

# Measuring progresses in Human Rights Education: An Inter-American Experience<sup>1</sup>

Diego Iturralde and Ana María Rodino<sup>2</sup>

**Summary:** Approaches to investigation and reports on human rights. A new approach: measurement of progresses. Initial experiences of measurement. Measuring progresses in human rights education. Lessons learned and their impact. Annexes. .

## Research approaches and reports on human rights

### *Introduction*

From the year 2000 onwards, the Inter-American Institute of Human Rights (IIHR) has been developing a methodology for investigating human rights based on a system of progress indicators with regard to three groups of rights- access to justice, political participation and human rights education; this methodology was initially applied (2001-2002) in six countries in the region<sup>3</sup>. This experience gave rise to the annual preparation of the Inter-American Report on Human Rights Education, which the IIHR brings out every December 10<sup>th</sup> since 2002<sup>4</sup>.

This research methodology implies adopting an approach to compare in time how states are fulfilling their obligations with regard to human rights, and aims to complement other methodologies that have traditionally been used in the field of human rights. It implies examining the achievement of minimum human rights standards, based on the criterion of progressive achievement, over periods of time that are long enough to allow one to judge whether or not concrete improvements are being made.

The idea is not new, although its regional application does constitute an innovation. Already in the mid nineties, the Executive Director of the IIHR at the time, Antonio A. Cançado Trindade –who later became President, and is at present a Judge of the Inter-American Court of Human Rights- called attention to the need to measure human rights collaterally with the traditional ways of monitoring.

This article presents an explanation of why such an approach is justified, a description of the chief methodological issues and of aspects related to its application up to date, together with a synthesis of the conclusions and recommendations contained in the first two reports on human rights education in nineteen countries on the American continent.

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<sup>1</sup> In some of its sections, this document rereads and reelaborates texts from the reports prepared by the IIHR and ideas originally put forward in an article written by Roberto Cuéllar (Executive Director of the IIHR) for a book which will be published in honour of Antonio A. Cançado Trindade.

<sup>2</sup> Coordinators of the Investigations Section and the Education Section of the Inter-American Institute of Human Rights, respectively.

<sup>3</sup> The results can be consulted in the section Maps of Progress in Human Rights, in the website of IIHR: [WWW.iidh.ed.cr](http://WWW.iidh.ed.cr).

<sup>4</sup> The reports are to be found en Specialized Sections/Human Rights Education, on the IIHR website mentioned above.

### *Approaches to human rights research*

The most traditional approach (that is, the oldest and most widely used) to the investigation of issues in the field of human rights is the one focusing on violations. This approach privileges the identification of cases of violation, documents them, discusses the legal and procedural aspects involved, attempts to establish who is responsible for them and, lastly, helps to denounce them and to pursue their perpetrators. Given the nature of the issues under investigation, the methodology of this type of investigation is fundamentally casuistical and is very appropriate for work in the field of civil and political rights.

Examples of this type of investigation –and of their results- can be found in the studies produced periodically by several non-governmental organizations (NGOs) dedicated to the protection of human rights; among \*\*\* these organizations we could name Amnesty International and Human Rights Watch, on the International front, and a good number of those working on a local and national scale. In the sector of public institutions, the investigative work of the Ombudsman offices, share this approach based on the registration and analysis of complaints about violations.

This type of investigation has been and still is crucial for denouncing specific breaches of rights and thus initiating judicial and sociopolitical process directed towards ascertaining the truth about the events, punishing the perpetrators and offering justice and reparation to the victims, as well as preventing future violations. Over the years, investigations focusing on breaches of human rights have become more diverse and specific in their themes, have developed methodological instruments that are ever more refined, and have advanced from work on cases to the identification of tendencies and structural causes. Evidently this approach has been favored by the increased availability of information following the return of democracy.

Another recurrent approach to investigation in this field is the analysis of human rights situations. This approach focuses attention primarily on the accumulated social effects of the behavior of the public sector with regard to its duty to respect certain conditions and guarantees and to promote free access to fundamental rights, without any discrimination. This type of investigation combines reflections on human rights standards with statistical data that describe or support analyses of general situations or expositions of widely held opinions.

This second form of measurement privileges the analysis of correlations between statistical results and public policies in fields related to human rights, and can be greatly enhanced by the adoption of systems of indicators and by the construction of indexes. It can be used advantageously in areas related to political participation and access to economic, social and cultural rights (ECOSOCs).

This style of investigation is typical of the work of several organs of the international and inter-American systems of human rights protection, and particularly characterizes the *modus operandi* of the commissions, the specialized committees and the Special Rapporteurs. Other specialized organisms of the United Nations system carry out these measurements regularly and relate them to human rights standards, or, at least, to governmental obligations derived from multilateral agreements. In recent years, investigations like these have been used systematically to examine the quality of

democracy, combining statistical data of the electoral processes with opinions of specialists or panels of experts, and, at times, with the results of opinion surveys.

Investigations like these, which we could call situational, have become an essential tool for planning, both in the domestic and the international ambits, in as much as they supply diagnoses based on situations that can be considered average (from a statistical point of view) and good indications about the relations between causes and effects –of lack of attention, for example. The results generated by investigations of this nature facilitate the formulation of recommendations for public action, many of which have to do with legal and institutional aspects and with public investment. In recent years, this approach has been effectively complemented with documentation of good practices and successful experiences.

Another possible approach, developed on the basis of the accumulation and comparison of results produced by situational investigations, aims at detecting the variations occurred over a period of time in certain fields of human rights. By association with the principle of progressiveness in the attainment of rights –especially economic and social rights-, we will call this progress approach. We will refer to it at greater length in the following sections.

