

# Utilising the promotional mandate of the African Commission on Human and Peoples' Rights to promote human rights education in Africa

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## Summary

*Human rights education plays an important role in the promotion of human rights. This article provides suggestions on how national strategies for human rights education should be devised. The author further argues that the African Commission on Human and Peoples' Rights has not lived up to its promise with regard to active involvement in efforts to improve human rights education across the continent. Suggestions are given as to how the Commission could play a more active role with regard to human rights education.*

## 1 Introduction

In Africa, there are only isolated and mostly unco-ordinated efforts to educate the public on human rights. There are, for instance, ongoing thematic human rights conferences, workshops and *ad hoc* training programmes.<sup>1</sup> Human rights are also in some states taught as a subject by itself, especially in law faculties of universities, or as a component of interdisciplinary courses.<sup>2</sup> However, many African states do not have

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<sup>1</sup> MK Addo 'Implementation by African states of the plan of action for the United Nations Decade for Human Rights' (2000) 44 *Journal of African Law* 96 104.

<sup>2</sup> See Report of the United Nations High Commissioner for Human Rights on the mid-term global evaluation of the progress made towards the achievement of the objectives of the United Nations Decade for Human Rights Education (1995-2004), adopted at the 55th session of General Assembly, UN Doc A/55/360 (2000) paras 31 & 32.

proper human rights education programmes.<sup>3</sup> Even in countries where human rights education programmes have been launched, they are often flawed.<sup>4</sup> The great opportunity created by the Declaration of the United Nations (UN) Decade for Education on Human Rights has not been fully utilised.<sup>5</sup> Only a handful of African states responded to the valuable Plan of Action under the UN Decade for Human Rights Education (1994-2004).<sup>6</sup> It should, nonetheless, be borne in mind that the programme under the UN Decade was designed for international application and hence not based specifically on the situation in Africa. As will be argued further below, the African Commission on Human and Peoples' Rights (African Commission) could act as a mechanism for the co-ordination of human rights education efforts at the continental level.

## 2 Human rights education

### 2.1 Programme design

Human rights education programmes should be designed in a way that

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<sup>3</sup> See the section on Africa in the mid-term evaluation report (as above) para 129(a). See also L Gearon *The human rights handbook: A global perspective for education* (2003) 160-161.

<sup>4</sup> See JP Martin *et al* 'Promoting human rights education in a marginalised Africa' in GJ Andreopoulos & RP Claude (eds) *Human rights education for the twenty-first century* (1997) 446. They are sometimes used as means of legitimising the ruling political party.

<sup>5</sup> Res 1993/56 of 9 March 1993.

<sup>6</sup> See UN Doc A/51/506 and UN Doc A/52/469. Eg, Algeria, Chad, Ghana, Sudan and Tunisia were the only countries that responded on the establishment of a national focal point and centre for human rights education which was required by the Plan of Action. In an evaluation survey conducted at the end of the Decade jointly by the United Nations Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Educational, Scientific and Cultural Organisation (UNESCO), to which only the Democratic Republic of the Congo, Ethiopia, Sierra Leone and South Africa responded, most governments mentioned that human rights education still remains a priority in their countries, since specific groups or issues have not been dealt with and appropriate co-ordination mechanisms for human rights education were not yet in place. The majority of responding governments supported the proclamation of a second Decade for Human Rights Education (2005-2014), as well as the establishment of a voluntary fund. For more on this, see United Nations Decade for Human Rights Education (1995-2004): Report on achievements and shortcomings of the Decade and on future United Nations activities in this area, Report of the High Commissioner, adopted at the 60th session of the Commission on Human Rights, UN Doc E/CN.4/2004/93 (2004) para 42. Based on this survey and considering that human rights education is a long-term and lifelong process, the UN General Assembly proclaimed the World Programme for Human Rights Education, structured in consecutive phases, that begun on 1 January 2005, the first phase of which was to cover the time from 2005 to 2007. See World Programme for Human Rights Education adopted by the 59th session of the General Assembly, UN Doc A/RES/59/113 (2005), paras 2 & 3. It is also believed that the Decade on Education for Sustainable Development (2005-2014) would partially provide a framework for continuing human rights education activities. The mandate of promoting human rights education and learning which has been given to the newly-established UN Human Rights Council will provide another source of effort on programmes of human rights education worldwide.

recognises the social, cultural, economic and political realities of a society. To this end, the process should begin with a baseline study, which should be conducted by a specific organ of state, with the aim of identifying the most pressing local and national human rights needs and defining the best approach to human rights education in the individual country. Existing programmes of education in human rights, launched by any actor, should be identified. The study should be a comprehensive one in terms of attempting to identify the status of knowledge of human rights and reflecting the needs of people from all walks of life. Such a study helps to adopt a comprehensive legal basis and strategy for human rights education at a national level. Based on it, short, medium and long-term plans and goals should be adopted. In fact, the basic purpose of such a study should be setting clear educational goals; a component of effectiveness that human rights education programmes lack too often. In order to ensure substantial improvements in the human rights situation, plans for programme evaluation and follow-up should also be incorporated.

