Constructing Rights? Human Rights Education and the State

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ABSTRACT. What role have states played in promoting human rights education? While nongovernmental organizations have been at the forefront of human rights education, scholars have neglected the increased activism of states, especially national human rights commissions. This article addresses this gap by sketching the relationship between states and human rights education, examining cross-regional trends and presenting a case study of South Africa’s Human Rights Commission. The article concludes by considering the critical gap between state promotion and implementation of human rights education, as well as the limits of state involvement in constructing a culture of human rights.

Keywords: • Human rights • Education • South Africa • State policy

States today are increasingly adopting the rhetoric of human rights education (HRE). This is a global trend, as states everywhere move to place HRE on their national agendas. The United Nations helped to spur these developments by naming 1995–2004 the “United Nations Decade for Human Rights Education.” With this decade now ended, and a World Program in its place, what exactly has been the role of states in promoting HRE?1 While HRE has been the subject of rapidly growing attention by the human rights community, and its potential implications are far-reaching, this area of activity remains poorly understood.2 Few outside the field understand the overall scope of HRE, and existing research has emphasized the work of nongovernmental organizations (NGOs). Nongovernmental organizations certainly are at the forefront of HRE, but the emerging role that states are playing (especially via nascent human rights commissions) should not be neglected.
In particular, the extent to which states tend to promote, but not implement, HRE needs to be addressed. While in principle virtually everyone takes for granted the benefits of HRE, such endeavors can be potentially costly from the perspective of a state. Human rights education (or the construction of a human rights culture) is inherently revolutionary: if implemented effectively, it has the potential to generate social opposition, alongside rising demands for justice and accountability. States, however, can adopt a wide range of strategies for promoting a culture of human rights (for example, curricular reform, training, public awareness campaigns, and research) without actual implementation. They can fail to institutionalize HRE initiatives, withhold adequate funding, or not cooperate effectively with groups in civil society. In such cases, state-led HRE translates more into window dressing than into sustainable reform. Given these complex outcomes, the exact role of states in promoting HRE deserves close attention.

In addressing these gaps, I open the article by sketching broadly the relationship between states and HRE, including the puzzle of why states bother to promote HRE if it can backfire and generate mounting social demands. I then turn to delineating the contours of HRE and describing the principal cross-regional challenges confronting HRE. Moving to an actual case study, I offer an overview of the South African Human Rights Commission’s work on HRE. This commission is not only one of the most visible in the world, often a prominent member at international forums, but it is one of the most active in the HRE arena. Extrapolating from this case, the article concludes by considering critically the extent to which states promoting HRE can construct a culture of human rights.

States and Human Rights Education

According to its proponents, HRE should appeal to states because it promises to foster social tolerance, a democratic citizenry, and a climate wherein human rights abuses are less likely to occur. Embracing HRE, consequently, should be in the self-interest of most political leaders. International foundations and organizations have worked actively to promote this idea, providing funding and technical assistance to numerous states. Their aim is precisely to assure that the short-term costs of promoting HRE do not hinder its purported long-term gains.

Yet it remains puzzling why so many states in fact promote HRE. Why would states, most of which violate human rights norms to one degree or another, encourage dissent and run the risk of undermining their very legitimacy? When citizens are aware of their rights, are they not more likely to demand that those rights be protected? Indeed, that is what much democratic theory suggests (see, for example, Coleman, 1965; Dewey, 1916; Guttmann, 1999; Kamens, 1988; Snauwaert, 1993). Perhaps states promote HRE simply hypocritically, expecting to reap the international benefits of doing so. If this rationalist logic is correct, why bother? In a world of policy trade-offs, are the international rewards of promoting HRE likely to be that substantial? It is possible that a domestic societal approach is more relevant, with states providing HRE in response to pressures from “below.”

Yet this claim overlooks a basic insight of the human rights literature: states that violate human rights are highly unlikely to meet the demands of the societies they abuse. Alternatively, some states (at least post-conflict ones) may champion HRE in response to short-term “coercive socialization” (Ikenberry and Kupchan, 1990), gradually aligning their interests with international norms. Even when this
argument is compelling, however, post-conflict situations are relatively too few in number to explain why so many states promote HRE.