#### *Human rights reports and monitoring*

The most frequent fate that awaits results generated by the different types of investigations into Human Rights has been and continues to be that of being included in a report. In the international system of protection, the presentation of reports by states, their study by the organisms in charge of supervision, and the writing of recommendations constitute the preferred mechanism for monitoring the state of human rights in general, or that of certain groups of rights, depending on the scope of the international instruments and, therefore, on the obligations that have been assumed multilaterally. Some of these instruments allow for the generation of unilateral reports, or, in other words, reports ordered by the protective organisms concerned –as in the case of the reports that are prepared systematically by Special Rapporteurs or those that result from *in loco* visits for particular purposes. These official reports reflect or include – according to the case- the point of view of governments with regard to the situations studied and to their efforts to fulfill their conventional obligations.

For their part, an important constellation of international civil entities and several national coalitions of non-governmental organizations also channel the results of their investigations into periodical reports, of a general or more specialized nature, which in some cases are offered to, and accepted by, the supervising organisms as complementary material. These are the so-called “shadow reports”. In these reports, analyses of recurrent breaches, limitations on the fulfillment of state obligations and prevalent risk situations can frequently be found.

In recent years, the creation of Ombudsman institutions has given rise to a new sort of report. It is the one that the head of the institution (Defender, Attorney or Commissioner for human rights) has to present periodically to the legislative organism, which is the body responsible for the control if constitutional and international obligations with regard to human rights. These reports regularly present and analyze the complaints that have been received by the institution, or the situations that have been considered worthy of

intervention, together with the effects and degree of implementation of their recommendations to public agents.

With very few exceptions, no systematic monitoring mechanisms have been developed to assess the extent to which are put into in practice the recommendations issued by the international supervising organisms, much less the sentences of international tribunals.

The specialized organizations of the Inter-American system and of the United Nations in charge of specific issues such as health, education, development, or the problems relating to specific sectors of the population, such as women, children, refugees and the disabled, have started to include in their reports human rights aspects that have to do with the field of their mandate. The Report on Human Development by the United Nations Program for Development is an excellent example of this tendency.

These typical monitoring procedures can be better illustrated by the provisions of the Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights, or Protocol of San Salvador. This instrument considers that the presentation of reports is the only mechanism for protection and implementation of the rights set forth by the Protocol, except in the case of the rights of workers to form organizations or join whatever union they choose, and in that of the right to education; which are both also susceptible to the individual set of petitions instated by the American Convention on Human Rights.

It is the duty of the States that ratified the Protocol to present these periodical reports to the General Secretary of the United Nations, who must then transmit them for examination to the Inter-American Social and Economic Council and the Inter-American Council for Education, Science and Culture. A copy of these reports must also be sent to the Inter-American Commission for Human Rights (see Article 19.2, Protocol of San Salvador).

On the other hand, the Protocol authorizes empowers the specialized organisms of the Inter-American System to present reports on the fulfillment of its dispositions in their corresponding fields of action to the Inter-American Economic and Social Council and the Inter-American Council for Education, Science and Culture (see Article 19.4, Protocol of San Salvador).

In accordance with an internationally recognized practice, one can suppose that in the Regional System parallel reports will be received –the above mentioned “shadow reports”- from civil society organizations, with the aim of verifying a contrasting the information received from the State.

One must take into account that the Protocol of San Salvador was adopted in 1988, has been signed up to the moment by nineteen countries of the region and has been ratified by thirteen of these. It is in force since the last ratification, in the year 2000, but the regulations necessary for the system of supervision have not yet been developed. However, even though the legal powers of the Protocol of San Salvador come into effect from the date of ratification by the signing states, it cannot be assumed that the act of signature in itself is legally null and void. One should understand that the undersigned states thus acquired the responsibility of going through the process of ratifying it, bringing their internal legislation into accordance with it, and designing appropriate internal policies, all of which sums up to more than simply a moral obligation. In other

words, in the act of signing the Protocol they assume a proactive commitment with the creation of the legal and logistical platform necessary to promote and protect social, economic and cultural rights in their full dimension.

### **A new approach: measurement of progresses**

#### *New tools for new scenarios<sup>5</sup>*

The urge to look for new approaches to the investigation and monitoring of human rights arises when one appreciates the importance of the changes that have taken place in the human rights scenario during the last twenty years, and the need to encourage a dialogue about these processes.

Indeed, the international legal framework on human rights has expanded notably. The ratification and the incorporation of these advances into the constitutional laws of the countries has advanced; democracy has been formally consolidated; government bodies for human rights have been constituted; reforms are being carried out on the systems of justice administration and on education; programs are being promoted for human rights education of the armed forces and the police. Civil society is ever more vigorous and ready to mobilize in defense of its rights and the networks of non-governmental organizations are strong, professional and more specialized. The third generation of civil entities has been born and the international community has definitively included the theme of human rights in the agenda of cooperation for development.

All these changes imply, among other effects, the diversification of the actors –both civil and public- and their interaction; the emergence of new social dramas that require innovative responses; emphasis on the part of fund donors on more direct and more effective investment at the national level; the favoring of new criteria for managing and measuring the impact of projects; and the need for a greater degree of integration among civil society organizations, the State and the international community.

As the scene becomes more complex, work in the field of human rights grows more demanding. On the one hand, tools are required to register objectively the processes that are taking shape, to identify the tendencies that govern their evolution, and to formulate the strategies that will be most able to influence their development. On the other hand, the dialogue on human rights between civil society and the State, and between these two actors and the international community, requires that, in addition to the subject of violations and responsibility, the establishment of diagnoses and shared objectives be included, at least with regard to those issues that show recurrent gaps or promising ways forward.

With this objective in mind, we in the IIHR are developing a methodology oriented towards measuring progress –or absence of progress- in human rights, taking as a reference point the mayor international instruments that sanction these rights and define the ways in which states are obliged to put them into practice. We have struggled to

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<sup>5</sup> With regard to the following remarks, see the institutional document Panorama of Human Rights and Democracy in Latin America, Inter-American Institute for Human Rights, San José, 2003. This report is also available on the website of the Inter-American Institute for Human Rights: <http://www.iidh.ed.cr/Documentos/VisiónIIDH2003.pdf>

build an objective and continuous means of monitoring, which could help to generate reports or periodical accounts centered on different human rights and complementary to those of other specialized organizations, but giving more attention in our case to factors of change and improvement than to portraying states of affairs.

