



# Measurement & Human Rights:

TRACKING PROGRESS, ASSESSING IMPACT

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A Carr Center for Human Rights Policy Project Report

*with support from the John D. and Catherine T. MacArthur Foundation*



SUMMER  
2005

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# PART ONE

## MEASUREMENT AND HUMAN RIGHTS: INTRODUCTION

Michael Ignatieff and Kate Desormeau

### I. The measurement revolution

A measurement revolution is underway in the fields of development, democratization, and good governance promotion. By measurement revolution, we mean the proliferation of indices and reporting frameworks that attempt systematically to measure various aspects of human wellbeing. Over the last few decades, crude headcount poverty measures have given way to more revealing indices of economic deprivation, including the Gini coefficient and the “Sen Index.”<sup>1</sup> The UNDP’s Human Development Index (HDI) and related sets of indicators have forever altered the way we think about development, which many had previously thought to be adequately represented by GDP growth alone.<sup>2</sup>

Even elusive concepts such as democracy,<sup>3</sup> freedom,<sup>4</sup> corruption,<sup>5</sup> discrimination,<sup>6</sup> and governance<sup>7</sup> are now being measured systematically, and in some cases quantitatively. There are literally hundreds of indicator sets and indices in use throughout the world by various civil society organizations (CSOs), research groups, governments, and inter-governmental organizations (IGOs), measuring all aspects of human wellbeing—many of which are highly germane to a human rights inquiry. These measures have come to play an increasingly important role in international and national policymaking. The UN Millennium Development Goals (MDGs), with their specific numerical targets to be reached by 2015, are only the most obvious

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<sup>1</sup> The so-called “Sen Index” of poverty is a combination measure that includes the headcount poverty rate (number of people below the poverty line), the poverty gap (depth of poverty, measured as the ratio of the average distance between a poor income and the poverty line, to the poverty line), and the GINI index. This measure was proposed in Amartya Sen, “Poverty: an Ordinal Approach to Measurement,” *Econometrica* 44 (1976): 219-231.

<sup>2</sup> The Human Development Index is based on only four of the many Human Development Indicators: life expectancy, literacy rates, school enrolment, and GDP per capita at purchasing power parity (PPP). The Index and the Indicators are published annually by the UNDP in the *Human Development Reports*.

<sup>3</sup> Polity measures regime characteristics and the degree of “closedness” and “institutionalized authority” versus “openness” and “political competition” in a country—essentially, determining trends in democracy and autocracy. Monty G. Marshall, *Polity IV Project: Political Regime Characteristics and Transitions, 1800-2003*, 2005, CIDCM University of Maryland, <<http://www.cidcm.umd.edu/inscr/polity/>>.

<sup>4</sup> Freedom House’s *Freedom in the World* ranks countries according to their respect for civil liberties and political freedom. See *Freedom in the World 2005*, <<http://www.freedomhouse.org/research/survey2005.htm>>.

<sup>5</sup> Transparency International’s Corruption Perceptions Index tracks the level of corruption in countries around the world. See *Corruption Surveys and Indices: International Corruption Perceptions Index 2005*, Transparency International, <<http://www.transparency.org/surveys/index.html#cpi>>

<sup>6</sup> See *Minorities at Risk, Center for International Development and Conflict Management*, <<http://www.cidcm.umd.edu/inscr/mar/>>.

<sup>7</sup> Daniel Kaufmann, Art Kraay, and Massimo Mastruzzi, “Governance Matters III: Governance Indicators for 1996-2002,” *World Bank Institute Policy Research Working Paper* 3106, (2003) <<http://www.worldbank.org/wbi/governance/pubs/govmatters3.html>>. See also Robert Rotberg, “Improving Governance in the Developing World: Creating a Measuring and Ranking System” in *The Good Governance Problem: Doing Something about It*, World Peace Foundation Report Number 39, (2004).

manifestation of a very broad drive to mainstream standardized and quantifiable measures of progress into the agendas of states, IGOs, and CSOs. Statistical measures of human wellbeing are also being used to guide development strategies and to target official development assistance (ODA) overseas.

Yet as this measurement revolution has spread, the human rights movement has, for the most part, stood aside. As activists, researchers, theorists, and practitioners working on human rights problems, we have largely declined to engage in the task of measuring progress in human rights—at least in systematic, outcome-oriented terms. This has meant that, as international policymaking strives for greater standardization and goal-oriented accounting, the human rights perspective has been lost in the shuffle. Our concerns are overlooked in some cases, and co-opted in others.

Consider the UN Millennium Declaration<sup>8</sup> and the corresponding MDGs, for example. While the Declaration lists a number of traditional civil and political rights (“inclusive political processes” and “freedom of the media”<sup>9</sup>) among its other exhortations for improved environmental protection, health care, education, and poverty relief, none of those civil and political rights concerns made it into the final list of MDGs. The MDGs consist mainly of the usual socio-economic indicators used to chart member states’ progress toward the goals of universal primary education and the reversal of the spread of AIDS, but no such observable benchmarks are included for civil and political rights.<sup>10</sup> Nor is there any indicator for the treatment of minority groups, despite the fact that this issue is included in the Millennium Declaration;<sup>11</sup> the MDGs measure progress solely at the level of national aggregates. Thus, the Goals fail to represent crucial human rights concerns—despite the fact that human rights are to be a central component of the global poverty relief and development agenda.<sup>12</sup>

Consider, too, the turn toward standardized statistical indicators in the World Bank’s aid eligibility determinations. In calculating each borrowing country’s eligibility for loans and grants, the Bank relies in part on its “governance factor”—a score derived from a set of indicators pertaining to the Bank’s definition of good governance, some of which are categorized as “human rights.” But the so-called human rights indicators have been selected largely without the human rights community’s involvement, and they overlook critical aspects of what makes a human rights analysis unique and meaningful. Country “governance” scores may neglect rights inequalities between ethnic or religious groups or differential access to redress between regions or areas of a particular country. In other words, the Bank’s country indicators of governance may be neglecting to account for precisely those human rights problems which contribute to instability and reflect poor governance.

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<sup>8</sup> *United Nations Millennium Declaration*, General Assembly of the United Nations, 2000, G.A. Res 55/2, <<http://www.un.org/millennium/declaration/ares552e.htm>>.

<sup>9</sup> *United Nations Millennium Declaration*, Article V.25

<sup>10</sup> United Nations Statistics Division, *Millennium Indicators Database*, <[http://millenniumindicators.un.org/unsd/mi/mi\\_goals.asp](http://millenniumindicators.un.org/unsd/mi/mi_goals.asp)>.

<sup>11</sup> *United Nations Millennium Declaration*, Article V.25

<sup>12</sup> Kofi Annan has stressed that “[d]evelopment, human rights, and security go hand in hand. [. . . They are] all imperative; they also reinforce once another.” United Nations, *In Larger Freedom: Towards Development, Security, and Human Rights for All*, report of the Secretary-General, A/59/2005, 21 March 2005, paras. 14, 16, <<http://daccessdds.un.org/doc/UNDOC/GEN/N05/270/78/PDF/N0527078.pdf?OpenElement>>.

What is more, the Bank constructs its governance indicators by taking qualitative data from a number of sources—including Amnesty International’s annual reports—and then coding them numerically on a scale of human rights performance from 1 to 6. Its methodology is questionable at best, and yet as a movement we have failed to challenge the way our data is being used by the Bank and other agencies. There is a substantial risk that if human rights professionals do not engage with the conceptual, methodological, and political assumptions driving such forms of targeted measurement—for example, the World Bank’s governance indicators—we will wake up to discover “human rights” data being used for purposes that run contrary to our movement’s deeply-held priorities and goals.

## II. Why the silence from the human rights community?

Why, then, have we members of the human rights movement declined to confront these issues, to think about how to establish our own, more appropriate goals and benchmarks for achievement? Why has our preferred method of global standard-setting remained the simple tally of treaty ratifications—despite the fact that we know treaty ratifications often fail to correlate with increased respect for human rights in practice?<sup>13</sup> Why have we been so slow to develop other indicators of progress based on actual human rights outcomes?

Some would argue that this is because progress in human rights is inherently difficult to measure. When the UNDP sets out to measure infant mortality rates as an indicator of development, it may face logistical and methodological difficulties (“How do we ensure that hospitals report every infant death?” and “How do we compensate for differences in data availability?”) but not conceptual ones (“What does ‘infant mortality’ mean?”). By contrast, this argument continues, measuring progress in human rights involves great conceptual complexity. Establishing whether a country is a full or partial democracy, for example, is full of pitfalls. Rights are about more than levels of attainment. They are about relationships between individuals and duty-bearers, about the mechanisms by which claims and corresponding obligations are mediated. This makes for very complex accounting indeed.

Yet this explanation is not wholly satisfying. Poverty reduction is the basic goal of the development field, but “What is poverty?” is hardly a straightforward question. Indeed, quite apart from the practical challenges that the measurement of worldwide poverty poses, development experts face important theoretical questions about what we mean when we talk about “poverty,” and what indicators adequately capture that experience of human deprivation.<sup>14</sup> The human rights community is not unique in facing conceptual challenges to measurement.

Perhaps, then, it is closer to the truth to say that the reluctance of human rights professionals to think through our own performance goals in concrete, measurable, outcome-oriented terms stems from a philosophical aversion to quantifying human suffering. A basic ethical pre-supposition underlying the human rights movement is that as long as a single prisoner

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<sup>13</sup> Oona Hathaway, “Do Human Rights Treaties Make a Difference?” *Yale Law Journal* 111, no.8 (2002): 1935.

<sup>14</sup> For a thoughtful contribution to this debate, see Thomas W. Pogge and Sanjay G. Reddy, “Unknown: The Extent, Distribution, and Trend of Global Income Poverty,” version 3.4, (26 July 2003) <[www.socialanalysis.org](http://www.socialanalysis.org)>.

remains in unjust confinement or a single child dies of a preventable condition, it is complacent to speak of “progress” for prisoners or children in the aggregate. Unsure how to square this conviction with the more utilitarian task of setting benchmarks for success, the human rights community has traditionally avoided the endeavor altogether, preferring instead to measure rights problems and progress anecdotally, focusing on the individual story, the illuminating testimonial. We are, in general, profoundly uncomfortable with the measurement of general trends.

### III. What we are missing

This discomfort, while principled, has hindered our ability to express our goals as a global movement and to determine whether or not we are reaching them. But it has also driven us further away from the mainstream of social science, with its stress on rigorous empirical research. While those in the fields of development and governance can draw on empirical, observable information to guide their strategies, set the terms of public debate, prove their worth to donors, and keep track of their own effectiveness, the human rights community lacks the tools to do the same. We often approach qualitative research with an anecdotal attitude that lacks methodological rigor; and generally speaking, our track record with quantitative research is even worse.

It is not just global, country-level indicators of human rights performance that are at issue here. There has been much talk in the last several years about human rights indices and global reporting mechanisms,<sup>15</sup> but long before we can come together as a movement to agree upon standardized, observable benchmarks for *global* human rights progress—if indeed we determine that this is even desirable—we must address the problem of data-gathering on a much more basic level. We must improve our capacity to gather and use quantitative and statistical data in our own organizations.

Human rights organizations of all sizes produce occasional and annual reports with a wealth of qualitative and quantitative data on the state of human rights in various topic areas, countries, and regions around the world. So the issue is not whether we should be tracking progress in human rights in our individual topic areas—we already are—but instead whether we are doing the job well. In many sectors we lack time-series data, so that while we have impressionistic ideas about whether torture, gender-based violence, trafficking or other abuses are increasing or decreasing in particular countries, we do not have solid data to test our impressions one way or the other. Even where relevant data is available over time, we are uncertain how to interpret it, how to use it to guide our human rights arguments. Many practitioners are unsure how to conduct their own studies; many too are uncertain where to find relevant statistics and unsure what to do with them once they have found them.

When making a case against a human rights violator, how do we turn development data, mortality rates, or demographic information into a human rights argument? When assessing our

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<sup>15</sup> Most recently, the High-Level Panel on UN reform suggested that the OHCHR should produce “an annual report on the situation of human rights worldwide.” See United Nations, *A More Secure World: Our Shared Responsibility. Report of the High-Level Panel on Threats, Challenges, and Change*, (2004), para. 288.

effectiveness as scholars and activists, how do we strike a proper balance among structural, process, and outcome indicators? While social scientists, researchers, and academics could help to address these uncertainties, there has thus far been surprisingly little interaction between researchers and practitioners, surprisingly little collaboration and sharing of methodological expertise.<sup>16</sup> The stand-off between academics and activists, their failure to work together and learn from each other, is crippling to our movement's efficacy and credibility.

