Human rights education in Africa

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Introduction: Human rights education in the context of the United Nations

Human rights and education have gone hand in hand ever since the Charter of the United Nations (UN) was accepted. By signing the UN Charter, states committed themselves to cooperating with the UN to promote and achieve –[1]

> … universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

The emphasis on education gained further momentum when the Universal Declaration of Human Rights (UDHR) was adopted in 1948. Long before the UN declared 1995–2004[2] the Decade for Human Rights Education, the UDHR and the Covenants placed education at the centre of human rights activities.

The UDHR emphasises the importance of human rights education in the Preamble as an element that is fundamental to developing a human rights culture:

> Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms, …[3]

> Now, therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms …[4]

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1 Article 56, read with Article 55(c).

2 From a suggestion made at the World Conference on Human Rights in Vienna in December 2004, the UN General Assembly proclaimed the Decade for Human Rights Education as being from 1 January 1995 until 31 December 2004 (Resolution 49/184).

3 Preamble, para. 6.

4 (ibid.:para. 8).

The argument seems clear: the success of a post-World-War-II human rights dispensation is only partly dependent upon the signing of the UN Charter and political acceptance of the UDHR (and later ratification of the covenants and treaties). The General Assembly understood this, and at the adoption of the UDHR called on all nations –[5]

> … to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories.

Andreopoulos and Claude note that, in the UDHR, education is more than a tool to promote human rights:[6]

> It is an end in itself. In positing a human right to education, the framers of the Declaration axiomatically relied on the notion that education is not value-neutral. In this spirit, Article 30[7] [sic] states that one of the goals of education should be "the strengthening of respect for human rights and fundamental freedoms".

While Article 26(1) deals with education as a general human right, Article 26(2) makes the development of the human personality and the strengthening of respect for human rights and fundamental freedoms part of the content of human rights education. Education as a basic human right cannot be any education. Its content, says the UDHR, ought to be built on a substantive understanding of the dignity of all human beings and an appreciation of the rights and freedoms to which human beings are entitled.

The phrase *human rights education* can refer both to the human right to education – which is a right protected by the International Covenant on Economic, Social and Cultural Rights (ICESCR) – and, which is more often the case, to the content of education to develop a substantive knowledge and understanding of human rights.

The right to education and the teaching of human rights (*human rights education*) are intertwined. Children have a right to education, but the education that they ought to receive is not ideologically neutral: it is compelled to include education on human rights.

5 Session of the UN General Assembly, 10 December 1948, Palais de Chaillot, Paris.

6 Andreopolous & Claude (1997:3).

7 The authors (ibid.) in fact cite Article 26, not Article 30.

Article 26(2) placed human rights education in the centre of human development:

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

Since the UDHR's adoption, the substantial moral authority unfolded in it pressed the international community continuously not only to agree to implement basic education programmes, but also to adopt all the other existing international human rights treaties.

Human rights law as a new development in international law after WWII could only grow into a generally accepted international benchmark if both the government and the people of each member state knew the UDHR, accepted its content and applied it: hence the strong emphasis on education.

The ICESCR and the International Covenant on Civil and Political Rights (ICCPR) were developed in the 1950s, completed in 1966, and adopted in 1976, with the intention of giving substance and form to human rights law, as well as attention to the importance of education as a foundation to implementing a human rights dispensation. Article 13 of the ICESCR not only mandates education as an economic right, but also, in a further elaboration of Article 26 of the UDHR, links it to the importance of developing the whole person and the ability to participate effectively in a free society:[8]

> The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

Elaborating on the broad understanding of education in Article 26 of the UDHR, the ICESCR sees education as a process of developing the person to become a moral agent who accepts his/her own dignity, respects the rights of others,

[8] Article 13(1).

and has the ability to participate in a free society and contributes to peace. This somewhat utopian understanding of the value of education underlines the fact that the ICESCR, with its emphasis on social justice, will be an exercise in futility if the poor and marginalised do not have the social skills and knowledge to exercise their rights.

While the ICCPR only refers to the right of parents to religious and moral education for their children, human rights education is implied in all the Articles that presuppose some intellectual sophistication. Andreopoulos and Claude refer to Article to 19(1), namely the "right to hold opinions without interference", and Article 19(2), the right –

> … to receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

They point out that education is a process involving the sharing and dissemination of ideas.[9] In other words, education is the gate to exercising all the rights and freedoms of the Covenant.

Several of the treaties created to elaborate on the protection of specific human rights include a section on the obligation of states to educate their citizens. The Convention on the Eradication of All Forms of Racial Discrimination, for example, makes education a central obligation of each state party:[10]

> States Parties undertake to adopt immediate and effective measures, particularly in the fields of **teaching**, **education**, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention. [Emphasis added]

In the UN Convention on the Right of the Child, member states commit themselves to education directed to –

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9 Andreopolous & Claude (ibid.:4).