Although it is true that the IIHR is not an official organ of the Inter-American system but an international autonomous organization, it has increasingly asserted itself as a protagonist in the processes of advancement of human rights in the region. Even the General Assembly of the Organization of American States has recognized its contribution, and has opened it more spaces to work in a complementary and cooperative role with the Inter-American Commission for Human Rights, supporting latter in its educational and promotional functions.

For our part in the IIHR, we hope that our Inter-American Report on Human Rights Education –and other sources of information that could be produced in the course of our work towards the measurement of progress- can offer relevant contributions / inputs –as though it were a “friendly independent report”- to the Inter-American organ in charge of human rights supervision, promotion and protection of human rights. The progressive nature of our product coincides with that of the reports that the signatory States of the Protocol of San Salvador should present, in accordance with the requirements of its Article 19.

At the same time, we aim to make objective and relevant information available to the competent organisms of the public sector, to the civil organizations that work in different countries and to the international human rights community, in the hope of stimulating and widening the debate on progress in human rights education, an area that has been little investigated up to date.

#### *Measuring progress: an approach and a work tool*

A focus on progress aims at determining to what extent the efforts of civil society, the State and the international community are reaching their shared goal of stating democracy and the rule of law. It is not a matter of establishing indexes of human rights violations, but rather of centering on successes, always, however, keeping in mind the goals that are still to be achieved, and the need to advance rapidly along the road to the implementation of public policies that help to create an environment in which human rights protection can have greater coverage.

The progress approach cannot substitute the need for vigilance, denunciation and defense against violations, nor should it pretend to conceal elements that have been left behind on the road towards the achievement of desirable goals. Its novelty resides in its potential contribution towards understanding human rights issues as *processes*, that is, as phenomena that are always changing, and not only as situations or states of affairs at a given moment. This approach not only shows up deficiencies, but also identifies possible ways of remedying them in the medium or long term, and helps to establish priorities and working strategies that are shared and complementary among the different actors on the social stage.

In order to lessen the distance between the general and abstract character of the norms he particular and concrete nature of social practices, and help to compare them for the

purpose of measurement, our approach proposes to use a system of indicators –or measurable signs- which allow us to establish, with a reasonable degree of objectivity, how far the real situation is from the standard or the goal we are working towards. To find out if this distance is in fact getting shorter, we apply the system at different moments in equivalent conditions. The result will be a measure of the variations that have occurred between one moment in history and the other, and evidence of the tendencies that are being manifested in the process.

Even though the definition of indicators is not univocal, there is no doubt about the practical usefulness of this tool in revealing the direction in which a phenomenon is evolving, its signs and symptoms. It is for this reason that the IIHR has concentrated its efforts on using progress in human rights as a guideline for the design of indicators.

### *Measurement of progress in the mission and institutional strategy of the IIHR<sup>6</sup>*

Since its foundation in 1980 as an autonomous international entity of an academic nature, the IIHR's purposes have been the teaching, investigation and promotion of human rights and of all disciplines related to them, from a multidisciplinary perspective that takes into account first and foremost the problems of America (see articles 1 and 5 of the IIHR Statute).

For this reason, the IIHR's mission impedes it from studying concrete situations, and from accusing or denouncing states, all of which are duties assigned exclusively to the regional organ for protection created for this purpose: the Inter-American Commission and The Inter-American Court of Human Rights. However, that does not stop it from advancing towards the construction of other parameters for the measurement of human rights that go beyond denouncing and making claims, with the aim, rather, of favoring a different interpretation of those rights based on their development and advancement.

As we pointed out in the Introduction, within the framework of its founding mandate, the IIHR adopted, in the year 2000, a strategy of *active promotion of human rights* which is based on concentrating efforts on three thematic fields –access to justice, political participation and human rights education- in which are intertwined in a variety of ways a large group of human rights and all the actors on the social stage (civil society, the State and the international community).

The Institute chose to contemplate these thematic fields from three cross-cutting perspectives, which, without being necessarily the only possible ones, are specially relevant to the analysis of endemic human rights problems on our continent: *gender equality, ethnic diversity and interaction between civil society and the State*. Another of the Institute's reasons for prioritizing these three perspectives consisted of its own lengthy tradition of study, education and work in these three areas.

In order to implement this strategy, the Institute has relied on various educational and cooperative lines of action, which include an applied research program oriented towards the construction of (1) a system of indicators or advances in the thematic areas and the

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<sup>6</sup> For a more lengthy explanation, see: Framework for the development of an institutional strategy, work paper, IIHR, San José, 2003.

perspectives that have been given priority, and (2) mechanisms for the permanent monitoring of these indicators.

## **Initial experiences of measurement**

### *Maps of human rights progresses*

Crossing the three thematic axes with the three cross-cutting perspectives that had been chosen as a basis for the institutional strategy, in the year 2000 a first matrix was prepared to highlight the problems, issues and horizons that definitely make up the nucleus of the agenda that the Institute intends to develop. The elements thus identified allowed us to select the main lines of institutional strategy for the following years, as well as to define the characteristics of the measuring system –its thematic areas, domains and variables- out of which we were to develop the progress indicators for the work of observation and monitoring.

With the first system organized in three fields, nine domains, twenty five variables and sixty six indicators, we gathered information relating to two moments in history that had been chosen as reference points –the years 1990 and 2002- with the aim of finding out the variations which might have been produced during this period in legislation, in the institutional framework and in social practices.

The period chosen reference corresponds to various phenomena that were important for the continent: the restoration of democracy in several countries and/or the consolidation of democratic institutions and of their relative independence; the adoption of constitutional, legal and administrative reforms; and the mobilization of civil society in support of the full enforcement of human rights and the rule of law. This period also saw the execution of educational reform programs, and other structural reforms, in the majority of countries.