#### **IV. Why do we need data?**

Why, exactly, do we need to improve our data-gathering techniques, and why is it essential that academics and activists build links and share expertise? How can we be more rigorous and systematic in our collection and use of qualitative data (like interviews and personal testimonies)? What does quantitative data (like demographic information) add to an activist's toolbox that qualitative data alone cannot accomplish? From an activist's point of view, addressing these questions should be a top priority. Better data—qualitative and quantitative—can help to motivate membership, set priorities more clearly, improve intervention strategies, establish why abuses happen and who is accountable for them, and most of all, improve the way human rights activists measure their own effectiveness.

##### ***Motivating our base***

The human rights movement sustains and motivates its membership base with two basic narratives, one which identifies abuses and maps out a strategy for ending them, and another which points to the progress that effective campaigning has already made. Grounding both of these narratives in empirical research is crucial to building the constituencies of support that sustain the human rights movement. The human rights movement will fail to sustain its constituency of support if it cannot point to real progress and demonstrate to an often cynical and jaded public that measurable change has occurred. The public, in other words, needs observable proof that its donations make a difference. Human rights advocates need to be able to demonstrate this difference with reports that measure change in ways that outside observers can understand. If all we can say to our constituencies of support is—to quote the proverbial Chicken Little—“The sky is falling! The sky is falling!” then we may lose their support, and we may lose our own resolve.

##### ***Setting our priorities***

We say the sky is falling, but we often have no more precise idea of the relative severity of the problems we aim to solve. An idea of the severity of a given human rights problem—and of its improvement or deterioration over time—is also important for setting our priorities as a movement. Our commitment to the universality and indivisibility of human rights undoubtedly makes it difficult to prioritize needs and to engage in triage. But a clearer idea of what progress we have made and what challenges remain can help to focus our limited time and resources

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<sup>16</sup> One notable exception is the work the American Association for the Advancement of Science (AAAS) has done to bridge the scientific and human rights communities through its Science and Human Rights Program. See <<http://www.aaas.org>>.

where they are needed most. In doing so, human rights activists and scholars must have some idea of where violations exist and where progress is needed. When every rights claim demands attention, good data—both broad, country-level statistics and more nuanced, topic-specific information—can help us make hard, but necessary, choices of where to allocate resources first.

### ***Gauging the scope and magnitude of a problem***

Before a human rights organization begins working on any sort of human rights issue, it needs an understanding of the baseline—the scope and magnitude of the problem we are setting out to solve. How big is the problem? Is it getting bigger? Does it disproportionately affect certain areas or segments of the population? Answering these questions is crucial to ensuring that intervention strategies are appropriate to the problem at hand.

Indeed, human rights practitioners often justify their concern with a particular human rights problem by noting that it is “widespread and systematic.” Too often, however, we make these claims with nothing but impressionistic opinions to back them up. Before claiming that a violation is “widespread,” we must ascertain that the violation affects a statistically significant segment of the population. Before claiming that a violation is “systematic,” we must demonstrate that there is some concerted policy behind the violation, or that there is some attribute that the victims of this violation share. Random civilian casualties during a war may indeed constitute heinous violations of international humanitarian and human rights law, but they may not necessarily be part of a more “widespread” and “systematic” campaign. Similarly, literature about human trafficking typically opens with the dire claim that the phenomenon is a “large and growing” problem. In truth, how large it is, and how quickly it is growing, are difficult to say. But once we have made this assertion—even if erroneously—it becomes ever harder to back down from it without appearing to diminish the seriousness of the problem or the need for intervention.

Misusing these terms will not only erode the credibility of the human rights movement, but it may also lead activists to mistake the nature and causes of a problem and to undertake misdirected efforts to combat it. An empirically-based understanding of the magnitude and scope of a human rights violation, therefore, is critical to calibrating appropriate intervention strategies and targeting them at the right segments of the population.

### ***Establishing accountability***

Governments lie; corporations evade their responsibilities. The business of human rights activists and scholars is to pin accountability for abuses where it belongs, and good data is essential if they want to do this credibly. Events-based quantitative data (like medical records, graveyard data, and border records) has proven invaluable in the context of truth commissions.<sup>17</sup> Socio-economic data and government records of budgetary allocations have been extremely useful in holding governments to the “progressive realization” standard of economic and social

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<sup>17</sup> See, for example, Patrick Ball, Herbert F. Spierer, and Louise Spierer (eds.), *Making the Case: Investigating Large-Scale Human Rights Violations Using Information Systems and Data Analysis*, (New York: American Association for the Advancement of Science, 2000)

rights.<sup>18</sup> Of course, numbers can be faked or used in misleading ways, but if used carefully and responsibly, they can add a significant degree of legitimacy to an argument. Population-based data can contextualize eyewitness accounts and show that they are not unrepresentative. Official demographic data from government sources is also useful in insulating a human rights organization against charges of bias.<sup>19</sup> Governments have a harder time dismissing an embarrassing report when it is bolstered by an analysis of their own statistics, or those of a trusted body like the UN.

### ***Understanding why abuses happen***

Another reason why quantitative data matters—for university-based scholars, research departments of development agencies, and human rights organizations alike—is that all of us want to understand *why* human rights abuses occur. Any campaign to stop child labor, for example, will want to find correlations in a given region between rates of child labor and levels of education, degrees of ethnic and gender discrimination, and trends in economic deprivation in the society at large. Similarly, any human rights professional tackling the recruitment of child soldiers will want to understand why recruitment is so much higher in some conflicts and countries than in others. And any activist would be aided by a clearer understanding of the causal links between furthering civil and political rights and improving development outcomes in the social and economic field. We know that rule of law institutions matter for development; we think we know that giving ordinary people the right to participate in choosing a government helps to make development allocations more equitable; and it is on these assumptions that we base our advocacy decisions. But the exact nature of these relationships is not yet well understood, and those of us working in the field often find ourselves operating on assumptions we cannot prove to be true.

Thus far, speaking broadly, human rights scholars have not done a good job providing activists with empirical studies into the causation of the abuses that activists are trying to eradicate. Given the complex and non-linear effects that actions in the political arena can have, this sort of research demands more time and methodological expertise than most activists have to spare. Social scientists and academics need to do a better job, first, of listening to practitioners to hear what kinds of questions they need answered, and second, of communicating their findings back to those practitioners in ways that the practitioners will find useful. The movement needs to encourage academics to collaborate with activists, providing fora in which they can jointly develop intervention strategies based on the best available social science available.

### ***Assessing our own impact***

Finally, our attention also needs to focus inward. In addition to measuring human rights outcomes in the world, human rights organizations need to clarify their goals and ask honest

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<sup>18</sup> See, for example, the work of Eitan Felner (Center for Economic and Social Rights), which compares countries' budgetary capacity to invest in economic and social rights with the actual gains it makes in economic and social rights enjoyment in order to track their adherence to the progressive realization standard.

<sup>19</sup> Robert Rotberg, "Improving Governance in the Developing World: Creating a Measuring and Ranking System" in *The Good Governance Problem: Doing Something about It*, World Peace Foundation Report Number 39, (2004) pp. 4-5.

questions about whether their campaigns and activities are having a positive impact on these desired outcomes. Donors, governments, critics and supporters of CSOs are continually demanding “proof” that human rights organizations are actually making a difference. More accurate self-assessment is crucial if human rights activists and scholars are to learn from past experiences and refine their strategies to ensure the best possible outcomes in the future. And yet existing self-assessment practices are by and large unsatisfactory. Human rights organizations often measure their impact by measuring their own “churn”: numbers of meetings, numbers of reports, mentions in the press, responses from governments, and so on.

If, however, a human rights organization working in the field of trafficking or child labor or the death penalty were able to cite empirically-grounded accounts of how these problems are changing over time, and how duty-bearers are responding to their specific campaigns, they would be assessing their own effectiveness by a better measure. Evaluating campaigns by this standard is challenging, but it can also help to make organizations more honest about their effectiveness. In any event, honesty is unavoidable. We are all—as scholars and activists—accountable to the people who fund our work, those who use our reports to craft policy, those on whose behalf we claim to work, and those who subscribe, more or less, to our ideals. Since we are accountable to them, we owe it to them—and to ourselves—to assess our impact honestly. Without meaningful indicators of impact, human rights actors will risk losing attention and funding in a competitive humanitarian market whose participants are increasingly able to quantify their target problems and measure their results.

## V. Overview

Convinced of the importance of improving the human rights movement’s whole approach to measurement, the Carr Center has undertaken an ongoing inquiry into “Measurement and Human Rights,” funded with the generous support of the MacArthur Foundation. In the pages that follow, you will find an overview of the work we have done to date on this project, and some indications of the work we believe should come next.

We began our inquiry in early 2005 by researching the measurement initiatives and indicator sets currently in circulation in the human rights field. We have compiled the results of this research in the form of five working papers, **which are summarized in Part II of this document** and are available in full text at our website: <http://www.ksg.harvard.edu/cchrp>

The aim of these papers was to take stock of what has been done so far to make human rights “measurable.” Together, they offer an overview of existing measurement initiatives in the hopes of clarifying who has developed them, what they are being used for, and what aspects of human rights, as a consequence, they do and do not capture. They also present some of the basic methodological, practical, and conceptual challenges associated with measuring progress in human rights, and they offer accounts of why the measurement of progress is so vitally important.

The research papers focus mainly on progress measurement at a global level, within the UN, the World Bank, academic institutions (like the University of North Carolina, home of the

Political Terror Scale) and international monitoring organizations (like Freedom House, author of the *Freedom in the World* country ranking). What we learned, however, was that much work remains to be done on a more basic level: the level of capacity-building within individual organizations. This became clear in the course of our first conference on the subject in May 2005, entitled “Measuring Progress in Human Rights: How Far Have We Come, and How Far To Go?” **The results of this conference are outlined in Part III of this document.**

Our conference, and the vigorous discussion it engendered among leading activists and scholars in the human rights field, was remarkably successful in indicating to us what our central role as a university-based research center should be: to build bridges between scholars and activists, between researchers and front-line human rights workers, so that we can share knowledge and build a new style of activism rooted in that knowledge. As bridge-builders, we hope to convene future meetings and to sponsor further research with a view to playing our part in creating a human rights movement of the future which thinks critically and rigorously about how to measure its progress. **Part III of this document outlines what we hope will be our next steps in facilitating this dialogue.**

## **PART TWO**

### **THE WORKING PAPERS**

In order to lay the groundwork for an informed discussion on the topic of measurement, Carr Center staff undertook several months of research into what measurement techniques are currently being used in the human rights field, and what gaps, problems, and opportunities for learning they present. Our research culminated in a series of working papers that identified 5 key issues and whose summaries are included here in Part Two.

#### **“What Human Rights Indicators Should Measure”**

*Andrew Hines explores what “measurement” means, why we need to measure progress in human rights, and how, concretely, we can go about doing so.*

#### **“The United Nations and the Measurement of Human Rights”**

*Kate Desormeau discusses the measurement and benchmarking initiatives currently under way in the UN system.*

#### **“Measuring Rights and Governance: The Quantification of Development Aid Conditionality”**

*Kate Desormeau discusses the ways human rights issues are being quantified and used to target official development assistance by the World Bank and the U.S. Government.*

#### **“How Human Rights Organizations Measure Human Rights”**

*Eleanor Benko examines the country-by-country assessments conducted by major international human rights organizations.*

#### **“Assessing Impact in Human Rights”**

*Discusses methods by which CSOs can assess their own performance and impact.*

## What Human Rights Indicators Should Measure

*By Andrew Hines*

Any human rights actor who is serious about having an impact must take seriously the problem of how to measure rights problems and progress. In order to consider what specific strategies are appropriate to measure human rights, this paper begins by considering why we would want to do so, since our purposes should guide our measurement strategy. Human rights measurement is important for four broad reasons:

- **Setting priorities:** Systematic measures of human rights help us to gauge the scope and magnitude of human rights problems, in order to appropriately decide where to devote our scarce resources.
- **Informing strategies:** Human rights measurement helps us to understand the nature and causation of human rights problems, which in turn allows the human rights community to design appropriate strategies to address these problems.
- **Establishing accountability:** Rigorously tracking human rights progress holds duty-bearers responsible for their duties to protect and promote human rights.
- **Assessing impact:** For human rights organizations to employ the most effective strategies, they must be able to measure the impact of their own policies on rights problems.