## 2.2 Target groups

Human rights education programmes should target virtually all the people of a country through formal and non-formal avenues of education by the inclusion of human rights themes in school curricula, training, workshops, seminars and other informal events such as programmes in religious institutions. These are ways of reaching the maximum possible number of people. It might, however, be necessary to prioritise some groups such as children in school, prisoners, the police, and so on. But still, the programme should address this issue carefully as no portion of the population should be left out under the pretext of prioritisation.

A respect for human rights requires the concerted effort of the ordinary public, professionals, civil society and state officials. Education and training strategies should, therefore, focus on a diverse range of distinct constituencies that either nurture or inhibit the ability to protect human rights, including potential violators, monitors, investigators and relief providers. The use of well-established civil society institutions, such as workers' unions, religious and community organisations and the family, is invaluable for an easy reach to their members. The effect of human rights education can be boosted through pre-service education programmes for professionals.

The approach to human rights education differs between African states. The programme of civic education in Ethiopia, which has incorporated education on human rights, is limited to schools.<sup>7</sup> There is a

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<sup>7</sup> Interview with Girma Alemayehu, Head, Civic and Ethical Education and Training Department, Ministry of Education, Federal Democratic Republic of Ethiopia, on 16 July 2005.

minimal attempt to educate the whole population.<sup>8</sup> In Ghana, the programme being run by the National Civic Education Commission makes much use of informal avenues, as the subject is not part of school curricula.<sup>9</sup> The programmes of Democracy for All and Street Law in South Africa are good models which should be followed by other countries. Democracy for All is one of the leading groups designing human rights education curricula for public schools, organising workshops for the community in general and publishing articles on democracy, human rights education and citizen participation.<sup>10</sup> In the Street Law programme, university students get training on methods of teaching and they educate the public and students on different issues regarding human rights.<sup>11</sup> In South Africa, human rights education is now part of a national Democracy, Human Rights and Legal Education programme aimed at nurturing a culture of democracy and human rights in the country.<sup>12</sup>

A good human rights education programme should plan to educate and train in every area of a country. In most African countries, the majority of the population lives in rural areas, but programmes target only capital cities and major towns. In this connection, others would want to share the experience of the Education Centre for Women in Democracy (ECWD) in Kenya, which has been running civic education programmes on human rights awareness since 1997.<sup>13</sup> ECWD reaches out to the rural areas through the extensive use of para-legal trainees recruited from the areas where they are supposed to operate.<sup>14</sup> This method increases the effectiveness of human rights education, as the para-legals exploit the ties of clan, kinship and other effective mechanisms and make use of vernaculars. It is a kind of trust-building structure which can facilitate human rights education. Such an approach would also be suitable to overcome the barriers of poor infrastructure in most African countries.

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<sup>8</sup> As above. The interviewee said that the programme being implemented by the Ministry of Education cannot fulfil its proper goals as the students (the only targets) spend more time in the community which it leaves out.

<sup>9</sup> Interview with Edward Mudashiru Tetteh, Assistant Civic Education Officer at the National Civic Education Commission, Republic of Ghana, on 12 November 2004. According to the official, the Commission was working hard towards the incorporation of civic education in school curricula.

<sup>10</sup> D Pitts 'Human rights education in diverse, developing nations: A case in point — South Africa' [http://www.usinfo.state.gov/journals/itdhr/0302/ijde/pitts\\_1.htm](http://www.usinfo.state.gov/journals/itdhr/0302/ijde/pitts_1.htm) (accessed 13 November 2005).

<sup>11</sup> Interview with Lungowe Matakala, Lecturer (teaching Street Law), Faculty of Law, University of Pretoria, on 10 July 2004.

<sup>12</sup> Pitts (n 10 above).