In the course of the years 2000 and 2001, the investigation concentrated its efforts on a pilot study in six countries (Guatemala, Mexico, Nicaragua, Paraguay, Peru and Venezuela), with the aim of defining and testing its methodology, producing results that could be shared and validated, and at the same time strengthening our institutional skills in designing and applying indicators. The results of this first stage of the applied research project constitute the first six Maps of Human Rights Progress, the investigational forerunner of this present Inter-American Report on Human Rights Education.

The method followed during the elaboration of the Maps of Progress is worthy of special mention because of its open and widely participative nature. These features of the methodology that had been tried out on this occasion would be maintained, in an even more systematic way, during the work on the Inter-American Report on Human Rights Education.

In the six pilot countries in which the first application was carried out, the system of indicators was developed by the IIHR's experts in interaction with a number of non-governmental human rights organizations, and with collectivities of women, indigenous people, public employees, workers of the Ombudsman's offices, and other human rights activists. This interaction was a two way route: we in the IIHR proposed the idea, the

principles and the components of the system; collected opinions; presented some advances of our work with the system, and again collected opinions to validate what we had done.

At the same time, the XVIII to the XX editions of our annual “Interdisciplinary Course on Human Rights” (en 2000, 2001 and 2002), each one of which enjoyed the assistance of some one hundred and twenty participants from all the countries in the region, acted as a laboratory in this process, because the workshops that took place during the courses allowed as to try the investigation. In point of fact, the idea of preparing an Inter-American Report on Human Rights Education arose partly as a result of the success of a small practical exercise which was carried out with students of the XX Interdisciplinary Course, in July of 2002, whose central theme was Human Rights Education.

As in all courses we offer every year, we asked the applicants that had been admitted to write a research paper before their arrival, following some guidelines prepared to orient them. In the XX Interdisciplinary Course this research was on education. We proposed that they should apply in their own countries part of the system of indicators which our Research Unit had been developing. The guidelines were fairly detailed, with very clear rules, so that everybody would collect the same information in the realm that they knew best (for example, primary or secondary education; the university; electoral education; legal, police and military schools; informal education offered by women’s and indigenous people’s organizations, etc). The results were very productive and made available to us a large quantity of initial data related to the whole continent.

Inspired by this event, and by the great enthusiasm ignited by the XX Interdisciplinary Course, a fair number of new ideas made their appearance. One month after the end of the XX Course, in August of 2002, the Executive Director of the IIHR, Roberto Cuéllar, proposed an initiative for the preparation of a Report of Inter-American scope, on the progress of human rights education, which could be offered to the Inter-American Commission on Human Rights and in general to the educational community and to the interested public, as a sort of “friendly report”.

The carrying out of this plan was assigned to the Applied Research Unit, with the support of the Educational Unit. The Inter-American Report on Human Rights Education was presented on December 10 2002, which is also Human Rights Day, in the seat of the IIHR in San José, Costa Rica, and simultaneously in several of the countries included in the study.

### **Measuring progresses in Human Rights Education.**

#### *The right to education about rights*

The IIHR understands human rights education as the real possibility that every person has –independently of their sex, age, occupation, national or ethnic origin and their economic, social and cultural conditions- of receiving systematic, broad and good quality education that will allow them to:

- understand their human rights and corresponding responsibilities;
- respect and protect other people’s human rights;
- understand the interrelation between human rights, rule of law and democratic government; and

- carry on their daily life according to values, attitudes and behavior patterns that are coherent with human rights and democracy.

We see human rights education as a right in itself, and at the same time both an obligatory component of the right to education and a necessary condition for the effective exercise of all human rights. Our vision is that of a structured whole, in which can be articulated different points of view and analysis, because education in general – and in particular human rights education- is a very vast field where many variables interact: legal aspects, the economy, social forces, culture and what is typically be educational.

Understood in this light, the right to human rights education requires to be developed as a program, and therefore needs types of measurement that are more than simple statistics and macroeconomic projections. On the contrary, it needs research and studies that can examine the philosophical and regulatory aspects of formal education systems, national policies in education, the subject matter and methodologies of educational programs, and the quality of the education that the agents themselves have received, amongst other factors that bear on the coverage, the equality and the quality of the instruction that is given to girls, boys and young people.

The definition of the field of human rights education is founded on a fair number of international instruments that take into account and deepen the educational ideals manifested in the Universal Declaration of Human Rights (see Table 1).

**Table 1:**

**Universal Declaration of Human Rights**

**Preamble**

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

**Article 26**

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

The earliest formulation of the central nucleus of the right to an “education that will strengthen respect for human rights and fundamental liberties and promote comprehension, tolerance and friendship among all nations and all racial and religious groups” is to be found in the Convention which was adopted by UNESCO in 1960 in relation to the fight against all forms of discrimination in the sphere of education. From that time on, this formula is repeated, with some small changes, in the International Convention for the elimination of all forms of racial discrimination (1965), in the International Covenant on economic, social and cultural rights (1966), in the additional

Protocol to the American Convention on Human Rights with regard to Economic, Social and Cultural Rights, or Protocol of San Salvador (1988) and in the Convention on the Rights of the Child (1989).

Of all the instruments we have mentioned, it is the Protocol of San Salvador that most thoroughly characterizes the different components of this right: it lays down as the basis of education “the full development of the human personality and the sense of dignity”; it links the reinforcement of human rights with “ideological pluralism, the fundamental liberties, justice and peace”; and it assigns to education a central role in training people “to participate effectively” in democratic and pluralist society” (see Table 2).