Beyond these approaches, a more sociological or constructivist logic (for example, Adler, 2002; Risse, 2002) might trace the global diffusion of HRE to the persuasive appeal of “education” itself. Education, after all, has been integral to the formation and consolidation of modern states. Political leaders have embraced national education because it promises, among other things, to be “an institutional agency for creating uniformities among the heterogeneous status and class groupings in society” (Ramirez and Rubinson, 1979: 79). Thus, postcolonial states moved quickly in the 1950s to 1970s to create national education systems, which would forge social cohesion and foster nation-building, as well as train members of a modern labor force that would spur national economic development. It is no accident that national education systems have arisen historically in the shadows of industrialization (see Meyer et al., 1979).

Yet human rights education, at least hypothetically, can carry much higher risks for states than the other, more standard domains of education. As the following section details, HRE aspires partly to end and prevent the abuses committed, perpetuated, or tolerated by states. If successful, members of society may challenge the state openly, defying potential abusers or demanding punishment of violators and compensation for abuse. Once again, given its inherent risks, it is striking that such a diverse array of states around the world has ventured to promote HRE.

The sources of state adoption of HRE may instead be more comprehensive, complementing existing theoretical approaches. Given the global sweep of support for HRE and the fact that this phenomenon dates mostly to the 1990s, the role of transnational advocacy networks seems especially significant. These networks apply steady and diffuse pressures on states, persuading them to accept international human rights norms (Keck and Sikkink, 1997). According to this perspective, states promote HRE as a consequence of joint pressures from “above” and “below.” In addition to domestic NGOs, networks of international organizations, advocacy groups, and foreign governments embrace HRE, leading individual states to do so as well. While the individual motives of states may vary in promoting HRE, the socializing role of transnational human rights networks should not be overlooked: these networks alter states’ reputational calculations and define HRE as an appropriate state goal. And once transnational networks enhance the appeal of HRE, the seemingly innocuous effects of education (compared to human rights protection) may lead national leaders to overlook any longer-term risks. Proceeding from this theoretical context, the remainder of this section breaks descriptive ground by tracing HRE conceptually and examining broad cross-regional trends.

The Contours of Human Rights Education

Part of the appeal of HRE may be that it can be interpreted broadly. Certainly, the term “human rights education” evokes different images. It refers, on the one hand, to the human right to an education and, on the other, to being educated about human rights issues (see Hodgson, 1996; Lenhart and Savolainen, 2002). To the extent that the former is partly encompassed within the broader right to general education, it is the latter that has dominated the work of most actors in the field. It is in this sense that the United Nations defines HRE as “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” (UNGA, 1997: 5).

This ambitious concept draws on a large corpus of international guidelines. Contemporary notions of HRE have been shaped by four documents in particular: the 1948 Universal Declaration of Human Rights (Article 26), the 1976 International Covenant on Economic, Social, and Cultural Rights (Article 13), the 1990 Convention on the Rights of the Child (Article 28), and the 1993 Vienna Declaration and Program of Action (Section D, Paragraphs 78–82). Long recognized as significant, HRE did not become the subject of a concerted global campaign until the mid-1990s, following the enthusiasm generated by the Vienna World Conference on Human Rights. The campaign was launched formally when the United Nations agreed to dedicate the first-ever human rights “decade” entirely to the issue of education.

Reflecting its fundamental nature, the assumption is that HRE can have numerous goals (Tibbitts, 2002). These include human rights protection, personal empowerment, nation-building, democratic participation, and conflict resolution. Essentially, HRE seeks both to correct and to prevent human rights abuses. Human rights education purports to correct abuses mostly by making people aware of their rights and recourses. Additionally, state officials are trained to understand their own role in protecting human rights, including how to address complaints of abuse. Even when human rights protection fails, individuals whose rights have been violated still can be empowered through HRE. They may at least claim their rights, perhaps entering into networks with other victims or transnational advocacy groups (see Keck and Sikkink, 1997). In such instances, HRE serves to shatter the silence of victims.

Human rights education is also said to create strength in numbers, contributing to a sense of community and solidarity. A common assumption of international donors, for example, is that HRE can reinforce social cohesiveness and a sense of nationhood in post-conflict societies. Groups such as the UN Office of the High Commissioner for Human Rights (UNHCHR), UN Educational, Scientific, and Cultural Organization (UNESCO), UN Children’s Fund, and UN Development Program have thus supported HRE in transitional polities such as Guatemala and East Timor. The dominant view is that human rights awareness will translate into greater democratization. Beyond the nation-state, HRE is also said to link people transnationally, arming them with a common set of commitments. Indeed, the broad-gauged nature of human rights makes it an appealing “umbrella” discourse, promising to encompass other issues on the global agenda. No systematic evidence exists yet that HRE has these effects, but policy advocates (from the European Union to the International Red Cross to the United Nations) argue that the potential benefits certainly are worth the effort (for example, see UNHCHR, 2003).