10 Article 7.

- the development of the child's personality, talents and mental and physical abilities to their fullest potential[11]
- the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the UN Charter[12]
- the development of respect for the child's parents, his or her own cultural identity, language and values, and roots[13]
- the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of the sexes, and friendship among all peoples, ethnic, national and religious groups, and persons of indigenous origin,[14] and
- the development of respect for the natural environment.[15]

Bösl and Jastrzembski ask whether Article 29 creates a human right to human rights education.[16] They note that this opinion has for a long time been proposed by activists and non-governmental organisations (NGOs). Opponents of the view point out that no such right is specifically mentioned in the other human rights instruments. However, it cannot be disputed that states have an obligation to teach and allow others to teach human rights. It is also generally agreed that human rights education is fundamental to the implementation of human rights.[17]

Africa and the UN system

From the outset, Africa was at a disadvantage in human rights education. Only Egypt and two sub-Saharan countries, Ethiopia and Liberia, voted in favour of the adoption of the UDHR in 1948,[18] while South Africa abstained together with the Soviet bloc.[19] All the other countries were still under colonial rule and represented de jure by the colonial powers.

11 Article 29(1)(a).
12 (ibid.:29(1)(b)).
13 (ibid.:29(1)(c)).
14 (ibid.:29(1)(d)).
15 (ibid.:29(1)(e)).
16 Bösl & Jastrzembski (2005:5).
17 (All ibid.).
18 Session of the UN General Assembly, 10 December 1948, Palais de Chaillot, Paris.
19 By 1948, the Nationalist Party, a racist political grouping in South Africa that excluded the black majority from political power, took over the helm of government. After that, South Africa was in constant conflict with the UN, of which it is a founding member, over its race policies and its occupation of the then South West Africa (now Namibia).

However, as the countries on the continent gained their independence on by one, they joined the UN and enthusiastically became part of most of the major human rights treaties. Viljoen points out that, as far as ratification or signing of the human rights instruments is concerned, by 2006, African participation had exceeded the total international average in most of these instruments.[20] Consider the following:[21]

- Some 94% of all African countries have ratified the ICCPR compared with 82% globally
- For the ICESCR, the figures are 91% (Africa) to 80% (global)
- For the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), it is 96% to 90%
- For the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (CAT), it is 79% to 74%
- For the Convention on the Right of the Child, it is 98% to 99%, and
- For the Convention on the Elimination of All Forms of Racial Discrimination (CERD), 92% of all African countries have ratified the treaty compared with 89% globally.

However, the enthusiastic ratification does not tell the full story. In many instances, ratification is not complemented by complying with the demands of the instrument itself. Viljoen comments that African states often submit their state reports late,[22] and they lack detail.[23] CEDAW is the only exception. By 31 December 2006, only 11 African countries had not submitted any reports at all to the treaty body.[24]

If state reporting is the most important review and evaluation instrument, the success of the UN system needs to be questioned. Viljoen observes that the impact of the monitoring mechanism of the prominent treaties on Africa is

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20 Viljoen (2007:149).

21 (ibid.).

22 By 31 December 2006, a total of 13 African countries were a minimum of ten years late in submitting at least one ICCPR state report (ibid.:104). Only 14 African countries have submitted a state report under the ICESCR (ibid.:123).

23 (ibid.:104).

24 (ibid.:129).

questionable.[25] While the UN sees the treaty system as one of the organisation's success stories,[26] there is little evidence of that system's success in Africa.[27]

The African Charter on Human and Peoples' Rights

Following the tendency in the rest of the world, the Organisation of African Unity (OAU) adopted the African Charter on Human and People's Rights (ACHPR) on 27 June 1981. The Charter was met with little enthusiasm, however. It took five years for a majority of the member states to ratify the Charter, and 13 years for the African Commission to publish its first decision.[28] Only in 1999, when Eritrea ratified the Charter, did it finally attain the full ratification of all 53 OAU member states.

The ACHPR was the first of several African treaties. African countries were slow to ratify these African instruments. These countries appeared to dedicate their attention to the UN system rather than their own. While they were leading the world in ratifying UN instruments, it took a total of 18 years for all the African member states to ratify ACHPR. By December 2006, only 27 countries had ratified the Convention for the Elimination of Mercenarism in Africa; only 20 had ratified the Protocol to the African Charter on the Rights of Women in Africa;[29] and only 39 had ratified the African Charter on the Rights and Welfare of the Child.[30]

The state reporting did not fare much better. By 2006, 15 of the member states of the OAU's successor, the African Union (AU), did not present any reports at all, while seven countries' reports were more than ten years overdue and only 14 states had actually complied with all their reporting responsibilities.[31] Viljoen comments that, in contrast, the countries with the poorest records in this scenario performed much better when it came to reporting to the UN treaty bodies.[32]

25 (ibid.:129).