<sup>13</sup> BA Andreassen 'Bridging human rights and governance: Constructing civic competence and the reconstitution of political order' in HO Sano & G Alfredsson (eds) *Human rights and good governance: Building bridges* (2002) 111. See also <http://www.ecwd@swiftkenya.com> (accessed 20 November 2005).

<sup>14</sup> As above.

### 2.3 Content

The content of human rights education may depend on the needs and background of the group which it targets. But, in any case, a good human rights education programme should be designed in such a way as to provide knowledge of human rights and develop intellectual and participatory skills. It should minimally address the ideals, values and principles underpinning the African Charter on Human and Peoples' Rights (African Charter) and other human rights instruments. These are criteria which citizens can use to judge the means and ends of government, as well as the means and ends of the myriad groups that are part of civil society. The monitoring mechanisms established by human rights instruments should also be highlighted. However, human rights education should go beyond simply disseminating information about human rights law. Learners should be equipped with critical thinking skills. It should develop the skills of citizens to interact with each other, monitor the handling of issues by the government and influence public policy.

Human rights should not be taught in isolation. It should include other ideals and values which reinforce a commitment to human rights. It should ideally be linked, among others, to peace, democracy, good governance, development, social justice, tolerance promotion, conflict resolution and problem solving. These points should be taken into consideration when determining the content of human rights education.

### 2.4 Duration

Programmes of human rights education should be launched with long-term commitment. It should not be conducted on a 'hit-and-run' basis, as is the case in some African countries.<sup>15</sup> Because of such short-term commitments, human rights education fails to attain its goals. It is therefore very important that education on human rights be conducted for a long enough period to inculcate human rights values, methods of protection, and advocacy and other relevant skills.

### 2.5 Methodology and medium

The implementation of human rights education programmes is a crucial step which involves many issues which have direct impact on its effectiveness. A matter of fundamental importance in this regard is the training of teachers or trainers specifically in human rights. The method of teaching or training and the medium of dissemination used to educate in human rights are other two determinant factors.

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<sup>15</sup> In Kenya, eg, voter education as a component in rural democratisation was conducted through short-term courses (one to three days) by urban-based civic groups. See Andreassen (n 13 above) 107. The same was true with voter education for the May 2005 elections in Ethiopia.

A good methodology of human rights education should engage the participants in attitudinal skills as well as knowledge development.<sup>16</sup> Educators should apply an active learning methodology instead of lecturing. The former is a method of education that involves the active participation of learners or trainees and aims at developing their problem-solving skills. Active learning is a student-centred approach in which the teacher facilitates or supervises, with inputs, the exercises (case study, role-play, small group discussions and such) aimed at the development of knowledge and skills. The participatory approach is viewed as motivating, humanising and ultimately practical, since this form of learning is linked more strongly with attitudinal or behavioural change than is a pure lecturing method.<sup>17</sup> This is the approach which can provide the necessary knowledge and skills to respect human rights and challenge their violation.

In human rights education, the elements of knowledge and practice are intrinsically linked and must be taught in a joint and coherent manner.<sup>18</sup> Human rights education must not be theoretical, but relevant to people's daily lives. It should be related to the realities on the ground. The method in developing materials as well as teaching or training should enable learners or trainees to relate the knowledge of human rights they acquire to their application in practice. This is a possible source of challenge to educators in Africa. Learners would want to relate their knowledge to what happens on the ground. Considering that there is a poor record of respect for human rights in many countries, in comparison to the commitment by their governments, educators may face problems convincing learners of the ideals they advocate.<sup>19</sup>

The means or medium of education depends on the level of technological advancement and the target audience of the education. In

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<sup>16</sup> In the evaluation that has been made at the end of the UN Decade for Human Rights Education, it is concluded that in some countries formal education is traditionally knowledge-based, and this approach alone is not conducive to attitudinal changes which are the objective of human rights education efforts. See UN Doc E/CN.4/2004/93 (2004) (n 6 above) para 25.

<sup>17</sup> F Tibbitts 'Emerging models for human rights education' (2002) in Electronic Journals of the US Department of States: Issue of Democracy <http://usinfo.state.gov/journals/itdhr/0302.htm> 8 (accessed 20 July 2005).

<sup>18</sup> JB Marie 'Human rights education, a fundamental resource in the prevention of violations' in LA Sicilianos (ed) *The prevention of human rights violations* (2001) 271.