More specifically, HRE tends to have three types of target audience: (1) the public-at-large; (2) schools and educational institutions; and (3) professional groups, both governmental and nongovernmental. Contrary to popular images, the target of HRE is more than just children. Public education campaigns, including use of the popular media, can be harnessed to raise public awareness and diffuse international human rights norms. Still more directly, human rights standards and issues can be incorporated explicitly into school curricula. Likewise, HRE entails training professional groups, both inside and outside the state apparatus. Within the state, HRE can consist of military and police training (Das
and Verma, 2002) activities, as well as training of the judiciary. Outside the state, targets of specialized training include members of local NGOs, women’s groups, the media, and teachers. More broadly, states promote HRE by encouraging research and study of human rights issues. These activities and target groups are summarized in Table 1. International groups, including the UN and international NGOs, also help to facilitate capacity building and networking among local groups.

To turn international standards into national practice, the United Nations has devised a set of minimum guidelines for all states to follow. Integral to these guidelines is the notion of devising a “national plan of action,” in which the state can detail exactly how it intends to implement HRE (United Nations, 1997). More specifically, a national committee, drawn along pluralistic and representative lines, is to be charged with drafting the national plan. This plan should assess institutional resources, identify those groups most in need of HRE, determine how HRE matches broader national goals and obstacles, including development, and outline a comprehensive strategy of national HRE, which sets priorities and proposes any required legislative changes. In short, states are to tailor international standards to match local needs and resources. While virtually no state developed a

<table>
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<th>Table 1. Human rights education: An overview</th>
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<td><strong>Curricular development</strong></td>
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<tr>
<td>• Assess the extent and effectiveness of human rights education</td>
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<td>• Incorporate human rights issues and methods into all levels of education</td>
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<td>• Prepare training materials for human rights education</td>
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<td>• Organize student competitions (e.g., human rights essays and posters)</td>
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<td><strong>Professional training</strong></td>
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<td><strong>Educators</strong></td>
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<td>• Foster networks of educators (locally, regionally, and globally)</td>
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<td>• Incorporate human rights education into teacher training colleges</td>
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<td>• Hold human rights seminars and workshops for educators</td>
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<td>• Create resource centers and specialized libraries</td>
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<td>• Promote human rights methodologies (i.e., emphasizing participation, empowerment, etc.)</td>
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<td><strong>Other target groups:</strong> police personnel, armed forces and members of paramilitary groups, prison officials, lawyers, prosecutors, judges, foreign service personnel, NGOs, health officials, immigration workers, journalists, trade union leaders, parliamentarians, etc.</td>
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<td><strong>Research</strong></td>
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<tr>
<td>• Encourage human rights research</td>
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<td>• Support human rights publications</td>
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<td>• Arrange human rights internships for graduate students</td>
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<td>• Translate human rights materials from foreign languages</td>
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<td><strong>Informal education</strong></td>
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<td>• Increase broad awareness through public campaigns; incorporate human rights into art, radio programming and other media; sponsor Human Rights Day events</td>
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<td>• Conduct workshops and seminars for vulnerable groups</td>
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<td>• Disseminate human rights materials broadly</td>
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national plan of action during the Decade for HRE, some important developments did occur.

**Cross-Regional Trends**

The global proliferation of HRE is difficult to gauge, but a UN survey of progress conducted in the Decade for HRE offers some clues.\(^8\) This survey was based on information collected directly from governments, so a self-reporting bias clearly exists. Nonetheless, the survey still shows variation among countries, and it suggests whether a country is incorporating HRE into its national laws and policies. Despite the crudeness of the measure, a discernible cross-regional trend is apparent: HRE is strongest among states in Europe and the Americas, followed by the Middle East and North Africa, sub-Saharan Africa, and the Asia-Pacific region. It should be noted, moreover, that this regional breakdown corresponds closely to the regional distribution of national (governmental) human rights commissions, one of the central tasks of which is precisely to promote HRE.\(^9\) The similarity of these rankings therefore makes it more likely that the regional distribution of state-led HRE is accurate (see Figure 1). In the remainder of this section, I sketch other broad cross-regional trends, based on a UN study of state and non-state actors involved in HRE (UNGA, 2000).