26 See UNHCHR Report No. UN A/59/20045/Add.3, dated 25 May 2005, quoted in (ibid.:146).

27 Viljoen (2007:146).

28 Murray (1997).

29 The resistance to the Protocol is partly related to the opposition to Article 6, subpar (c), requesting states parties to encourage monogamy as "… the preferred form of marriage".

30 See Viljoen (2007:308).

31 (ibid.:377).

32 (ibid.).

State reporting does not tell the whole story, however. In an article on positive human rights developments in Africa, Odinkalu refers to three important human rights documents coming from the AU in 2002:[33]

- A declaration formulating new Principles Governing Democratic Elections in Africa
- A declaration on Democracy, [and] Political, Economic and Corporate Governance in Africa, and
- The Ministerial Council of the AU agreed to the text of an African Union Convent on Preventing and Combating Corruption.

The existence of these documents at least points to a developing concern in Africa for the protection of human rights.

However, Africa is far from being a beacon of human rights conduct. A lack of knowledge and information is still a barrier preventing African people from claiming and exercising their human rights. By 1987, the ACHPR was generally unknown in Liberia.[34] Some 16 years later, in December 2003, Sierra Leone shared the Liberian experience.[35] Research in Zimbabwe in 1994[36] and in Kenya in 1997 came to the same conclusions.[37]

It seems as if the African system is still reasonably unknown in Africa. Okafor points out that while doing well in taking cases to treaty bodies on behalf of aggrieved persons nd beign sympathetic towards the fate of the marginalised, civil society is predominantly elitist: its members come from the top echelons of urban life, and they often do not speak the vernaculars of the people they offer to represent.[38]

Moreover, African judges seldom refer to the African system. Instead, they prefer to use the non-domestic jurisprudence of southern Africa, the US Supreme Court, the Supreme Court of Canada, and the European Court of human Rights.

Despite the initial emphasis in the international community, the UDHR and the covenants on human rights training in international human rights law, it seems

33 Odinkalu (2003:105).
34 Ellen Sirleaf (2007; in Okafor 2007:261).
35 Kargbo (2007, pers. comm.; in Okafor (ibid.).
36 Tigere (1994:64).
37 Okafor (2007:261).
38 (ibid.:268ff).

as if Africa has never really bought into it. While it caught up on the ratification of human rights treaties, it failed in teaching the weak, the marginalised, and society at large, but also the powerful judiciary. An African human rights culture and a general knowledge of the rights of all people are still not fully developed, therefore.

The road to the Decade for Human Rights Education[39]

In the 1970s, the right to human rights education became a popular theme within the UN. While the UDHR and the ICESCR emphasised the need for education, role players wanted to move to the methods and content of human rights education.

Eventually the United Nations Educational, Scientific and Cultural Organisation (UNESCO) took the initiative and placed human rights education on the agenda of a General Conference in 1974, which led to UNESCO member states unanimously adopting the so-called Recommendation Concerning Education for International Understanding, Co-operation and Peace and Education Relating to Human Rights and Fundamental Freedoms, which contained the following recommendations, among others:[40]

> The General Conference recommends that member states should apply the following provisions by taking whatever legislative or other steps may be required in conformity with the constitutional practice of each state to give effect within their respective territories to the principles set forth in its recommendation.
>
> The General Conference recommends that Member States bring this recommendation to the attention of the authorities, departments or bodies responsible for school education, higher education and out-of-school education, of the various organisations carrying out educational work among young people and adults such as student and youth movements, associations of pupils' [sic], parents, teachers' unions and other interested parties.

Twenty years later, after the end of the Cold War, UNESCO held an International Congress on the education of human rights and democracy, in cooperation with

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39 I am appreciative to one of the editors, Dr A Bösl, for referring me to an article he had co-authored on this topic (Bösl & Jastrzembski 2005).

40 Adopted by the General Conference at its 18th Session, Paris, 19 November 1974; available at http://www.unesco.org/education/nfsunesco/pdf/Peace_e.pdf; last accessed 9 April 2009.

the UN Centre for Human Rights in 1993 in Montreal, Canada, on the theme "World Plan of Action for Education in Human Rights and Democracy". It made provision for the creation of extensive programmes for human rights education to further the ideals of tolerance, peace and friendly relations among states, peoples and marginalised groups. [41] The Congress adopted, among other things, a plan to obtain its educational goals:[42]

> This Plan calls for methods which will reach the widest number of individuals most effectively, such as the use of the mass media, the training of trainers, the mobilisation of popular movements and the possibility of establishing a world-wide television and radio network under the auspices of the United Nations.

