaid that every human being living anywhere should know about his/her rights and responsibilities. But, the circumstances necessitating HRE or the conditions on the ground vary from place to place. In many African countries, the experience of military rule, authoritarianism, and the related violations of human rights[73], and the process of consolidation of democracy should inform the purpose and goal of HRE. It is submitted, in such countries, that more weight be given to the transformative role of HRE. It should be taken as a tool of change or transformation to better leadership or social order through empowering citizens, increasing their political participation and enabling them to challenge abuse of power and violations of human rights. Governments committed for a change should be persuaded to believe in this perspective to HRE. This can be facilitated by HRE targeting state officials.

2.3 Goals of HRE

The primary goal of HRE should be building and strengthening the culture of human rights through the creation of citizens aware of their rights and duties. That is why the Plan of Action for the UN Decade for HRE stressed on the aim of building a culture of human rights through the imparting of knowledge and skills and the moulding of attitudes.[74] Under this Plan of Action, HRE is directed to:

> (a) the strengthening of respect for human rights and fundamental freedoms; (b) the full development of the human personality and the sense of its dignity; (c) the promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups; (d) the enabling of all persons to participate effectively in a free society; (e) …. maintenance of peace.[75]

This is an appreciable list of goals of HRE. But, the realisation of these goals in some Africa countries requires transition to a different political scenario. Therefore, implicit in the goals of HRE is the need for social and political transformation through awareness creation.

The ultimate goal of HRE is the formation of responsible, committed and caring planetary citizens with sufficiently informed problem awareness and adequate value commitments to be contributors to their own communities, nation and global society in such a way that human dignity, equality and respect are upheld. To this end, the central focus of HRE should be the

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[73] See Aka (n 1 above), Seck (n 9 above) and Mugwanya (n 10 above).
[74] Vienna Declaration and Programme of Action (n 51 above) para. 1.
[75] As above.

development of citizens with the capacity to take principled positions on issues, and devise democratic courses of action. The focus is on the individual's ability to apply the knowledge of human rights in interpersonal relationships in his/her respective community. Considering the experience and situation of many Africans, HRE should have the goal of increasing citizens' political participation and avoiding human rights violation through awareness creation.

2.4 Importance and role of HRE

HRE is important in addressing widespread human rights and developmental challenges.[76] In this respect, different approaches are taken to use it. In developing countries, for instance, HRE is often linked with economic and community development, and women's rights.[77] In post-totalitarian or authoritarian countries, HRE is commonly associated with the development of civil society and the infrastructures related to the rule of law and protection of individual and minority rights.[78] In older democracies, it is often conjoined favourably with the national power structure but geared towards reform in specific areas, such as penal reform, economic rights and refugee issues.[79] One can easily see the relevance of the approaches adopted in developing and post-totalitarian countries to most African countries.

In African countries which have undergone war, military rule, authoritarianism and the related violations of human rights,[80] the role of HRE in engendering social and political change should be stressed. HRE has an unquestionable importance in fostering ideally correct leadership. This can be brought about through personal empowerment. HRE can create committed and responsible leadership and informed citizenship leading to the betterment of the society's social and political life. It will provide leaders with skills for developing specific objectives and effective strategies for the political and cultural environment in which they reside.[81] The aim of the education may also be to convince potential violators to behave in more humane ways-either because it is the right thing to do or, more likely, because there is a high probability that there will be serious consequences to them for their inhuman behaviour if they pursue that

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[76] See BA Reardon 'Human rights as education for peace' in Andreopoulos &Claude (n 3 above) 21-34 and C Dias 'Human rights education as a strategy for development' in Andreopoulos & Claude (as n 3 above) 52-63. These authors, respectively, draw on the importance of HRE for peacemaking and development, which in turn foster respect for human rights. On the other hand, according to Koenig (n 25 above) 170, in the Senegalese village of Malikunda, HRE is used to do away with the practice of FGC- female genital cutting- a gross human rights violation. These show that the importance of HRE is diversified.

[77] F Tibbitts 'Emerging models for human rights education' (2002) (n 42 above) 6.

[78] Tibbitts (n 77 above) 7.

[79] As above.

[80] n 73 above.

[81] Tibbitts (n 77 above) 8.

path.[82] This will help avoid or at least minimize intentional as well as reckless abuse of power and violation of human rights.

On the other side of the coin is the creation of informed citizenship. Through learning about human rights as a way of life, people develop systematic analysis and are empowered to take action and insist on fully participating in the decisions that determine their lives.[83] Citizens will be enabled to know their rights and responsibilities and measure the actions of their leaders and state officials against that knowledge. This in turn enables them to question violation of human rights and seek remedies when it happens. If human rights awareness is successfully instilled into a society, this can help to prevent violations- making HRE a useful shield from human rights abuse.[84] The combined effect of the knowledge of leaders and citizens will play a vital role in transforming the society to a situation where human rights are upheld and respected.

Education and training strategies are also particularly important aspects of effective protection of human rights.[85] The point is that HRE can help to prevent violations in the first instance through the awareness it creates. By empowering individuals to defend their rights and those of others, HRE can make a critical contribution to the prevention of human rights violation. For this reason, it is even taken to be more effective than deterrence strategies which involve liabilities created by human rights instruments.[86] As the often quoted adage goes, prevention is better than cure.

HRE is also important in fostering democracy. The social construction of democratic values and engagement (political capabilities) is part of a larger project of creating democratic governance.[87] This is extremely essential for African countries where democracy is taking roots or being consolidated. 'Human rights' being basic element or value of democracy, nurturing it through education is very important in this respect. HRE would contribute in the enhancement of democratic values and identities. Through the awareness it creates, it can enhance participation in democratic processes.

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[82]   D Barnhizer 'Human rights strategies for investigation and "shaming", resisting globalization rhetoric, and education' in Barnhizer (n 25 above) 8.
[83]   Koenig (n 25 above) 164.
[84]   Amnesty International 'Human rights education: Amnesty International's position index: Pol 32/03/8 (1987)' cited in Flowers (n 36 above) 5.
[85]   Barnhizer (n 82 above) 7.
[86]   As above.
[87]   Andreassen (n 7 above) 95.

HRE is actually important in clarifying the reciprocal relationships between citizens and authorities. In the first place, human rights are essential as procedural guarantees for free and informed communication and deliberation in open societies, and for the citizen to formulate interests and preferences in the public space.[88] Recognised or ideal human rights standards serve as yardsticks against which leadership exercises can be measured. Failure to respect or fulfil the standards raises the issue of legality or legitimacy. The competence of citizens, which results from HRE, empowers them to keep an eye on their governors and request accountability as the case may be. This means that HRE increases citizens' influence. HRE can also increase the degree of responsiveness and responsibility of leaders. Education can achieve these goals through inculcating the rights and responsibilities of citizens and state officials respectively. Suffice it to consider the relevance of freedom of opinion and expression and the right to vote in augmenting citizens' influence on their leaders. The cumulative effect of the knowledge to be gained by citizens and leaders through HRE is the consolidation of good governance and democracy, which is particularly important for many African countries.

More specifically, HRE helps in increasing people's capacity to influence decision-makers and institutions. We can take the example of voter education- a kind of HRE, as the right to vote is a human right. Such education raises the level of citizens' political participation and capacities for making rational political choice. This is particularly important in the present African scenario, where multi-party elections have short history. Citizens informed of their rights to vote and the technicalities involved therein can influence leadership style. They will be able to decide on the way they would like to be governed or ruled.

In addition to the general importance to governance and public political participation issues, HRE can also play a specialised role in avoiding as well as reconciling conflicts. It will help people to use non-violent ways to solve human rights problems in such a way that they are less likely to happen again.[89] In post-conflict societies, education on values like tolerance, peace, conflict resolution and rights and responsibilities in general shall have the effect of resettling differences and avoiding conflict of another round. The post apartheid HRE in South Africa[90] and the post genocide civic and political education of Rwanda[91] are cases in point.