<sup>19</sup> This was among the observations from the series of workshops that have been held by the Ministry of Education of Ethiopia to introduce new textbooks for civic education to all teachers of the subject in the country in mid-2003. Most of the participants expressed the view that they have difficulty answering the questions students raise by relating the ideals they teach to what obtains in practice (considering the political sensitivity of the issues). The author was one of the facilitators of the training of teachers.

Africa, oral communication is taken to be the principal medium of communication.<sup>20</sup> Therefore, in situations where it is possible, for instance in schools, human rights education should be done through oral communication. However, one should reach the public, which sometimes may be difficult, if not impossible. This is because of infra-structural and related problems which are common in many African countries. This should not justify the failure to provide education for those people. If there is a real commitment to human rights education, citizens have to be educated in any way possible. A lesson may be taken from the Kenyan experience discussed above. It is also advisable to make use of regular radio programmes on human rights, as radio is the most important medium of mass communication in Africa.<sup>21</sup> The relevance of print media, television and other electronic media should not be ruled out, though they are not accessible to the majority of the population in Africa.

### **3 The African Charter and human rights education**

Article 25 of the African Charter imposes the duty to promote and ensure through teaching, education and publication, a respect for the rights and freedoms contained in the Charter and to see to it that these freedoms and rights, as well as corresponding obligations and duties, are understood. Article 26 adds that 'state parties shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion of the rights and freedoms guaranteed by the present Charter'. If states and the African Commission act upon these provisions with imagination, these articles could prove helpful in developing a useful programme for human rights education in Africa. They establish the normative framework for the development and implementation of effective human rights education programmes in African states. As shall be shown bellow, it is the African Commission which should monitor the implementation by states of their obligations under these articles.

### **4 The promotional mandate of the African Commission**

The African Commission was established to monitor the implementa-

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<sup>20</sup> Art 19 'Freedom of association and assembly unions, NGOs and political freedom in sub-Saharan Africa' (2001) <http://www.article19.org/docimages/986.htm> (accessed 5 April 2005).

<sup>21</sup> IMS Assessment Mission 'The Rwandan media experience from the genocide' (2003) 10 <http://www.i-m-s.dk/pic/Rwanda20media%20experience%20Report%20June03.pdf> (accessed 10 April 2005).

tion of the African Charter. The status of the African Commission within the framework of the African Union (AU) remains unclear, as the Constitutive Act of the AU is silent on the African Commission.<sup>22</sup> Considering that the Commission was established 'within' the OAU (now AU) and that the former is funded by and reports to the latter, it can be taken as an organ of the AU in charge of promoting and protecting human rights in Africa.<sup>23</sup>

The African Commission has both a promotional and protective mandate. While article 30 of the African Charter generally states that a commission shall be established for the purposes of promoting human and peoples' rights and ensuring their protection in Africa, article 45 details these functions. It lays down the framework for the promotion of human rights that would in the long run, if applied properly, have the effect of forestalling violations. This framework includes the dissemination of information, research and formulation of normative standards and co-operation with national and international institutions for purposes of promoting respect for human rights. In theory, the

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<sup>22</sup> See the Constitutive Act of the African Union, OAU Doc CAB/LEG/23 15, adopted by the Assembly of Heads of State and Government of the OAU in Lome, Togo on 11 July 2000 (entered into force 26 May 2001), art 5 (listing the organs of the AU). The issue of status of the Commission within the framework of the AU arose as an off-the-agenda but interesting issue in the January 2006 Summit of the AU in Khartoum, Sudan. In addressing a meeting, the Chairperson of the Commission of the African Union (AUC) distinguished the representatives of the organs of the AU in attendance and skipped the Chairperson of the African Commission on Human and Peoples' Rights, who was seated right next to those who were being addressed. The Commissioner Political Affairs of the AUC interjected to remind the Chairperson of the failure to address the African Commission's Chairperson, to which the former replied that the Commission is not an 'organ' of the AU and hence its Chairperson cannot be addressed at the same level as the others. This gave rise to an interesting discussion between the Commissioner Political Affairs and the Legal Counsel of the AU, which culminated in the preparation of a legal memorandum on the status of the African Commission within the framework of the AU to which the attention of the Chairperson of AUC would be called (the author has assisted in the preparation of the memorandum).