The next landmark in human rights education was the World Conference on Human Rights in Vienna in 1993. In the concluding document of the Conference, representatives of 171 countries affirmed the state's obligation to training:[43]

> The World Conference on Human Rights reaffirms that States are duty-bound, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and in other international human rights instruments, to ensure that education is aimed at strengthening the respect of human rights and fundamental freedoms. The World Conference on Human Rights emphasises the importance of incorporating the subject of human rights education programmes and calls upon States to do so. Education should promote understanding, tolerance, peace and friendly relations between the nations and all racial or religious groups and encourage the development of United Nations activities in pursuance of these objectives. Therefore, education on human rights and the dissemination of proper information, both theoretical and practical, play an important role in the promotion and respect of human rights with regard to all individuals without distinction of any kind such as race, sex, language or religion, and this should be integrated in the education policies at the national as well as international levels.

The UN Decade for Human Rights Education

Reacting to the undertakings by the World Conference, the UN General Assembly proclaimed the Decade for Human Rights Education on 23 December 1994, to begin on 1 January 1995.[44]

41 World Plan of Action text available at http://www.unesco.org/webworld/peace_library/UNESCO/HRIGHTS/342-353.HTM; last accessed 10 April 2009.

42 (ibid.).

43 UNHCHR (1993:Article 33).

44 Resolution 49/184 of the UN General Assembly, 94th Plenary Meeting, 23 December 1994.

The associated UN Resolution points to Article 26 of the UDHR and Article 13 of the ICESCR in emphasising the importance and ongoing need for human rights education. It makes an important statement regarding the expected outcome of such education:

> … that human rights education constitutes an important vehicle for the elimination of gender-based discrimination and ensuring equal opportunities through the promotion and protection of the human rights of women … .

Human rights knowledge is an indispensable component of the struggle for gender equality and equal opportunity for women. Without knowledge there can be no proper understanding of the possibilities and remedies available to women to reach their full potential. The fact that African states are reluctant to ratify the Protocol to the African Charter on the Rights of Women in Africa indicates a special need for gender education to enable women to be the persons they ought to be – and, indeed, the objectives of human rights education go beyond the transference of knowledge. The final outcome should be broader adherence to human rights principles, a stronger activist approach to violations (since people will know their rights) and, eventually, more peace.

The Plan of Action defines *education* as –[45]

> … training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes and 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) The furtherance of the activities of the United Nations for the maintenance of peace.

The following general principles were set out in the Plan of Action to guide the programme:[46]

[45] Article 2, "Plan of Action for the United Nations Decade for Human Rights Education, 1995–2004: Human rights education – Lessons for life"; Appendix to The United Nations High Commissioner for Human Rights on the Implementation of the Plan of Action for the United Nations Decade for Human Rights Education (1995–2004), UN Document A/51/506/Add.1, 12 December 1996.

[46] (ibid.:Articles 3–9).

- The programme should create the broadest possible awareness and understanding of all of the norms, concepts and values enshrined in the Universal Declaration of Human Rights, and the international human rights instruments;
- A comprehensive approach to education for human rights, including civil, cultural, economic, political and social rights and recognising the indivisibility and interdependence of all rights, shall be adopted;
- Education shall include the equal participation of women and men of all age groups and all sectors of society both in formal learning through schools and vocational and professional training, as well as in non-formal learning through institutions of civil society, the family and the mass media;
- Human rights education shall be relevant to the daily lives of learners, and shall seek to engage learners in a dialogue;
- Human rights education shall seek to further effective democratic participation in the political, economic, social and cultural spheres, and shall be utilised as a means of promoting economic and social progress and people-centred sustainable development;
- Human rights education shall combat and be free of gender bias, racial and other stereotypes; and
- Human rights education shall seek both to impart skills and knowledge to learners and to affect positively their attitudes and behaviour.

The Plan for Action identified five objectives:[47]

(a) The assessment of needs and the formulation of effective strategies for the furtherance of human rights education at all school levels, in vocational training and formal as well as non-formal learning;
(b) The building and strengthening of programmes and capacities for human rights education at the international, regional, national and local levels;
(c) The coordinated development of human rights education materials;
(d) The strengthening of the role and capacity of the mass media in the furtherance of human rights education; and
(e) The global dissemination of the Universal Declaration of Human Rights in the maximum possible number of languages and in other forms appropriate for various levels of literacy and for the disabled.

The associated UN Resolution includes a number of role players to participate in such education:[48]

- Governments, who are encouraged to eradicate illiteracy, to develop the human personality and to strengthen the respect for fundamental rights and freedoms;

47 (ibid.:Article 10(a)–(e)).
48 (ibid.:Articles 11–19).