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[88]   Andreassen (n 7 above) 118.
[89]   D McQuoid- Mason *et al Human Rights for All: Education towards a Rights Culture* (1991) 7.
[90]   See D Pitts 'Human Rights Education in diverse, developing nations: A case in point – South Africa' available at <http://www.usinfo.state.gov/journals/itdhr/0302/ijde/pitts 1.htm> (accessed on 13-06-2004).
[91]   See National Curriculum Development Centre (NCDC) *A guide to civic education: Life skills for Rwandan primary schools, upper primary level* (2004) 36-43. See also NCDC *Political education vol. 1: Life skills for Rwandan secondary schools* (2004) 152-156. These two materials emphasise teaching about human rights (especially about genocide) and strategies for reconciliation.

2.5 Normative foundation for HRE

It has been more than fifty years since the first international normative framework for HRE has been laid down.[92] The preamble to the 1948 UDHR premises its statement upon the need for effective dissemination of knowledge and understanding of basic human rights, freedoms and linked responsibilities by states, individuals and organs of society. It has also incorporated a specific article 26 requiring education to be directed to the strengthening of respect for human rights and fundamental freedoms. Considering that the Declaration now enjoys universal acceptance, it serves as a basic normative foundation of HRE all over the world. African countries are no exceptions.

International human rights instruments subsequent to the UDHR have also made particular reference to HRE. These include: article 13 of the ICESCR, article 29 of the CRC, article 10 of CEDAW, article 7 of the CERD. Furthermore, the UN Commission on Human rights has passed Resolutions 1993/56 and 1994/51 in which it has shown the priority and attention to be given to HRE.[93] The Vienna Declaration and Programme of Action reiterated the obligations of states under the above instruments and underlined the need for HRE.[94] The instruments, in fact, served as basic documents for the UN Decade for HRE.

The treaties noted above have been ratified by many of the African Countries[95] and hence there is an obligation to educate on human rights on the countries which have ratified them. The Resolutions and Declarations passed within the framework of the UN are also relevant normative bases for African countries considering their membership. With specific reference to Africa, the African Charter, under its article 25, imposes on states, obligation to teach or educate on human rights. This is an instrument which enjoys complete regional ratification and, therefore, all African countries are duty-bound to adopt and implement HRE programmes.

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[92]   The 1945 Charter of the UN called, under its article 1 (3), for cooperation "in promoting and encouraging respect for human rights and fundamental freedoms."
[93]   United Nations (n 27 above) 53.
[94]   Vienna Declaration and Programme of Action (n 51above) paras. 33, 34, 78 & 82.
[95]   See C Heyns (ed) *Human rights law in Africa, volume one: International human rights law in Africa* (2004) 48. The Chart of ratification of the main UN human rights treaties shows that most African countries have signed them.

Conclusion

Human rights are recognised claims which are based on human worth and belong to all human beings without distinction. Be this as it may, many people do not have functional knowledge of these rights. This brings the need for HRE in to the picture. HRE is a process of learning that develops knowledge of human rights and skills necessary to claim or enforce them. HRE is practiced with different perspectives. In the setting of African countries which have undergone conflict, military rule and authoritarianism or where democracy is being consolidated, the perspective of social and political transformation to a better order through nurturing values should be adopted.

The primary goal of HRE should be the creation and strengthening of human rights culture. This can be attained through the formation of informed, critical, responsible and responsive citizenship. This importance should also be seen with respect to state officials. HRE can also play a decisive role in fostering democratic governance through increased and knowledge-based public political participation. It can also serve as a shield against human rights violation. These roles of HRE are particularly relevant for many African countries in which human rights are often violated and democracy is taking roots. But, for the goals and roles to be realised, African countries have to develop and implement effective programmes of HRE. There is a normative foundation for this obligation in applicable human rights instruments.

**CHAPTER THREE: COMPONENTS OF EFFECTIVE PROGRAMME OF
HUMAN RIGHTS EDUCATION**

Introduction

The previous chapter has shown the importance of HRE, especially to African countries, and the obligation of the latter to develop and implement programmes thereon. The fact is that meaningful programmes of HRE have not been launched in many African states.[96] The opportunity created by the UN Decade for HRE has not also been properly used. Actually, one of the conclusions of the mid-term global evaluation of the UN Decade was that "effective national strategies for HRE have very rarely been developed."[97] Not much has been done even after the evaluation.[98] These show that there is still a need for special attention to HRE in Africa. States have to adopt effective programmes of HRE.

For a programme of HRE to be effective, in the sense of attaining its ideal goals and playing its proper roles discussed in the previous chapter, there are certain requirements which it should fulfil. First and foremost, the HRE programme must be based on a simple but clear and comprehensive conceptualisation of human rights and HRE. Another point of fundamental importance is a real commitment to educate in human rights. This should be reflected by adopting national legal and institutional framework, and plan of action for human rights in general and HRE in particular. Then, HRE should be adopted as a subject (to be taught at a national level) by itself or as a part of interdisciplinary courses, like civic education, of course with a major place in the latter case. The commitment to such a programme should be shown from the very point of its design to its implementation. The decisive elements of effectiveness of HRE have got to do with programme design, targets, contents, methodology and medium of education. This chapter discusses these elements of HRE programme in a little detail.

3.1 Programme design

As a matter of fact, the world is diverse and there are great differences among societies in terms of history, culture and ideology. As such, HRE programmes should be designed in a way that recognises these differences. The needs of the society for which it is developed must be taken in to consideration. For instance, HRE in developing nations requires a different

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[96]   See mid-term evaluation report (n 21 above) para. 129 (a).
[97]   As above.
[98]   See generally Rosemann (n 18 above).

approach than the one in the developed world. There may also be a need to gear the programme towards the needs of the groups which it has targeted. A specific programme designed for school children would be radically different from one prepared for police officers or government officials. HRE must be deeply grounded in the social, economic and political realities of a society. All these point to the need to contextualise HRE. This can best be attained through a baseline study before launching the programmes.

The baseline study, which should be conducted by a specific organ of state with mandate to design and coordinate programmes of HRE, should aim at identifying the most pressing local and national human rights needs and a definition of the best approach to HRE in the individual country.[99] This should start from examining whether there is a national legal framework for HRE. Existing programmes of education on human rights, administered by any actor, should be identified. The needs assessment for HRE should include identification of human rights problems in the country and, consequently, emerging priority groups in need of HRE.[100] The study should be a comprehensive one in the sense of attempting to identify the status of knowledge of human rights and related issues nation wide.

The baseline study will help to adopt a comprehensive legal basis and strategy for HRE at a national level. Based on it, short, medium and long-term plans and goals should be adopted. In fact, one of the purposes of the needs assessment in the study should be that of setting clear educational goals. This is a basic component of effectiveness which HRE programmes lack too often. In order to enable setting effective goals, the study should be as comprehensive as to incorporate and reflect needs of people from all walks of life. It is also advisable for programme designers to refer to the goals of HRE noted in the previous chapter.

The background study will show the need to educate various groups of people (students, adults, police officers, the military etc.) on human rights. This will, in turn, help to decide on more specific goals and other elements of HRE programme, including development of materials, decision on contents of the course, methodology of teaching etc. To make sure that things go in a way which can attain the goals or to ensure substantial improvements in the human rights situation, programme evaluation and follow-up should be conducted. The programme should give room to these important elements at the very stage of its design.

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[99]   Addo (n 20 above) 102.
[100]   See UN Doc. A/52/469/Add. 1 of 20 October, 1997, para. 31 cited in Addo (n 20 above).

