

Evaluating human rights education programs

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This article discusses some of the complexities inherent in evaluating human rights education programs. The author argues that such evaluations need to be conscious and respectful of human rights values. In particular, it must be recognised that there are many different conceptions of human rights and different aims for human rights programs. Evaluators need to be sensitive to this diversity and respectful of different approaches to human rights when undertaking evaluations.

Introduction

Evaluation is becoming increasingly important in many areas, including human rights programs. Systematic evaluation of human rights education programs — which include school programs, university courses, government training and projects aimed at the general population — is increasingly required by those with money and decision-making authority as a precondition of continuing funding. At one level this is perfectly reasonable: governments or private institutions spending significant funds on education programs might sensibly ask what use of money will give the best results. Whereas project reports once focused on the processes used for achieving the stated goals, funders increasingly expect feedback in terms of ‘whether the proposed strategies met the expectations’ (Seydegart and Jackson 1997, 587). Non-governmental organisations wishing to encourage greater adherence to rights within governments may ask which training programs have been most effective at developing a human rights culture. Indeed, most people with an interest in and commitment to human rights have a real desire to know what works and to be self-reflective about the quality and outcomes of programs with which they are involved. Human rights is typically an area that struggles to attract funding, and the time of those involved in human rights work is often stretched. In those circumstances it is only reasonable to consider what utilisation of limited resources is most effective (Seydegart and Jackson 1997, 582–83). Some evaluations are, of course, more suitable

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for this purpose than others; pressure from funders, for example, is one of the least useful motivators for an honest evaluation (University of Minnesota 2000, Part 6B).

The need for evaluation of human rights education programs is a microcosm of the broader move to introduce evaluation into the human rights field more generally. In response to these needs there is a plethora of measures for evaluating how well particular states are doing in the area of some or all human rights — from Freedom House's *Freedom in the World* reports (Freedom House 2004; Karatnycky, Piano and Puddington 2004), to the United Nations Human Freedom Index (United Nations Development Programme 2004, 128), which attracted considerable criticism (Bernt 1992) and has since been abandoned. There are also numerous, albeit lower-profile, evaluations of human rights programs carried out each year. But who is evaluating the evaluators? And what problems are there inherent in any such evaluative project?

This article argues that there are significant and often overlooked problems in evaluating human rights education. While to some extent these are problems that arise in many evaluations, there are specific difficulties that arise in evaluating human rights education programs. Rather than survey different methods for evaluating education programs, this article focuses on the specific problems raised by human rights education. Human rights are based on the conception of humanity as diverse, plural and deserving of being treated with respect and dignity. Human rights instruments protect freedom of expression and of thought and conscience and in so doing recognise the validity of multiple voices and viewpoints. Any evaluation of human rights education must not only be prepared to engage with the technical issues of evaluation but also need to take human rights values themselves seriously. Otherwise the evaluation runs the risk of undermining the very rationale for developing such projects in the first place.

I begin by considering problems of theory that underlie both attempts to develop human rights education courses and the consequences of these theoretical difficulties for evaluating human rights programs. I then give an overview of the various aims of human rights programs (from those that are content driven to those that seek to transform the behaviour or attitudes of their students) and discuss the difficulties of evaluating whether these aims have been successfully achieved. I then move to the importance of assessing pedagogical method by human rights, as well as general teaching effectiveness standards. Finally, I note the importance of the evaluator himself or herself being reflective on the style of evaluation chosen.

Evaluation in a context of contested visions

The first problem faced by an evaluator when evaluating human rights education is that of the contestability of rights. It is this problem that makes unreflective or simplistic statistical approaches to such evaluation highly problematic. In this section I begin by substantiating the claim that rights are contestable and then briefly consider the implications of this for designing a human rights education program. I then consider the appropriate role of an evaluator in assessing the conception of rights chosen by the program.