- The High Commissioner for Human Rights for Human Rights, who is requested to coordinate the implementation of the Plan of Action;
- The Centre for Human Rights of the Human Rights Secretariat, the member states, non-governmental organisations and specialised agencies of the UN, who are requested to support the endeavour; and
- International, regional and national non-governmental organisations.

Governments are the main role players, therefore. They are expected to develop national plans of action for human rights education and introduce or strengthen national human rights curricula, conduct national information campaigns, and open public access to human rights resources.[49]

The success of the Decade for Human Rights Education

Human rights education by governments

Cardenas comments that governmental human rights education in Africa predominantly dealt with the development of school curricula, while the training of officials was left to NGOs.[50] An additional result of the human rights education initiative in Africa was the formation of human rights commissions: these grew from six in 1996 to 38 by 1999. Human rights commissions thereby became the main role players in human rights education in Africa.[51]

Human rights commissions are an excellent vehicle for human rights education. Since government is responsible for such education, it may well be that they will use it for their own purposes. Human rights education carries a high risk for governments, comments Cardenas.[52] The more successful such education is, the greater the risk that government action will be challenged and that the public will make serious demands for compensation and the punishment of human rights abusers. If government controls such education, therefore, it can set the pace and manage its content.

However, although human rights commissions are funded predominantly by the State, they are independent – or are at least perceived to be so. With the strong network of human rights commissions and other defenders of human rights such

49 (ibid.:Article 11).
50 Cardenas (2005:368).
51 (ibid.:368, 371).
52 (ibid.:365).

as public defenders and ombudspersons across Africa and globally, human rights commissions are exposed to developments in human rights education in other jurisdictions and regions. This exposure has the potential to create a common approach that will strengthen the universality of human rights.

Cardenas looked at the South African Human Rights Commission (SAHRC), whom she perceives to be the most active and best-funded commission in Africa – and, possibly, the world.[53] Human rights curricular development is a major function of this Commission.[54] But it is also involved in training officials such as the police and the army, and in regional training of other human rights commissions.

However, not even the SAHRC did not escape the criticism of overcompensating for the needs and aspirations of government. Cardenas, without accusing the SAHRC of subjectivity or bias, mentions that more than 90% of its budget comes from government.[55] This potential shortcoming applies to all human rights protectors and commissions. While institutional independence is officially guaranteed by the state, a lack of funds can cripple such bodies or force them to a subordinate position.[56]

Evaluators of human rights education have emphasised the importance of a broad definition of *human rights in education*.[57] A broad understanding of human rights will prevent the concept from being understood as the right to education, rather than a substantive understanding as human rights as both the object and substance of human rights education. The SAHRC clearly operates with a broad definition and their work includes several projects on social and economic rights.

The SAHRC was also a pioneer in setting up a Centre for Human Rights Education Training.[58] While there were several human rights centres at universities at the time, no one coordinated the educational programmes of the different role players from government, civil society and educational institutions. The Centre

53 (ibid.:371).

54 See Keet & Carrim (2006); see also Candau (2004).

55 Cardenas (2005:373).

56 In 2002, the number of Commissioners of the SAHRC was drastically cut – despite the growing case load; see SAPA (2002; in Cardenas 2005:374).

57 Rukanda (2002:285–286).

58 Cardenas (2005:372).

still serves as an example of how educators from civil society and government can be brought together to coordinate focused human rights education without too much duplication.

The overall picture of African participation in the UN Decade for Human Rights Education is bleak. Only 7 of the 53 member states returned an evaluation questionnaire to the High Commissioner. Of the reports received, many were vague, contained little information, and certainly had no specifics on training programmes.

Other responses came from 13 NGOs, 3 national human rights institutions and 4 human rights and university institutes.[59] Very little was done by governments to take human rights education to professional groups such as the police, the defence force and immigration officers, and even less to vulnerable groups such as minorities, migrant workers, prisoners and people living in extreme poverty.[60] Moreover, African governments expected intergovernmental organisations to fund human rights education projects.[61]

The obstacles listed by the seven African governments that responded to the questionnaire in respect of implementing human rights education programmes are an indication of a lack of political will rather than the obstacles themselves being insurmountable. This lack of will is evidenced by there being no technical assistance for developing and executing national human rights education plan, and no provision of long-term State funding.[62] NGOs, on the other hand, attribute many of the obstacles to a lack of political will.[63]

Given the high expectation that the High Commissioner for Human Rights had and the important role that the UN Plan of Action gave to governments, a mere 14% response by governments can hardly be seen as successful after the first five years of the Plan's existence. Moreover, even those who responded did not necessarily indicate major successes.