3.2 Time of the programme

The process of designing should also take note of the peculiar nature of HRE- that it is usually education with a social purpose- it seeks to bring about social change.[101] It is also prospective rather than retrospective.[102] This means, among other things, that programmes of HRE should be conducted with long-term commitment. HRE is not a passing teaching fad.[103] To be effective, HRE should be able to provide learners with sufficient knowledge. This requires it to be conducted with continuity, over a period of time. It should not be done on 'hit and run' basis. This is the kind of problem which HRE in general and voters' education in particular suffer from in some African countries. In Mozambique, programmes of education on human rights are launched on short term basis, like for a month in the running for elections.[104] Voter education as a component in rural democratisation in Kenya was conducted through short-term courses (1-3 days) by urban-based civic groups.[105] Because of these short-term commitments, HRE fails to attain its ideal goals. It is, therefore, recommended that education on human rights be conducted for long period of time.

3.3 Target groups

As was argued previously, human rights belong to all human beings and everybody has a right to know his/her rights. Consequently, HRE programme should target as wide a population as possible through formal, non-formal and informal avenues of education. The formal system basically is school-based, while the non-formal avenue is a way of addressing the people out of the conventional system of education. The former generally operates through the inclusion of human rights themes in authorised curricula either as a separate course or part of multidisciplinary courses.[106] The latter includes trainings, workshops and other ways of dissemination of information about human rights to officials, professionals and the ordinary public. Informal ways such as school club, artistic events, programmes in churches and mosques may be part of both avenues of education. These are ways of reaching the maximum possible number of people. Based on the results of the preliminary study and, in fact,

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[101]   See JP Martin 'Self-help human rights education handbook' (1996) available at
          <http://www.hrea.org/erc/Library/curriculum_methodology/SELFHELP.html> (accessed on 10-06-
          2004).
[102]   As above.
[103]   Andreopoulos & Claude (n 3 above) 3.
[104]   Interview with Professor Doutor Gilles Cistac, Coordenador do Curso de Mestrado, Edwardo Mondlane
          University, on 24-05-2004.
[105]   Andreassen (n 7 above) 107.
[106]   For the advantages and disadvantages of the different ways of inclusion of HRE in school curricula, see F
          Tibbitts 'Planning for the future: Human rights in schools [1] available at
          <http://www.hrea.org/pubs/IHF.html> (accessed on 12-08-2004).

considering some possible constraints, however, it might be necessary to prioritise some groups like children in school. The programme should address this issue carefully as no portion of the population should be excluded under the pretext of prioritisation.

Respect for human rights requires the knowledge and commitment of the ordinary public, professionals, civil society[107] and state officials. It can only result from the concerted effort of these groups. Education and training strategies should, therefore, focus on a diverse range of distinct constituencies that either nurture or inhibit the ability to protect human rights, including potential violators, monitors, investigators and relief providers. The use of well established civil society institutions like workers unions, religious and community organisations and the family is invaluable. Members of particular professions including enforcement personnel (police and prison officers), judicial officers, prosecutors, lawyers, national and international civil servants, teachers, curriculum developers, and members of parliament and the armed forces must also be targeted. The effect of HRE can be boosted up through pre-service education programmes for such and other professionals.

If it is to be effective, HRE should not be limited to formal educational institutions. This is because, a greater number of the population, which is out of such institutions, would not be reached. Equally, the programme should not leave out schools and use only non-formal avenues. These are, in fact, the defects of programmes in some countries like Ethiopia and Ghana. The programme of civic education in Ethiopia, which has incorporated education on human rights, is limited to schools.[108] There is minimal attempt to educate the whole population.[109] In Ghana, the programme being run by the National Civic Education Commission makes much use of informal avenues as the subject is not part of school curricula.[110]

On the contrary, the programmes of "Democracy for All" and "Street Law" in South Africa are best models which should be followed by other countries. "Democracy for All" is one of the

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[107]   Civil society includes: NGOs, women's organisations, faith-based organisations, professional associations, trade unions, self-help groups and advocacy groups. For more detail, see Centre for Civil Society 'Definition of civil society' sourced at <http://www.lse.ac.uk/collections/CCS/introduction.htm> (accessed on 18-09-2004).

[108]   Interview with Girma Alemayehu, Head Civic and Ethical Education and Training Department, Federal Democratic Republic of Ethiopia, Ministry of Education on 16 July 2004.

[109]   As above. The interviewee was quoted as saying that the programme being implemented by the Ministry of Education can not fulfil its proper goals as the students (the only targets) spend more time in the community which it leaves out. There are, however, activities of NGOs like Action Professionals' Association for the People in non-formal education. See RP Claude 'Global human rights education: The challenges for nongovernmental organisations' in Andreopoulos & Claude (n 3 above) 404.

[110]   Interview with Edward Mudashiru Tetteh, Assistant Civic Education Officer at the National Civic Education Commission, Republic of Ghana, on 12-09-2004. This interviewee said that the Commission is working hard towards the incorporation of civic education in school curricula.

leading groups designing HRE curriculum for public schools, organising workshops for the community in general and publishing articles on democracy, HRE and citizen participation.[111] In the "Street Law" programme[112], students of university get training on some values and methods of teaching and they educate the public and students of lower levels, on different issues of human rights.[113] In South Africa, HRE is now part of a national Democracy, Human Rights, and Legal Education programme aimed at nurturing a culture of democracy and human rights in the country.[114] Street Law, human rights, and democracy education has truly been offered "for all," as efforts have been made to include members of all of South Africa's various ethnic groups.[115] This is an effort particularly important for consolidation of democracy.

A good HRE programme should plan to educate and train in every area of the country as well. The fact in most African countries being that the majority of the population lives in rural areas, programmes targeting the capital cities and major towns only are defective. In this connection, others would want to share the experience of Education Centre for Women in Democracy (ECWD) in Kenya, which has been running civic education programmes on human rights awareness since 1997.[116] ECDW reaches out to the rural areas through the extensive use of para-legal trainees recruited from the areas where they are supposed to operate.[117] This method helps a lot towards the effectiveness of HRE as the para-legals exploit the ties of clan, kinship, and other affective mechanisms and make use of vernaculars. It is a kind of trust building structure which can facilitate HRE.

The issue of target groups is an important factor that can affect the approach to HRE. Based on the size and nature of the target population and the related degree of difficulty in each of the educational programmes, models of HRE are developed in practice. Felisa Tibbitts, director of HRE Associates, once made a very interesting pyramidal presentation of emerging models of HRE - at the large base is the "values and awareness models", in the middle, the "accountability model", and at the narrow top, the "transformational model".[118] For her, all the levels are mutually reinforcing. She wrote:

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[111]   Pitts (n 90 above).
[112]   See EL O'Brien 'Community education for law, democracy, and human rights' in Andreopoulos & Claude (n 3 above) 416. O'Brien, co-founder of the National Institute for Citizen Education in the Law in U.S.A., is the innovator of the now famous "Street Law" programme, which is a participatory education programme about legal, political and human rights issues.
[113]   Interview with Lulgowe Matakala, Lecturer (teaching Street Law), Faculty of Law, University of Pretoria, on 10-07-2004.
[114]   Pitts (n 90 above).
[115]   O'Brien (n 112 above) 424.
[116]   Andreassen (n 7 above) 111. Also, visit <http://www.ecwd@swiftkenya.com> (accessed on 20-07-2004)
[117]   As above.
[118]   Tibbitts (n 77 above) 8.