Contested visions of rights

By contested visions of human rights I do not refer to fully fledged cultural relativism (Donnelly 1984; Douzinas 2002), nor to rights skepticism (Campbell, Ewing and Tomkins 2001) — which of course present problems of their own for rights education — but to the extent to which even those who agree in principle and in good faith that there are rights, and that rights are important, still disagree about many important questions. Legal philosopher Jeremy Waldron summarises some of the levels of this debate in *Law and Disagreement*. He says that:

The disagreement about rights is evident at several levels. First, there is no agreement about what it means to call something a right. Does right connote a moral absolute, a self-evident truth, a universal or some combination of the above? Are rights agent-relative claims, claims about benefit or interest, claims about liberty, claims about a waivable duty or what? ... Secondly and more substantively, people ... continue to disagree radically about what rights we have — what they are rights *to* — and what they are based on. Disagreements of this second sort are rooted in turn in wider disagreements about the nature of justice (something particularly evident in the case of so-called social and economic rights). Thirdly, even if there is a rough or overlapping consensus on a set of basic rights or civil liberties such as those secured by the amendments to the US Constitution or those embodied in the European Convention on Human Rights (ECHR), there is ferocious disagreement about what this consensus entails so far as detailed applications are concerned. [Waldron 1999, 11–12.]

Debates over the contestability of rights are part of the political culture. What one group may conceive of as a step forward for rights may be conceived by another group (using the same rights framework) as a violation or even abuse of rights. Further, there are debates over which arm of government is best placed to resolve such disputes. Waldron has famously argued, for example, that by virtue of their democratic credentials, elected legislatures are better placed than others to resolve disagreements over rights and that other branches of government should defer to their judgment accordingly (Waldron 1993; Waldron 1998; Waldron 1999), though

this stance has repeatedly been challenged (Kavanagh 2003; Christiano 2000; Eisgruber 2002; Posner 2000; Alexander 2002).

An example of the way such disputes operate in practice can be seen in Victoria, where there has been an extended debate over legislation designed to protect people against racial and religious vilification. At one level the *Racial and Religious Tolerance Act 2001* (Vic) could be described as a violation of human rights — a point that some Christian groups are vigorously making at present (Limkin 2004). It infringes on the rights of free expression and it potentially infringes on the rights of religious freedom for groups that believe that they are religiously compelled to warn others of the danger of 'untrue religions' and the certainty of the rightness of their own religious truths (Stokes 2004). At another level it is protective of rights — particularly the rights of those religious minorities that find themselves vilified in ways that leave them open to physical attacks, discrimination and psychological damage (Wynne 2001). Teaching about rights in particular contexts (something that tends to bring issues alive for students) requires teachers and students to engage with the controversies that surround some rights issues.

Curriculum development and the selection of the conception of human rights

These conceptual problems play out at a number of stages of the evaluation of education programs. Perhaps their most important effect is in evaluation of the conception of the human rights used by the education program in question. The contestability of rights is an issue that faces both teachers and evaluators. In order to properly construct or evaluate human rights education programs, it is necessary to engage with the question of what conception of rights is being taught — which of the competing visions of human rights is being presented to students as 'human rights'. Those developing human rights education programs face choices about what type of formulations of rights to select — international conventions (and, if so, which?), constitutional provisions (from a range of constitutions or only the constitution of the state in which rights are being taught?), statutory protections (how are rights-protecting statutes to be defined?) or writings in moral philosophy (ancient Greek, medieval theologians, postmodernists?). However, it is impossible for any course to cover every legal and philosophical formulation of rights comprehensively and thus choices have to be made, whether consciously or not, between different models of rights. When an evaluator comes to assess a course, one issue that should be addressed is whether the educator has reflected consciously on the choices made about the rights formulations chosen and whether they convey to students a sense of the range of possible ways of conceptualising rights.

Evaluation and the underlying conceptions of human rights

An evaluator needs to have a clear idea about what conception of rights the evaluated program intends to convey before he or she can engage in a comprehensive evaluation. It may be that the evaluator's role does not extend to questioning the underlying conception of rights, but merely to assessing how well this conception has been conveyed to students. Even here, a thoughtful evaluator can add value to a program by assisting the teachers or program designers to reflect on the conception chosen and the reasons for making this choice. This is a stage of syllabus construction that can be passed over relatively quickly, with the teachers assuming that a particular model (for example, the key international treaties) are the most appropriate conception without adequately considering whether other conceptions of rights might play a valuable role in informing, challenging or widening the perspective of students.