The performance of governments in the second five years did not improve significantly. In a High Commissioner for Human Rights report in October 2003,

59 UN (2000).
60 (ibid.:points 33 and 34).
61 (ibid.:point 37).
62 (ibid.:points 39–41).
63 (ibid.:point 42).

only 17 out of a potential total of 50 sub-Saharan-African countries were listed amongst UN member states who had in fact reported to the High Commissioner on initiatives taken in their countries as part of the Decade for Human Rights Education. Many of these sub-Saharan-African reports were outdated.[64] Also evidencing a lack of political will among African governments is the fact that Burundi has not reported to the High Commissioner since June 2000, Cameroon since May 1999, Cape Verde since February 1999, and the list goes on.

However, there were also countries who submitted elaborate reports. These included Mozambique, Namibia and Zimbabwe.[65] Unfortunately, the UN does not have any instruments by means of which to measure the success of human rights education efforts. For example, is a programme successful if human rights are the content of a well-structured and managed school subject? Zimbabwe is a case in point, where the country spent time, money and effort in setting up and implementing human rights education programmes, but the state of the country shows little real impact of these programmes. Indeed, on the contrary: the decline of human rights started at a time when one would have expected the education programmes to produce some results.

Civil society and human rights education

Civil society has played an important role in both education and advocacy in Africa. For example, Okafor attributes Nigeria's relatively successful interaction with the implementation of the African instruments to that country's strong civil society and numerous local civil society organisations.[66] Sceptical observers of human rights education see the contribution of NGOs as the only possible way of overcoming government apathy and lack of commitment.[67]

While civil society seems to be able to conduct human rights education programmes with important role players such as the police, military and other government agents,[68] they are not very successful in delivering such education to marginalised groups. Okafor ascribes this shortcoming to the fact that human rights activists come from a small elite who understand the human rights environment,

64 OHCHR (2003).
65 Rukanda (2004).
66 Okafor (2007:269).
67 Rosemann (2003:6).
68 Cardenas (2005:368).

but not necessarily what Okafor calls the language of the marginalised.[69] In other words, they share the life experiences of the governing elite rather than that of marginalised people. Consequently, they are unable to bridge the gap between the elite and the have-nots. While they may understand the needs of the people in terms of human rights, they are not the best people to communicate teach these rights to the marginalised groups.

However, despite the shortcomings, NGOs are the main role players in specialised grass-roots education. The work of the Metlhaetsile Centre in Botswana is a case in point.[70] While the country is proclaimed as the most stable democracy in Africa, women are still treated as second-class citizens, despite the landmark decision of *Attorney General v Unity Dow*.[71] The Centre's education programmes include a wide range of activities in rural areas, including interaction with traditional authorities.

In Namibia, Women's Action for Development has been involved in empowering and educational programmes for rural women since 1994.[72] In Nigeria, an activist group working from 1993–1996 for women's rights under Islamic law was launched as BAOBAB for Women's Human Rights in 1996. Its programmes include basic education at grass-roots level as well as paralegal training.[73]

Similar organisations working specifically with women and children's rights mushroomed during the Decade for Human Rights Education. While it is still too early to determine the long-term impact and sustainability of all these organisations, NGOs were at the forefront of human rights education in fields not covered by African government programmes.

For the first half of the decade, civil society in Africa seemed to have performed somewhat better than their government counterparts, by reaching most target groups with their human rights education programmes.[74] However, education was seldom identified as the main focus of NGOs. They concentrated on the

69 Okafor (2007:269).

70 Dow et al. (1997; in Andreopoulos & Claude 1997:455–468).

71 Unreported case of the Court of Appeal, No. 4/91. The case declared certain discriminatory provisions of the Citizenship Act unconstitutional.

72 See http://www.wad.org.na/; last accessed 10 March 2009.

73 See http://www.baobabwomen.org for further information; last accessed 10 March 2009.

74 UN (2000:point 35).

human rights related to their mandate, "… and carry out generic work on human rights awareness to increase support for their particular concerns".[75]

The High Commissioner noted that the NGO programmes seldom included interaction with the government.[76] However, the long-term success of formal educational programmes in schools can hardly be sustainable without government participation.

Thus, while civil society has complied with some aspects of their mandate under the programmes and objectives of the Decade for Human Rights Education, the key objective – a global culture of human rights – has a long way to go in Africa.

Human rights education as part of formal education

While African governments have spent most of their resources on curricular development as far as human rights education is concerned, educators have questioned the effectiveness of incorporating such education into formal education. Meintjes, for example, asserts that while the rhetoric of empowerment suggests changes in education itself, "the ends and means will remain those of conventional education".[77] In the same vein, Henry refers to the historical role of education to socialise students into the existing social structure. Students are taught to respect authority and to revere politicians – not to question them.[78]

The criticisms by Meintjes and Henry have merit. However, critical thinking and analysis are no longer taboos in pedagogic literature. Hecht, a proponent of democratic education, points out that formal schooling is a very small part of the learner's learning experience.[79] If freedom and uniqueness are integral aspects of their daily life, why should formal education be different?