…In the "values and awareness model," the main focus of HRE is to transmit basic knowledge of human rights issues and to foster its integration into public values. Public education awareness campaigns and school-based curriculum typically fall within this realm…. The strategy involved is to continue to put pressure upon authorities to protect human rights… through the creation of critical human rights consciousness…. The "accountability model" deals with professionals concerned with guaranteeing human rights. The focus of HRE here is on the ways in which professional responsibilities involve either directly monitoring human rights violations and advocating with the necessary authorities, or taking special care to protect the rights of people (especially vulnerable populations) for whom they have some responsibility…. This is a kind of model targeting human rights and community activists and state officials…. The "transformational model," of HRE assumes that students have had personal experience that can be seen as human rights violations and…. is geared towards empowering the individual to both recognise human rights abuses and to commit to their prevention….. This model can be found in programmes operating in refugee camps, in post-conflict societies, with victims of domestic abuse and with groups serving the poor….[119]

It is advisable that African countries and non-state actors working in Africa develop a comprehensive programme of HRE which takes all the above models in to consideration. Considering the degree of violation of human rights in many countries, the "transformational model" is very important. For violation should be stopped from its source, the "accountability model" is indispensable. As the general public can exert pressure which can affect the leadership style of governments, the "values and awareness model" is essential.

3.4 Content

The development of curriculum and teaching materials for HRE is another component as important as determining targets of the programme. In the last twenty years, a wealth of HRE resources has been created to serve people from nursery school children to judges, health professionals, social workers, and police.[120] Much can be benefited from materials developed by the UNHCHR, UNESCO and international NGOs like Amnesty International. It is very important to note, however, that materials should be adapted to the social, economic, political and cultural realities of each specific country. Curricula and teaching materials have to be 'home grown'.

The content of HRE may depend on the needs and background of the group which it targets. But, in any case, a good HRE programme should be designed in such a way as to provide

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[119]   Tibitts (n 77 above) 9-11.
[120]   Flowers (n 36 above) 1.

knowledge of human rights, and develop intellectual and participatory skills and essential traits of private and public character. If HRE is to bring about change through the creation of responsive and responsible citizens, none of these elements should be overlooked.

With respect to knowledge, the programme content should minimally address the UDHR, other relevant key international and national human rights documents and the mechanisms of protection, monitoring and accountability systems enshrined therein. In this respect, the universality, indivisibility, interdependence and interrelatedness of human rights should not be forgotten. Incidentally, the South African text called *Human Rights for All*, which tries to teach about all the major political, civil, social and economic rights and includes environmental rights and the right to development is a very good example.[121] The ideals, values, and principles underpinning the instruments are criteria which citizens can use to judge the means and ends of government, as well as the means and ends of the myriad groups that are part of civil society. Citizens who know their human rights are better able to hold their governments accountable and ensure that their rights are protected. This is because, they would want to exercise their rights and challenge the violation of the same.

Though the instruments are central to HRE, it should move beyond simply disseminating information about human rights law. Learners should be equipped with critical thinking skills, which refer to thinking that involves analysing and focusing on what to believe or do in a particular situation. The programme content should give enough room to the development of skills necessary for public participation and to challenge and avoid violation of human rights. HRE should also develop the skills of citizens to interact with each other, monitor the handling of issues by the government and influencing public policy. The necessary skills can be developed by enabling learners to examine public issues. This can be attained through the development of learners' interest in updating themselves with contemporary issues, for instance, by attending meetings and the media.

Traits of private and public character essential to the respect of human rights, like the necessary skills, develop slowly over time and as a result of what one learns and experiences in the home, school, community, and organisations of civil society. Traits of private character like respect for the worth and dignity of every individual, and traits of public character such as public spiritedness, and willingness to listen, negotiate and compromise are necessary for the respect of human rights. To this end, HRE should aim at developing the affective dimension of

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[121]   O'Brien (n 112 above) 421.

the learner which should in turn find expression in action. It needs to develop feelings of empathy which are critical to concern for the well-being of another human being. It should also seek to inculcate a set of core values and attributes around which the lives of learners will be shaped.

It is also recommended that HRE should include peace, democracy, development and social justice, as set forth in international and regional human rights instruments, in order to achieve common understandings and awareness with a view to strengthening commitment to human rights.[122] This means that human rights should not be taught in isolation. Other ideals and values which are related to them and reinforce the commitment of the learners should be included. In diverse, developing nations, and post-conflict societies, HRE should ideally be linked to tolerance promotion, conflict resolution and problem-solving.[123] This view, prevalent among HRE experts, particularly applies to new democracies such as South Africa.[124] It is also extremely relevant to countries which have undergone conflict and atrocities like Rwanda.[125] In the same vein, it is suggested that HRE should address issues of good governance and impunity in relation to commission of crimes.[126] These points should be taken in to consideration in determining the content of HRE.

3.5 Methodology and Medium

The implementation of HRE programmes is a crucial step which involves many issues which have direct impact on its effectiveness. A matter of primary importance in this regard is training of teachers or trainers specifically in human rights. The method of teaching or training and the medium to be used to educate on human rights are other two determinant factors. For that matter, even if a programme is prepared fulfilling all the requirements suggested in the previous sections, it cannot make a meaningful contribution unless effective methods and media are employed.

In many African countries, HRE should adopt a methodology which is informed by its transformational role. It should pay heed to the [probably] low level of citizens' knowledge of

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[122] Vienna Declaration and Programme of Action (n 51 above) para.80.
[123] See D Hicks 'Conflict resolution and human rights education: Broadening the agenda' in Andreopoulos & Claude (n 3 above) 80. Hicks argues that HRE evolved in reaction to the need to take action against the dehumanisation and annihilation of people witnessed all too frequently in recent history.
[124] Pitts (n 90 above).
[125] n 91 above.
[126] Mid-term evaluation report (n 21 above) para. 136.

human rights[127] and the experience of violations of these rights. A method which first discusses human rights realisation followed by analysing human rights violations contributes to people moving from being victims to becoming claimants of human rights.[128] This is also an approach which should be followed in countries consolidating democracy and post conflict societies, which are characteristic features of some African countries. This does not, however, mean that HRE should be launched only in response to tension and crisis. It must be part of a continuous and integral strategy, founded both on relevant concepts and practices.[129]

A good methodology of HRE should engage the participants in attitudinal skills as well as knowledge development. It is submitted that educators apply active learning methodology of teaching or training as opposed to the lecturing method. The former is an educational process which involves the active participation of the learners or trainees and aims at developing their problem-solving skills. As different from lecturing method, which follows a teacher dominated spoon-feeding approach, active learning is a student-centred approach in which the teacher facilitates or supervises, of course with inputs, the exercises (case study, role-playing, and small group discussion) aiming at the development of knowledge, skills and traits. The participatory approach is viewed as motivating, humanising and ultimately practical, since this form of learning is linked more strongly with attitudinal or behavioural change than is a pure lecturing method.[130] This is the approach which can provide the necessary knowledge and skills to respect human rights and challenge their violation.