<sup>23</sup> The provisions of the African Charter on the establishment of the Commission 'within the OAU' (art 30), the election of commissioners by the highest political organ of the OAU (art 33), the funding and staffing of the Commission by the OAU and the appointment of the Secretary by the Secretary-General of the OAU (arts 41 & 44), and that the Commission reports to the Assembly (art 59) all indicate that the Commission is placed on the same footing with such organs of the AU as the African Court of Justice, the Financial Institutions and Specialised Technical Committees. Again, as the AU is the legal successor to the OAU, the treaty responsibilities of OAU organs under the African Charter have automatically been taken over by organs of the AU. Similarly, organs established within the OAU became organs of the AU. Incidentally, the question of institutional status may definitely arise in relation to the African Court of Human and Peoples' Rights. However, it can be argued that the decision to integrate the African Court of Human and Peoples' Rights and the African Court of Justice into one court (decision of the Assembly of the Union at its 3rd ordinary session in July 2004, Resolution AU/Dec 45 (III)) solves the problem by giving the Human Rights Court the status assumed by the Court of Justice as an organ of the AU under art 5(1) of the Constitutive Act.

African Commission has demonstrated a perfect understanding of this mandate in stating that, within the framework of its promotional role, it has, *inter alia*, an information and education function, a quasi-legislative function, an institutional co-operation function and an examination of state reports function.<sup>24</sup>

The African Commission carries out various activities in the name of the promotion of human rights. It organises seminars and workshops on various human rights topics in collaboration with different organisations. Commissioners conduct 'promotional missions' to states, depending on the availability of funds,<sup>25</sup> during which they engage stakeholders in dialogue on appropriate ways of enhancing the promotion and protection of human and peoples' rights in the specific state. They also take part in conferences, seminars and experts' meetings on various issues related to human rights, in Africa and elsewhere. These are the types of activities which the African Commission usually includes in its activity reports under the heading of 'Promotional Activities'.<sup>26</sup> Such activities are largely carried out on a piecemeal basis rather than as a well-co-ordinated continental effort that the Commission is well-placed to create. It is also unlikely that participation of commissioners in 'high level' conferences, workshops and seminars on human rights would have a direct impact on the knowledge of the ordinary public about the human and peoples' rights protected by the African Charter.

Under the African human rights system, as elsewhere, an interest in protection mechanisms overshadows efforts of promoting human rights. However, it was found that the protection of human rights through 'blaming and shaming' governments or states does not yield much fruit.<sup>27</sup> This suggests that the promotion of human rights, especially through education, should be given much more weight. For instance, through education in human rights targeted at state officials, professionals, students and the public at large, the violation of human rights can be curbed — while officials and professionals would be required to work in accordance with accepted norms of human rights,

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<sup>24</sup> African Commission on Human and Peoples' Rights, Mandate [http://www.achpr.org/english/\\_info/mandate\\_en.html](http://www.achpr.org/english/_info/mandate_en.html) (accessed 20 January 2007).

<sup>25</sup> Commissioners were sometimes unable to conduct scheduled promotional missions due to a lack of funding. See eg Twentieth Annual Activity Report of the African Commission on Human and Peoples' Rights, 9th ordinary session of the Executive Council, 25-29 June 2006, Banjul, The Gambia, EX.CL/279 (IX) para 22.

<sup>26</sup> The promotional role of the African Commission would be enhanced by the fact that it meets in different African states and is thus able to open dialogue and co-operate with a variety of African governments on a face-to-face basis. See CFJ Doebller 'A complex ambiguity: The relationship between the African Commission on Human and Peoples' Rights and other African Union initiatives affecting respect for human rights' (2003) 13 *Transnational Law and Contemporary Problems* 7 15.

<sup>27</sup> See N Rosemann 'Human rights education — Towards the end of the UN Decade' (2003) 4 *Nordic Journal of Human Rights* <http://www.hrea.org/erc/Library/rosemann03.pdf> (accessed 15 May 2006).

as informed citizens would put them under pressure to respect the same. For this reason, the promotion of human rights is more effective than deterrence strategies which involve sanction by human rights instruments.<sup>28</sup> According to the often-quoted adage, 'prevention is better than cure'. Extensive promotion of human rights through education has special importance for African states where violations of human rights have been prevalent and where, as in many other parts of the world, many people do not have a functional knowledge of human rights.<sup>29</sup>

The above suggests that the African Commission should build its human rights promotion strategy mainly around the promotion and co-ordination of human rights education. The Commission can make use of its promotional mandate to bring about respect for human rights in African states by organising human rights education and co-ordinating or supervising such efforts by state and non-state actors on the continent. The fact that the newly-established African Court on Human and Peoples' Rights complements the protective functions of the African Commission<sup>30</sup> means also that the Commission may now devote much of its resources to the promotion of human rights.