One can apply the insights of democratic education to human rights education. Why should respect for the humanity of others or an understanding of one's own rights contradict the socialising skills needed by young learners to integrate

75 (ibid.:point 124).
76 (ibid.).
77 Meintjes (1997:70).
78 Henry (1991:420).
79 Hecht [n.d.].

into the group? If human rights are part of the common values of the society in which the young learner finds him-/herself, understanding human rights will be part of their socialising process. If, however, human rights education is an add-on to impress the international community, the tension between an autocratic political system and education philosophy on the one hand and freedom and respect of the dignity of others on the other will confuse the learner rather than contributing to his/her full development as a human being. In such a scenario, Meintjes's argument has relevance: the outcome will be formal education as it is known today.

Human rights after the UN Decade for Human Rights Education

Sceptics have suggested that the UN Decade for Human Rights Education has been a failure. Rosemann, a critic of the UN human rights system, sees the role of member states being the main educators as a recipe for failure.[80] The failure of the work of the Human Rights Commission[81] over 50 years is a clear indication to Rosemann that states cannot exercise self-regulation. And human rights education can only work in "… an overall atmosphere where a rights-based approach to human dignity is accepted and a free society where individuals can claim their human rights without endangering their own lives".[82]

This envisaged "free society" has not yet been created by 50 years of the human rights dispensation. In the mid-term global evaluation of the Decade programme, the UN pointed out that only a few national human rights strategies had been developed in the ten-year period. To solve the problem of non-commitment by governments, the High Commissioner for Human Rights suggested three strategies:[83]

- Another decade dedicated to human rights education
- A special fund for human rights education, and
- A joint NGO–government committee to take human rights education forward.

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80 Rosemann (2003:1).

81 The Human Rights Commission has in the meantime been replaced by the Human Rights Council. Rosemann is possibly as opposed to the Council as he was to the Commission, since the core of the Council is still elected by member states.

82 Rosemann (2003:1).

83 UNHCHR (2003).

Rosemann[84] sees only one possible way forward: less government participation, and more NGO participation. In this process, civil society should accept the role of a parliamentary opposition when it comes to human rights issues. In other words, if the UN is serious in developing communities where human rights are respected and individuals are free to claim their freedoms and rights, they will have to empower NGOs to become more aggressive in opposing human rights abuses – even if it means eliciting active antagonism from government.

Viljoen, while seeing the ratification of treaties as an important anchor that may help to stabilise the gains of democratisation, remains critical of the impact of the UN System on African countries.[85]A good record in ratification will not result in more rights and a more democratic society: it can merely prepare the ground.

Hathaway, like Viljoen, questions the positive conclusions that one can draw about Africa's excellent record of ratifying treaties.[86] Treaty ratification, she asserts, is often an indication of bad performance rather than an indication of an awakening human rights culture.[87] Her findings are carried by the signing and ratification history of at least one recent convention, namely the Merida Convention. This UN anti-corruption convention was adopted on 9 December 2003. Kenya signed and ratified the Convention on the same day. Only 12 countries ratified it in 2004, 9 of whom were from Africa (Algeria, Benin, Madagascar, Namibia, Nigeria, Sierra Leone, South Africa and Uganda).[88] This is not to say that all the countries that ratified early (i.e. in 2004) are corrupt; but neither does ratification say anything about the human rights performance of a state.

However, one should not lose sight of the gains of the Decade for Human Rights Education. While one cannot necessarily link the growth of human rights commissions in Africa with the initiatives of the Decade for Human Rights Education, the commissions became major role players as human rights educators during the Decade. And the initiatives of the High Commissioner for Human Rights during those ten years at least played a role in the emphasis on human rights education.

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84 Rosemann (2003:6).
85 Viljoen (2007:146).
86 Hathaway (2002).
87 (ibid.).
88 UN Office on Drugs and Crime (2009).

But the small victories do not compensate for the unfulfilled objectives and expectations of the programme. There are no indications that Africans in general have an awareness and understanding of the UN human rights instruments; neither can one speak of a general trend to see first- and second-generation human rights as indivisible and interdependent. Moreover, the programme hardly made any impact on the number of human rights educators in Africa.