**Table 2:**

**Article 13 of the Protocol of San Salvador  
Right to Education**

1. Everyone has the right to education.
2. The States Parties to this Protocol agree that education should be directed towards the full development of the human personality and human dignity and should strengthen respect for human rights, ideological pluralism, fundamental freedoms, justice and peace. They further agree that education ought to enable everyone to participate effectively in a democratic and pluralistic society and achieve a decent existence and should foster understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups and promote activities for the maintenance of peace.
3. The States Parties to this Protocol recognize that in order to achieve the full exercise of the right to education:
  - a. Primary education should be compulsory and accessible to all without cost;
  - b. Secondary education in its different forms, including technical and vocational secondary education, should be made generally available and accessible to all by every appropriate means, and in particular, by the progressive introduction of free education;
  - c. Higher education should be made equally accessible to all, on the basis of individual capacity, by every appropriate means, and in particular, by the progressive introduction of free education;
  - d. Basic education should be encouraged or intensified as far as possible for those persons who have not received or completed the whole cycle of primary instruction;
  - e. Programs of special education should be established for the handicapped, so as to provide special instruction and training to persons with physical disabilities or mental deficiencies.
4. In conformity with the domestic legislation of the States Parties, parents should have the right to select the type of education to be given to their children, provided that it conforms to the principles set forth above.
5. Nothing in this Protocol shall be interpreted as a restriction of the freedom of individuals and entities to establish and direct educational institutions in accordance with the domestic legislation of the States Parties.

The central importance of the Protocol of San Salvador as an instrument for propagating human rights throughout the Americas, as well as the clarity of its considerations on human rights education, which set real standards on the subject, are sufficient justification for the IHR's adoption of its parameters for the purposes of its Inter-American Report on Human Rights Education. It was our reference point when we defined the universe to be studied, and, later on, when we chose the chief guidelines of our analysis of school curricula and texts.

#### Scope and nature of the Inter-American Report on Human Rights Education

From the moment when in the year 2000 we began to design a system of indicators for measuring progress, and with the subject matter related to human rights education in mind, we decided to examine all the factors that pedagogical theory and practice point to as the structural columns which hold up any educational project –which is what we later call the dominions of the investigation. Table 3 shows a summary of the scheme we used in our initial approach.

<b>TABLE 3:</b> <b>Preliminary proposal for the measurement of progresses in Human Rights Education</b>		
<b>Categories and variables</b>	<b>Criteria to define indicators</b>	<b>Sources of information</b>
<b>LEGAL FRAMEWORK</b>  Incorporation of HRE in the national school system	Presence and extent of explicit norms and guidelines about HRE in educational laws and other official documents.	Analysis of the official educational normative
<b>INSTITUTIONAL ACTION</b>  Incorporation of HRE in the school curriculum.	Presence and extent of HRE contents in elementary and high school curriculum.	Analysis of study plans and programs for elementary and high school.
<b>MAIN ACTORS</b>  : HRE training to:  1) educational administrators  2) in-service teachers	Presence, regularity and depth of official training activities about HRE principles, contents and methodologies oriented to:  1) Technicians and supervisors of the Ministry of Education, and school principals.  2) In-service school teachers and professors.	Analysis of teachers' training programs offered by the Ministry of Education. Length, regularity and characteristics.  Number and geographical distribution of trained in-service teachers.

3) In training teachers	Presence and depth of HRE principles, contents and methodologies in teachers' training programs (at Normal Schools, Teachers' Colleges and Schools of Education)	Analysis of the curriculum of Normal Schools, Teachers' Colleges and Schools of Education.
<b>SECONDARY ACTORS</b>  HRE training to: <ul style="list-style-type: none"> <li>• parents,</li> <li>• funcionarios de poderes del Estado,</li> <li>• líderes comunitarios, comunicadores sociales, etc.</li> </ul>	Presence and regularity of planned training activities about HRE (formal and non-formal) oriented towards different social actors by: <ol style="list-style-type: none"> <li>1) the State</li> <li>2) Civil society organizations</li> </ol>	Analysis of the training activities conducted by the Ministry of Education targeting other social actors, besides teachers. Number and distribution of beneficiaries.  Analysis of the actions of other State and civil society organizations on HRE.
<b>APPLICATION INSTRUMENTS</b>  Existence of didactic materials which include HRE	Variety and quality of didactic materials available in the country to support HRE (formal and non-formal)  Presence and emphasis on values, principles, attitudes and behaviors coherent with HR and democracy.  Cross-cutting perspectives on gender, ethnic diversity and civil society participation.	Quantity and estimation of relevance and quality of the available didactic materials.  Discrimination between materials which are imported (adopted or adapted) and those locally produced.  Content analysis of the most used didactic materials.
<b>INVESTIGATION</b>  Existence of research studies on education and human rights.	Number, variety and dissemination of research studies (theoretical or applied) on education and human rights	Quantity and thematic analysis of HRE research studies produced in the country.

We decided to focus our study on the nineteen countries that undersigned and/or ratified the Protocol (see Table 4), because by these very acts the states involved committed themselves to putting the terms of these agreements into practice, which includes, amongst other things, the progressive application of the dispositions in Article 13 on the right to education and education in rights.

<b>Table 4:</b>		
<b>Protocol of San Salvador</b>		
<b>Country</b>	<b>Date of Signing</b>	<b>Date of Ratification</b>
Argentina	1988	2003
Bolivia	1988	---
Brazil		1996
Colombia		1997
Costa Rica	1988	1999
Chile	2001	---
Ecuador	1988	1999
El Salvador	1988	1995
Guatemala	1988	2000
Haiti	1988	---
México	1988	1996
Nicaragua	1988	---
Panama	1988	1992
Paraguay	1996	1997
Peru	1988	1995
Dominican Republic	1988	---
Suriname		1990
Uruguay	1988	1995
Venezuela	1989	---
<b>Source:</b> <a href="http://www.oas.org/juridico/spanish/firmas/a-52.html">www.oas.org/juridico/spanish/firmas/a-52.html</a> (See also source in English <a href="http://www.cidh.oas.org/Basicos/basic6.htm">www.cidh.oas.org/Basicos/basic6.htm</a> )		

One aspect made very clear at the beginning of our work on the Inter-American Report on Human Rights Education was the particular nature of this report, not only with regard to what it is, but also in relation with what it is not and does not pretend to be.

It is not by any means a report on the right to education, but on the right to human rights education. It centers on objectives not studied in other reports that analyze access to education without discrimination, and inquires about one particular aspect of the educational services: the inclusion of human rights principles and contents. For this reason, it does not substitute other reports but aims to complement them.