If an evaluator takes a role in assessing the conception of rights adopted, it is important for the evaluator not to substitute his or her own preferred understanding of rights for that of the teachers. It is far more helpful to assist teachers in understanding what concept of rights underlies the course and to offer them insights into the strengths and limitations of these concepts. The evaluator should also consider the needs of the specific audience when evaluating the human rights conceptions that have been chosen. There may be expressions of rights that might be more useful for one group than a generic overview of human rights. For example, a program aimed at school children might well be criticised if it failed to include the *Convention on the Rights of the Child* in its selected human rights documents. In this case, the needs of the audience (school children) may not have been sufficiently taken into account in devising the most appropriate formulation of rights on which to focus. Where the student body reflects a particular subsection of the population (for example, women, Indigenous people, racial or religious minorities), it is worth considering whether the rights conception used in the course appropriately reflects the rights that might be of most interest or use to the students.

It may also be that special consideration needs to be given to the culture in particular institutions such as the military or police force (Hinkley 1997). In some such institutions, beginning by using the concept of rights or instruments that explicitly use the language of rights may alienate those in institutions where such language is viewed negatively. Instead, it may make sense to begin with a concept such as fairness or justice and move later towards a rights perspective (DuBois 1997, 310). Thus an evaluation cannot simply impose a single, canonical conception of rights onto an education program and criticise the program for failing to convey that conception. Instead, a well-constructed evaluation can be a chance for the evaluator and teachers to reflect on what conception was chosen and why. An evaluator may

offer reflections on the way that this conception includes or alienates certain groups in the class, or on the extent to which the course fulfils its promises about the rights that it will teach (for example, does it promise to teach both civil and economic rights, but spend only a very brief time on economic rights while looking at civil rights in great detail?). This is a more constructive role than either simply accepting the conception used by the program or assuming that the evaluator's preferred conception of human rights is objectively better than the one used.

Evaluating the aims of human rights teaching

Once a conception of rights has been accepted as the appropriate one for a particular program, the next question is how to evaluate the aims of human rights education. One model of human rights teaching might aim to simply introduce students in a fairly superficial way to a particular formulation of rights, such as that used in the Universal Declaration of Human Rights, and to ensure that by the end of the course the students have a good knowledge of the provisions of the selected instruments. Another course might try to expose students to a variety of conceptions of rights, including the ideas of those who are critical of rights, and teach the students to engage in serious moral and political philosophy about what conception they believe is best for them or their society or for the international community. One teacher may introduce hypotheticals or problems to teach a technical skill of legal application of principles to facts with students being marked on whether they get the methodology and answer right or wrong. Another teacher may use such problems as a way of encouraging students to engage in a variety of types of reasoning or to demonstrate the complexity of the issues at stake.

Three very broad approaches to teaching human rights are used for the purposes of this article (acknowledging the vast range of particular ways that these factors can be interrelated in any given course): a content-driven approach, an intellectual approach and a transformative approach. I first give an overview of the approaches and then discuss evaluation of whether a course has achieved these aims.

The content-driven approach

The content-driven approach teaches rights as a body of knowledge, much like any other body of knowledge. A teacher may teach students to recite a set of canonical words as an effective first step on the road to understanding human rights (Human Rights Commission 1984, 37–38). At a more sophisticated level, a teacher may assist students to understand the interpretation given to certain rights provisions by international or domestic courts. Almost all human rights education has some element of conveying content and even some challenging and worthwhile courses,

such as law courses in human rights law, may have a strongly content-driven approach.

The intellectual approach

The intellectual approach takes this process a step further by requiring students to reflect critically on the conception, content or interpretation of rights. A course that demonstrates to students that there are a variety of conceptions of rights, for example, will have almost certainly assisted the student in critically engaging with what it means to say that something is a right and which conception of rights appeals most to him or her. As an experienced human rights educator has noted:

... no teaching of human rights will be secure if it becomes confused and uncritical indoctrination. To teach human rights is to analyse them, to consider them critically, not only in the abstract but also in concrete contexts and applications. What we have to respect is real people, not abstractions or sentimental idealisations. [Kamenka and Tay 1981, 2.]