The High Commissioner was positive in his evaluation of the Decade, as were the representatives of the member states at the adoption of a second Decade, this time called "The World Programme for Human Rights Education".[89] The initial term for the Programme was 2005–2014, but this closing period has been extended indefinitely. As President of the General Assembly Mr Jean Ping of Gabon added, the first Decade was the catalyst for several human rights education programmes.[90] He did, however, also mention that the World Programme could only succeed if national and local actors used it as a mobilisation tool. He appealed to all states to combine their efforts to make human rights education a reality at home and a focus of discussions in the future. Effective human rights education – which enhances respect, equality, cooperation and understanding, therefore preventing human rights abuses and conflicts – remained one of the best prerequisites towards the achievement of a peaceful world, in his view.[91]

Although some programmes did develop as a result of the Decade for Human Rights Education, governments did not develop national strategies; they did not cooperate with NGO efforts; very few networks were created; and the idea that a more human-rights-friendly consciousness is developing in Africa remains a dream.

Bösl and Jastrzembski[92] are correct in pointing out that the programme was not as positive as asserted by the High Commissioner. If the major role players – the governments themselves – performed so badly, and if the NGOs, who are praised for their contribution, participated in education only as a secondary interest to boost their main mandates, how can we speak of success at all?

It is also true, however, that governments cannot bear the responsibility for human rights education alone. It was unrealistic from the outset to expect governments

89 UN (2004).
90 (ibid.).
91 (ibid.).
92 Bösl & Jastrzembski (2005:5).

to coordinate the programme and to take responsibility for the national strategies and plans of action. Cardenas rightly points out that human rights education will place governments under pressure.[93] The more successful the education, the more citizens will insist on their rights and the more government will be forced to act against human rights violators.

And the vast majority of governments in Africa (and worldwide) prefer not to be pressurised by human rights bodies or human rights issues. They are usually forced by constitutional provisions, an independent judiciary and other regulatory bodies such as human rights commissions and Ombudsmen and the threat of action before a treaty body to comply with the expectations of the UN and regional human rights instruments.

A better strategy would have been a more vigorous drive to institute human rights commissions or other human rights protectors in all countries and use them as the central role player to develop national strategies, and to initiate cooperation between governments and other players.

Most of the African member states of the UN did not inform it about the status of their national human rights education efforts; nor did they draw up national action plans for education in human rights. Consequently, they made it practically impossible to evaluate the development of human rights education in Africa.

World Programme for Human Rights Education

Despite opposition from some European countries and the United States of America, the UN General Assembly adopted a second decade for human rights education, this time called World Programme for Human Rights Education.[94]

The programme started on 1 January 2005 and will be ongoing. The first phase will run until the end of 2009, and focuses on primary and secondary education.
The Human Rights Council, however, has remained silent on the focus areas of the second phase. National strategies and minimum standards were this time given to governments. The minimum standards expect governments to evaluate the human rights programmes in their education systems. Unfortunately, the programme assigns a politician – the minister of education – rather than a human rights

93 Cardenas (2005:364f).
94 UN (2004).

commission or Ombudsman to take responsibility for the implementation. Informal education and other role players will be dealt with in later phases. However, by repeating the mistakes of the first Decade, the prospects of a more successful second decade must be questioned.

Final comments

In his proposals at the end of the first Decade, the High Commissioner proposed cooperation between civil society and government as a vehicle to take the educational ideals forward. The idea of an intergovernmental or joint civil society–government endeavour makes sense. However, given the mediocre performance of governments during the first Decade, another suggestion by the High Commissioner may have more potential in terms of producing results:[95]

> The potential of the treaty monitoring system in advancing human rights education, in particular through the treaty bodies' review of country reports, could be maximised. Nongovernmental organisations and national human rights institutions, when they exist, should be more involved in this process, and could coordinate their efforts in publishing reports on human rights education as a tool of cooperation with their Governments and with the existing regional and international mechanisms. Treaty bodies could also consider adopting additional general comments concerning various aspects of human rights education, as appropriate.

The South African example has set a standard that can be copied by the growing number of human rights protectors in Africa. Human rights protectors can play an important role as a preventative force rather than a mere investigation body after a violation has taken place. Together with civil society, they were the driving forces of the Decade for Human Rights Education. Neither the human rights commissions nor the treaty bodies play any significant role in the first phase of the World Programme for Human Rights Education.

The treaty bodies have also not yet indicated in their endeavours that they are willing to make human rights education a general point in evaluating state reports. However, human rights education cannot be left to the Committee on Economic, Social and Cultural Rights. While the right to education is primarily the mandate of the said Committee, educating the masses, state officials and vulnerable societies are the responsibility of all the treaty bodies. Indeed, no

95 UNHCHR (2003).

treaty report can be said to be completed if it does not include a section on human rights education in the country. It is unlikely that governments in Africa will take up their mandate on human rights education in the near future; so human rights institutions, treaty bodies and civil society will have to take the initiative if ever we are to see change.

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