In the matter of HRE, the elements of knowledge and practice are intrinsically linked and must be able to progress in a joint and coherent manner.[131] HRE must not be theoretical, but relevant to people's daily lives. It should be related to the realities on the ground. The method in developing materials as well as teaching or training should enable learners or trainees to relate the knowledge of human rights they acquire to their application in practice. This is possibly one source of challenge to HRE in Africa. Learners would want to relate their knowledge to what is happening on the ground. Considering that there is poor record of respect for human rights in many countries, in comparison to the commitments they have

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127   See Addo (n 20 above) 100. See also mid-term evaluation report (n 21 above) para 129 (a). The latter source, which is based on a survey made through questionnaires distributed to [African] governments and NGOs, makes a conclusion that meaningful programmes have not been launched to educate on human rights. The result is that the people did not have enough chance to get knowledge of human rights.
128   Koenig (n 25 above) 167.
129   J-B Marie 'Human rights education, a fundamental resource in the prevention of violations' in L-A Sicilianos (ed) *The prevention of human rights violations* (2001) 270.
130   Tibbits (n 77 above) 8.
131   Marie (n 129 above) 271.

entered, educators may face problem convincing learners in the ideals they advocate.[132] Besides, regimes whose preservation is dependent upon the maintenance of the status quo are most likely to resist or repress the efforts of HRE programmes.[133]

A course on human rights should enable learners to grasp their rights and responsibilities, and equip them with the skills of inquiring the related practical situations. In this endeavour, the teacher should avoid imposing his/her own bias and prejudice on learners. This is a necessary precaution especially in the case of HRE targeting the ordinary public and school children. In the case of state officials, it would be good to provide them with knowledge and skills which enable them to respect the rights of citizens and avoid abuse of power. This can mainly be attained through making them conversant with the standards of protection of human rights in international, regional and national instruments stressing the reasons and need for the respect of human rights. It is also necessary to engage them in evaluation of the realities on the ground in terms of the standards put forth in the relevant human rights instruments.

Also, the setting in which the education is conducted, for example, a school, should serve as a model of a situation where human rights are respected. There has to first be learning or training environment in which rights and responsibilities are respected. It would, for instance, be naïve to teach about the rights of students as human beings in a situation where there is tough school environment with respect to teacher-student relationship in which the former is a dictator. In such circumstance, the teacher would not be teaching with a possible goal of change. Neither would the students be learning to be citizens informed of rights and their respect. HRE requires that teacher-student hierarchy be removed from the education setting.

Coming to the means or medium of education, it is something which depends on level of technological advancement and the target of the education. In Africa, oral communication is taken to be the principal medium of communication.[134] So, in situations where it is possible, like in schools, HRE should be conducted through face-to-face communication. But, effectiveness requires educating the ordinary public which may sometimes be difficult, if not impossible, to reach because of infrastructural and related problems which are common in many African countries. This should not justify the failure to provide the education for those people. If there is a real commitment to HRE, citizens have to be educated in any way possible. It is advisable to make use of regular radio programmes on human rights, as radio is the most important means

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[132]   See Marie (n 129 above) 272.
[133]   Meintjes (n 65 above) 71.
[134]   Article 19 'Freedom of association and assembly unions, NGOs and political freedom in Sub-Saharan Africa' (2001) available at <http://www.article 19.org/docimages/986.htm> (accessed on 05-03-2003).

of mass communication in Africa.[135] This is not to rule out the relevance of television, print media and other electronic media, though they are not accessible to the majority of the population in Africa.

Conclusion

Effectiveness requires HRE programmes to fulfil certain criteria. There should first be a real commitment to educate with the possible outcomes in view. Such a commitment should be reflected by adopting a legal and institutional framework for HRE. Training of teachers in the area is also very important.

Serious care should be taken from the very point of programme design to implementation. The programme should set clear educational goals and be launched with a long term commitment. It should target all the people of a country. It should have content which can really equip citizens with the knowledge, skills and traits necessary for the respect for human rights. In its implementation, a medium with the widest possible reach has to be used. Care should also be taken of the methodology employed in teaching human rights at any level. The active learning method which involves the full-fledged participation of learners is the best one.

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[135]   IMS Assessment Mission 'The Rwandan media experience from the genocide' (2003) 10 available at
<http://www.i-m-s.dk/pic/Rwanda20media%20experience%20Report%20June03.pdf.> (accessed on 10-03-2004)

CHAPTER FOUR: WHO SHOULD PLAY THE ROLE OF PLANNING, IMPLEMENTATION AND CO-ORDINATION OF HRE PROGRAMMES?

Introduction

In the previous chapters, the need for and importance of HRE especially in Africa is underscored. Equally importantly, a framework for effective HRE programme is laid down. Now, another pressing and relatively most important issue is as to who should play the role in launching, implementing, evaluating and coordinating HRE programmes. It has been noted that states, under different human rights instruments, have the primary obligation to educate on human rights. Also, in practice, NGOs have adopted and implemented agenda on HRE. This is not to forget the proclamation in the UDHR that every individual and organ of the society should strive by teaching and education to promote respect for human rights.

Effectiveness, in the sense of attaining its ideal goals and playing its proper role, requires a concerted effort to educate on human rights. HRE could be seen as a joint venture uniting efforts to fulfil treaty obligations and comply with the duty to work together for human rights protection.[136] Over and above the single-handed attempt by governments and NGOs, there is a need for co-ordination at international and regional levels. It is, in fact, for such purpose that the UN Decade for HRE (1994-2004) has been declared. It has been pointed out that African countries have not registered much success in the Decade. With the Decade coming to an end, treaty obligations and duty to co-operate are clearer.

Considering the specific importance of HRE in Africa, a way of coordination at the regional level should be figured out. This may arguably be established from the obligation of states to educate on human rights and the mandate of the African Commission to promote human rights and examine state reports. This chapter addresses the role of governments and NGOs, and suggest a way of co-ordinating HRE at a regional (African) level. This is not to undermine the role which can be played by public opinion leaders like the media, members of parliaments and other politicians.

In the endeavour to address the issue relating to the role-players, we should remember the different perspectives to HRE by governments and NGOs discussed in chapter two. In that

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[136]   Rosemann (n 18 above).

respect, the suggestion that HRE should have a comprehensive definition which pays heed to the different approaches should not be forgotten.

4.1 Governments

it has been noted that states have obligation to educate on human rights. This means that governments must take steps towards fulfilling the obligation. Almost all international and regional instruments require that states parties take necessary measures to carry out their obligations, basically by adopting laws and taking pertinent practical steps. So, as an expression of carrying out their obligation, governments should lay down national legal framework for HRE and adopt programmes in which they practically teach and train on human rights.

There is also a need to establish independent national institution/s with mandate to design, implement and evaluate comprehensive national plan of action for HRE on a regular basis. In many countries, Human Rights Commissions are established and authorised to promote human rights.[137] Seriousness about the obligation requires the establishment and strengthening of such organ. This institution should also have branch offices at district and local levels so as to make it possible to implement programmes at grassroots level. It should also be manned with the necessary staff to educate the public at large. Formation of networking with other relevant actors by such national institution is invaluable.

In Ghana, for instance, over and above the Commission on Human Rights and Administrative Justice which is authorised to promote and educate on human rights, there is a National Commission for Civic Education which is concerned with educating citizens on constitutional and democratic values, which, in one way or another, have got to do with human rights.[138] These institutions have branch offices down to district levels.[139] There is also the National Media Commission which promotes human rights by organising workshops and seminars in which it educates on media related freedoms.[140] Realising the overlap in their human rights promotion mandate, the three Commissions have established a framework for co-operation

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[137]   Examples are South Africa (article 184 of the Constitution) and Ghana (article 218 (f) of the Constitution). In Ethiopia, however, Civic education as including lessons on human rights, which is limited to schools, is coordinated by a department within the Ministry of Education. Human Rights Commission is yet to be established in Ethiopia.

[138]   Interview with Paapa Nketsiah, Director Public Affairs, National Commission for Civic Education on 15-09-2004. See also article 219 (f) and article 233 of the Constitution of the Republic of Ghana.

[139]   As above.

[140]   NA Kotey 'Human rights and administrative justice in Ghana under the Fourth Republic' in J-P Costa & G Canania (eds) *Human rights and public administration* (1997) 154.

and joint action.[141] With specific reference to institutional set up, this is a good example for other countries to follow.

Another very important issue relates to resources. The realisation of the right to HRE requires the allocation of adequate resources. This means that governments should include HRE as a subject of importance in their budget and related plans. In fact, resource constraint is a perennial problem that stood against the effectiveness of promotion and education on human rights in many African countries.[142] It is an acute problem in the particular context of HRE where there is a crucial need for at least the basic human, financial and infrastructural resources.[143] In this regard, governments should in the first place take the importance of HRE seriously and allocate as much resource as possible. Besides, they should try their level best to raise funds from other possible sources, like the UNHCHR, or other donor organisations.