Unlike predominantly content-driven courses, intellectually oriented courses allow students to think critically about the utility of the concept of rights generally or any particular conception of rights being taught. It uses 'concrete contexts and applications' not merely to demonstrate how a right applies in a given situation, but to challenge students to see the potential *and* the limitations of human rights, and the areas where reform is desirable. It might challenge students to consider if other orderings for society (for example, religious, responsibility-based or economic) might bring about better outcomes for individuals or societies. It may well take an inter-disciplinary approach to rights issues in order to ensure students have a range of insights about the operation of rights. In the preface to their leading work on international human rights law, Professors Steiner and Alston express this approach thus:

... a basic course in human rights should educate students to see the 'big picture'. Of course it should enable students to master the history, doctrine, and institutional structures of the movement. But it should also persuade students to think critically about the subject as a whole. Thus the text and materials describe, analyse, criticize, propose and provoke, without imposing any single dogma, direction or method for thinking about the history or appropriate path for human rights. The student must reflect on those vexing questions. [Steiner and Alston 2000, v.]

As the extract suggests, this intellectual approach presupposes a good understanding of the content of rights if it is to be fully effective, but also insists that the students move beyond that knowledge to critical engagement with aspects of human rights history, practice or suggestions for reform.

The transformative approach

The transformative approach, while not limited to human rights education, is one that distinguishes human rights teaching from education in a range of other subjects where both content and intellectual approaches are common. Descriptions of human rights education or training programs tend to emphasise the importance of the transformative element of human rights education rather than simply aiming to convey content. Many human rights educators emphasise the need for a human rights program that reaches beyond knowledge and changes the lives of students. Statements such as the one here are commonplace in stating aims for a high quality course.

It [human rights education] means not just teaching human rights or rather, teaching about human rights; it means teaching for human rights ... In other words, 'teaching human rights' is only likely to succeed to the extent to which those doing the teaching dare to enter the affective domain. [Human Rights Commission 1984, 45.]

It may be assumed, even at very high levels, that this approach is the best or even the only legitimate approach to teaching human rights. For example, in its *Guidelines for National Plans of Action for Human Rights Education*, the United Nations General Assembly defined human rights education as:

... training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes, which are directed towards:

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

The General Assembly went on to note that human rights education is not just the transmission of knowledge, but that it also includes the development of values that comply with human rights and the encouragement of activism to achieve human rights aims (pp 5–6).

The role of the evaluator in assessing educational aims

The evaluator has two roles when it comes to determining the aim of human rights education. The first, as with conception, is to encourage teachers to reflect on what

aims they have chosen, why those aims were chosen and the way in which this has shaped the experience for students. For example, the evaluator could assist the teacher in seeing that a purely content-driven approach was inappropriately unsophisticated for students who liked intellectual challenge, or that a transformative/advocacy approach may be alienating for students who do not share the teacher's enthusiasm for human rights or whose cultural background makes them uncomfortable challenging authority. The transformative approach may also come into conflict with the intellectual approach, by pressuring students to abandon a critical perspective in order to advocate or advance human rights. At some point transformative education may cross the boundary from education and into a form of indoctrination. Peter Singer expresses the difficulty thus:

The phrase 'teaching human rights' suggests a manner of teaching which has as its aim the production of convictions in the students that there are certain human rights ... This kind of teaching would not, I think, be a proper form of education. It would be a kind of indoctrination. [Singer 1981, 95.]

Teaching *about* human rights is fine, in this analysis, but teaching human rights is not.

Second, the evaluator must evaluate how well those aims have been achieved. This may be a relatively simple matter for courses that emphasize content or intellectual engagement. Courses that emphasise content transmission are the easiest to assess using traditional and transferable techniques of evaluating. Student results in various forms of assessment will give a relatively accurate view of how well they understand the content of rights or their ability to engage in critical thinking about rights. Evaluations might usefully consider what teaching methods best convey the course content and might also do follow-ups with students at various periods after the course to see the extent to which the students have retained knowledge of the content or have an understanding of the issues of theory or political debate surrounding rights. Evaluators may also compare the different approaches — for example, seeing if encouraging students to think more critically about rights also improves their understanding of the content of those rights. In this respect the evaluations will not differ markedly from those used to assess the performance of non-human rights courses.