It is neither, a “shadow report” like those prepared by civil society organizations with the purpose of comparing and contrasting the data offered by the states in their reports to the organs of the Inter-American

system. It has arisen as a contribution offered in harmony with the goals and competence of the IIHR as an institution oriented towards human rights education, which is not competent to judge the actions of states. It aims to offer instruments which can help to evaluate progress in the incorporation of human rights into the political and social life of the countries of the region, according to the obligations they have assumed before the international community.

*The elaboration process: work plan and methodological details*

In view of the diversity of the factors to be examined, in addition to the intrinsic complexity of each one of them, we planned our work in a progressive sequence of four stages, in the course of which we would analyze one or two groups of variables (domains) per year. We decided to produce one report every year, which would make a series of four, with the intention of starting the process again once the first round had been completed.

The overall aim of the series was to investigate how the incorporation of human rights education into formal and non-formal education varied among the nineteen countries in the period we had chosen for reference (1990-2002/3), according to the general lines of the following sequence:

Year 2002 – 1<sup>st</sup> Report:

Variations in the normative plane (both national and international), in the adoption of public policies and in the course of educational reform processes.

Year 2003 – 2<sup>nd</sup> Report:

Variations in the guidelines and the orientations of the educational curriculum, in the contents of study plans and programs for primary and secondary education, and in the form and contents of school texts.

Year 2004 – 3<sup>rd</sup> Report:

Variations in the training or updating of educators in service and in the professional training of future educators.

Year 2004 – 4<sup>th</sup> Report

Variations in non-formal activities (out of school activities) on human rights education on the part of civil society organizations.

Each stage of the study presented, and still presents, its own challenges, which result from the characteristics of each one of the investigation domains. While we were working on the first two reports we were obliged to make adjustments or better precise their scope, the aims of their respective study objects and the sets of instruments for measurement (that is, the indicator matrix). The same thing is happening in the course of our work on the third report, and there is no doubt that it will happen again when we work on the fourth. The investigation process thus generates a dialectical coming and going from the proposal of the original framework of indicators –the one that was used for the Maps of Progress in 2000 and 2001- to the real possibilities of applying them in each domain of the thematic field of human rights education, and back again to the proposed framework, which is gradually being transformed into a more comprehensive and articulated system.

The adjustments and more detailed descriptions we introduced were of different types. In the case of the first report (variations in the normative plane), we noticed that it was necessary to expand the original matrix so as to be able to accommodate a greater quantity of relevant information. For example, apart from the analysis of the ratifications of international instruments that refer to human rights education, political constitutions and general laws on education, we added a further analysis of other special laws which had been passed in the course of the decade and which included mentions of human rights education or objectives related to it or to related subjects such as education for democracy, civil education or education in values. Among these laws we included those related to the creation of Ombudsman's offices, those that reformed judicial, police and/or military training and those that had to do with multicultural and bilingual education.

When it became evident that education on human rights had been inserted in several orders of the internal legal systems of the countries that under study, this reinforced the explanatory association between the normative changes that had been identified and several characteristics of the period under study, such as the restoration of democracy in a number of countries in the region, the peace agreements that ended internal conflicts in others, and, in the majority, the consolidation of democratic institutions and the mobilization of civil society in support of human rights and the rule of law.

The first report was also enlarged with comparative data about legal provisions to ensure access, financing, mandatory character and the coverage of systematic education in the countries studied. These indicators are key factors for an initial understanding of national norms on education from the human rights perspective.

The matrix of the second report is shown in the following table:

<b>Table 5: Matrix used to prepare the I Report</b>	
<b>Variable</b>	<b>Indicators and jeans of verification</b>
1. Adoption of norms on human rights education	<b>1:</b> Ratification of international instruments
	<b>2:</b> Incorporation of HRE in national laws
2. Adoption of public policies	<b>1:</b> Existence of Decrees, Resolutions and other instruments of public administration.
	<b>2:</b> Incorporation of HRE in official documents (for example, Educational Reform) and education plans.
3. Institutional development	<b>1:</b> Existence of specialized government offices on HRE.
	<b>2:</b> Specialized government programs on HRE.
4. Right to education (as context for the study of HRE)	<b>1:</b> In constitutional norms
	<b>2:</b> Constitutional percentage of national budget destined to education
	<b>3:</b> Whether education is mandatory or not
	<b>4:</b> School enrollment

An aspect that differs from the first report was that the adjustments made in the course of elaborating the second report were directed above all towards delimiting and focusing the original matrix, to ensure that the domains of the investigation were treated in greater depth.

We therefore decided to concentrate on a specific student population –that which is between ten and sixteen years of age- and we also selected a sample of grades –fifth, eighth and eleventh- from those that are covered by this age group. From the subjects that are included in the study plan for fifth, eighth and eleventh grades, we selected those that had greater possibilities of incorporating contents, principles and methodological guidelines of human rights education. The subjects chosen were Social Studies and Civic Education or their equivalents (Social Sciences, Sociology, History, Current Affairs of the Nation, Democratic Education etc, or whatever they may be called in each country).

These decisions to select particular age groups, certain subjects from the study program and only some of the grades, can partly be taken as an illustration of the orientation, the nature and the limits of this institutional undertaking. We assumed that the age group in which human rights education could prove most effective was the one that coincides with stage of psychosocial development when young people develop their sense of

otherness; that is, they recognize their own identity and start to make a greater difference between their identity and that of others, and therefore become more susceptible to acquiring notions of mutual rights and obligations.

We chose at random three school grades with gaps between them to reduce the size of the universe we were studying during the stage of gathering information, with the proviso that, if it became evident that the subject matter relating to human rights education was assigned to other grades, we would have to investigate them. Finally, for the same reason of economizing during the process of investigation, we directed our sights towards those subjects in which this subject matter could be more in evidence.