Human rights education in Africa has revolved around curricular initiatives, especially those incorporating human rights concepts into local schools. In contrast, HRE for professional groups has been relatively rare. Most professional human rights training tends to be conducted by NGOs, such as those affiliated with the Inter-African Union for Human Rights. The principal challenge facing this region appears to be one of securing technical assistance in the short term and sustained funding in the long term, as well as forging strong regional linkages among actors involved in HRE. Human rights education also confronts systemic challenges in the region, such as illiteracy, poverty, and political instability. When states in Africa do participate in HRE, much of this activity is taken under the auspices of national human rights commissions (for example, South Africa’s Human Rights Commission), which in the late 1990s grew more than sixfold in the region, from six in 1996 to 38 in 1999 (see Human Rights Watch, 2001; also Addo, 2000; Kiwanuka, 1987; Martin, 1987).

As in Africa, most HRE in the Americas (Cuellar, 2000; IIDH, 2000; Stone, 2002) has focused on curricular reform, including textbook revisions, although states have remained largely uninvolved in these initiatives. In fact, within the state, HRE across the region tends to fall under the purview of ministries of education rather than human rights agencies per se. Formal laws and policies, moreover, have remained mostly unchanged, with one exception: countries that have undergone peace processes (that is, El Salvador and Guatemala) have incorporated HRE somewhat into their domestic laws and institutions. While the scope of activities taken under the rubric of HRE is vast in the Americas, little effort has been made to institutionalize these practices so that they are sustainable. As in Africa, international NGOs and regional organizations (from the US-based Human Rights Education Associates to the Inter-American Institute for Human Rights) have stepped in to fill the void left by the state and are conducting many of these activities. Interested parties highlight repeatedly the importance of forging partnerships between states and NGOs, as well as the need for broad-gauged public awareness campaigns using media outlets. All told, the relative weakness of HRE is attributed to a lack of financial resources and technical assistance.
The Asia and Pacific region is somewhat unique in the degree to which states have involved themselves in HRE (see ARRC, 2003; Claude, 1996; Yacoobi, 2004). In contrast to most other regions, states there have taken steps to implement HRE, adjusting their domestic laws and institutions accordingly. These changes are wide-ranging, and include requiring human rights to be taught at all educational levels as well as prohibiting corporal punishment in the classroom. While NGOs have been deeply involved in HRE, it is noteworthy that states across the region have not always cooperated with or included non-state actors in these activities. It is also significant that governmental human rights commissions (in countries such as Australia, India, the Philippines, and New Zealand) have played a prominent role in HRE (Cardenas, 2002). Situated between the state and society, these institutions seem to have mediated usefully with state officials on behalf of HRE. According to actors in the region, however, the sustainability of these and all HRE activities will depend on financial support and regional networking.

In contrast to other regions, HRE in Europe (Jacobsen, 1999) has benefited from the institutional resources of the Council of Europe, but states there have
also lacked the political will to implement HRE fully. The region has been known for relatively extensive training of professional groups. These groups have consisted mostly of state agents responsible for protecting civil and political rights, including officials working for law enforcement, criminal justice, or prison facilities. In fact, most HRE initiatives in Europe have emphasized violations of civil and political rights, especially all forms of discrimination, and HRE targeting economic or social rights has been all but ignored. While human rights norms have been incorporated into formal school curricula and broader informal campaigns have been launched (for example, in Albania and Croatia), states in the region have not tended to incorporate HRE into domestic laws and institutions. Like all regions, groups across Europe call for greater resources, NGO participation, and networking, as well as tools for evaluating progress in HRE.