With these purposes in mind, the paper examines what it is that human rights indicators must measure. While many indicators exist for the related fields of health, development, and good governance, rights-based measurement requires more than this. The paper follows the classification of rights-based indicators given by Paul Hunt, the UN Special Rapporteur on the Right to Health, which outlines three types of indicators:

- **Structural conditions:** Constitutions, legal structures, and public and private institutions are essential components of a rights-respecting environment, and help to ensure a lasting rights realization regime.
- **Process:** Structural conditions are only meaningful if they are operational in practice, so we need indicators to gauge their effectiveness.
- **Outcomes:** Our ultimate goal is to influence human rights outcomes, so our indicators must assess these as well.

A classic mistake in the human rights field is to overemphasize structural conditions (such as treaty ratification) or process (such as levels of government spending on education) at the expense of outcomes. Equally, an overemphasis on outcome measures frequently makes development indicators inadequate for the human rights community's needs. A balance between all three of these categories is necessary to capture the structures that make human rights enforcement durable, to hold each duty-bearer accountable for its responsibilities, and to assess the actual impact of these actions and structures in realizing human rights.

A comprehensive set of rights-based indicators must also account for all those who bear human rights responsibilities. Many existing measures tend to look only at

government structures and processes in assessing the state of human rights enforcement. While governments are of course key duty-bearers, they are not the only actors with human rights responsibilities, nor are they the only ones with impact on rights enforcement. We must also account for the policies of businesses, the existence and effectiveness of civil society institutions and the media, and changing societal attitudes. The last of these, changing attitudes to create a rights culture, tends not to be considered as a human rights indicator, but is arguably the most important long-term indication of the success of the human rights movement.

After establishing what human rights indicators should measure, the paper turns to the question of how they should do so. One obstacle to rights-based measurement is the widespread reluctance to quantitatively measure civil and political rights, which are thought to be negative (such as the right *not* to be tortured). This negative/positive distinction is incorrect, since some civil and political rights, like the right to a fair trial, depend on the establishment of a fair and functioning court system, requiring positive government action. In fact, all rights involve positive and negative components. The perceived qualitative/quantitative divide is also simplistic, since both types of measures are the product of human judgment and interpretation. Accurate measures of human rights must incorporate qualitative elements, to contextualize and explain quantitative data. They must also include quantitative indicators, to reliably and convincingly indicate the scope and magnitude of a problem.

Quantitative measurement also allows us to measure human rights progress or decline over time, which is essential to recognizing problems and their causes, to holding duty-bearers accountable for trends, and to assessing the effectiveness of attempts to enforce or promote human rights. Many existing human rights studies are one-time snapshots, or are incomparable over time because of changes in methodology. This may suit the short-term needs of a particular human rights organization, but lack of reliable time series data makes it difficult for the movement as a whole to assess progress over time.

Of course, the human rights community faces obstacles in making its data collection and analysis more rigorous, more comprehensive, and comparable over time. Frequently, no reliable data on the most urgent human rights concerns exists for CSOs to analyze and publicize, or to guide their strategies. One solution is to demand better data from governments, as Amnesty International has done with some success with data on asylum seekers in the UK. Another strategy is to improve vertical collaboration between local, national, and international CSOs. In its “Multi-Country Study on Women’s Health and Domestic Violence Against Women,” the World Health Organization (WHO) established a common standard for measurement on a specific issue, and collaborated with local organizations to actually gather the data. This collaboration is mutually beneficial, broadening the scope of the WHO study and allowing local organizations to benefit from the methodological expertise and heightened visibility that the WHO brings.

Formidable as the obstacles may be, improved human rights measurement can help the human rights community to be significantly more effective in measuring its

target problems, designing its responses, holding duty-bearers accountable, and assessing its own impact. More effective measurement is possible and can provide enormous benefits to an individual human rights organization and to the movement as a whole. In bringing together leading CSOs, scholars, data experts, and other important players in the human rights field, the Carr Center hopes to facilitate a sharing of knowledge and best practices, and act as a catalyst in an emerging conversation about the systematic measurement of human rights problems and progress.

## **The United Nations and the Measurement of Human Rights**

*By Kate Desormeau*

Standard-setting and progress measurement have been high on the UN's agenda in recent years, as exemplified by the Millennium Development Goals. Throughout the Organization, there is a definite desire to move away from stereotypically structural and process-level assessments of change (like counting treaty ratifications and budget allocations) toward the evaluation of outcomes, using more rigorous data-collection and manipulation methodologies to identify goals and gauge progress. The WHO and UNDP have been trendsetters in this area.

The measurement issue has arisen somewhat later among the core human rights bodies of the UN, but now, after more than a decade of stalled talks, it has taken center stage. Concerted efforts are now underway in the Office of the High Commissioner for Human Rights (OHCHR) to clarify what exactly the UN is working toward when it promotes human rights around the world, and to establish standardized, transparent measures for assessing how well it and its member states are doing in working toward these goals. The OHCHR is now working to develop more sophisticated and consistent rights-based indicators for use in both its external monitoring and its internal assessments.

This paper reviews, first, the traditional methods that the UN's core human rights bodies have used to monitor governments' adherence to international human rights law. But it goes on to show that, while the Commission on Human Rights has come to represent an unmitigated disappointment in human rights measurement—its ability to evaluate the state of human rights in the world stymied by a lack of methodological creativity on the one hand, and an overabundance of political pressure from member states on the other—the treaty bodies have become the forum for vigorous discussion on the development of more nuanced, standardized monitoring tools.

This discussion has been spurred on by the Secretary-General's repeated calls for the harmonization of the various treaty bodies' reporting guidelines. There has long been a marked difference between the reporting requirements for predominantly civil and political rights-related treaty bodies on the one hand (like the Committee against Torture, which requires states to report on their adherence in almost exclusively qualitative, structural- and process-based terms, including any laws passed or institutions established to combat torture)—and economic and social rights-related treaty bodies on the other (like the Committee on the Rights of the Child, which requires states to submit a range of outcome-focused statistical information about how children fare in their countries).

Recent years, however, have seen a real effort to operationalize the belief that civil and political rights and economic and social rights are indivisible—to acknowledge that measuring both categories of rights requires a mixture of qualitative and quantitative information, with balanced attention to structural, process, and outcome-based indicators.

Paul Hunt, Special Rapporteur on the Right to Health, and others are working on developing indicators that would allow the treaty bodies to track human rights performance better, more accurately capturing the essence of the rights in question.

The discussion on measurement has also been prompted by the Secretary-General's emphasis on the interdependence of the human rights and development agendas. Since the late 1980s, the UNDP has produced much fruitful thinking on the use of proxy indicators to obtain technically rigorous and conceptually meaningful measures of the amorphous concept of human wellbeing. The UNDP's Human Development Index (HDI) is the highest-profile outcome of this discussion; it evaluates countries' development progress not by looking at economic growth alone, but by considering people-centered factors like literacy, life expectancy, and per capita income. While development and human rights are measured in different ways and involve different types of indicators, the discussion in the development world has increasing salience for the measurement of human rights in light of UN reform and the effort to make rights a mainstream element of all UN activities. The UN took an important first step toward incorporating rights concerns into the development agenda with the Common Country Assessments—reports that take stock of the national development situation in each country where the UN is working—which now include indicators for human rights performance alongside more traditional development indicators like literacy and infant mortality.

This paper ends by considering where the discussion on measurement within the treaty bodies and the OHCHR is going, and how the UN's human rights promotion can benefit from this Organization-wide trend in devising better, outcome-oriented assessment tools and benchmarks for performance.

## **Measuring Rights and Governance: The Quantification of Development Aid Conditionality**

*By Kate Desormeau*

In recent years, some of the main drivers behind the increased global attention to human rights monitoring have been rather unusual suspects: international financial institutions (IFIs) and wealthy donor governments. Their interest in the topic is not academic. The prevailing belief in the Official Development Assistance (ODA) field is that states exhibiting good governance and human rights practices will be more fertile ground for aid, yielding larger gains in terms of development, poverty reduction, and economic growth.

Wealthy countries and IFIs have long imposed human rights and governance conditionalities on aid, but they have usually relied on subjective judgments to do so. But recently—partially in order to deflect allegations that aid determinations are politically motivated—some donor governments have begun to bring statistical analysis to bear on these decisions. Some donors have thus been developing standardized, quantitative measurement tools, which assess and rank countries according to their performance in “human rights” and “governance” in order to determine their eligibility for aid.

This paper focuses on two such initiatives: the World Bank’s “governance factor” and the US Millennium Challenge Account (MCA). The paper argues that these donors have allowed measurement methodologies to run ahead of clear conceptual thinking about what exactly—human rights? governance? democracy?—they are measuring, and what data sources are best suited to capturing those phenomena. Reluctant to get involved in the ethical morass of aid conditionalities, the international human rights community has been hesitant to add its voice—and its unique and necessary perspective—to the discussion.

The World Bank uses the Kauffman-Kraay “governance factor” to determine borrowing countries’ aid eligibility each year. This governance factor consists of a set of six aggregate indicator-sets that reflect six different dimensions of “good governance”: control of corruption, rule of law, voice and accountability, government effectiveness, political stability and absence of violence, and quality of regulation. Of the six dimensions of governance, three—“voice and accountability,” “rule of law,” and “political stability”—appear relevant to a human rights perspective. In fact, these three dimensions rely on some explicitly rights-related data sources, including the annual reports of Reporters without Borders, Gallup International surveys, Freedom House country rankings, and finally a dataset the Bank calls simply “Human Rights.” This last dataset consists of information culled from the US State Department’s *Country Reports on Human Rights Practices* and Amnesty International’s *Annual Reports*, as organized and coded by the Bank-sponsored Cingranelli and Richards (CIRI) human rights index.

The United States has launched a similar initiative for coding good governance and human rights performance. Marking a departure from its traditional, qualitative methods of monitoring human rights abroad for the purposes of directing aid flows, the US government has announced a new program, the MCA, which attempts to base ODA decisions on “objective and quantifiable” information from independent sources. The MCA relies upon 16 performance criteria in the 3 categories of “governing justly,” “investing in people,” and “promoting economic freedom.” The World Bank’s “voice and accountability” indicator set is a component of the MCA’s “governing justly” category, as is Freedom House’s *Freedom in the World* index of civil liberties and political freedom.

This paper provides an overview of the way these “human rights” indicators are constructed and used, both in the World Bank and in the MCA. The paper then goes on to outline some conceptual problems with the way these donors construe “human rights” for the purposes of aid conditionality. Why do these measurement systems emphasize certain civil and political freedoms while omitting minority rights, for example? The human rights data sets currently in use focus on what human rights indicators reveal about aggregate welfare rather than what they reveal about the distribution of resources and remedies. By emphasizing stability over equity and process over outcome, these datasets lose much of what makes a rights-based approach unique and meaningful.

The paper also raises some troubling methodological questions. Both datasets take qualitative human rights information and code it quantitatively. They then use them as though they provided time series data, while in fact, Amnesty’s annual report and the US State Department Report are not appropriate to a time-series analysis. The paper also raises the problem of source bias. None of the sources used are perfectly disinterested; they all focus on certain aspects of human rights and governance because their makers believe those are the most important. These sources are then taken out of context and fed into composite governance indices, where it is hoped (but not proven or provable) that their biases will be cancelled out by the large number of other sources used. And finally, there is the problem of redundancy: the MCA uses the same human rights sources multiple times, resulting in disproportionate weighting of some sources over others.

This paper goes on to the thorny ethical question whether the human rights community should be comfortable with its data being used to direct development assistance at all. On the one hand, no human rights defender wants to reward an abusive regime by increasing its access to overseas funding and thus underwriting its hold on power. On the other hand, aid conditionalities can have the perverse effect of leaving the countries with the worst human rights records economically disengaged, and therefore unlikely to heed international pressure and improve their domestic practices. The human rights community’s response to ethical dilemmas of aid conditionality has most often been to keep silent. It is now time to address these issues, for the debate will go on, with or without the human rights community’s participation.

This paper ends with an outline of what the human rights community has to offer by joining this debate. First, activists and academics can help donors do some much-

needed theorizing on what they consider “governance” to mean, and how human rights fit into this definition. They can encourage critical debate about whether, how, and why human rights measurement should be involved in aid disbursement. Having worked through these conceptual questions, the human rights community can work with creators of governance indicators to identify a set of rights-based indicators to better illuminate the neglected aspects of countries’ human rights situations.

Data collection, too, needs to be critically reviewed according to human rights standards. Human rights organizations like Amnesty, Freedom House, and Reporters without Borders should seriously consider whether or not they are comfortable supplying data to governance measures. If so, they may need to work with the donors to address the methodological shortcomings outlined in this paper. If not, they should help donors to identify more appropriate data sources.

