

Discussion Paper 1

What Human Rights Indicators Should Measure

By Andrew Hines

In the past few decades, a number of fields related to human rights have increasingly turned to more nuanced and targeted measurement tools to systematically evaluate their progress and the problems they study. Measures of poverty and inequality, economic development, and even governance and democracy, have evolved from rudimentary indicators to much more sophisticated statistical tools.¹ These measures provide policymakers and activists with information that alerts them to problems and trends, and informs their responses.

Yet the human rights movement often lacks this type of statistical resource when it is forming its policies or gauging its own progress. This is partly because human rights trends are intrinsically difficult to measure. The UNDP can easily measure infant mortality rates as an indicator of development, but how can the Office of the High Commissioner for Human Rights—or, for that matter, individual CSOs—measure progress in the *right* to development or the *right* to free speech? Creating rights-based indicators is a major theoretical and practical challenge, and one that the human rights community has traditionally avoided, preferring instead to gauge rights problems and progress almost entirely qualitatively, and often anecdotally. We are, in general, profoundly uncomfortable with numbers when it comes to thinking about rights, reluctant to quantify, unsure where to find relevant statistics and unsure what to do with them once we have found them. Our discomfort with numbers means that, while those in the fields of development and governance can draw on statistical information to assess the problems they hope to solve, to guide their strategies, set the terms of public debate, grab the attention of policy makers, prove their worth to donors, and keep track of their own effectiveness, the human rights community often cannot.

If we members of the human rights movement are serious about assessing problems and promoting progress in the realization of human rights worldwide, we must address this lack of understanding and expertise. This need not entail the construction of country-level human rights

indicators or a composite index similar to the Human Development Index; indeed, some would argue that such endeavors would be not just premature but actually inimical to the cause of human rights. It may be as simple as increasing practitioners' understanding of where to find and how to use statistical information in their advocacy campaigns or identifying common goals so that we can pool our resources for our collective benefit. The following discussion covers general considerations that pertain to both broad data that allows for comparison among countries, or more narrowly focused, topic-specific measures used by individual CSOs to observe trends in the particular human rights problems they are trying to solve. The paper also considers both qualitative and quantitative forms of measurement.²

I. Why Measure Human Rights?

Before considering more technical questions about how to measure human rights, we must ask *why* we should be interested in measuring human rights at all, since it is crucial to keep these reasons in mind as we think about what we want to measure and how we want to do so. By this author's assessment, there are four broad reasons for the human rights movement to be seriously concerned with the question of what kinds of measures are available to those making human rights analyses and arguments. Good measurement can help CSOs and others to set appropriate priorities, create effective strategies, encourage and enforce accountability, and assess its own progress and impact. Indeed, it is difficult to imagine the human rights movement doing any of these things without reliable measurement.

Setting priorities

More effective human rights measurement can aid practitioners in all stages of a human rights campaign. One benefit of measurement is its potential to alert the human rights community to potential human rights problems in the first place. Numbers alone are not proof arguments, and global statistics cannot infallibly tell us where human rights violations are going on. Global statistics can, however, play a useful diagnostic role in alerting us to changes over time and deviations from the norm. For example, the overall prison death rate in South Africa rose from

1.65 to 9.1 deaths per 1000 prisoners between 1995 and 2003, indicating a drastic change in prison conditions during this time, likely due to overcrowding.³ The human rights movement can clearly benefit from being alerted in this way to the emergence of a major human rights problem.

Even if this problem had already been recognized by activists who had visited South African prisons, the severity of the problem might not be evident without the above measure. Beyond recognizing problems, a crucial task facing practitioners is to decide which of the innumerable human rights violations in the world, or even within a particular country or community, to tackle. All CSOs have resource constraints, and in order to use their limited resources to achieve the greatest possible impact on the problems on which they focus, CSOs must have some idea not only of where violations exist, but also where improvement is needed most. Global health, education, and development indicators, such as country-level AIDS statistics, literacy rates, and poverty rates, can give a basic indication of where in the world certain deprivations are worst, and where a human rights inquiry is most urgently needed. The UN collects the above three categories of data from governments at regular intervals according to its own standardized methodologies. Consistent measurement of this type, if conducted rigorously, can give a broad picture across time and geography that help CSOs to make decisions about where to leverage their resources for the greatest impact.

Informing strategies

Measures that illuminate the scope and magnitude of a problem in this way also help CSOs to design strategies to combat human rights problems. Systematic measurement can inform human rights strategies by providing data that sheds light on the nature and causation of a human rights problem. For example, in order to address a problem like discrimination, we must know: who is being discriminated against? How? By whom? Returning to the South African prison example, measurement might be able to tell us how the prisoners were dying, which would help us to know whether the culprit is indeed overcrowding, as opposed to HIV/AIDS. Awareness of the reason behind the increasing death rate is clearly essential in formulating a response to this human rights problem.