A few overwhelming trends are common across most regions of the world (see Table 2). First, effective HRE requires strong cooperation between states and NGOs. Such cooperation would capitalize on the strengths of each actor, while infusing HRE initiatives with greater legitimacy. Second, regional networking among all groups engaged in HRE would be beneficial (see Cardenas, 2003b). The informational exchange and learning associated with networking could, at a minimum, help individual countries reduce the costs of promoting HRE. Third, states have almost uniformly failed to incorporate HRE into domestic laws and policies, although for HRE to be sustainable in the long run, it may have to be institutionalized at the national level. Fourth, HRE requires a commitment of funding and technical assistance, resources that all regions lack or have been unwilling to provide. Absent these concrete commitments, it is unlikely that HRE programs and policies can be effective. Fifth, tools designed for assessing the impact of HRE are desperately needed. Such tools could include systematic surveys, administered at regular intervals, to determine the relative success of HRE initiatives in specific countries. While impact assessment tools are certainly important for all human rights initiatives, they may be even more fundamental in an emerging and broadly defined field like HRE.

These trends are significant in several ways. On the one hand, the similarities

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<th>Region</th>
<th>Dominant activities</th>
<th>Rare activities</th>
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<tr>
<td>Africa</td>
<td>Curricular initiatives</td>
<td>Professional training; implementation</td>
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<td>Americas</td>
<td>Curricular reform</td>
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<td>Europe</td>
<td>Professional training of state agents</td>
<td>Implementation; economic and social rights</td>
<td>Ministries of education</td>
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Source: adapted from UNHCHR (2003) and UNGA (2000). The UN reports upon which Table 2 is based include MENA in the figures for Asia-Pacific.
Cardenas: Constructing Rights?

across such varied regions of the world are striking (Georgi and Seberich, 2004). Funding and technical assistance, for example, are relatively lacking in all regions of the world, despite varying levels of economic development. The reasons for this are unclear, but they may reflect a basic structural dilemma inherent in the international system: states (as the principal architects and subjects of international law) are reluctant to divert scarce resources toward self-regulation. Likewise, calls for state–NGO cooperation and regional networking are virtually universal. They suggest a greater role for international organizations, which can supply assistance and facilitate networking. Similar cross-regional challenges thus elevate the importance of international and regional cooperation in promoting HRE.

On the other hand, concentrating on such trends can obscure important cross-national, cross-sectoral, and cross-cultural variation. For instance, how does the notion of HRE accommodate the needs and rights of those who object to international human rights standards on cultural grounds? In addition, while HRE often targets vulnerable groups in society, in practice, how does an underfunded HRE initiative, driven by states and human rights professionals, assure that it does not reinforce existing power imbalances and social inequities? These questions, which fall somewhat outside this article’s scope, do not necessarily undermine the validity or efficacy of HRE efforts. If anything, they suggest the need for more intensive dialogue and research among providers of HRE.

South Africa: An Illustrative Case

The South African Human Rights Commission (SAHRC) was established in 1995, following the 1994 Human Rights Commission Act signed by President Nelson Mandela; unlike the Truth and Reconciliation Commission, which is no longer operational, it is a permanent state institution. As stated in paragraph 184, Chapter 9 of South Africa’s constitution (1996), SAHRC has three major functions: to “(a) promote respect for human rights and a culture of human rights; (b) promote the protection, development, and attainment of human rights; and (c) monitor and assess the observance of human rights in the republic.” Although the SAHRC’s authority and its organizational attention to HRE derive from the national constitution and the country’s Bill of Rights, the latter documents draw on both the Universal Declaration of Human Rights and the African Charter on Human and People’s Rights while taking into account South Africa’s particular needs (SAHRC, 1997). The state’s interest in promoting HRE is also framed in terms of longer-term gains, including conflict resolution and even lower crime rates (SAHRC, 1999a: 35).

In addition to having HRE as a central mandate, the SAHRC is one of the leading national human rights institutions in the world and in Africa. Since its inception, it has played a major role globally, participating visibly and actively in international coordinating bodies. In Africa, it is arguably “one of the best-funded and most active human rights commissions” (Human Rights Watch, 2001). That said, less than one-tenth of the SAHRC’s budget is devoted to HRE. Even if this figure is more than most states commit to HRE, it remains disproportionate to the apparent centrality of HRE in the commission’s mandate.

In comparative terms, however, the broad scope of HRE activities pursued by the SAHRC sets this commission apart from similar institutions. It has promoted HRE on the curricular front and in professional training, as well as in informal venues. Curricular initiatives have included assisting provincial education
departments, lobbying the national education department, producing documents and materials that can be disseminated to teachers, as well as facilitating teacher training (see Kruss, 2001). The SAHRC also sponsors school activities during “Human Rights Week” and on “Human Rights Day,” as well as organizing poster and other competitions for young people around the theme of racism (SAHRC, 2005). Additionally, SAHRC activities in the field of HRE emphasize the professional training of police, healthcare workers, and other target groups. Such training occurs mostly via national and provincial workshops or seminars.