We also predefined some conceptual axes which would serve as a guide for our analyses and lead us, like a sort navigational chart, through the enormous amount of information contained in all the programs and textbooks of these subjects – without even pretending, however, that this would exhaust the vast thematic specter of human rights education. These axes were the following:

1. Human rights and constitutional guarantees.
2. Justice, state institutions and rule of law.
3. Democracy, right to vote, elections and ideological and political pluralism.
4. Education in moral values (solidarity, human dignity, peace, tolerance and comprehension among nations).
5. Gender equality.
6. Ethnic diversity.
7. Interaction between civil society and the State.

The choice of the axes integrates both the qualities that human rights education should have, according to the provisions laid down in the text of the second numeral of Article 13 of the Protocol of San Salvador, and the elements that constitute the definition of human rights education adopted by the IHR and embodied in its institutional strategy. Likewise, this selection was the subject of consultations with work groups and specialists, who helped to choose those aspects that, in their experience, could best express people's aspirations and would prove to be indicative of important advances in the process of incorporation of human rights themes into educational instruments.

Concentrating our study on a sample of grades and school subjects, and using our conceptual axes to get a cross-sectional reading of texts, allowed us to direct our attention to the diverse ways in which educational instruments reveal a certain vision of the human being and of the social world. Parallel to the analysis of the explicit verbal discourse of the curricular documents, the study programs and the textbooks, we examined these instruments to discover if they were sensitive or not to gender equality and non-discrimination on ethnic grounds, basing ourselves on the language they used, the structure of the images that appeared in the books and the roles that were assigned to the different actors in the examples and the didactic illustrations. This analysis contributed to finding out the degree and the solidity of the advances achieved in the incorporation of human rights education, as well as helping to identify gaps and even inconsistencies.

The final design of the domains, variables and indicators for the second report can be summed up as shown in the following table.

<b>Table 6: Matrix used to prepare the II Report</b>	
<b>Domain 1: Curricular regime in 1990 and 2003</b>	
<b>Variable 1:</b> Incorporation into the official document that sets the objectives and content of the curriculum	Indicator 1: Contents which refer explicitly to human rights and constitutional guarantees
	Indicator 2: Contents which refer explicitly to justice, State institutions and the rule of law
	Indicator 3: Contents which refer explicitly to democracy, voting rights, elections, political and ideological pluralism
	Indicator 4: Contents which refer explicitly to values education (solidarity, human dignity, peace, tolerance and understanding among nations)
<b>Variable 2:</b> Incorporation of contents into the official course programs for 5 <sup>th</sup> , 8 <sup>th</sup> and 11 <sup>th</sup> grades	Indicator 1: Contents which refer explicitly to human rights and constitutional guarantees
	Indicator 2: Contents which refer explicitly to justice, State institutions, and the rule of law
	Indicator 3: Contents which refer explicitly to democracy, voting rights, elections, political and ideological pluralism
	Indicator 4: Contents which refer explicitly to values education (solidarity, human dignity, peace, tolerance and understanding among nations)
<b>Domain 2: School textbooks in 1990 and 2003</b>	
<b>Variable 1:</b> Incorporation of contents into educational textbooks for 5 <sup>th</sup> , 8 <sup>th</sup> and 11 <sup>th</sup> grades	Indicator 1: Contents which refer explicitly to human rights and constitutional guarantees
	Indicator 2: Contents which refer explicitly to justice, State institutions and the rule of law
	Indicator 3: Contents which refer explicitly to democracy, voting rights, elections, political and ideological pluralism
	Indicator 4: Contents which refer explicitly to values education (solidarity, human dignity, peace, tolerance and understanding among nations)
<b>Domain 3: Handling of cross-cutting perspectives in 1990 and 2003</b>	
<b>Variable 1:</b> Gender Equity	Indicator 1: Contents addressing gender equity in: 1) Official document setting the objectives and contents of the curriculum 2) Course programs 3) Textbooks
	Indicator 2: Language used in textbooks
	Indicator 3: Roles in which women are depicted in textbook illustrations
	Indicator 4: Number of women in relation to men in textbook illustrations

<b>Variable 2:</b> Ethnic Diversity	Indicator 1: Contents addressing ethnic diversity in: 1) Official document setting the objectives and contents of the curriculum 2) Course programs 3) Textbooks
	Indicator 2: Roles in which indigenous peoples are depicted in textbooks illustrations.
	Indicator 3: Number of indigenous peoples in textbook illustrations
	Indicator 4: Existence of auxiliary or complementary bibliography on intercultural issues and bilingualism
<b>Variable 3:</b> Interaction between civil society and the State	Indicator 1: The role of civil society in the process of preparing the curriculum
	Indicator 2: Contents that address the knowledge and/or participation of civil society in different governmental and non-governmental organizations in course programs and textbooks

The gathering of primary information for the reports in each country was done by local consultants, the majority of whom were chosen from the ex-pupils of the XX and XXI Interdisciplinary Course and from previous courses that been given by the IIHR. We followed the process from the Institute's seat and arranged for an electronic discussion among the consultants, so that we could be sure of getting homologous results. The processing of the information and the elaboration of the conclusions was the job of the team of professionals who work in the Investigation and Pedagogical Units of the Institute in San José. The same procedure was used for the following reports.

The beginning of the work on the third report, started in January of 2004, was a foretaste of greater complications to come. During the whole course of the last twenty five years, the training of teachers has not been in the hands of specialized institutions like the Normal Institutes – in general of what is called terciary education- but rather has been considered as a university career like any other, located in faculties and schools of education, many of which in their turn have developed a large range of subspecialities (based on age groups, subjects, administrative or teaching functions and other factors).

However, at the same time, the recruitment of teachers has been extended, for various reason that include legal and economic considerations, to cover all types of professionals, in some cases without any specific training –not even of an *ad hoc* nature- to facilitate their incorporation into the teaching corps. The growth of private education has contributed even more to the deregulation of the sector, that had once been so tightly controlled by the State. In these conditions, it will certainly be difficult to find out precisely where the individuals that at this moment are teaching the subjects and the grades we are interested in were educated.