## 5 The African Commission and human rights education

### 5.1 Co-ordination

Article 45 of the African Charter provides that the African Commission should disseminate information on the rights guaranteed by the Charter and mechanisms of their implementation. It is also charged with the mandate of encouraging national and local institutions concerned with human and peoples' rights and co-operating with other African and international institutions concerned with the promotion of human and peoples' rights.<sup>31</sup> Based on the same provision, the Commission

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<sup>28</sup> D Barnhizer 'Human rights strategies for investigation and "shaming", resisting globalisation rhetoric, and education' in D Barnhizer (ed) *Effective strategies for protecting human rights: Prevention and intervention, trade and education* (2001) 7.

<sup>29</sup> See Addo (n 1 above) 100. See also N Flowers 'Human rights education in the USA' (2002) in US Department of State (n 17 above) 18.

<sup>30</sup> See the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, adopted in Ouagadougou, Burkina Faso, on 9 June 1998 (entered into force on 25 January 2004), Preamble para 7 & art 2.

<sup>31</sup> This can, eg, be a basis for the African Commission to co-operate with such actors as UNESCO and the OHCHR, both of which are concerned with human rights education at the international level. According to the international Plan of Action under the UN Decade for Human Rights Education (1994-2004), the implementation of which was co-ordinated by the aforementioned organisations, regional human rights organs, such as the African Commission, were to be used as focal points with the role of co-ordination. See UN Doc A/51/506 and UN Doc A/52/469.

may also co-ordinate human rights education efforts of member states to the African Charter.

The African Commission has passed resolutions in which it recited the provisions of articles 25 and 26 of the Charter and highlighted the importance of education to an effective implementation of the African Charter,<sup>32</sup> and called on African states to 'ensure . . . that human rights are included in the curriculum at all levels of public and private education and in the training of law enforcement officials'.<sup>33</sup> In its programme of activities for 1992-1996, the Commission pledged to assist in the development of curricula and courses for formal and non-formal education in human rights.<sup>34</sup> In 1996, the Commission adopted a five-year Plan of Action, including a section on human rights education with special emphasis on the African Charter, under which it was planned to develop curricula and courses on human rights education for various professional and age groups.<sup>35</sup> However, a review of the Activity Reports of the Commission and other relevant documents reveals that many of the components of these impressive resolutions and the Plan of Action were not implemented. The same holds true for the appeal (to the Commission) of the First Ministerial Conference on Human Rights in Africa held in Grand Bay, Mauritius in 1999, to adopt appropriate strategies for human rights education and take measures to implement them.<sup>36</sup> In later years, not much has been said by the Commission on human rights education.

Over and above organising general and specialised events of human rights promotion, the African Commission can create a regional or

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<sup>32</sup> Resolution on Human and Peoples' Rights Education, Seventh Activity Report of the African Commission on Human and Peoples' Rights (1993-1994) Annex VII. The Commission stated that education in human and peoples' rights is a prerequisite for the effective implementation of the African Charter and other international human rights instruments.

<sup>33</sup> Resolution on the African Commission on Human and Peoples' Rights, Promotional Activities, Sixth Activity Report of the Commission (1992-1993). The Commission further requested states to ensure that education for human rights and democracy should involve every organ of society as well as the media. In its Resolution on human rights education (n 32 above), the Commission also requested state parties to ensure that education and information regarding human and peoples' rights are included in the training of law enforcement personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

<sup>34</sup> African Commission on Human and Peoples' Rights: Programme of Activities 1992-1996, Human Rights Conferences and Workshops, Sixth Activity Report (n 33 above) Annex V.

<sup>35</sup> African Commission on Human and Peoples' Rights, Mauritius Plan of Action (1996 — 2001), sec II/3 on Promotional Mission of the African Commission [http://www.achpr.org/english/declarations\\_mauritius\\_en.html](http://www.achpr.org/english/declarations_mauritius_en.html) (accessed 28 July 2006).

<sup>36</sup> The First OAU Ministerial Conference on Human Rights in Africa, meeting from 12 to 16 April 1999 in Grand Bay, Mauritius, Grand Bay (Mauritius) Declaration and Plan of Action para 20 <http://www.africanreview.org/docs/rights/grandbBay.pdf> (accessed 26 July 2006).

central mechanism of co-ordination and supervision of human rights education efforts in Africa. First and foremost, it may create a pool of resources on human rights education that responds to the needs in various states. This would simply be a realisation of the promises in the above-mentioned resolutions and action plan. A continental mechanism for human rights education may further be created through: the establishment of partnerships and co-operation with and among non-governmental organisations (NGOs) and national institutions in accordance with article 45(1)(c) of the Charter, the state reporting procedure under article 62 of the Charter, and the Commission's special procedures.