Like any actor involved in HRE, SAHRC has had to confront the challenge of “normative transfer,” or tailoring international human rights norms to match local standards and needs (Lohrenscheit, 2002: 181). This requires, for example, confronting practical imperatives such as translating documents into local languages and disseminating human rights norms via local interlocutors who have access to and legitimacy among distinct communities. Indeed, this is one of the rationales for training community leaders, or “training the trainers,” who can transfer knowledge about human rights to a mass audience. Vulnerable groups specifically targeted for HRE include community organizations, trade unions, women’s and rural groups, and those who are HIV-positive.

As part of its HRE initiatives, the SAHRC also diffuses human rights norms through more informal means, including the use of media outlets. Accordingly, the SAHRC takes out radio advertisements, sometimes with the assistance of international funders (for example, the US Agency for International Development). Local newspapers occasionally carry advertisements on particular themes, such as children’s rights or domestic violence. Much more frequently, however, workshops and conferences constitute the commission’s informal outreach work.

A unique step taken by the SAHRC, one bridging formal and informal efforts, has been to create a Human Rights Education and Training Center (see SAHRC, 1999a: 35–6). Created in 2000 with permanent offices and a staff at the SAHRC’s Johannesburg headquarters, this center serves to institutionalize HRE within the commission. The focus of the new center is to train state and non-state actors, while organizing courses, seminars, and workshops. Target groups, which include those described in Table 1, typically are brought to the center for training. The center also prepares relevant instructional materials and pedagogical models that can be disseminated broadly (for example, SAHRC, 2003). Funding for the center, like funding for the commission itself, derives from a combination of national and international (public and private) donors. Thus, South Africa’s department of education and other state offices provide resources alongside the likes of UNESCO and the Commonwealth Secretariat. Significantly, moreover, the decision to create the center arose not only out of a perceived gap in services, but purportedly in direct response to international guidelines associated with the International Decade for HRE (SAHRC, 1999a: 35).

In addition to creating the center, the SAHRC has taken two further steps, which it has linked explicitly to UN-led activities surrounding the decade. First, it has sought to coordinate the work of all domestic actors engaged with HRE, both inside and outside of the state. According to the SAHRC, “There is no national institution dedicated to consistent, systematic and focused human rights education in South Africa. There are centers and institutes based at universities, providing seminars, courses and conferences on human rights but no dedicated programme of human rights education such as the one we envisage” (SAHRC, 1999a: 36). Beyond national coordination, the commission has taken a leading role in
coordinating the HRE efforts of other national human rights institutions in the region. To this end, the SAHRC has hosted meetings, shared know-how, and disseminated relevant materials. Members of other national, human rights institutions in Africa are also brought to the Human Rights Education and Training Center, in some cases through privately funded scholarships.

More than educating people about human rights, the SAHRC has sought to protect “the right to an education.” In part, this has been a response to the large number of complaints it has received relating to rights abuses committed in educational settings, including racism or violence in schools. These complaints clearly reflect the challenge in post-apartheid South Africa of complying with the constitutional guarantee to provide all members of society with access to a free education, especially given the skewed legacy of past abuses. The SAHRC has responded to this need mostly by conducting investigations and publishing reports. To its credit, the commission has reacted to a pattern of individual complaints regarding equality in education by using its authority to undertake a broad, systemic investigation of the issue. It has prepared reports ranging from initiation practices at educational institutions to racism and discrimination in education (for example, SAHRC, 1999b, 2001).

What can be learned from the SAHRC’s involvement in HRE? Answering this question requires assessing the effectiveness or influence of this institution, clearly a difficult task (see more broadly, Cingranelli and Richards, 2001). Still, a few conclusions can be drawn tentatively from the commission’s strengths and weaknesses in promoting HRE. On a positive front, the SAHRC has demonstrated how the diffusion of human rights in national settings requires tailoring strategies to meet local needs and conditions. Indeed, the SAHRC has taken a less legalistic stance on HRE than is typical internationally.11 The commission’s work in the areas described above appears fruitful, although it is too soon to assess a pattern of influence. Further, the SAHRC has used its extensive powers (for example, issuing subpoenas to state officials and conducting public hearings) to investigate systemic state violations of human rights norms. Indeed, some of the reports of these investigations have received public, high-profile attention. Like human rights organizations in general, the SAHRC has helped to place HRE on the state’s agenda and to insert specific human rights standards into the domestic context. This normative power should not be overlooked.