Finally, the human rights community can add a new dimension to the debate by arguing that rights-based measurement should be employed not only for determining countries’ eligibility for aid, but also in tracking the effects of that aid once given. For the sake of efficient and effective future planning, as well as their moral obligations to the populations they select as beneficiaries, donor governments and IFIs must be able to measure these effects. Donors need a map of the human rights landscape in the countries to which they give aid so that they can knowledgably and responsibly plan their involvement there.

For these reasons, this paper argues, a human rights perspective on governance measurement and aid conditionality is urgently needed. Given that donor agencies are *already* using human rights criteria in directing their official development assistance, the human rights community should lose no time in adding its voice, and its expertise, to the discussion.

## **How Human Rights Organizations Measure Human Rights**

*By Eleanor Benko*

Human rights organizations have long been the standard-bearers of a worldwide movement toward the greater realization and enforcement of human rights norms. While human rights treaties are drafted by government delegations and signed by states, it is often independent human rights groups, not the states themselves, which monitor their compliance and call duty-bearers to account for violations. In the past several decades, and especially since the end of the Cold War, such organizations have come to wield increasing power as watchdogs and advocates, influencing the policies of states to an extent disproportionate to their resources. The paper discusses the factors driving the growth of the monitoring and advocacy movements, turning then to focus on the trajectory of Amnesty International (AI) and Human Rights Watch (HRW), groups which have taken on tremendous international authority, and whose annual country reports are among the most influential texts in the human rights movement.

HRW and AI both employ a “naming and shaming” approach to changing the behavior of parties responsible for human rights violations. The paper discusses the strategies they use to publicize information on abuses in pursuit of that goal, leveraging public opinion and pressuring states—and, increasingly, non-state actors such as insurgent groups, inter-governmental organizations, and businesses—to be accountable for their behavior. Their annual reports present an opportunity to summarize the human rights developments within a country in that year, with attention to the most serious of abuses as well as the changes that have taken place, for better or worse. Both organizations present their reports as research and reporting tools first and foremost—they are the bookkeepers for the world, providing centralized, readily accessible databases (in electronic and print versions) of human rights violations that might otherwise go unreported. These reports identify trends and track progress country by country, referencing human rights standards derived from international law and norms. The evolution of the reports can be seen in the way that the information is presented; for example, in recent years both AI and HRW have given increased attention to noting the overlap and complementarities between international humanitarian law (the laws governing the conduct of warfare and the protection of civilians) and protections afforded in the human rights regime.

Both organizations document abuses, compile reports, and make their findings accessible to the general public in the hopes of influencing public debate. After outlining the general strategies and goals in common, the paper addresses the differences in the way that AI and HRW do their work. AI exerts its influence mainly through grassroots mobilization, whereas HRW relies heavily upon its own lobbying power, taking its concerns directly to politicians and diplomats in the hopes of inserting human rights concerns into high-level policy discourse.

There are multiple considerations that influence AI and HRW's annual reports, such as the constituencies for which the reports are intended, the purposes they serve, the technical constraints in publication, and the influence of the organizations' respective philosophies. Each of these considerations is addressed specifically in the paper. They must select which information to present, how to allocate resources for research, what to prioritize, and assess which abuses might be most vulnerable to international pressure; additionally, there is a need to inspire continued support and funding for the organizations, and this consideration will inevitably affect the way that information is presented. This strategy has been extremely successful, but it is fraught with unintended consequences. The paper uses the example of judges and immigration officers in the US and UK who routinely call upon AI and HRW country reports to serve as evidence in asylum hearings, when attempting to discern whether asylum applicants' professed fears of persecution in their home countries is well-founded. This may be the only piece of corroborating evidence that a judge or asylum officer sees, which presents AI and HRW with a difficult dilemma: If HRW and AI country assessments focus on certain areas of rights abuses in more depth in the annual report rather than doing a broad overview of all forms of persecution, fewer applicants will find their claims substantiated, and genuine refugees may be sent home to face persecution. At the same time, too dire a tone and too general a report of human rights violations may lead such officials to take reports less seriously overall, since they may then question the severity of any given abuse. Another consequence addressed in the paper is that the annual reports are used to craft official development assistance (ODA) conditionality. The World Bank uses AI's annual reports in calculating the "governance factor" for low-income countries seeking development aid; similarly, the US government has also begun relying upon AI's reports in determining which countries are eligible for Millennium Challenge Account funding. Such coding of qualitative reports for quantitative indices raises significant methodological concerns, further explored in Kate Desormeau's paper on ODA conditionality.

Comparisons between countries, moreover, are difficult. The paper describes the freedom that AI and HRW's reports and other publications have to selectively target certain governments as a double-edged sword: This flexibility in choosing how many advisories, press releases, etc. to publish and how many organizational resources are allocated will be influenced by the need to maximize a window of political opportunity for successfully pressuring a particular government; while on the other hand, increased focus on one country over another can lead officials to believe that there are direct comparisons possible between countries, when this is often not the case. To illustrate this point, the paper discusses the case of Turkey, which was the subject of 20 HRW press releases, letters, and reports in 2004, whereas Turkmenistan was the subject of only four. This is not because Turkey is a "worse" human rights offender than Turkmenistan. Instead, HRW's focus reveals a careful calculation: given Turkey's bid to enter the European Union, Erdogan's government will be more likely to respond to international pressure on its domestic rights performance than Turkmenistan's Niyazov, who has steered his impoverished country down an isolationist road. Similarly, countries can be given very different levels of scrutiny in the annual reports by both organizations, depending on decisions made for allocation of staff resources.

Ultimately, the paper claims, the challenge that AI and HRW face is also a fundamental one that presents itself to the entire human rights community: How can we tell when a situation is changing? How can we best determine causality, and how can we assess various actors' impact, especially given the fact that most issues have many different groups working on them? Human rights outcomes are often intangible, best demonstrated not in lists of laws passed or number of persons given aid, but rather widespread changes in attitudes, changes in actions behind closed doors, and empowerment of the politically disenfranchised. Such systemic shifts are usually only able to be evaluated over the long term, thus making impact assessment for year-to-year efforts particularly elusive. It is therefore understandable that qualitative assessments are the focus of the annual reports, and certainly the use of other methods for measuring progress in the field is viewed with some skepticism.

After discussing these challenges, the paper continues on to describe in spite of the challenges there is nonetheless a growing interest among human rights organizations in creative measurement methodologies. When information can be collected and presented in innovative ways to illuminate trends and attribute responsibility, quantitative measurement can supplement and support qualitative reporting. Patrick Ball's work analyzing refugee flows in Kosovo as they correlated with NATO bomb attacks and mass killings, for example, was able to demonstrate that only a small fraction of Kosovar Albanians fled Kosovo as a direct result of NATO bombing raids, and that refugee flows occurred in patterns so regular that they must have been coordinated. This report ultimately concluded that NATO's bombings, though not the cause of mass migration, were also tactically ineffective at stopping the forced eviction of Kosovar Albanians. Moreover, the results of the analysis directly contradicted Slobodan Milosevic's claim that there was not an organized campaign to evict or kill Kosovar Albanians, and supported eyewitness accounts of the mass evictions. Examples such as this illuminate the usefulness of using diverse approaches to analyze human rights violations, and provide a supplementary source of information in addition to the traditional accounting and qualitative reports by major human rights organizations. This is by no means a criticism of traditional human rights reporting; rather, the paper concludes that these types of analyses, when done in a methodologically rigorous way, can be a valuable supplemental tool—and not a replacement for traditional reporting—in assessing violations, attributing responsibility, and pursuing justice for the victims.

## Assessing Impact in Human Rights

By *Fernande Raine*

Performance measurement is no longer the province of the private sector. Increasingly, non-profit civil society organizations (CSOs) find themselves pressed to produce evidence of their effectiveness. CSOs have long felt this pressure from donors, whose demands for outcome-oriented accounting systems have often forced CSOs to use performance metrics that they feel do not adequately capture the essence of their work. But pressure is coming from other sources as well. The growing attention to self-evaluation stems from a confluence of factors: the growing policy influence of civil society organizations in roles previously filled by governments, CSOs' expanding notions of their stakeholders and the people to whom they are accountable, and the vociferous challenges to CSOs' legitimacy in the wake of high-profile humanitarian debacles of the 1990s and the increasingly harsh political climate in some parts of the world today.

This paper argues that CSOs need to move out of the defensive position and begin assessing their effectiveness in ways that answer these challenges, but that also provide meaningful information to CSOs themselves about how well they are doing. Performance measurement need not be simply onerous, time-consuming busywork; it can also be exceptionally useful to CSOs. When done well, performance measurement can help CSOs increase their effectiveness by giving them a clearer idea of what problem they are trying to solve, a better idea of how to mark their progress in striving toward that goal, and an understanding of what place their efforts have in a broader context of civil society problem-solvers. While addressing the specific difficulties that human rights organizations face in the process of self-evaluation, this paper proposes steps that would guide human rights organizations on the road to better performance measurement techniques.

This paper proposes a model assessment process that consists of three stages: *evaluating the organization's mission*, its network of support, and its operational capacity; *defining indicators of progress* that capture all levels of the organization's work and its results ("structure," "process," "outcomes," and "impact"); and finally creating *communities of learning* that allow for collaborative problem-mapping and best practice sharing among organizations in the broader human rights community.

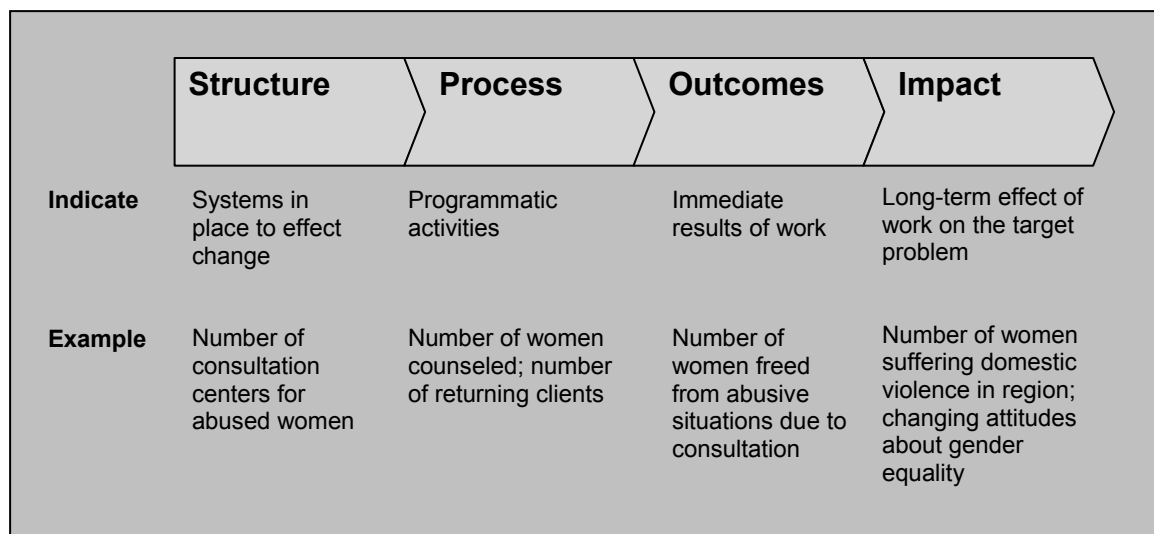
### ***Stage One: Evaluating your mission, support network, and operational capacity***

<b>Mission</b>	<b>Networks of support</b>	<b>Operational capacity</b>
What is the problem our organization is trying to solve? What sort of change would we like to see?	Who are our main allies? Our members? Our beneficiaries? What are our sources of revenue?	How well are the processes in our organization aligned with the results we would like to achieve? Do we have the resources—finances, technology, human resources—we need?

Evaluation systems that are not closely tied to a clear mission statement and an understanding of what impact the organization aims to have are doomed to failure. CSOs interested in self-evaluation must first of all clarify their mission statements, and define their organization’s model of having impact. They must then take stock of their networks of support and their operational capacity—the resources they have to call on in the service of this mission—to make sure they are appropriate and adequate to the objectives they have set out.

***Stage Two: Defining indicators of progress***

Next, CSOs must identify appropriate indicators of progress (both qualitative and quantitative) that will show how well they are doing in achieving their stated goals. These indicators should reflect the four levels of activity that lead to impact: structure, process, outcomes and impact.



On the levels of structure, process, and outcomes, finding indicators of progress is quite straightforward once the process of clarifying one’s mission has been completed. These indicators are chiefly descriptive, and can be easily trackable through the creation of internal process management systems.