Evaluating the achievement of transformative aims

Courses that aim to transform behaviour or attitude are far more complex to assess than those that track traditional content or intellectual approaches. Yet it is precisely this transformation (as discussed above) that is the aim of much human rights education. Most training of officials such as public servants, police, military officers

and prison or youth workers is not carried out simply for the intellectual benefit it might bring them. If such training does not encourage compliance with human rights by those attending, it might be appropriately evaluated as a failure according to government aims in carrying out the training. A variety of evaluative methods are required in order to make such assessments and, while the preference of government and other funders tends to be for purely objective, quantitative evaluations, it is inevitable that an evaluator has to make certain subjective determinations in the course of the evaluation. Such methodological limitations can create a misleading impression that data obtained from such evaluations is more solid and less subjective than it actually is (Goldstein 1992, 50–51; Kirby 2003, 325).

Interviews with and surveys of participants (preferably before and after the course) can yield rich data about attitude transformation and should be used wherever possible. Such surveys may well have a quantitative element — for example, asking students to rate the abilities of the teacher or standard of the materials used. In determining whether transformation has taken place, however, more probing and detailed questions that are qualitative rather than quantitative are a necessary supplement in order to give a full picture of the strengths and weaknesses of the course. For example, students might rate a particular session as the ‘best’ in the course. But further questioning may reveal that this was because the teacher for that session had a good sense of humour or a style that the students related to. A session that the students did not enjoy may be revealed on further questioning to be the most transformative of the sessions precisely because it disturbed or disrupted their world view.

Where resources are available, it may often be considered desirable to test the responses of students to the program against real world outcomes. Students may not be conscious of the extent to which the course has changed their attitudes or may even deliberately set out to deceive the evaluator. Interviews or surveys may give a useful insight into student thinking (which in itself may be valuable) but will not necessarily reflect the way that they behave once outside the atmosphere of the classroom or the evaluation. An improvement in understanding of human rights revealed in interviews before and after the course may indicate a personal transformation, but it may also be a reflection of an enhanced capacity to ‘speak the language’ of rights and to say what is expected without any real transformation of behaviour or culture. To evaluate effects on behaviour in the real world, therefore, the evaluator may have to draw on the various methodologies devised for assessing human rights compliance in other areas. This article does not attempt to give a full overview of such methodologies — several of which have been examined by Kapoor (1996) — but rather to demonstrate the possibilities and limitations of some of the more common methods when applied in the education field.

For the sake of illustration, I will use the example of human rights training for police in a country where the police have traditionally had a record of abuse and violence. What are some of the ways of measuring the success of such a program in transforming police behaviour?

One possibility would be to ask a group of experts to assess the performance of the police both during and after the program and to rank their performance in terms of respect for rights as poor, good or very good. This is basically the methodology used by Freedom House to assess freedom internationally (Freedom House 2004). What emerges from such a process is some type of quantification — a shift from poor to good, for example. Such measurements can be useful, but should not be used in isolation. While they yield what seem to be hard, objective evaluations, the method disguises the very subjective processes that have gone into selecting the expert evaluators and constructing the questions used for them, not to mention the subjective and often unverifiable methods used by the experts to come to their conclusions (Goldstein 1992, 48). Given the contestation of rights conceptions discussed in the first part of this article, evaluators should be cautious in the use of experts whose methodologies and conceptions of rights are often not fully or openly communicated.

Another method that might be adopted is to attempt to construct an appropriate indicator or set of indicators. The term 'indicator' is used in a number of senses in the literature, but the central concept is a 'piece of information, usually a statistical measure, used in measuring the extent to which a legal right is being fulfilled or enjoyed in a given situation' (Green 2001, 1065). One indicator of success of a police training program might be the number of complaints made about police in the year before, compared to the year after, the training. This is *prima facie* a reasonable methodology, as a change in the number of complaints might be significant; but how it is significant requires further evaluation and, again, a qualitative analysis before the results reveal useful information with respect to the effect of the course. A fall in complaints might mean that police have absorbed the lessons of their training and put them into practice — an excellent result for the program. Or it might mean that the government had lessened funding to the police complaints unit, which led to the shut down of all regional complaints centres, and thus the fall in complaints was entirely unrelated to the education program. Or it might mean that the police have only absorbed the message that the powers that be are starting to take rights seriously, so police engage in greater brutality to warn potential complainants not to complain to the authorities — clearly a failure to fulfil the aim of the course.