More critically, the SAHRC has been subject to several general critiques that may affect its capacity to promote HRE effectively. (With noted exceptions (for example, Baxi, 1996) HRE itself is not typically targeted, perhaps because skeptics do not consider it significant enough to debate its merits.) First, as an actor precariously situated between the state and society, the SAHRC has often been perceived as siding with the state, or at least as not pushing the state sufficiently to fulfill its commitments. This has manifested itself in the SAHRC’s failure to demand that state agents (whether parliamentarians or local police) enforce its recommendations.12 Coincidentally, but not surprisingly, 90 percent of the commission’s overall funding is from the state.

Second, the SAHRC has been chastised for being insufficiently accessible to many segments of the population, including areas of the country that are remote from the commission’s few provincial offices.13 Thus, many of South Africa’s dispossessed and marginalized members of society, who most need the services of the SAHRC, continue to fall outside state protection.

Third, funding remains inadequate. As Chief Justice Arthur Chaskalson
describes the commission, “Its mandate is vast but its capacity is limited because of shortage of funds” (Business Day, 2002). While the SAHRC’s capacity may be constrained by other closely related factors, including insufficient political will, financial shortages are evident and even growing. The number of full-time commissioners, for example, was cut back from seven to five in 2002, despite the growing number of complaints and workload (Africa News Service, 2002; South African Press Association, 2002).

Fourth, the SAHRC runs the risk of contributing to institutional redundancies. As human rights agencies proliferate, alongside parallel state institutions devoted to good governance (for example, South Africa’s Commission on Gender Equality), it becomes increasingly important to demarcate institutional boundaries, something that has not been done sufficiently in South Africa, despite the fact that the SAHRC itself initially arose in the shadows of the Truth and Reconciliation Commission.

Lastly, any human rights institution must develop reliable tools to assess systematically the impact of its work, especially in the area of HRE, where the greatest rewards may be cumulative. This challenge confronts diverse states and human rights commissions around the world, as discussed above. In the case of South Africa, the creation of the training center is a step in the right direction, but stronger links between the SAHRC and universities, NGOs, and international governmental organizations will need to be forged before more reliable indicators of institutional effectiveness can be devised.

After entering its second seven-year term in 2002, the SAHRC showed signs of defining HRE broadly as a process of socialization. This was reflected in a general shift from civil and political rights to greater attention to economic and social rights. While this change may have been the result of new leadership more than organizational learning, in terms of HRE, it has led to an emphasis on “educating about human rights,” not just “the human right to education” (Matlou, 2002). Before HRE transforms the cultural milieu (Majodine, 2002; Sarkin, 1998), however, the SAHRC will need to clarify its exact role vis-a-vis the state and society at large – remaining independent from the state, but accessible to all South Africans.

Conclusion

Human rights education is predicated on the central premise that a culture of human rights can be constructed.14 This article calls into question the extent to which states have in fact contributed to building such a culture. While state interests in promoting HRE may vary widely, reflecting both the benefits of jumping on the HRE bandwagon and the global normative appeal of this broad concept, the empirical record suggests that actual implementation has been weak. In general, states are not institutionalizing HRE fully, funding it adequately, or cooperating sufficiently with non-state actors. This is evident cross-regionally, among highly diverse states, and even states such as South Africa that have been particularly active in the HRE arena. Yet without sufficient political, economic, and social capital, any attempts to construct a human rights culture are likely to founder. Supporters of HRE (whether international organizations, non-state groups, or funding agencies) now need to call on states explicitly to bridge the gap between promoting and implementing HRE.

The South African case highlights these dynamics, revealing the possibilities
and limits of state promotion of HRE. Some observers have characterized the SAHRC’s work as “surprisingly successful” despite a shaky start. Others note its limits, given the commission’s potential; they point to the gap between high expectations and actual practice. South African political scientist John Daniel, however, finds that on balance the country is a better place for having the SAHRC (Africa News Service, 2000). Whether efforts in the domain of HRE have changed broader human rights conditions and improved the lives of many South Africans is difficult, if not impossible, to gauge, but the commission has at least transmitted ideas about human rights both to individuals and the state.