On another note, many have expressed suspicion against effective HRE being conducted by governments. First and foremost, with some exceptions, there remains a discernible lack of commitment on the part of many governments to keep their promises to promote human rights through education.[144] There is also a fear that governments interpret the "rights and freedoms" to be learned, and can manipulate the outcome of the education to their own ends.[145] More, governments - including their police forces, military and tolerated or empowered private forces-are taken to be the main perpetrators of human rights.[146] Consequently, educating on human rights would amount to creating public awareness about and criticism and challenge against their misdeeds. It also means that government and its machineries should be targeted by HRE and considering the violations they commit, they may not be serious about educating themselves or each other. Actually, these are the reasons why we recommended that the national institution in charge of organising HRE programmes be independent. Any ways, the task of educating on human rights should not in any way be left to governments alone. This brings us to the importance of other actors in HRE.

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[141]   As above.
[142]   During the mid-term evaluation of the UN Decade for HRE, for example, many governments complained of resource constraint. See mid-term evaluation report (n 21 above) para. 39.
[143]   Addo (n 20 above) 99.
[144]   Claude (n 109 above) 394.
[145]   Flowers (n 36 above) 4.
[146]   Rosemann (n 18 above).

4.2 Nongovernmental organisations

The role of NGOs in investigating, monitoring and highlighting human rights abuses is now a familiar one.[147] They are, in fact, the main witnesses and challengers of human rights violations. Considering that many NGOs are independent, exposures of human rights violation and criticizers of governments, there is contention with the latter.[148] That is one of the reasons why some governments are openly hostile to NGOs and engage in harassment and abuse of activists.[149] Other governments try to utilise or control NGOs.[150] All the same, NGOs like the International Human Rights Law Group, Amnesty International and Human Rights Watch have done a lot of work in the field of HRE[151] with a transformative approach. National NGOs have also done a laudable job in HRE in countries like South Africa.[152] There are also human rights NGOs organising educational programmes in villages.[153] For that matter, NGOs are key actors in the field of HRE.

Both the UN and its Member States have repeatedly recognised the invaluable contribution of NGOs to HRE.[154] The increasing world political consciousness of rights has been brought about by the NGO community, which carries out education work with a view to heightening the awareness of human rights standards among the general public.[155] NGOs with HRE programmes educate various groups in need, and also organise general public awareness programmes. Such comprehensive programmes are indispensable for the transformation to a situation where human rights are respected which is the ideal goal of HRE.

In Sub-Saharan Africa, there has been remarkable growth in domestic NGOs in the 1990s, in particular, in the field of governance issues, or the so-called Democracy and Governance sector of civil society.[156] Although their numbers are still modest, given the enormous size of the continent and its population, NOGs in Africa are creating national organisations with

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[147]   A Hegarty 'Non-governmental organisations: The key to change' in Hegarty & Leonard (n 35 above) 267.
[148]   R Brett 'Role of NGOs – An overview' in G Alfredsson *et al* (eds) *International human rights monitoring mechanisms* (2001) 846.
[149]   Hegarty (n 147 above) 272.
[150]   Brett (n 148 above).
[151]   ME Hartmann 'International human rights training' (2002) (n 42 above) 28.
[152]   See O'Brien (n 112 above) 421-428. The work of NGOs like Lawyers for Human Rights and South African Street Law by developing materials and conducting education on human rights is appreciable. According to Martin *et al* (n 32 above) 447, in Cameroon, about three thousand primary and secondary schools have HRE programmes designed by NGOs.
[153]   Martin *et al* (n 32 above) 444.
[154]   Mid-term evaluation report (n 21 above) para. 129 (c).
[155]   Hegarty (n 147 above) 268.
[156]   Andreassen (n 7 above) 106.

chapters across the country.[157] Among the most typical areas of operation for these organisations have been 'awareness creation', 'empowerment of women' and 'human rights activism'.[158] Now, there are more NGOs that either have HRE programmes or are planning such programmes than those which do not have such programmes or plans.[159] Provided that these NGOs collaborate with each other and with governments, they can work for a difference.

Over and above carrying out activities of educating on human rights, NGOs put pressure on governments to respect their obligation in that respect. They express the need for more political will on the part of governments to develop and implement national plans of action for HRE, to undertake HRE programmes and to enact supporting laws.[160] This is a kind of advocacy which can have practical effects by insistently reminding governments of their obligation to educate on human rights. It can also help to strengthen HRE efforts as NGOs get involved in the programmes of governments. This may, in fact, be a way forward to collaboration with governmental institutions.

It should also be noted that some NGOs, especially small and local NGOs, have a need for empowerment and education that HRE could provide. This is a vicious circle as HRE becomes a precondition for the promotion of human rights. The empowerment of NGOs leads to another opportunity to sustain HRE. This empowerment may be done by NGOs with better experience and resources. To facilitate this process, networking is necessary and a common national and regional platform of NGOs concerned with HRE should be created. This makes the empowerment intervention easier.

Much use can also be made of the civil society institutions by way of creating forum for the training of their members or staffs and enabling them to take initiative to educate others in turn. Institutions such as workers' and employers' organisations, religious organisations, community organisations and the family can play invaluable roles as training targets or as advocates for the promotion and respect for human rights standards.[161] The local initiatives taken in some of the programmes in the Kenyan rural setting are good examples. It is said that the adoption of voter education, para-legal training and other initiatives in some cases were taken up by

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[157]   Martin *et al* (n 32 above) 442.
[158]   B Andreassen *et al Supporting democracy and human rights through the civil society in Kenya: Goals, target groups and mechanisms* (1996) cited in Andreassen (as n 7 above) 106.
[159]   Mid-term evaluation report (n 21 above) para. 29.
[160]   Mid-term evaluation report (n 21 above) para. 41.
[161]   Addo (n 20 above) 98.

women groups, local churches or youth clubs etc., and that these organisations were able to 'inculcate' certain transformative values through education.[162]

4.3 The African Commission on Human and Peoples' Rights

Regional intergovernmental organisations could be main actors in bringing HRE to governments' agenda and in monitoring government compliance with HRE comments. In this respect, the OAU (now AU) has shown minimal concern though it has adopted some resolutions concerning HRE in Africa.[163] The African Commission has programme of activities in HRE. As part of its promotional mandate, the Commission has highlighted the importance of education to an effective implementation of the African Charter[164] and called on African states to "ensure…that human rights are included in the curriculum at all levels of public and private education and in the training of law enforcement officials".[165]

But still, much more has to be done. The Commission can create a regional or central mechanism of co-ordinating the implementation of the obligation to educate on human rights. This can mainly be attained through the establishment of partnership with and among NGOs and national institutions, and the state reporting procedure. These being the main issues of discussion under this section, special rapporteurs and other mandate-holders of country or thematic mechanisms could also regularly encourage HRE efforts through their activities and include systematically in their reports and recommendations information on HRE as relevant to their mandate. Such efforts will definitely contribute to the effectiveness of HRE in the Continent.