The modern emphasis, particularly of governments and inter-governmental organisations, is often on quantitative measures rather than qualitative. The

temptation for the evaluator may therefore be to focus predominantly or exclusively on such methodologies in order to be able to claim results that seem 'harder' or more 'objective' than those gained by qualitative measurements such as participant interviews or direct assessments by the evaluator (for example, by sitting in on classes).

It should, however, be recognised that quantitative measurements such as the ones described above have their limitations and that some subjective or qualitative element is always necessary in order to make sense of any statistical data yielded by quantitative surveys. While the use of appropriately and thoughtfully constructed indicators can be a very useful part of any evaluation and can help to paint a fuller picture of the success or otherwise of the program, qualitative evaluation must also play a role, and this role should not be disguised by attempting to reduce its analysis to a set of unrealistically constructed figures. Evaluations need to be nuanced and rich in information if they are to be useful to those constructing and teaching in human rights programs. In the education sector more generally, for example, there is suspicion about the use of league tables based on indicators as a useful measurement of school performance, as they can lead to misunderstandings and misrepresentations of certain institutions (Clarke 2002; Clarke 2004, 69; Doherty 2004, 6; Levy 2004, 3). It would be unfortunate for human rights education evaluation to engage in arid exercises of attempting to rank human rights education programs or to use statistics as the only reliable measure of educational outcomes. Such figures disguise as much as they reveal.

Evaluating pedagogical method in human rights programs

Whatever conception of human rights is selected by a teacher and whatever the aim of the course, a good evaluation of a human rights project should also include some assessment of the pedagogical method employed. The assessment should not simply focus on the effectiveness of the teaching approach, but should also consider the extent to which the style of teaching reflects the human rights values that are to be taught. A primary school teacher involved in a pilot study of a human rights education program reflected:

I therefore believe that the 'Teaching Human Rights' program, although valuable in content, would not be possible to implement without obvious hypocrisy in some schools. A class teacher who insists that the children listen to her with respect and without mockery or interruption but herself interrupts and mocks the children when speaking, would not be an effective teacher of 'Teaching Human Rights.' A principal who agrees to the introduction of the program but who becomes angry when children or teachers

courteously question her decision-making is not creating a school environment in which human rights are respected. [Human Rights Commission 1985, 43.]

This is a critical difference between human rights and some other subjects. A teacher may teach students how to do long division in a clear and effective manner even though the teacher has no particular liking for or affinity with mathematics. But a teacher who uses authoritarian, disrespectful or punitive approaches to human rights education simply creates confusion or indignation in the minds of students and undermines any transformative goals that the program is attempting to achieve. In discussing the 'hidden curriculum', one teacher noted that:

... unless students sense they have been consistently treated with human dignity and accorded their elemental rights in their own schooling, their subsequent intellectual acquaintance with conceptions of rights will cause dissatisfaction with their own schooling or with the idea of human rights. If their own rights have been observed, however, they will have developed a moral consciousness structured by meanings that will enable them to grasp intellectual concepts of human rights with genuine insight because of their congruence with experientially developed moral sensibility. [Human Rights Commission 1984, 31.]

Thus a thorough evaluation of a human rights program should consider whether the teaching method adopted by the teacher was itself one that respected the inherent dignity and equality of all students. This would be reflected in the way in which the teacher treated the students and expected to be treated. It may also necessitate a consideration of the broader environment in which the program took place. Are the rules and regulations of the institution, or the leadership positions in that institution, ones that complement or undermine the human rights program? This type of extension may be beyond the resources of a particular evaluation, but at a minimum an assessment of the teaching method itself should be included. The assessment of that method should include considerations of its compliance with human rights values, not simply its educational effectiveness in some abstract or technical sense.

Conclusion

The problems outlined above do raise serious questions that need to be answered before a meaningful evaluation of the quality of a human rights education project can be carried out. Many of these issues focus around the need to remember that an evaluation of this sort is not a simple exercise that can be engaged in without consideration of the underlying human rights principles at stake. The evaluation itself should take human dignity and equality seriously; it should value diversity

and respectful disagreement; it should not seek to take the complex and unique experiences of those participating in a human rights project and reduce them to a simple set of numbers.