Through partnerships among different actors, a pool of potential and experience can be created for effective human rights education. There is a finding to the effect that, in Africa, most NGOs are aware of human rights education initiatives of governments and the latter are also aware of similar programmes of NGOs.<sup>37</sup> There is also evidence of collaboration of NGOs with governmental institutions through joint projects and networking activities.<sup>38</sup> Moreover, governments and NGOs have a relationship with the African Commission.<sup>39</sup> This is a ground on which the latter can build to strengthen joint efforts on human rights education. The fact that there is also a quest for improved partnership<sup>40</sup> would help the Commission to create the necessary partnership between governmental and non-governmental institutions.

The African Commission has a strong relationship with NGOs.<sup>41</sup> It has an NGO forum before every session. At this forum, NGOs report on their activities, including human rights education, and the Commission

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<sup>37</sup> Mid-term evaluation report (n 2 above) para 28.

<sup>38</sup> As above, para 36.

<sup>39</sup> The African Commission has established a procedure for granting affiliate status to national human rights institutions and observer status to NGOs. More than 30 states have national human rights institutions with which the Commission has developed links and over 350 NGOs have observer status at the Commission.

<sup>40</sup> Mid-term evaluation report (n 2 above) para 41. Consecutive conferences of African national human rights institutions have also stressed the need for partnership with NGOs and the African Commission. See the Durban Declaration (second conference held in Durban, South Africa, 1-3 July 1998) paras 8 & 14, and Lome Declaration (third conference held in Lome, Togo, 14-16 March 2001) para 5. The latter urged African institutions to apply for affiliate status with the African Commission.

<sup>41</sup> NGOs have been in the forefront in educating in human rights in Africa. Already in 1993, in a resolution that has actually been proposed by NGOs, the African Commission has taken into consideration the great efforts made by the African NGOs to promote and implement human and peoples' rights through education on both formal and informal levels and decided to intensify its co-operation with the African NGOs on human and peoples' rights education. See Resolution on human rights education (n 32 above).

recommends ways of making their endeavour effective.<sup>42</sup> This is appreciable. However, this should be coupled with organising a similar forum for national institutions concerned with human rights education and establishing or strengthening partnerships between them and NGOs. The Commission can use this opportunity to promote co-operation and co-ordination between state and non-state actors. It would be worthwhile to create a common forum for both.

## 5.2 Monitoring

### 5.2.1 State reporting

Under article 1 of the African Charter, state parties undertake to adopt legislative and other measures to give effect to the rights in the Charter. As has been pointed out above, articles 25 and 26 of the Charter impose the duty to educate the public on human rights and establish institutions entrusted with the promotion of human rights. Under article 62, states are required to submit reports to indicate how they have implemented article 1, that is, the legislative and other measures they have adopted to give effect to the Charter. In relation to human rights education, states are expected to report on the legislative, policy and practical steps they have taken to carry out their obligations or to realise the right of citizens to human rights education. The African Commission examines such reports,<sup>43</sup> in the course of which it should stress the duty of states to adopt comprehensive national human rights education programmes and implement these effectively.

The African Commission adopted Guidelines for State Reporting in 1989 which require state parties to report on each right and duty enshrined in the African Charter. Considering that these guidelines of the Commission are lengthy and probably serve as a disincentive to reporting, the Commission adopted complementary summary guidelines under which states are specifically required to report on the steps taken to carry out their obligations on human rights education under article 25 of the Charter.

State reports are discussed in public at each session of the Commission. One commissioner is designated as Special Rapporteur and is required to prepare a list of questions to be addressed by the representatives of the reporting state. This list is sent to the state ahead of the

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<sup>42</sup> Interview with Prof EVO Dankwa, Commissioner African Commission on Human and Peoples' Rights, on 10 November 2004. However, the interviewee agreed that issues relating to human rights education arise in the same way as other issues and hence do not get the particular attention this paper argues for. He also agreed that the right to human rights education has not been taken seriously in Africa.