4.3.1 Building partnership

Partnership among different concerned actors is very important in that it creates a pool of potential and experience for effective HRE. There is a finding to the effect that, in Africa, most NGOs are aware of the HRE initiatives of governments and the latter are also aware of similar programmes of NGOs.[166] There is also evidence of collaboration of some NGOs with

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[162]   Andreassen (n 7 above) 108.
[163]   Mid-term evaluation report (n 21 above) para. 122.
[164]   Resolution on Human and Peoples' Rights Education, 7th Activity Report, Annex X cited in Addo (n 20 above) 104.
[165]   As above. See also Resolution on the African Commission on Human and Peoples' Rights, AHG/Res. 227 (XXIX), 6th Activity Report cited in Addo (n 20 above) 104.
[166]   Mid-term evaluation report (n 21 above) para. 28.

governmental institutions through joint projects and networking activities.[167] Besides, both governments and NGOs have their relationship with the Commission[168]. This is a level ground on which the latter can act towards establishing and strengthening joint efforts on HRE. The fact that there is also a quest for improved partnership[169] is believed to inform and facilitate the effort of the Commission.

The Commission has a strong relationship with NGOs. It has an NGO forum before every session. On this forum, NGOs report on their activities, among which is on HRE activities, and the Commission recommends on ways of making their endeavour effective.[170] This is appreciable. But, it should be coupled with stressing the importance of HRE, organising a similar forum for national institutions concerned with HRE and establishing or strengthening partnership between them and NGOs. There is actually a request from national human rights institutions to have an independent but similar forum.[171] The Commission can use this opportunity to promote co-ordination between state and non-state actors. It would be worthwhile to create a common forum for both actors. Otherwise, the Commission can co-ordinate their efforts through the discussion it will be having with each of them. It is submitted that the Commission develop a comprehensive guideline or framework for effective programme of HRE based on which it can assess the activities of governments and NGOs. The one laid down in chapter three will help in this regard.

Another aspect of partnership is a formal liaison relationship with sub-regional organisations. The Commission can collaborate with existing organisations whose primary remit is not human rights, such as ECOWAS and SADC.[172] The Commission may remind or inform these organisations to adopt agenda on the promotion of human rights. These organisations may in turn coordinate and monitor the development and implementation of HRE programmes in their member states. The NEPAD initiative that sets up a system of voluntary peer review can also be used as a way of monitoring and strengthening the activities of states in HRE. Considering the specific importance of HRE in the African context, these organisations and the initiative should be convinced to develop interest and make their contribution in the field.

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[167]   Mid-term evaluation report (n 21 above) para. 36.
[168]   See Effective implementation of international instruments on human rights, including reporting obligations under international instruments of human rights, adopted by the General Assembly at its 59th session, UN Doc. A/59/254 (2004). It is noted in this document that 30 States in the region had national human rights institutions and the Commission had developed close links with these bodies, while 300 NGOs had observer status with the Commission.
[169]   Mid-term evaluation report (n 21 above) para. 41.
[170]   Dankwa (n 31 above).
[171]   As above.
[172]   Addo (n 20 above) 104.

4.3.2 State reporting procedure

Under article 1 of the African Charter, States Parties thereto undertake to adopt legislative and other measures to give effect to the rights [or provisions] in the Charter. Article 25 of the Charter imposes the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood. By article 26, states are required to establish institutions entrusted with promotion of the rights and freedoms. Under article 62, they are required to submit reports to indicate how they have implemented article 1, that is, the legislative and other measures they have adopted to give effect to the Charter. This report is to be submitted to the Commission.[173] The latter can use this legal framework to make a meaningful contribution towards the effectiveness of HRE in the continent. It can gather information on the HRE activities of states, make inquiry during the examination of state report, and adopt recommendations. It is strongly recommended that the Commission adopt concluding observations, incorporating comments relating to HRE, and follow-up on the recommendations. It should also encourage NGOs to monitor how state parties implement these recommendations in practice.[174] This may bring about seriousness in the obligation to educate on human rights.

The Commission has adopted simplified guidelines for national periodic reports which follow a more logical sequence and more clearly provide for state parties to report on each right and duty enshrined in the African Charter. This means that states should report on the steps they have taken towards fulfilling their obligation relating to HRE under article 25 of the Charter. The guidelines have, moreover, identified some specific issues on which states are required to report in detail. Such issues include racial and gender discrimination, actions taken to protect vulnerable groups, predicaments that afflict women on the continent, including FGM, domestic violence and the abuse of widows.[175] It is felt that the highlighted issues are areas on which attention should be more focused.[176] It also seems to be the case that the issues are selected for their importance in terms of the magnitude of their violation and/or the seriousness of the effect thereof. HRE is no less important. In Africa, the right to HRE has not been taken

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[173] Article 62 of the Charter is not clear as to the organ to which state reports should be submitted. The Commission requested to be entrusted with the task and its recommendation was adopted at the 24th Ordinary Session of the OAU Assembly of Heads of State and Government.
[174] Mugwanya (n 10 above) 281.
[175] Mugwanya (n 10 above) 279.
[176] Dankwa (n 31 above).

seriously.[177] In fact, its effective implementation can serve as a way of avoiding or challenging the violation of the important rights specified in the guidelines. For that matter, it is an issue of key importance towards respect for human rights. It is, therefore, submitted that the guidelines include specific questions about the activities of governments in relation to HRE.

Procedurally, state reports are discussed at public meetings during sessions of the Commission. One Commissioner is designated as Special Rapporteur and is required to prepare a list of questions to be addressed by the representatives of the reporting state. This list is sent to the state ahead of the consideration of the report. Considering the special importance of HRE and the clear obligation in that respect, it is recommended that the Rapporteur ask specific questions as to the steps taken in HRE. The Commission may get the necessary information on the steps taken by states from other sources, mainly NGOs, in advance of the presentation. This will help to supplement, challenge or interpret the reports of states. As was recommended before, the Commission should develop an effective framework of HRE, with programme components, based on which it can advise states or make comments.

Be that as it may, some would contend that the idea of asking a government to report on the situation of human rights in its own country is breathtaking in its naivety and would hardly prove to be an effective method of implementing its human rights obligations or even of getting at the truth.[178] This is actually one of the sources of ineffectiveness of the procedure. It should be understood that the Commission scrutinises the report to determine the extent to which the state has taken steps to comply with the African Charter, the problems faced, and ways to overcome them.[179] Considering the advantages and benefits, states should submit reports honestly. Presenting the true picture of the steps they have taken in fulfilling their obligations is helpful to figure out the way forward. Especially in relation to HRE, which may be frustrated by different challenges, it is good for states to present their problems for discussion with the Commission.

In addition, infrequent and inadequate reporting by states has undermined the role of reporting in realising human rights in Africa.[180] This has impacted on the Commission's potential to enhance protection and promotion of human rights. The African Commission may deal with non-co-operative states through the appointment of Special Rapporteurs to investigate the

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[177]   As above.
[178]   Brett (n 148 above) 848.
[179]   Mugwanya (n 10 above) 273.
[180]   Mugwanya (n 10 above) 277.

human rights situation in countries and make recommendations on how to improve them.[181] The Commission may also request for reports submitted to other treaty bodies or alternatively gather independent information from NGOs and then apply 'review of implementation' procedure in the absence of state report.[182] In these endeavours to make for failure to report, HRE should be part of the major areas of inquiry.

Conclusion

It is underlined that, to be effective, HRE needs the concerted effort of different actors. Governments should carry out their obligation to teach and train on human rights by taking different steps which include laying down a legal framework for HRE, mandating an institution to promote human rights and allocating as much resources as possible. In addition, independent NGOs can play decisive role by advocating for and practically educating on human rights. It is also noted that NGOs and other civil society institutions should be empowered through HRE targeting their staff. This is a vicious circle which involves education for the purpose of strengthening HRE or increasing its effectiveness.

The African Commission can play a pivotal role in co-ordinating HRE through building partnership with and among NGOs and relevant governmental institutions. It should bring state actors in the existing NGO forum, or organise a similar forum for the latter and persuade these actors to implement effective HRE programmes. The Commission should also highlight the importance of HRE in examining state reports. The state reporting guidelines should include an express requirement of explanation on the steps taken in relation to HRE. Special Rapporteurs and other mandate-holders should also contribute their part by way of incorporating promotion of human rights in their activities.