Considerably more challenging is developing indicators for the last stage, impact. Yet it is this stage that really shows how successful the organization is at achieving its ultimate mission. The CSO must make sure these indicators of performance and impact are based on a clearly demonstrable relationship between the organization’s work and the realization of its goals, as described in the mission statement. Indicators of impact will need to include qualitative and quantitative elements, incorporating the viewpoints of a variety of stakeholders, including the organization’s staff, the beneficiaries, and the supporters of the organization. Only a combination of stories and numbers can capture the richness of an organization’s impact.

### ***Stage Three: Creating communities of learning***

CSOs need not embark on the self-assessment endeavor alone. Regular communication and exchanges of experience between CSOs undergoing the same process can be extremely helpful, not only to avoid the repetition of mistakes, but also to share the positive learning that occurs. Ideally, this inter-organizational dialogue would bring together organizations working on a single topic in a given region, allowing them to collectively identify appropriate indicators of progress in their target area. In developing indicators of progress together, CSOs would gain a better idea of how each individual organization contributes to the overall solution.

Collaborative problem-mapping is an important exercise in enabling individual organizations to understand their role in effecting broader societal change. It is especially important given the tendency of human rights CSOs to form alliances and engage in joint advocacy campaigns; organizations must be clear about the problems they hope to solve and the indicators of progress they are looking for before they embark on cooperative work. Additionally, inter-organizational collaboration encourages the spread of best practices, minimizing the effort each individual organization needs to expend if it wants to attain expertise in self-evaluation.

Performance measurement need not be overwhelmingly statistical or even quantitative. This paper does not call on CSOs to abandon the highly personal, individualized accounts of success on which they have traditionally relied. But CSOs do need to be more rigorous, systematic, and self-conscious about how they track their own impact. This begins with a clearer idea of exactly what problem they are setting out to solve, and what indicators they can look to along the way to see how well they are doing. This movement for greater rigor must come from within the CSO community. CSOs must come up with assessment tools that both answer the demands of stakeholders, donors, and critics for “proof” that they are doing good, and that accurately reflect the nature of their work and help them to achieve their goals as they define them.

## PART THREE THE CONFERENCE

### **Measuring Impact in Human Rights: How Far Have We Come, and How Far to Go? May 5-7, 2005**

The working papers summarized in Part II were designed to prompt conference participants to think about some basic questions: What does it mean to measure human rights, rather than development or governance? How do we track progress in this field? To what extent do existing measures fulfill the needs of the human rights community? How can more systematic—and in some cases quantitative—data help us to evaluate the scope and magnitude of human rights violations, to see patterns, and to draw inferences about causality? How do individual civil society organizations (CSOs) use data to understand their problem area and set goals for their own achievement? What resources do they need in order to do this more effectively?

From May 5<sup>th</sup> to 7<sup>th</sup>, 2005, fifty-five civil society and academic leaders from around the world convened at Harvard's Kennedy School of Government to discuss these issues. The participants (listed in the appendix) included the heads of major international human rights organizations, regional human rights leaders, academics, and social scientists with expertise in statistics and data analysis. The conversation that evolved over those two and a half days is to be—we hope—the first of many in which we bring together different constituents of the human rights community to learn from one another.

Anticipating the talent and expertise that these participants would bring to the table, we organized the conference to take full advantage of the opportunity for learning and interaction. Instead of being organized around panels, speakers, and PowerPoint presentations in which a few “experts” lecture to the rest of the group, the conference schedule consisted of small workshop discussions. Each discussion group had a moderator who organized the discussion but tried not to direct it; each group also had a rapporteur who reported on the group's discussion at periodic plenary sessions. This format created a participatory atmosphere and allowed all the participants to engage one another in self-guided conversation. This format allowed the Carr Center to do what we believe we do best: to act as a convener and a bridge-builder in the human rights community, facilitating dialogue across national, thematic and sectoral divides.

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***“For me, the most valuable and productive part of the conference was the engagement between researchers and practitioners [...] and I have high hopes for what might emerge from the continuation of that engagement in the future.”***

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We devoted our time together to talking about the usefulness of quantitative measurement to the human rights community. Our discussion focused on the following questions: how can

statistics and other kinds of systematically-collected numerical information help CSOs in diagnosing human rights violations, advocating for change, and assessing the effectiveness of their efforts? How can we increase the methodological and statistical know-how of human rights organizations, enabling them to create better “measures” of the phenomena on which they are working? How can researchers and academics make available to CSOs the types of data they need? In what form would statistical information be most useful to activists in the field?

## I. Prospects for a quantitative global human rights report

One of the first concrete questions we tackled in these workshop sessions concerned the prospects for a new kind of global human rights report. Could a quantitative global report, perhaps patterned after the UNDP’s *Human Development Report*, serve as a useful tool for diagnostics (pointing out hidden trends and patterns, and highlighting problem countries) or for advocacy (pressuring repressive governments to reform)? If such a report would be useful, who



Kailash Satyarthi, Hubert Tshiswaka, and Irene Khan

would be best suited to produce it? The UN? Research institutions? Such global reports have been proposed before, but we wanted to raise the issue with CSO leaders, whose input and participation in any such report would be crucial to its salience and impact.

Participants strongly cautioned against such an approach to human rights measurement, noting that any broad reporting mechanism aspiring to systematic objectivity was “premature at best.” Such an endeavor would not only be politically explosive (as the UNDP’s experience with the Human Freedom Index and Political Freedom Index proved) and practically unfeasible (entailing an annual expenditure of resources that

the human rights community simply does not have to spare), but also methodologically problematic and potentially counterproductive, especially if aggregate indices or country rankings were involved. The reasons many participants cited for their resistance centered around five general objections: redundancy, inappropriateness, imprecision, oversimplification, and uncertain political usefulness.

### ***Redundancy***

If such a report was envisaged as an aggregate, country-by-country index that allows for country comparisons or rankings, it would be a redundant addition to the ranks of Freedom House’s *Freedom in the World* and the University of North Carolina’s *Political Terror Scale*. These measurement tools already have years of data collection on which to build their time-series. The attempt to create anything more subtly disaggregated—for example, a collection of standardized, global “vital statistics,” which would be accompanied by disaggregated statistical portraits and qualitative country-descriptions to contextualize the numbers—might be no different. As one participant pointed out, it is the numbers, and not the accompanying narrative,

on which the consumers of such a report would be tempted to focus. As long as countries are being assessed by standardized criteria, the temptation to draw comparisons and rank countries relative to one another will be too strong for many readers to resist. Thus, in the end, participants warned, even a carefully disaggregated and qualitatively contextualized report would serve the same purpose as the aggregate indices that already exist.

### ***Inappropriateness***

Even if disaggregation *within* countries (by topic area, by region, and so forth) is the overt intention of such a report, the inevitable allure of making country-by-country comparisons means that the intended function will likely be overshadowed. Some argued that this has been the case with the UNDP’s *Human Development Reports*: although the *Reports* include extensively disaggregated statistics, including regional, gender, and ethnic breakdowns in the relevant areas of each country’s human development profile, it is the country ranking at the beginning that most readers remember. This focus on aggregate national levels of attainment may be appropriate from a development perspective, participants argued, but it misses the point of a human rights analysis.

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***“How many people in India have access to education?’ is [a development question,] not a human rights question. A human rights question is ‘What groups of people in India—women? inhabitants of rural areas? ethnic minorities?—have much lower access to education than the national average, and why?’”***

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A human rights analysis seeks to compare “is” with “ought.” It is concerned not so much with aggregate levels of attainment but with deviations from that national average, and with the discriminatory conditions that perpetuate those deviations. Any attempt to measure human rights quantitatively must be careful to retain this focus on disaggregation. Participants argued that this would be impossible in the context of a standardized reporting framework for all countries.

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***“If disaggregation within countries is what we’re really after, because that’s what’s meaningful, then why bother with a general set of [standardized global] indicators—which is all that will be remembered anyway? [...] No one bothers to read the fine print.”***

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### ***Imprecision***

Furthermore, opponents of ranking indices maintained that cross-country comparisons are by nature misleading, especially when they attempt to capture complex and context-specific phenomena like human rights performance. They argued that the conditions of data-gathering vary so dramatically between countries—depending on the degree of political openness, the amount of resources available, the strength of civil society and domestic research institutions, and so on—that there is no way to see past all this “noise” and make meaningful comparisons

among countries. Gross, aggregate indices belie the diverse contextual factors that have a real bearing on why the numbers come out the way they do; they are thus not sufficiently precise to allow readers to draw analytical conclusions from them. We can compare countries against international standards—against the “hard core” of human rights obligations enumerated in international human rights law—but not against other countries, where too many unknown external and environmental factors are at work to make reliable comparisons.

### ***Oversimplification***

Beyond being imprecise, some participants warned that ranking indices were so oversimplified as to be “fundamentally dangerous.” Ranking indices might play to the worst instincts of time-pressed policymakers: they may encourage un-nuanced understandings of other countries and contexts that, when used as the justification for policy decisions, loan allocations, or development strategies, can have perverse human rights effects.

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***“In our group, there was a great deal of anxiety about [any attempt] to rate countries or to find ways to make it simpler, faster for journalists, governments or whoever to eliminate the details—‘We don’t want to know the details, we just want to know if this country is a 1 or a 2.’ There’s a kind of visceral reaction to this from the human rights community.”***

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Simplicity comes at the cost of detail, participants pointed out. The concept of “human rights” encompasses a large range of different considerations. Lumping these various considerations into a composite index<sup>20</sup> and ranking them on a scale with a single dimension is deeply problematic. Is a government that allows competitive elections but that tolerates gender discrimination in the workplace “better” or “worse” at protecting human rights than a country that promotes women’s education but that discourages the formation of new political parties? The implicit weighting of rights that is involved in constructing a composite index leads us to ask meaningless questions like this. Furthermore, rights are interdependent, but also often conflicting. How are we to account for the incommensurability of rights in a composite human rights index?<sup>21</sup> When using a composite index, participants cautioned, there is no easy way to know what aspects of human rights have been overlooked, suppressed, or cancelled out in order to arrive at the final number.

Participants also raised the related issue of value truncation. The *Political Terror Scale*, for example, rates 191 countries by a long list of criteria encompassing various aspects of civil and political rights performance; but in the end each country receives a score between 1 and 5. As one participant observed, both Myanmar and Israel ended up with a score of 5/4 in 2003—but common sense tells us that these two governments are not identical in their human rights

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<sup>20</sup> An aggregate indicator consolidates multiple pieces of information into a single measure. One specific kind of aggregate indicator is a composite indicator, which combines measures of substantively *different* things into a single number (for example, the Human Development Index, which combines measures of literacy rates, life expectancy, and GDP per capita).

<sup>21</sup> The “incommensurability” of fundamental rights means that when two fundamental rights come into conflict (like the right to freedom of expression and the right to practice one’s religion), there is no simple formula that can help us determine which one should trump the other each time.

performance. Considering the fact that such indices may be used to guide development or policy directions, the “flattening” that inevitably accompanies any composite measure of a country’s human rights performance raises issues not just of intellectual precision, but of ethical responsibility.

### *Uncertain political usefulness*

Proponents of ranking indices argued that, imprecision and oversimplification aside, they play an important role in the field of human rights advocacy by providing a unique lever for political pressure. For example, when the US State Department’s 2004 *Trafficking in Persons* report placed Japan on its Tier 2 watch-list, Japan responded within months with new anti-trafficking legislation—even though critics pointed out that the State Department report was full of inaccuracies and its three-tier structure was extremely limiting.

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***“The political tool that that gives you, to put a grade on [a country], a B+, is incredible. It captures the attention of governments in a way that a very long, detailed, nuanced narrative [cannot. With a narrative,] you’re not even going to get [policymakers] in the room.”***

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Thus, proponents argued, country rankings can be a useful political tool, although they do not represent the “truth” about any two given countries. That Estonia ranks 36<sup>th</sup> on the Human Development Index and Poland 37<sup>th</sup> may not tell us much, if anything, about the facts on the ground in those two countries, but it can give advocates a lever with which to push the Polish government for change.

Other participants, in contrast, doubted the utility of this naming and shaming approach in human rights advocacy today. Some expressed a fear that country rankings represented an anachronistic “tool of the Cold War” that can in fact backfire, making poorly-rated countries feel demonized and disengaged and thus *less* likely, not more likely, to bow to international pressure and improve their human rights records.