As cross-regional trends and the South African case illustrate, state promotion of HRE can be a worthwhile endeavor, with a few caveats. Situated between the state and society, human rights commissions, for example, are well placed to help socialize both state officials and the public. States also are strategically positioned to insert human rights norms into public curricula. Formal and informal strategies alike can produce changes in discourse and lead to growing public awareness of human rights, even if HRE alone does not alter conditions per se. That said, a state’s promotion of HRE should not always be taken at face value as evidence of a commitment to human rights norms. After all, state officials exposed to human rights training may learn the wrong lessons, even the limits of what they can get away with. Any HRE initiative that is underfunded and essentially inaccessible to a segment of society, especially its most vulnerable and marginalized members, should be confronted critically. Otherwise, promoters of HRE may inadvertently help replicate the patterns of abuse they claim to combat while failing to empower human rights victims.

States of all stripes have been able to embrace HRE to some degree, given the concept’s ambiguous nature and apparent innocuousness. In a global climate in which HRE has become part of the modern state’s human rights repertoire, doing so promises to enhance a state’s international image. Yet despite the half-hearted measures that most states have taken during the UN decade, in the end the most fundamental effect of HRE may be its capacity to change social expectations, generating vital debate and public contestation. This is a substantial normative achievement that may be necessary, if insufficient, for producing concrete human rights reform. The colossal challenge will be to change the expectations of those who hold power (current and future generations) so that HRE does more than simply widen the gap between human rights demands and state practice.

Notes

1. During 2005–07, the World Program for HRE will focus on both primary and secondary schools. For information on the World Program and the Decade for Human Rights Education, see UNHCHR (2005a). A skeptical account of progress made during the decade is provided in Rosemann (2003).

2. For a solid introduction to HRE, see Andreopoulos and Claude (1997). See also the following special issue devoted to HRE: Lenhart and Savolainen (2002). A practical “how-to” manual is Martin (2000). For data and resources, see UNHCHR (2005b) and the website of Human Rights Education Associates, an international nongovernmental organization (HREA, 2005).

3. For a partial application of this perspective to human rights, see Brysk (1993). This approach resembles “bottom-up” explanations of democratization or regime change. On the links between democracy and human rights, see especially Gould (2004), Beetham (1999), Davenport and Armstrong (2004), and Arat (1991).
4. Basic overviews of the human rights literature in international relations are provided in Schmitz and Sikkink (2002) and Cardenas (2004). An alternative, domestic-level argument is that self-interested national leaders, facing the uncertainties of democratization, use HRE to “lock-in” future state compliance. This would require, however, national leaders who are convinced that HRE can have such long-term effects. Andrew Moravcsik (2000) applies the concept of democratic lock-in to human rights.

5. For a relevant “world society” argument, see generally Meyer et al. (1997) and Strang and Meyer (1993).


7. On assistance to post-conflict polities, and the activities of international donors, see UNHCHR (2003), last updated in October 2003.

8. I coded each country in the world dichotomously, depending on whether the state promoted HRE (UNHCHR, 2003). For a state to have promoted HRE, it had to have formed or be in the process of forming a national committee or a national plan of action. Unlike mere rhetoric, these steps are emphasized by international documents (UNHCHR, 2003: notes 12, 13) and reflect some degree of formal state commitment. Significantly, moreover, HRE promotion corresponds very closely (correlation coefficient of .88) to the existence of national human rights commissions, as discussed below.

9. National human rights commissions, a specific type of national human rights institution, are usually charged with the protection and promotion of human rights. Lists of national commissions are available from the UN Office of the High Commissioner for Human Rights; see also the National Human Rights Institutions Forum (NHRIF, 2005). Overviews of national human rights commissions are found in Cardenas (2003a), Reif (2000), ICHR (2000), and Hossain et al. (2001).

10. Unless noted otherwise, the remainder of this section relies on SAHRC annual reports and personal interviews with commission staff in Johannesburg during June–July 2003.


12. Note that the SAHRC reports directly to parliament. See Africa News Service (2000).


14. This issue remains fertile ground for future institutionalist research. Constructivism might offer valuable theoretical leads in this regard. See Adler (2002) and Risse (2002).


References


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Biographical Note

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