Establishing accountability

Another purpose of human rights measurement is to allocate and encourage responsibility for human rights outcomes.⁴ This purpose is most frequently associated with the practice of “naming and shaming” specific states and their governments. Measuring the occurrence of abuses has helped this process of “naming and shaming” to have its successes,⁵ but this practice is typically limited to embarrassing the worst of the worst for the most visible human rights abuses. Perhaps more importantly, systematic measurement can be used to foster positive responsibility for human rights outcomes. Governments bear great responsibility for respecting and enforcing human rights, and reliable measurements showing change over time will expose not only the most visible, short-term abuses, but also chronic, lower-profile problems like discrimination, inequality or domestic violence. Thus, broad indicators showing human rights enforcement country by country are useful in order to highlight the accountability of governments.

States, though, are not the only actors with an impact on human rights outcomes, nor are they the only ones with responsibilities for delivering on the promise of human rights. Responsibility can be attributed to other actors, particularly with specific, disaggregated indicators broken down by issue and by region. For example, a disaggregated human rights measure that exposes poor labor conditions or employment discrimination in one section of the country would highlight some of the human rights responsibilities borne by the businesses operating there. Human rights measurement, then, can help to strengthen all actors’ responsibility for human rights outcomes by breaking rights down into subsets for which responsibility is more apparent, and by revealing the degree to which that responsibility is met.

Assessing impact

Civil society organizations also have impact on—and corresponding responsibility for—human rights outcomes. It is impossible for the human rights community to assess their efficacy without measuring how their efforts have impacted human rights enforcement over time, as Fernande Raine discusses in her paper. This type of self-criticism is crucial in order to refine

strategies to ensure the best possible outcomes in the future. Furthermore, without meaningful indicators of impact, human rights actors—including state agencies, CSOs, and intergovernmental organizations—risk losing attention and funding in a competitive humanitarian market whose participants are increasingly able to quantify their target problems and measure their results for potential donors.

II. What Should Human Rights Indicators Measure?

With the above purposes in mind, we must now consider the question of *what* human rights indicators should measure. Indicators already exist for many issues about which the human rights movement is concerned—poverty, health, and education, for example—but even these indicators are often missing a rights-based focus. Furthermore, many other rights issues tend not to be systematically measured at all. What, then, is being missed? What does it mean to create indicators that are right-based?

What is rights-based measurement?

When we speak of measuring human rights, what we really intend to gauge is the degree to which certain human rights claims are realized and realizable. That is: to what extent are rights enjoyed in fact? If they are not universally enjoyed, to what extent do people have access to redress in theory? Is that avenue for redress effective? In order to get a complete picture of a rights situation, we must pay attention to three kinds of relevant facts: **structural conditions, processes, and outcomes**. Here we follow the structure proposed by Paul Hunt, the UN Special Rapporteur on the Right to Health, who divides rights-based indicators into these three categories.⁶ Whether we are talking about a small CSO's attempts to assess the human rights situation in their own geographical and thematic area of interest, or broader, international efforts to gauge a government's performance across many rights concerns, we need to take account of all three of these interdependent categories of indicators.

Structural conditions

From a human rights point of view, it is not sufficient that the citizens of a country enjoy freedom and wellbeing at the whim of those currently in charge. Rather, it should be so because the country has the structural conditions that make respect for and enforcement of human rights happen, now and in the future. Therefore, it is important when measuring performance in a given human rights topic-area to take account of the relevant *structural conditions*. A country's constitutional framework and laws, for example, are important components of a rights-respecting environment. Another relevant factor is the existence of institutions that enforce human rights and help to safeguard respect for human rights against swings in public sentiment and changes in political leadership.⁷ This includes institutions set up by the state (such as court systems, human rights commissions and ombudsmen, and formal complaint mechanisms), but equally important are the institutions of civil society, including the independent media, universities, and human rights organizations. Measures of structural conditions can be qualitative descriptions, or even simply “yes/no” answers to questions like “Does country X have a law against discrimination?” “Is there a legal right in country Y to freedom of expression?” or “Has country Z ratified the Convention of the Rights of the Child?”

Process

Needless to say, structural conditions are meaningless if they are not operational in practice. The best laws may go unheeded; institutions may not be adequately funded or allowed to operate freely. *Process* indicators, then, must tell us about the effectiveness of the structural realities, the laws and institutions that exist. Process indicators include the amount of government spending on female primary education, for example, and the degree of independence of the judicial system. The former will be quite straightforward to measure; the latter significantly less so. Some process indicators are most revealing and effective if they are quantitative, while others may be better suited to qualitative analyses.