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[181]   Mugwanya (n 10 above) 281.
[182]   Mugwanya (n 10 above) 283.

CHAPTER FIVE: CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion

It is believed that there is abuse of power and violation of human rights in many African countries. The need to bring about respect for human rights and increase citizens' political participation goes without saying. HRE can play a decisive role in this respect. But, it is not taken so seriously as to bring about real change. For that matter, it is pretty much difficult to talk about HRE proper in some countries. Most African countries did not make proper use of the opportunity created by the UN Decade for HRE (1995-2004). The reason may either be that the programme have not paid specific attention to the realities in the continent or that there has not been real commitment or willingness to educate on human rights and accept its effects. There is also no Africa-wide HRE programme. Considering its importance, there should be an effective mechanism of formulation, implementation, evaluation and co-ordination of HRE programmes in Africa.

To begin with, human rights are recognised legitimate claims belonging to every human being by the mere fact of being a human being. They are based on the worth inherent in human beings and recognition of their ability to decide by themselves. Respect for these rights should include enabling the people to know their rights and ways of enforcing them. There is a right to HRE. HRE is an empowerment process which involves teaching and training on human rights values and standards, and mechanism of their enforcement with the purpose of bringing about respect for human rights. To this effect, those concerned should educate not only *about* but also *for* human rights, enabling learners or trainees to derive practical benefits.

The goal of HRE should be building the culture of human rights through awareness creation and moulding of attitudes. It is important as an effective strategy for protection of human rights. Through inculcating values and standards of protection of human rights, it helps to avoid violations in the first instance. By targeting citizens and state officials, it increases the influence of the former and the responsiveness of the latter in the social and political arena. It also fosters good governance and democracy through inculcating values and strengthening commitment. HRE is especially important in African countries where there is experience of violation of human rights and democracy is being consolidated. African states, being parties to most of the instruments which lay down normative foundation for the right to HRE, have obligation to educate on human rights. There are also many NGOs with HRE agenda.

State as well as non-state actors should design and implement effective programmes of HRE. A framework for effective HRE has been laid down by way of identifying the main components of HRE programmes and making related suggestions. Care should, generally, be taken in determining the time, targets, content and medium of HRE and adopting methodology of teaching or training. Specific recommendations relating to all these elements are listed down in the next section. For HRE to bring about respect for human rights, it should observe the suggestions made in relation to each and every component.

The normative foundation for HRE indicates that the primary obligation to educate on human rights rests with states. Governments should carry out this obligation by taking practical steps towards human rights awareness creation. However, the responsibility to educate on human rights should not be left to governments alone. The role of NGOs in the promotion of human rights and challenging violation cannot be gainsaid. They are key actors in HRE. In Africa, there is increasing number of NGOs and most of them have programmes of HRE. It is believed that they can work for a difference. It would be beneficial if the efforts of governments and NGOs in HRE are co-ordinated. In this regard, the African Commission can make a crucial contribution. It can do that through the creation and strengthening of partnership with and among NGOs and governmental institutions, and highlighting HRE in the state reporting procedure. This can definitely help bring about respect for human rights in the continent.

5.2 Recommendations

One of our hypotheses is that HRE can bring about respect for human rights, if it is conducted effectively. First and foremost, state and non-state actors should get convinced as to the pressing need for HRE in many African countries. Moreover, programmes of HRE must be based on simple but clear and comprehensive conceptualisation of human right and HRE. These being basic conditions, the following are necessary for HRE, as conducted by both state and non-state actors, to be effective or bring about respect for human rights.

- A comprehensive programme of HRE has to be designed. This requires a background study to make needs assessment and set clear and attainable goals. Enough room should also be given to programme evaluation and follow-up.
- HRE programmes should be conducted with long-term commitment.
- HRE has to be conducted in formal, non-formal and informal avenues with an effort to reach all the people. No part of the population should be left out as a matter of narrowness of the programme or under the guise of prioritisation.

- HRE should target students, victims of human rights violation, law enforcement officials, professionals, judges, the ordinary public and advocates of human rights. HRE should also form part of pre-service training of professionals.
- Every area of the country should be reached. The 'hit-and-run' strategy of urban- based groups should as far as possible be avoided.
- Programme designers should give HRE content which aims to develop knowledge, skills and private and public traits which enable to participate in the political process, evaluate human rights situations and challenge or avoid violations. In post-conflict societies and states strengthening their democracy, HRE should be related to subjects like democracy, tolerance and conflict resolution.
- There should be specific training on human rights for teachers.
- HRE should be conducted through face-to-face communication and regular radio and television programmes. Print media should also be used.

As part of the requirements of effectiveness, in implementing HRE programmes, educators should do the following.

- Employ active learning methodology in which learners participate actively and are equipped with problem-solving skills.
- Avoid imposing their personal bias and prejudice on learners.
- Be example, in terms of respect for human rights, for those whom they teach or train. In the process of teaching and training, they should create a democratic environment which motivates rather than discourages learners.
- Be part of the community in which they educate. Recruiting teachers or trainers from the target community will help a lot as they can use vernaculars and other affective mechanisms.

We have also said that there is a need for concerted effort on HRE. Governments and NGOs should adopt some specific measures towards the effectiveness of their endeavour. In co-ordinating these efforts and monitoring the implementation by states of their obligation, the African Commission should also take some steps. Recommendations relating to the functions of these actors are provided bellow.

Governments

- Lay down national legal framework and comprehensive plan of action for HRE.
- Establish independent national institutions with clear mandate to design, implement, evaluate and co-ordinate national plan of action on HRE.
- Adopt HRE, as a single subject or as a major component of interdisciplinary courses, such as civic education, to be taught nation wide.
- Allocate as much resources as possible for implementing HRE programmes and do their level best to raise fund from potential sources.
- Considering the advantages and benefits in state reporting, they should be honest to state the problems and challenges they face in relation to HRE.

NGOs

- Create and strengthen networking and forum for experience sharing.
- Constantly remind governments of their obligation to educate on human rights.
- Try to collaborate with governmental institutions with human rights promotion mandate.
- Use other civil society organisations as training targets or advocates for the promotion and respect of human rights.
- Follow-up and report on the HRE activities of governments and, in case where the African Commission has made comments, on compliance with such comments.

The African Commission

- Bring national institutions into its pre-session forum for NGOs and make HRE a major point of discussion. It may also emphasise HRE on the forum it may open for governmental institutions independently.
- Develop guidelines for effective HRE which shall serve as frame of reference in assessing activities in the area.
- Create a formal liaison relationship with sub-regional organisations, like ECOWAS and SADC, through which promotion and the pressure to educate on human rights can be heightened. The voluntary peer review mechanism of NEPAD can also be used for the same purpose.
- Make sure that its Special Rapporteurs and other mandate-holders systematically incorporate, in their activities, sensitisation and reporting on HRE.

- Use the state reporting procedure to monitor the implementation by states of their obligation to educate on human rights. It can get the necessary information from sources like NGOs before hand.
- During the examination of state reports, the Rapporteur specifically assigned to prepare list of questions and Commissioners should stress the issue of HRE and concluding observations incorporating comments on HRE activities should be adopted at the end. There should also be follow-up on the implementation by states of recommendations, in which NGOs may participate.
- The state reporting guidelines of the commission should expressly require states to discuss the implementation of their obligation to promote or educate human rights.
- The Commission can deal with non-reporting states by appointing Special Rapporteurs, gathering information, including activities in HRE, examining reports submitted to other treaty bodies, and then, making recommendations.

We believe that the above steps can help towards making HRE effective, in terms of bringing about respect for human rights, in Africa.

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