## **II. Using quantitative information in advocacy campaigns**

Participants generally felt that discussion about standardized, country-level indicators of human rights progress was “premature at best.” On a more basic level, however, there was much to talk about. With the prospect of a new quantitative human rights report shelved, discussion in all four workshop groups then turned to the question of how quantitative information *can* be useful to human rights CSOs, and what expertise CSOs need in order to maximize their usefulness.

### ***How useful are numbers?***

Participants acknowledged the traditional reliance of both local and international CSOs on non-quantitative forms of reporting and advocacy—using anecdotal evidence, eyewitness testimonials, and the individualized human story to get their points across. All agreed, however,

that quantitative data has an important place within this approach. Statistical data on local, national, or regional trends can “ground qualitative accounts” by lending them an extra dimension of objectivity and showing that selected anecdotes are in fact representative of a larger problem. In some cases, numbers suggesting the scope of a particular practice can be critical in raising awareness of hidden human rights violations. One participant’s organization, for example, has found the UN’s statistic that one in four women has suffered sexual abuse to be an exceptionally effective tool in an outreach campaign on women’s rights.

Other practitioner-participants brought up instances in which statistics may *not* have given them much traction in advancing their advocacy agendas. Most human rights organizations are not “number crunchers,” some observed, and turning themselves into number crunchers might not make them any better able to mobilize public opinion or to pressure governments than they are already. This led to interesting discussions about what sort of reporting is most effective in achieving policy change. At the level of popular opinion, do estimates of the number of internally displaced persons in Darfur shock people into concern, or do “all those zeroes” simply numb newspaper readers into indifference? At the level of diplomacy and policymaking, is it the dramatic description, the heart-wrenching anecdote, the emotional connection that brings a human rights violation home to a given Senator, who then fights to get a bill passed? Or is it numbers quantifying the human, political, and even economic costs of human rights violations that are tallied into governments’ cost-benefit analyses and finally spur them to action?

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***“The real question is: Outside the World Bank, to what extent do statistics matter for affecting policy? [... Advocacy is] all about predicting the terms of public debate. [...] There needs to be a certain threshold of severity [before a human rights problem grabs public attention,] but it’s a subjective threshold—‘a lot.’ Sometimes anecdotal evidence is sufficient to get governments to move.”***

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Participants could not reach a consensus on this point, but all expressed interest in hearing examples from colleagues of “the times when numbers made the difference.”

### ***The resource question***

Continuing from their discussion about the importance of statistics in advocacy campaigns, participants in all four groups debated whether it makes sense for human rights CSOs, with their limited resources, to invest time and money into improving their statistical capacity.

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***“It’s useful to talk about this[...] But we shouldn’t pretend this is a cost-free thing. [...] If it takes a whole team to do a statistical survey for six months, the only way for us to do that is to stop doing other things.”***

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While no one disputed that population-based, time-series data can be critical in observing trends over time and establishing whether anecdotal accounts are representative, several practitioners despaired of ever having the time and the resources themselves to gather data systematically over

time. Even modest, one-off statistical studies will necessarily divert resources from other activities.

Others noted, however, that the resource question was a sword that cut both ways: gaining a deeper familiarity with statistical methods and using more systematic data-gathering techniques would require an additional expenditure of resources, to be sure, but it would also enable CSOs to make more informed strategic decisions about where and how they spend their resources in the first place. Without a clear idea of the scope of the problem that they are trying to tackle and the impact that previous human rights strategies have had, CSOs are hard pressed to prioritize their future advocacy campaigns and to make the most of their time and funds. Building statistical expertise, then, may not be a cost-free endeavor, but it may ultimately be cost-saving. This involves complex tradeoffs, and CSOs must decide for themselves to what degree statistical capacity-building will increase the efficacy of their advocacy campaigns. The usefulness of statistical data in CSOs' self-assessments and strategy planning is a separate but related issue to which we will return below, in Section III.

### ***Conclusions on the uses of quantitative data***

The debate about whether developing expertise in quantitative measurement is “worth it” as an advocacy strategy led participants in multiple workshop groups to make some general observations about what exactly “quantitative measurement” means. Some pointed out that the question seems to assume that they do not put quantitative data to use in their advocacy campaigns already. This is clearly not the case. CSOs of all kinds already depend upon quantitative evidence to contextualize and reinforce their qualitative claims.

In fact, several participants observed, the common distinction between qualitative and quantitative data—the belief that these are two fundamentally different types of tools that CSOs have at their disposal—is a superficial one. Quantitative and qualitative approaches are in fact complementary ways of accessing and arranging facts. Both are the products of human judgment and interpretation (beginning with the researcher's judgment of what is worth measuring in the first place), and any successful human rights argument or reporting effort already uses both.

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***“It’s a false distinction between qualitative and quantitative data. [...] Both come from human accounts. [...] The real difference, in my opinion, is not between qualitative and quantitative, but between rigorous and casual. A lot of anecdotal reporting is highly rigorous, and a lot of quantitative reporting is really casual. What I think we need to call for is rigor, not quantification.”***

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Participants concluded that quantitative data, thus understood, can be an extremely useful advocacy tool when used in combination with qualitative accounts and analyses. Broad, population-based or survey-based data can be useful at the beginning of a campaign as part of “problem identification”—that is, ascertaining the existence and magnitude of a human rights violation, and helping a CSO tailor its activities accordingly. Quantitative data is also critical at the end of a campaign to gauge how effective the organization's actions have been, and to alert it to the possible unintended consequences of its work.

A crucial point here was that human rights organizations need not necessarily gather their own data for these purposes. Hiring a statistical unit is out of the reach of most CSOs, but there are other options: rights-relevant data may already be publicly available through governments or other institutions, and where it is not, CSOs may team up with academics or experts to conduct the necessary research. Whether devising their own studies or using those of other researchers or institutions, however, human rights practitioners can only benefit from an increased understanding of what numbers can and cannot do.

### *CSOs as data-gatherers*

All of the practitioners in attendance were involved with some sort of data gathering, whether individual interviews, HURIDOCs events-based reporting, survey-based polling, or broad statistical studies. While resource scarcity and data availability were universal obstacles, several practitioners shared very creative success stories about how they managed to gather the information they needed. One participant, for example, spoke of a study in which he compared the number of deaths among anti-government protesters in a certain country against the number of injuries. Using this information, he was able to discern patterns of possibly excessive use of force by the police, which he could then investigate further with witness testimonies and other documentation.



Tiawan Gongloe, Dorothy Thomas and Sarah Sewall

Another approach that repeatedly came up in discussion was dubbed the “Trojan horse.” Several participants work to address “iceberg” phenomena, the prevalence of which are very difficult to measure. The reticence of government officials, perpetrators of human rights crimes, and victims alike forced the practitioners to use unorthodox ways of getting at the information they needed. In one example, staff of a human rights organization posed as pollsters on cultural issues in order to collect information about child trafficking in a particular industry. This information allowed the organization to target further research into the underlying causes of child trafficking and the routes typically used by traffickers, suggesting paths toward more detailed information-gathering and analytical work.

Whenever CSOs gather their own data, however, they must be aware of the responsibility this entails and the critical importance of methodological rigor. As several participants noted, numbers tend to take on lives of their own once they enter into circulation. They are difficult if not impossible to retract, and they can be put to uses that were unforeseen by those who gathered them.

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***“There is a tremendous fetish for numbers [...]. Once a number is produced, it tends to circulate. It’s hard to bring it back, to change it, to add footnotes. [...] They gain a political life, [and] there are interests which form around them. [...] Certain groups have an interest in this number being higher, this number being lower, [...] unleashing a whole economy of political interests.”***

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On this point, one participant recalled an incident in which a suspected war criminal attempted to undermine accurate evidence against him by repeatedly citing an earlier, faulty measurement published carelessly by a prominent government agency. Bad data, the participant said, can be utterly devastating to the human rights movement’s credibility. The custom of peer review in the social sciences—by which researchers make their methodologies transparent and invite the comments and criticisms of their colleagues—should be observed as a safeguard against the discrediting of the movement. Whether qualitative or quantitative, all the information we produce should demonstrate the three basic properties of a rigorous measure: reliability, validity, and precision. We must also ensure that, when using a small sample to support broader claims, we do so with great care. Peer review can help provide a safeguard against careless extrapolations.

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***“Reliability” means that the research, if repeated, would produce the same results. “Validity” means that the indicators used or questions asked succeed in capturing the phenomenon that the researcher seeks to understand. “Precision” means that the indicators used or questions asked do not accidentally pick up on “noise,” or factors that are unrelated to the phenomenon the research seeks to capture.***

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Another potential pitfall of data-gathering is that it can endanger the very people an activist is trying to help. One practitioner recalled his work collecting the numbers of political detainees in a particular country. Not long after he began collecting and publicizing this data, he noticed the numbers dropping—because, to avoid the bad press, the police had started to kill political dissidents instead. He stressed the importance of not creating measurement tools that “can be used most effectively by the very people who want to abuse them.” A statistical survey is not an exercise to be undertaken lightly, without a thought to the potential ramifications. Therefore, participants emphasized, it is vitally important to make sure that when we collect data ourselves, we do it well and responsibly—and that we demand that others do so too.

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***“This is a profound question: What is the ethical responsibility of people who put out information [...] to how it’s used? [Do we] have no responsibility once the numbers enter the public domain? Is it up to the market, the community?”***

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### ***Using data collected by others***

Of course, it is not always feasible or appropriate for human rights CSOs to gather statistical data themselves. Some participants recalled that those cases in which quantitative data

had “made the difference” in their advocacy campaigns were those in which they relied upon data from outside sources. Government statistics, while often deserving a large degree of skepticism, can be an exceptionally powerful tool in the hands of human rights advocates. Governments have a much harder time repudiating numbers they themselves have produced than in debunking information gathered by a CSO. This is especially true for small CSOs in countries where civil society may not have the support of the authorities, as one participant remarked.

One participant gave an illuminating demonstration of his use of governments’ own numbers to investigate whether or not they were fulfilling their human rights responsibilities. Based on existing data that is publicly available through the World Bank, UNDP, and UNICEF, he maps the rate of governments’ provision of economic and social rights against the amount of resources they have available. Where they diverge, it helps to identify potential violators of the “progressive realization” standard of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

### ***Finding the existing data***

There is “a lot of useful data out there,” participants agreed, but many expressed uncertainty as to where they could find it. One participant noted that “[There are] a lot of data[sets] at the international level that are used in international campaigns, but within the countries where these studies are carried out, the people are not aware of it—which creates the issue of local ownership.”

One comment expressed by participants in all four discussion groups was that CSO practitioners would like more guidance on where to turn for existing statistics. This includes:

- CSO data
- Government data (from national statistical offices, human rights commissions and ombudsmen, court systems, and censuses)
- UN data (from Special Rapporteurs, the High Commissioner, the treaty bodies, the United Nations Statistics Department, the UNDP, WHO, UNICEF, and so on)
- World Bank data
- Academic and research institutions’ data

Some participants also mentioned other sources of “found data” that can be useful, even though they may not immediately seem germane to a human rights inquiry. Perpetrators themselves often keep meticulous accounts of their actions. Border patrol records and graveyard data can offer insights into otherwise hidden events such as deaths, disappearances, and forced displacements. Another underutilized source is the Freedom of Information Act (FOIA) request; one participant used this route to request information from the US government about the military of another country, and the data he received allowed him to reconstruct that military’s command hierarchies during a war and assign accountability for human rights violations to individual

officers. Like government statistics, none of these sources are maintained for human rights purposes. This makes them largely immune to accusations of bias.

Our discussion revealed two things. First, there is a massive amount of raw data in circulation that is relevant to human rights investigations. Second, a real gap exists between the collectors of this data and the human rights practitioners who can put it to use.

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***“Public health experts, demographers, epidemiologists, statisticians [...] there is a whole range of disciplines that is relevant and available to this community. [...] There are actually incredibly good scientific sources out there for the things you’re concerned about. [...] Why isn’t that science being communicated to the people who need it?”***

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### ***Filtering the existing data***

Beyond simply knowing where to *find* existing data, CSO practitioners expressed a desire for more guidance on how to *sort through* it—that is, how to tell the good from the bad. All statistics are produced by interested actors, and understanding how they may have been manipulated requires some basic methodological skills. Many felt they had neither the time nor the training to do this themselves. Here, again, fostering linkages between practitioners and academics or statisticians would be an invaluable contribution to the human rights movement.