Outcomes

Finally, structural conditions and processes are only useful, from a human rights

perspective, insofar as they succeed in bringing about the desired ends of greater equity and wellbeing. This involves the measuring of *outcomes*. A human rights inquiry is ultimately interested in the way people actually experience their rights, so it is important for us to measure outcomes—that is, *whether* and *to what extent* individuals and groups enjoy certain rights. Do people actually enjoy freedom of religion and free speech? Does an increase in government spending on female primary education actually yield improvements in the literacy rates of girls relative to boys?

Balancing structural, process, and outcome indicators

To neglect any one of these three factors—structural conditions, processes, and outcomes—is to miss an essential component of a human rights inquiry. Unfortunately, many attempts to assess progress in human rights make the mistake of focusing solely on one or two of these three kinds of indicators.

An overemphasis on structural factors is a classic mistake in the human rights field. Some advocates and researchers, for example, seem fixated on tracking treaty ratification. The pitfalls of this approach should be obvious. As important as international human rights treaties have been in establishing a common basis for realizing rights, Oona Hathaway has shown that the correlation between treaty ratification and human rights enforcement is in fact quite tenuous.⁸ The same is true for national legal frameworks and institutions. A country may have outlawed gender discrimination and set up an ombudsman to monitor the situation, but unless the courts are accessible to women and the ombudsman's office is funded, the enactment of this law on paper means nothing.

Another common mistake in human rights measurement is to measure only process. For example, a CSO watchdog that measures government spending on AIDS treatment and prevention, without assessing the ultimate impact of that spending (i.e., whether infection rates are dropping, or treatment improving) ignores the possibility that money is being embezzled or spent on ineffective measures. This CSO will not only have produced a misleading measure of success in the fight against AIDS, but it will also have failed to provide an incentive for the

government to ensure the effectiveness of its spending in the future. This principle also holds true for CSO's, which often measure activity but not actual impact. A legal rights CSO that measures the number of clients it has seen in a year without assessing the actual outcomes of those clients' cases and the eventual improvement in their circumstances is making the same mistake: measuring a process without grounding it by connecting it to measures of the intended impact. Measuring process is crucial to assessing human rights enforcement, but it is meaningless if not accompanied by indicators of corresponding human rights outcomes. Isolating the impact of specific structures and processes is difficult, but it is essential that we find ways to do so, to assess the effectiveness of our own policies and those of others.

Similarly, process indicators should be understood in the context of the relevant structural frameworks—the laws and institutions that ensure the durability of human rights protection. For example, if a government allocates a large amount of its annual budget for fighting AIDS, but does not commit itself to a concrete plan to improve the infrastructure of the hospital system or to create an oversight body to ensure the equitable and speedy provision of treatment, then this budgetary allocation may be no more than rhetoric and can easily be reversed next year.

Measuring outcomes alone is also insufficient, for two reasons. First, in order to construct effective strategies to ensure the persistence of rights enforcement, the human rights movement must know not only *whether* human rights are realized, but also *how* rights are enforced. Outcome indicators can tell us about the former, but structure and process indicators are required to uncover the latter. Knowing only whether things are going well or badly will not help us to ensure that rights enforcement continues or improves.

Second, measuring outcomes alone would neglect another essential goal of the human rights movement: encouraging accountability.⁹ In order to assess whether and to what extent specific duty-bearers have fulfilled their responsibilities, we must measure the structures and processes that represent their efforts and impact. The example of the right to health care in Botswana is instructive. Since the HIV/AIDS epidemic reached Botswana, life expectancy in the country has plummeted, and its rank in the Human Development Index has dropped significantly as a result.¹⁰ Looking at these outcomes alone, one might conclude that the government of

Botswana has neglected its duties as a provider of health care. In fact, Botswana has been widely applauded for its response to the HIV/AIDS crisis, but has been unable to prevent the disease from having a major impact on health outcomes in the country nonetheless.¹¹ Of course, the reverse could also be true: poverty rates might be declining in country X, but this could be the result of fluctuations in the world economy, and does not necessarily demonstrate that the government of country X is fulfilling its duty to address poverty among its citizens. Good human rights measurement should include structure and process measurement (such as measures of individual poverty or health care policies) as well as outcome indicators, in order to reveal the degree to which various duty-bearers are responsible for those positive or negative outcomes.

To further its goals, the human rights movement needs balance between structure, process, and outcome indicators, and this need is one reason for the movement to further engage in the debate over measurement. Researchers and CSOs focusing on development and good governance have created indicators of their own, but these rarely reflect the balance outlined above. Development indicators are disproportionately oriented towards outcomes, and occasionally process, but almost never pay close attention to structural conditions for realizing rights. Besides focusing entirely on governments as duty-bearers, governance indicators tend to emphasize process and occasionally structure, but rarely outcomes.¹² These indicators do not adequately serve the human rights movement's needs, nor do they reflect its values. The human rights movement needs rights-based indicators, and only its engagement will bring them into being.