Indeed, the evaluator needs to be alive to the potential power imbalance in the relationship with those involved in the evaluation and strive to accurately reflect the diversity of their experiences. A dated but still interesting example of an attempt to put human rights values at the centre of an evaluation of a human rights education program can be seen in an evaluation undertaken for the Australian Human Rights Commission of a pilot study of a human rights teaching program for primary schools. The evaluator used a 'democratic evaluation' guided by principles of 'empowered citizenry' (Australian Human Rights Commission 1985, 4). In setting out the characteristics that the study attempted to achieve, the author said that in his evaluation he was:

- i. taking a strong line on participation, collaboration and self-reflection as guiding principles for its operation;
- ii. expressing a commitment to safeguarding the interests of participants and giving them a genuine role in planning, conducting and reporting the study; and
- iii. combining elements of two approaches to educational investigation, multi-site case study and collaborative action research.

This respectful approach to evaluation extended to reproducing lengthy reflections from the participants, respecting the direct voice of the participants (even when, as was the case with some students, they were voices that expressed views counter to the human rights aims of the project). The report directly reflected the diversity and pluralism of those whose views were sought and demonstrated a self-reflective approach to evaluation of human rights programs that could be usefully followed by others engaged in such evaluations.

There is, of course, no simple model that can be used for all human rights education evaluations. What is important is that both those establishing human rights education programs and those evaluating such projects should not avoid answering the difficult questions about the aims of the project and the particular conception of rights that such aims entail. Rights have their basis in moral, political and philosophical arguments about the deepest and most complex questions of justice, social ordering and the nature of humankind. Rights are controversial from conception to application. This is not a bad thing — to struggle to come to terms with how best to live and to order our societies is indeed one of the most important enterprises that we can engage in as human beings. But our rights education and our evaluation of such education should not pretend away the struggle, the diversity and

the fact that each choice about the type of education we are providing includes the rejection of other options; this applies to both the evaluative methodology that we employ and the substance and style of that which we teach.

References

Australian legislation

Racial and Religious Tolerance Act 2001 (Vic)

International legal materials

Convention on the Rights of the Child, 2 September 1990, 1577 UNTS 3

Convention on the Rights of the Child, 2 September 1990, 1577 UNTS 3

International Covenant on Civil and Political Rights, 16 December 1966, 999 UNTS 171

United Nations General Assembly, *Guidelines for National Plans of Action for Human Rights Education*, UN GAOR, 52nd sess, 5, UN Doc A/52/469/Add.1 (20 October 1997)

Universal Declaration of Human Rights, GA Res 217A (III), UN Doc A/810 (1948)

Other references

Alexander L (2002) 'Is judicial review democratic? A comment on Harel' 22 *Law and Philosophy* pp 277–83

Bernt L (1991–92) 'Measuring freedom? The UNDP Human Freedom Index' 13 *Michigan Journal of International Law* pp 720–38

Campbell T, Ewing K D and Tomkins A (eds) (2001) *Sceptical Essays on Human Rights* Oxford University Press

Christiano T (2000) 'Waldron on law and disagreement' 19 *Law and Philosophy* pp 513–43

Clarke M (2002) 'Quantifying quality: what can the US News and World Report rankings tell us about the quality of higher education?' 10(16) *Education Policy*

Analysis Archives [Online] Available: <epaa.asu.edu/epaa/v10n16> [2005, November 3]

Clarke M (2004) 'International issues in quality assessment: limitations of the weight-and-sum approach to ranking the academic quality of institutions of higher education' in R Carmichael (ed) *Proceedings of the Australian Universities Quality Forum 2004: Quality in a Time of Change* Australian Universities Quality Agency, Melbourne <www.auqa.au/auqf/2004/program/papers/Clarke.pdf>

Doherty L (2004) 'Ranking for schools misleading, say experts' *Sydney Morning Herald* 21 January p 6

Donnelly J (1984) 'Cultural relativism and universal human rights' 6 *Human Rights Quarterly* pp 400–19.

Douzinas C (2002) 'The end(s) of human rights?' 26 *Melbourne University Law Review* pp 445–65.