In addition, we must take into account that only a part of a teacher's education comes from his or her academic and professional experience. A good part of his or her training, and specially that required by changes in the study plans and subject programs and by the production of new school textbooks, is carried out in updating activities and job training courses; the documentation of these events is difficult to get hold of, and their

variability should not only be observed in the contrast between the first year (1990) and the last one (2003), but must be tracked over the whole extent of these thirteen years.

All this meant that the aim of establishing a standard methodology, which would be applied simultaneously in nineteen countries, thus facilitating comparisons and highlighting tendencies over the whole region, had to be open to exceptions and/or to more flexible criteria, which could potentially be a threat to the efficacy of the method.

## **Lessons learned and their impact**

### *Thematic focalization and cross-cutting perspectives*

Our numerous consultations and validations during the design stage of the general system of human rights progress indicators, as well as the reactions and the commentaries that were elicited by the Maps and the Reports, have shown how right we were when we decided to 1) focalize our work on certain thematic fields which could be conceived as groups of rights; and 2) adopt a group of cross-cutting perspectives that would reflect the point of view of specially important actors on the social stage, for as much as these decisions helped us to account for a significant portion of the human rights scenario and its chief problems, and in the process allowed us to improve the set of instruments with which we were working. In addition, they gave us the opportunity to realize that the focus on progress enjoyed a good level of acceptance, although always with the proviso that the work of defense against violations and their denunciation continues to be valid.

Indeed, given the size of our scenario and the enormous quantity and variety of indicators that would be required for a complete measurement of human rights, the IIHR chose three thematic fields that experience had revealed as capable of synthesizing a very important portion of the dramas that were still going on in the region, and, at the same time, allowed us to size up the different paths forward<sup>7</sup>. The results obtained by the Maps of Progress and, above all, their utilization as a basis for diagnosing the situation in different countries, and as factors to be taken into account in the definition and orientation of our institutional work, have proved their worth.

We could say the same about the idea of using cross-cutting perspectives<sup>8</sup> as a way of incorporating a good understanding of the material conditions, interests and human rights aspirations of the actors.

### *The use of indicators*

Those in charge of the investigation considered that the basis of the procedure and application of the system design was its legitimacy, which could be ensured by the

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<sup>7</sup> As we said before, these thematic fields are the following: access to justice, political participation and human rights education, all of them understood as providing opportunities for interaction between rights, situations of political and institutional nature, and outstanding social processes.

<sup>8</sup> Gender equality, recognition of ethnic diversity and interaction between civil society and the State.

validation - by the very people involved - of the methodological options that had been progressively adopted. We also thought that it was advisable to combine different ways of obtaining the information required, without giving any privilege to statistical data, which are necessarily sparse in the fields we were interested in.

Finally, we adopted the idea of taking into account two systems of standards: a basic one, represented by international norms (chiefly inter-American ones) that had been ratified by the different countries and assumed as a minimum commitment, and a higher one, that would express people's aspirations in each thematic field.

The construction of the system was subject to a process of widening and successive choices of fields, variables and indicators, as we searched for a group of elements that could account for the most significant changes in each thematic area. For the first exercise, the selection gave priority to indicators related to legal and institutional aspects that could be obtained from the secondary sources available. The subsequent applications, that were carried out for the Inter-American Report on Human Rights Education, took into account other direct research mechanisms that enabled us to gather the opinions and hopes of the population.

Although there has been an outstanding advance in the conceptual discussion on the cross-cutting perspectives, our initial efforts were not sufficient to really express them by means of the indicators of our system, which means that the results shown on the Maps of Progress are a very poor reflection of this very crucial part of our institutional strategy. For the Inter-American Report on Human Rights Education, we established specific domains related to the cross-cutting perspectives, with very encouraging results.

This methodological strategy made it necessary to include questions that had specifically been phrased to find out about indicators of gender equality, ethnic diversity and the interaction between civil society and the State, in the way of a second interpretation of the same sources –policies, programs and school texts –which would give as a complementary view of the situation.

In the course of applying the system, the chief stumbling block, both for the pilot investigation that led to the Maps of Progress, and in the research that was done for the Inter-American Report on Human Rights Education, was the dispersion and the unequal quality of the sources of information, above all those that were of a historical nature. For the Maps of Progress, we could only get adequate documentation for 70% of the indicators. For 15% of them we could not find any information –at least, not in the short time that was available to get the job done- and the remaining 15% turned out not to be very relevant, due to the deficient design of the matrixes or the imprecise nature of the data. These figures improve for the Report, although there was persistent difficulty in being able to count on means of verification for the nineties, in spite of the fact that the documents in question were of an official character, as in the case of school programs and texts.

### *The progress perspective*

Finally, we should point out that, just as we had foreseen from the very beginning, the adoption of a perspective that looks first and foremost at progressive advances in the materialization of human rights, has allowed us to develop a concept that can at the

same time serve as a tool to facilitate dialogue among the different actors on the scenario of human rights and democracy.

Indeed, government officials, human rights activists and representatives of international cooperation find it easier to get involved in the exchange of views in a context that is relatively far removed from the tensions that traditionally drove them into opposing bands in the struggle over violations of human rights. There is some disagreement in the evaluation of progress and stagnation, and a diversity of positions about the measures that should be taken to breach the gaps, there is a clear awareness of the need to unify –or at least complement- efforts to solve vital issues.

A very promising field for the application of this system is, undoubtedly, that of economic, social and cultural rights. This is a field where there have been great advances in the availability of statistical information, in the construction of indicators and even in the definition of factors that can be considered as indications of concrete social situations, but the correlations between these results and the corresponding rights –and, consequently, the progress that states are making with regard to fulfilling their obligations- require the development of a much more subtle set of instruments. The application of this methodology to the field of economic, social and cultural rights will probably help to throw a clearer light on the relation between these rights –called rights of progressive development- and persistent difficulties in the area of civil and political rights, such as discrimination, exclusion and inequality.

**Annexes:** See IIDH/IIHR web site [www.iidh.ed.cr](http://www.iidh.ed.cr), English.