<sup>43</sup> While art 62 of the African Charter does not designate a specific organ to consider reports of states, the African Commission requested the OAU to specifically assign it with the mandate at its 3rd ordinary session in April 1988 and the latter approved the request at its 24th ordinary session.

consideration of the report. Considering the special importance of human rights education and the clear obligation of states in that respect, the Rapporteur should incorporate specific questions relating to the steps taken with regard to human rights education. The Commission may get the necessary information on the steps taken by states from other sources, mainly NGOs.<sup>44</sup> It should also identify human rights education programme components, based on which it can advise states or make comments.<sup>45</sup>

During the examination of states' reports, commissioners sometimes stress the importance and necessity of public awareness about the African Charter rights.<sup>46</sup> They also ask about the extent to which the provisions of articles 25 and 26 of the Charter are implemented in member states.<sup>47</sup> The Commission has also begun issuing concluding observations in which it enshrines recommendations that states should make efforts to ensure that the provisions of the African Charter are widely known to adults and children alike.<sup>48</sup> The problem is that such questions and recommendations, which arise in the examination of some reports, are often based on insufficient information. The Commission should gather supplementary information from various sources on the status of human rights education in specific states. The Rapporteur preparing the list of questions should do extensive research before preparing a detailed list of questions relating to human rights education.

### 5.2.2 Special procedures

The African Commission can also make use of its Special Rapporteurs

<sup>44</sup> According to the Commission, upon receipt of a report, the Secretariat sends copies to international (such as Amnesty International and the International Commission of Jurists) and local (from the state that has submitted the report) NGOs and invites them to avail to it information and/or questions relating to human rights in the submitting state. See African Commission on Human and Peoples' Rights, State Reporting Procedure [http://www.achpr.org/English/\\_info/state\\_procedure\\_en.html](http://www.achpr.org/English/_info/state_procedure_en.html) (accessed 20 May 2007). While this has rarely been interpreted in practice, it would serve as a valuable source of information regarding human rights education in the state concerned and hence help the Commission to provide useful comments.

<sup>45</sup> The Commission may make use of the components and related practices discussed under sec 2 of this article.

<sup>46</sup> See eg Examination of the Initial Report of Nigeria, 13th session, April 1993, published by the Danish Centre for Human Rights (1995). Commissioner Kisanga stressed the importance of awareness in enforcing the rights in the Charter and asked about the situation in Nigeria, particularly in rural areas, to which the representative of the state answered that human rights were being taught in schools, 'though not properly'. It would have been far better if there were information on the state of human rights education in Nigeria to base the question on.

<sup>47</sup> See eg Report on the 14th session of the African Commission (1-10 December 1993), Examination of Report of Ghana.

<sup>48</sup> Eg, see Concluding Observations and Recommendations on the First Periodic Report of the Republic of South Africa, adopted at the 38th ordinary session of the African Commission (21 November to 5 December 2005) para 27.

and other mandate holders of country or thematic mechanisms to regularly encourage human rights education efforts through their activities and include systematically in their reports and recommendations information on human rights education as relevant to their mandate.<sup>49</sup>

While the Special Rapporteur mandates that already exist may be good enough to work towards effective human rights education on the continent, provided that they mainstream human rights education in their activities, the establishment of a specific mandate on human rights education would provide an opportunity of particular importance to promote human rights in Africa and hence prevent violations in the first instance.

## 6 Conclusion

The African Commission has passed resolutions on human rights education in which it highlighted the legal framework available for the creation of a comprehensive continental mechanism. However, the Commission has undertaken few activities relating to human rights education. The Commission may establish a meaningful continental system for human rights education through partnership and co-operation with states and non-state actors. It may also monitor the implementation by states of their obligation to educate in human rights through the state reporting procedure and its special mandates.

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<sup>49</sup> The African Commission has Special Rapporteurs on prisons, women, freedom of expression, human rights defenders, refugees and displaced persons and extra-judicial executions. While all these mandates have a promotion aspect, the human rights defenders rapporteur has special relevance to human rights education in that it aims at protecting those who are involved in promoting human rights. The resolution which established the latter mandate (35th ordinary session, Banjul, The Gambia, 4 June 2004) stressed the crucial contribution of human rights defenders in promoting human rights, democracy and the rule of law and called upon member states to include information on measures taken to protect human rights defenders in their periodic reports. The Commission also has Working Groups on the death penalty, on specific issues relating to the work of the African Commission, and on indigenous populations/communities in Africa whose mandate may be used to promote human rights in the areas of their work.