DuBois M (1997) 'Human rights education for the police' in G Andreopoulos and R Claude (eds) *Human Rights Education in the Twenty-First Century* University of Pennsylvania Press pp 310–34

Eisgruber C (2002) 'Democracy and disagreement: a comment on Jeremy Waldron's *Law and Disagreement*' 6 *Journal of Legislation and Public Policy* pp 35–47

Freedom House (2004) *Freedom in the World 2004: Survey Methodology* [Online] Available: <www.freedomhouse.org/research/freeworld/2004/methodology.htm> [2005, November 3]

Goldstein R (1992) 'The limitations of using quantitative data in studying human rights abuses' in T B Jabine and R P Claude (eds) *Human Rights and Statistics: Getting the Record Straight* University of Pennsylvania Press, Philadelphia pp 35–61

Green M (2001) 'What we talk about when we talk about indicators: current approaches to human rights measurement' 23 *Human Rights Quarterly* pp 1062–97

Hinkley D M (1997) 'Military training for human rights and democratization' in G Andreopoulos and R Claude (eds) *Human Rights Education in the Twenty-First Century* University of Pennsylvania Press pp 296–309

Human Rights Commission (Australia) (1985) *Teaching, Enacting and Sticking Up for Human Rights: An Evaluation Report on the Human Rights Commission's 'Teaching for Human Rights: Activities for Schools'*, Occasional Paper No 9 Australian Government Publishing Services, Canberra

Human Rights Commission (Australia) (1984) *The Teaching of Human Rights: Proceedings of the Conference Held by the Human Rights Commission and UNESCO in Adelaide, 25–27 August 1983* Australian Government Publishing Services, Canberra

Kamenka E and Tay A (1981) 'Introduction: human rights and the Australian tradition' in A Tay (ed) *Teaching Human Rights* Australian Government Publishing Service

Kapoor I (1996) *Indicators for Programming in Human Rights and Democratic Development: A Preliminary Study* [Online] Available: <[www.acdi-cida.gc.ca/INET/IMAGES.NSF/vLUIImages/HRDG/\\$file/INDICENG.pdf](http://www.acdi-cida.gc.ca/INET/IMAGES.NSF/vLUIImages/HRDG/$file/INDICENG.pdf)> [2005, November 3]

Karatnycky A, Piano A and Puddington A (eds) (2004) *Freedom in the World 2004: The Annual Survey of Political Rights and Civil Liberties* Freedom House and Rowman & Littlefield, Washington DC

Kavanagh A (2003) 'Participation and judicial review: a reply to Jeremy Waldron' 22 *Law and Philosophy* pp 451–86

Kirby M (2003) 'Indicators for the implementation of human rights' in J Symonides (ed) *Human Rights: International Protection, Monitoring, Enforcement* Ashgate, Burlington pp 325–46

Limkin R (2004) 'Faith in open debate' *Courier Mail* 21 December p 17

Posner R (2000) 'Review of Jeremy Waldron, *Law and Disagreement*' 100 *Columbia Law Review* pp 582–91

Seydegart M J and Jackson E T (1997) 'Fund-raising for human rights education: enduring principles, emerging techniques' in G Andreopoulos and R Claude (eds) *Human Rights Education for the Twenty-First Century* University of Pennsylvania Press pp 582–98

Singer P (1981) 'Teaching about human rights' in A Tay (ed) *Teaching Human Rights* Australian Government Publishing Service pp 95–101

Steiner H J and Alston P (2000) *International Human Rights in Context: Law, Politics, Morals* (2nd edn) Oxford University Press

Stokes P (2004) *Freedom of Speech, GONE* [Online] Available: <catchthefire.com.au/articles/news/2004/20-12-04.htm> [2005, November 3]

United Nations Development Program (2004) *Human Development Report 2004: Cultural Liberty in Today's Diverse World* [Online] Available: <www.undp.org.in/hdr2004> [2005, November 3]

University of Minnesota Human Rights Resource Center (2000) *Human Rights Education Handbook* [Online] Available: <www1.umn.edu/humanrts/edumat/hreduseries/hrhandbook> [2005, September 16]

Waldron J (1993) 'A rights-based critique of constitutional rights' 13 *Oxford Journal of Legal Studies* pp 18–51

Waldron J (1998) 'Moral truth and judicial review' 43 *American Journal of Jurisprudence* pp 75–97

Waldron J (1999) *Law and Disagreement* Clarendon Press, Oxford