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***“[I would] ask that non-quantitative parts of the human rights community be a little more vigorous in their pursuit of scientific statistics rather than accepting any number that comes down the pipe. Lots of people produce numbers, and I would ask you to look for expert counterparts who can help you review numbers to choose among the sea. Just because there are five different groups producing wildly different numbers does not mean that the number is unknowable. It just means that there are five different groups producing propaganda, and you have to find the one that’s doing science.”***

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For CSOs without the resources to invest in statistical training for their own staff, networks or informal linkages like this can be a good way to improve and professionalize their handling of statistics.

### ***Analyzing the data***

Once CSOs have found the data they can rely on, they still need to know what those numbers tell them: How can we interpret data responsibly? How do we postulate the existence of a pattern or a trend? When can we be confident in claiming that a violation is indeed systematic and widespread? When do the data tell us something significant about intentions, about official policies? Several practitioner participants called on the academic and scientific communities to make themselves available to CSOs who need help answering these questions.

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***“I would like the academic community to take the lead on significantly increasing the ability of the human rights community to use figures as a tool of analysis [and strategy formation], leaving it up to the organizations themselves the extent to which that data is used for the political work of holding states accountable. [...] Certainly I would find that useful.”***

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### ***Using the data to make a human rights argument***

For any human rights argument, intentionality and causation are key components. When interpreted correctly, quantitative data can help point to the existence of official policies or overt intentions to violate human rights; it can also help suggest the root causes that make violations possible or likely. For example, if child trafficking is particularly common in three or four regions in a given country, what is it about those “catchment areas” that makes the children there so vulnerable to this abuse of their rights? If police corruption is also unusually high in these areas, can we argue that local authorities are failing to fulfill their responsibilities to protect children from exploitation?

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***“For so long we’ve viewed statistical information as useful only for naming and shaming. But increasingly now we also need to think about analytics, causation. Can the academy help?”***

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Answering these types of questions involves fairly sophisticated data manipulation, but it can be invaluable both in knowing how to target further research and eventually in making arguments about accountability. Practitioner-participants therefore expressed an interest in working with researchers to gain a better understanding what numbers can and cannot reveal about causation and intentionality.

Picking up on statistical clues about causation and intentionality can be invaluable in helping CSOs to target further investigations and eventually to make their arguments. However, rigorous data collection and analysis may involve more time and statistical expertise than CSOs have. One practitioner recalled how he and other activists suspected a causal relationship between state security policies (for example, rewarding “acts of bravery” on the part of the police forces) and increased police brutality and summary executions. These practitioners had anecdotal evidence to support their hunch, but they did not have the resources or the expertise to design a study that would help to prove or disprove their hypothesis. They therefore reached out to academic partners in the country to help them design a study, the findings of which eventually proved their hunch right, and helped them to pressure the government to change its policies. This is an excellent example of the sort of cross-sectoral networking that can make the human rights movement stronger.

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***“I think most practitioners have a pretty good sense of [...] what they would like to know, [and of] what they think is going on. But they may not know how to design a study, and they almost certainly don’t have the resources to do it themselves. [...] For a lot of academics, you have the luxury of being able to research what you want to research. It would be nice if those who have that luxury thought about ways they could research things that the practitioner community would find useful in terms of guiding and strengthening their advocacy. And if the Carr Center could be at the heart of that, I think that would be a wonderful contribution.”***

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### ***Pushing official institutions to improve their data collection***

Beyond linking up with researchers and academics to get the data they need, CSOs can also pressure official institutions—governments, national human rights commissions, the UN—to provide them with the data they need. When the available data on a given human rights issue proves to be useless, flawed, or conceptually problematic, practitioners must start lobbying the responsible institutions to improve their data collection, and to ensure that the indices they produce are relevant and useful.

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***“We can’t simply be content work with the numbers we’ve got, the numbers governments give us. It is the function of a human rights NGO to pressure institutions to improve their data collection.”***

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One participant offered an example concerning the U.K. Home Office’s statistics on child asylum seekers. For years, the Home Office did not maintain any central collection of information on the age, gender, or country of origin of the asylum applications they received and the decisions the courts issued. After extensive lobbying from human rights organizations, the Home Office began publishing information on asylum seekers it processed each year. Amnesty International was able to use this data to argue that the government’s disproportionately harsh treatment of child asylum seekers—their reliance on high-security detention facilities, the average length of time waiting for a decision, and the high rate of negative determinations—was discriminatory and inappropriate to their age and vulnerability.



Patrick Ball, John Shattuck, and Ken Roth

This use of the government’s own statistics spurred the government to convene a parliamentary committee, and eventually to commit to a reduction in child detention—a huge victory for children’s and migrants’ rights in England.

Naturally, not all CSOs have sufficient political clout or the good fortune to be operating in countries whose governments are responsive to pressure from civil society. Small CSOs in countries with poor human rights records will need help in making their voices heard on this subject; governments will not be eager to provide their own critics with more ammunition. One participant suggested that perhaps by working through the UN—by explaining their needs to the Special Rapporteurs and Working Groups who visit countries, or to the human rights treaty bodies that collect data from countries for periodic review—CSOs can amplify their calls for better official statistics from their own governments. Another possibility is that CSOs could ally themselves with research institutions to pressure governments to improve their data gathering. Researchers and academics can mobilize their statistical expertise to dismantle existing fraudulent methodologies; CSOs can then take this information and publicize it, calling for the government to retract and fix its falsified data.

Participants emphasized that insufficient or fraudulent government information is not a problem that is restricted to developing countries. One participant remarked that of the fifty-five OSCE countries, most do not keep official records regarding ethnicity, including the ethnicity of crime victims and perpetrators. This gap in data collection stems from the desire to reduce the likelihood of ethnically discriminatory policies on the part of the government itself. This participant noted, however, that the lack of ethnically-disaggregated records hinders human rights activists’ ability to observe trends in hate crimes, thus potentially contributing to the racism the policy is meant to forestall. Wherever they work, CSOs must demand that government bodies make information available that is not only accurate, but also answers civil society’s needs.

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***“How should we push governments to uphold their obligations to collect certain numbers? Who’s collecting the data and how? Is anyone checking it? How are the numbers being used? This is a whole conversation that has nothing to do with NGO metrics. How do you hold officials responsible for the numbers they keep? I would be very keen to get involved in a discussion about this.”***

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### ***Critiquing the uses to which official data is put***

On a similar note, many participants expressed deep discomfort with the way the World Bank and the US Millennium Challenge Account currently quantify “human rights,” “good governance,” and “rule of law” for the purposes of development aid and loan disbursements. Participants echoed criticism in the Carr Center conference working papers of the way the World Bank produces measures of human rights; they were further disturbed by the way those measures were used in targeting loans and directing development strategies. They strongly agreed on the need to “rescue ‘rule of law’ promotion from institutions like the World Bank, to offer an

alternative perspective”—one that sees human rights not merely as instrumentally valuable in the pursuit of development goals, but as valuable goals in their own right.

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***“The question is: What do development economist and development assistance people mean by ‘rule of law?’ Is the definition too narrow from a human rights perspective? What would a rights-focused reconceptualization of rule of law look like? Are we talking about shifting [our understanding of rule of law] from stability and security of contract toward a concern about access to and distribution of justice, toward ensuring equal property rights for the poor?”***

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Participants affirmed that it is the job of human rights activists to ensure that governments’ and international financial institutions’ development agendas do not leave human rights concerns—like non-discrimination—behind in their pursuit of stability and aggregate economic growth. To this end, several participants expressed their desire to be more deeply engaged in questioning the conceptual assumptions on which current “rule of law” measures rest—inquiring whether the definitions of “governance” and “rule of law” are too narrow from a human rights perspective, and what considerations would need to be added to these definitions to attune donors to potential human rights concerns. Participants expressed their sense that their input in this debate would fill an important gap.

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***“I think we’re in a unique position now to put human rights into the development debate. I see a whole new area where human rights activists can try to influence a whole series of programmatic and policymaking decisions where it’s traditionally been excluded—so that human rights concerns are no longer seen as ‘on the side,’ but as integral to [the development project].”***

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### **III. Using quantitative data for self-assessment**

After discussing at length the usefulness of numbers in advocacy, we turned to the usefulness of numbers in self-assessment. CSOs have always striven for ways to discern how much of an impact their work is having on the problems they set out to solve. Donors and critics alike also demand that human rights practitioners produce “proof” of their impact. Increasingly, this proof is expected to be quantifiable. Many participants flagged this as one of the most pressing issues they deal with in their work as activists.

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***“[We are operating in] a climate now in which the question is constantly, constantly, constantly posed: What is the value of human rights? [...] What difference does it make? Can you show me what difference it makes? [...] There’s enormous skepticism about [the efficacy of] human rights work. [...] So I’m very interested actually in finding ways to articulate the [...] added value of applying the human rights vision—human rights law, strategy, and forms of organizing—in my work.”***

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### ***Identifying the relevant indicators of impact***

No one is in a better position than practitioners themselves to identify which indicators are truly meaningful in mapping a human rights problem and tracking success against it. Our working papers therefore suggested that, if CSOs working on a given human rights topic could work together to agree on a set of broad but disaggregated country-level indicators on that topic, this would be a valuable tool for targeting their campaign strategies and assessing their impact. Coordination among multiple CSOs working in the same topic-area, allowing for the collection of comparable data in multiple regions of a country or even multiple countries in a region, would help CSOs to understand how their projects fit into a larger effort without involving great strains on their individual resources. Our model in this line of thinking was the WHO’s pilot “Multi-Country Study on Women’s Health and Violence Against Women,” in which the WHO trained groups of women’s rights organizations in seven countries to collect comparable survey data. When combined, the groups’ findings will give them a fuller picture of the prevalence of domestic violence in their respective countries.



Héctor Castillo Berthier and Harendra de Silva

In addition to helping CSOs understand the problem areas in which they choose to work, our working papers reasoned, topic-specific quantitative indicators could give CSOs a better idea of how to set measurable benchmarks for improvement. This would make CSOs better equipped to demonstrate their worth to donors. Currently, donor-driven demands for quantitative project evaluations are notoriously irrelevant to the sorts of impact assessment that CSOs themselves find useful. This forces many CSOs into a sort of “double book-keeping” in which they use one internal review framework for their donors and another for themselves, straining CSOs’ already limited time and resources. Agreeing amongst themselves upon topic-specific indicators and broad standards in self-reporting could help individual CSOs “push back” on the demands of

donors, enabling them to determine for themselves what the benchmarks for their achievement should be.

### ***Problems with collective self-assessment techniques***

Participants were open to the idea of burden-sharing in data collection generally, but they were wary of anything that looked like harmonized reporting standards. Some participants worried that CSOs' use of standardized indicators could easily become a way for donors to make armchair comparisons among CSOs and draw inferences about their relative fund-worthiness. This could encourage competitiveness that would threaten the health of the human rights movement—a field that, unlike business, relies for its strength upon the diversity and collaboration of all its members.

### ***The difficulty of attributing responsibility***

Furthermore, given the tendency of human rights organizations to engage in collaborative campaigns and the very complex nature of the outcomes they are often trying to achieve, it can be exceedingly difficult to attribute responsibility for change to any one actor or event. In some cases, CSOs must be cautious about what governmental reforms they take credit for, lest they embarrass the government and inadvertently invite a backlash. In other cases, when an international CSO partners with a local one to carry out a specific project, the international organization must take care not to claim too much responsibility for positive outcomes. It is the local CSO that will remain in the country after the international CSO leaves, and the local CSO must “own” the results it worked to bring about if their efforts are to have lasting impact.

### ***Long-term impacts***

One reason human rights CSOs have a much harder time than businesses in conducting periodic performance evaluations is that the impacts they hope to achieve are often long-term and systemic changes. The sorts of incremental changes that have pushed the human rights movement forward over the past several decades do not always lend themselves to short-term, outcome-focused assessment. One participant recalled the US movement against the death penalty, which over thirty years has failed to achieve its main objective of abolition. People are still being killed. But it may be argued that, slowly, widespread support for capital punishment has been eroding; the courts have outlawed the death penalty for certain kinds of offenders by referencing “evolving standards of decency.” We may have lost many battles surrounding the death penalty, the participant noted, but we may yet win the war. Human rights change comes about slowly and often indirectly. A simple tally of “wins” and “losses,” then, may produce too shortsighted a view of progress to be truly accurate.

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***“A win-loss record [...] is too simple a way of evaluating what you’ve achieved.”***

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Furthermore, other participants argued, even if the war were never won, the battles would still be worth fighting on purely principled grounds. To do otherwise would be to sacrifice the movement's most deeply held beliefs. There is value even in fighting “losing battles,” they

argued, and any self-assessment system needs to account for that. We need ways to ensure for ourselves that our “strategies are maximally effective even if they don’t succeed” in achieving their goals. We need a way to keep track of long-term goals, as well as a way to register smaller, incremental and subtle changes that may help make those long-term goals more likely in the future. Disproportionate emphasis on achieving short-term successes that can be measured from year to year might hinder CSOs’ ability to focus on their long-term aims and may even distort their priorities when planning their activities.

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***“[We should not try to] fit human rights change into a measurement matrix that over-emphasizes material outcomes. A narrow definition of what ‘impact’ is both misrepresents the meaning of this work, and also forces people into a particular type of advocacy that might not be best fit to serve the people it’s aiming to help.”***

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### ***Intangible impacts***

Related to the above challenge is the task of measuring intangible impacts, such as changes in perceptions, attitudes, or value systems at the individual or societal levels. These changes are inherently difficult to measure and report on, yet absolutely central to the mission of most human rights organizations. Efforts to increase female primary enrolment will be fruitless, for example, if no effort is made to alter the way women are perceived in that society once they leave school. Similarly, many human rights CSOs consider it part of their mission not only to improve people’s immediate circumstances, but also to equip them with the analytical tools with which to argue for their own rights in the future. The spread of rights language and awareness, then, can be a goal in itself. Gauging the extent to which one CSO’s example is “multiplied” to ignite broader and more sustainable change in social value systems is an essential component of any CSO’s self-assessment.

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***“When we hold a march or demonstration, we create an example. Is that example being multiplied? Do people take it on, this language? Is the mindset changed?”***

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Several practitioner-participants noted that currently, when they attempt to measure changes in value systems, it is often in “anecdotal and highly personal ways.” Participants expressed a cautious interest in exploring more systematic approaches to this question, including opinion polling and survey techniques. Broad population-based surveys can be extremely costly. Therefore, again, some sort of inter-institutional burden-sharing may be the best solution here, with academic research institutions conducting surveys on public perceptions or at least designing smaller studies that CSOs can then put to use themselves.

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***“Immeasurables—or let’s call them intangibles—are an essential part of our mandate. Human rights NGOs are in the business of creating values. [...] So how do we measure that? Can you give us the tools? [...] We know through our instinct. But if you can bring those analytical skills that you have as academics to bear on those intangibles and [...] give us the tools that we can operationalize in our work ...”***

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### ***Expanding notions of the “stakeholder”***

Over the years, some organizations have broadened their conception of “stakeholders” to include not only donors and members, but also partner organizations and the direct and indirect beneficiaries of their work. This shift necessitates a new approach to impact measurement, which engages with local stakeholders at the outset about what they believe their most pressing human rights problems to be, in order to create strategies that suit this particular local context. Likewise, in order to gain a complete picture of what they have accomplished, human rights organizations must confer with stakeholders at the end of a project to gain their perspective on perceived successes and failures.

### ***Strategies for measuring impact***

Of course, numerical benchmarks alone will never be sufficient to reflect these sorts of changes. Indeed, they may even misrepresent them. One practitioner recalled that, when his organization began collecting and publicizing survey data about a certain human rights problem, the numbers of reported cases rose significantly. Was that because the problem was becoming more common, or simply because his advocacy had done its job and people were more aware of the existence of a problem? Some participants were skeptical that quantitative approaches like opinion surveys and proxy indicators could ever adequately capture the complexity of values change. Others maintained, however, that such measurement tools could be an invaluable part of an organization’s narrative of progress.

One participant suggested it might be most useful to view self-evaluation as a “story” in which both qualitative and quantitative data play an irreplaceable part. We were unable to do much more than scratch the surface in discussing the creative ways that CSOs measure the intangible aspects of their work, but participants expressed a strong interest in pursuing this discussion further in a future workshop, and in working with social scientists and other experts to devise new approaches to the problem of self-assessment.

## **IV. Next steps**

The MacArthur conference proved to be a bit like alchemy: we chose a diverse group of activists and researchers from all over the world, brought them together in a room, and watched unexpected and productive interactions begin to happen. A number of next steps emerged from our discussions, some of which can be undertaken immediately, and some of which will involve long-term, ongoing conversation and the expansion of our circle of interlocutors.

### *Fostering networks of learning*

The long-term goal—and the theme to which all our workshop discussions returned—is to foster networks of learning in the human rights field by improving the communication between researchers, social scientists and academics on the one hand, and practitioners on the other.

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***“The very logic of this meeting was to break down barriers between activists and researchers [...] to get the two communities to work together. [...] If we achieved anything [...] we seized upon the centrality of getting a better research-practitioner relationship for the purpose of creating human rights knowledge. And the purpose of creating human rights knowledge is not just to understand the world [...] but to change it.”***

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Participants affirmed the need to “get sophisticated” about the use of quantitative data. The unique perspective of advocates is needed at all stages in the production of knowledge about human rights: from the collection of data, to its analysis, to critiquing its uses.

### *Creating an inventory of existing data sources*

An important first step towards this long-term goal will be to make available a web-based inventory of existing sources for global and regional data relevant to human rights concerns. Participants expressed enthusiastic support for this idea, and offered many suggestions on how to make such an inventory useful to them. This web-based resource could list UN, government, and World Bank data sources, along with a brief description of the methodologies used and any shortcomings of which users should be aware. It may also be useful to include short case studies of CSOs that successfully deployed such official data in their own advocacy campaigns.

Participants also expressed interest in including the datasets produced by other CSOs in this web-based inventory. While the Carr Center has neither the staff resources nor the expertise to vet the methodologies of each individual CSO that we would like to contribute to such a list, we could invite CSOs to send us links to their own sites where they discuss their measurement strategies. We could host these links on a publicly accessible webpage, creating a hub of information-sharing for the human rights community.

### *Holding workshops on topic-specific measurement techniques*

Another possibility for building the statistical savvy of the movement is a series of workshops focused intensively on measurement techniques in specific human rights areas. We gave this idea a trial run on the second day of the conference, when participants divided themselves up into four discussion groups on the following topic areas:

- Measuring rule of law
- Data-gathering in conflict situations
- Measuring economic and social rights
- Measuring human trafficking and child labor

These discussions allowed participants to move from the realm of the theoretical into the realm of the concrete, yielding some very illuminating examples of how practitioners and researchers alike managed to measure the “immeasurable.” Many participants were eager to be involved in topic-specific workshops in the future, perhaps by holding a workshop on human trafficking. For practitioners, this forum would provide them with a rare retreat from the fray of activism to learn from their colleagues in academia and to reflect on how they could improve their own data collection strategies. For researchers, this forum would provide them with a better understanding of what kind of information is most useful and relevant to activists, and what practical obstacles they face in gathering the information they need.

### ***Engaging governments and the World Bank in a critical debate***

A large number of participants also called for a workshop that would “get the governance people in the room” and allow human rights practitioners to confront them directly with their concerns. Others believed that, given their past experience with such workshops, a more fruitful approach would be to take apart the World Bank and Millennium Challenge Account methodologies from the outside, perhaps in a scholarly paper, and to use this research to apply high-level public pressure through academic journals and the news media.

### ***Conclusion***

In conclusion, the Carr Center conference put “the measurement revolution” on the radar screens of leading figures in the human rights movement, both activists and academics. It also laid out a plan of work for future collaboration so that both activists and academics can improve the way they work together to measure human rights problems and to find solutions to them. The Carr Center is committed to continuing this dialogue and to help the human rights movement meet the measurement revolution as a critical but engaged partner.

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***“I am very interested in the question of measurement from a people-centered and human rights point of view. I think it’s a question too often left to technocrats and economists, and it’s too important to be left to either.”***

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## Appendix: List of Participants

John Ambler  
*Senior Vice President, Oxfam America (United States)*

Alejandro Anaya Muñoz  
*Coordinator, Human Rights Program, Universidad Iberoamericana (Mexico)*

Robert Archer  
*Executive Director, International Council for Human Rights Policy (Switzerland)*

Patrick Ball  
*Director, Human Rights Programs, Benetech Initiative (United States)*

Abhijit Banerjee  
*Massachusetts Institute of Technology (United States)*

Héctor Castillo Berthier  
*Director, Circo Volador (Mexico)*

Jacqueline Bhabha  
*Executive Director, University Committee on Human Rights Studies, Harvard University (United States)*

L. David Brown  
*Associate Director, Hauser Center for Nonprofit Organizations, Harvard University (United States)*

Scott Campbell  
*Deputy Director of Field Operations, Global Rights (United States)*

James Cavallaro  
*Associate Director, Human Rights Program, and Lecturer, Harvard Law School (United States)*

Innocent Chukwuma  
*Founder and Director, Center for Law Enforcement and Education (Nigeria)*

Harendra de Silva  
*Chairman, Board of Directors, National Child Protection Authority (Sri Lanka)*

Derek Ellerman  
*Director, Polaris Project (United States)*

Eitan Felner  
*Executive Director, Center for Economic and Social Rights (Spain)*

Sakiko Fukuda-Parr  
*Fellow, Kennedy School of Government, Harvard University (United States)*

Svetlana Gannushkina  
*Board Member, Memorial; Leader, Committee on Civic Assistance (Russia)*

Edward Girardet  
*Founding President, Media Action International (Switzerland)*

Tiawan Saye Gongloe  
*Fellow, Carr Center for Human Rights Policy (United States)*

Ryan Goodman  
*J. Sinclair Armstrong Assistant Professor of International, Foreign and Comparative Law, Harvard Law School (United States)*

Fabienne Hara  
*Fellow, Carr Center for Human Rights Policy (United States)*

Oona Hathaway  
*Associate Professor of Law, Yale Law School (United States)*

Priscilla Hayner  
*Director, Outreach and Analysis, International Center for Transitional Justice (United States)*

Nick Howen  
*Secretary General, International Commission of Jurists (Switzerland)*

Todd Howland  
*Director, Robert F. Kennedy Memorial Center for Human Rights (United States)*

Michael Ignatieff  
*Director, Carr Center for Human Rights Policy (United States)*

Minna Järvenpää  
*Senior Fellow, European Stability Initiative (Germany)*

Irene Khan  
*Secretary General, Amnesty International (United Kingdom)*

Kate Kelsch  
*New Tactics Project Manager, Center for Victims of Torture (United States)*

Andrew Kuper  
*Managing Director of the Global Academy for Social Entrepreneurship, Ashoka (United States)*

Jennifer Leaning  
*Professor of International Health, Harvard School of Public Health (United States)*

Martin Macwan  
*Founder and Director, Navsarjan Trust (India)*

Louis Marie Nindorera  
*Country Director, Global Rights (Burundi)*

Charles Norchi  
*Fellow, Harvard Law School (United States)*

Geoffrey Nyarota  
*Fellow, Carr Center for Human Rights Policy (United States)*

Michael Posner  
*Executive Director, Human Rights First (United States)*

Samantha Power  
*Faculty Affiliate, Carr Center for Human Rights Policy, Harvard University (United States)*

Fernande Raine  
*Executive Director, Carr Center for Human Rights Policy (United States)*

Sanjay Reddy  
*Assistant Professor of Economics, Columbia University (United States)*

Robert Rotberg  
*Director, Program on Intrastate Conflict and Conflict Resolution, Belfer Center for Science and International Affairs, Harvard University (United States)*

Ken Roth  
*Executive Director, Human Rights Watch (United States)*

Joshua Rubenstein  
*Regional Director, Amnesty International (United States)*

Len Rubenstein  
*Executive Director, Physicians for Human Rights (United States)*

Kailash Satyarthi  
*Director, South Asian Coalition on Child Servitude (India)*

Dan Schneider  
*Central European and Eurasian Law Initiative, American Bar Association (United States)*

Sarah Sewall  
*Program Director, Carr Center for Human Rights Policy (United States)*

Steven Shapiro  
*Legal Director, American Civil Liberties Union (United States)*

John Shattuck  
*CEO, John F. Kennedy Library (United States)*

Kathryn Sikkink  
*Professor, University of Minnesota (United States)*

James Silk  
*Executive Director, Orville H. Schell, Jr. Center for International Human Rights, Yale Law School (United States)*

Susannah Sirkin  
*Deputy Director, Physicians for Human Rights (United States)*

Rory Stewart  
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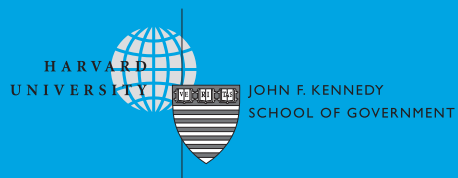
Raul Suarez de Miguel  
*General Coordinator, Metagora Project (France)*

Dorothy Thomas  
*Independent Consultant (United States)*

Hubert Tshiswaka  
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