Accounting for all duty-bearers

Another way in which existing indicators are lacking is in their tendency to ignore certain actors that bear human rights duties. Each human right has a corresponding duty-bearer, so in order to assess the status of a certain right, we must examine the extent to which the relevant duty-bearer is fulfilling its responsibilities. Moreover, in order to assess the human rights movement's progress, we must account for all actors with impact on human rights. These actors include governments, as well as businesses, civil society, and society at large.

Governments are perhaps the most obvious duty-bearers, and are the most frequent objects of human rights inquiry and monitoring. Governments bear legal and moral responsibilities to their own citizens and to the rest of the world, and of course have enormous direct and indirect influence over human rights outcomes. For these reasons, they should be—and typically are—an important focus of any comprehensive human rights monitoring campaign.

Businesses also bear human rights duties and are inextricably linked to many human rights outcomes. Businesses, such as multinational corporations operating in developing countries, are often mostly unaccountable to the people their decisions may negatively impact, and their actions often receive less international attention than those of governments. It is therefore particularly important that the human rights movement pay due attention to measuring the human rights impacts of businesses, and the extent to which they live up to their responsibilities. In some areas of human rights, such as labor rights, a number of business-focused measures already exist.¹³ In other areas, such as coerced displacement and other local effects of business activity, measurement tools are much less developed.

Civil society plays a very important role in realizing human rights, and the human rights movement must be able to assess its own strength, impact, and progress, as Fernande Raine discusses in her paper. This is important not only at the level of the individual CSO, but also in the aggregate, in order to gauge the strength of civil society as a whole in a given society. As Raine points out, several existing measurement tools attempt to represent the health of civil society, but without sufficient input from CSOs themselves.

The final group of duty-bearers identified here—individuals and society at large—tends to be overlooked in assessments of human rights progress, but is arguably the most important in the long term. Changing social attitudes and creating a culture of rights is an important goal of the human rights movement, and a precondition for enduring progress, for several reasons. First, it is individuals in an official capacity who set the policies of governments, institutions, businesses, and CSOs, and they are more likely to do so in a way that respects human rights if they believe that the state and individual policymakers have a fundamental duty to enforce them. Second, individuals in general must believe in and be aware of their rights in order to realize

them—for example by going to court to challenge a rights violation, or by pressuring the government to comply with its obligations under a human rights treaty.¹⁴ And third, all individuals bear human rights responsibilities to others—for example, the duty not to discriminate against others or violate their right to personal security.

The state-centered perspective of human rights law and most existing human rights measurement systems skews our view, making us blind to the importance of more personal and social responsibility. The duty to stop ethnic discrimination or domestic violence against women, for example, belongs to actors on several different levels. Of course, the government has a responsibility to create and enforce laws against these human rights violations, and to promote gender and ethnic equality. Society as a whole, however, bears much of the responsibility for creating an atmosphere of tolerance or intolerance for this behavior. And ultimately, individuals who commit these crimes are responsible for their own actions. It is important to hold governments accountable for their policies to combat such pervasive human rights problems, but the human rights movement must not stop there. The prevalence of discrimination and domestic violence depends heavily on the decisions of individuals and on broad social attitudes towards women and minorities, especially in the long term.

Many human rights CSOs do in fact work to tackle problems like domestic violence and discrimination by influencing the way people think about their rights and duties and those of others, or by educating people about the resources available to them in attempting to realize their rights. Changing attitudes is an indirect way of effecting human rights change, but it is the most fundamental way to produce change in the long term. It is important, therefore, that CSOs take attitude changes into account when assessing progress in human rights.

This presents a methodological challenge, but some aspects of social attitudes, at least, are relatively straightforward to measure. For example, the prevalence of discrimination can be represented by showing deviations from the national average in terms of employment, representation in parliament, wages, criminal conviction rates, or health and education access or outcomes. Such quantitative outcome indicators can be accompanied by survey data that captures trends in attitudes towards rights and responsibilities. Measuring these attitudes themselves can

be more difficult, but many CSOs already incorporate anecdotal, individual testimonies in their publications or run small-scale opinion polls to illustrate trends in the attitudes they aim to change. Gathering information on a larger scale, and producing results that are comparable over geography and time, is largely a challenge of coordination and of engaging governments or institutions with the capacity to conduct such studies.¹⁵ The World Health Organization’s “Multi-Country Study on Women’s Health and Domestic Violence Against Women,” which is training local CSOs in eight countries on survey techniques to ensure methodological consistency across regions and countries, is an excellent example. Research and measurement that incorporates this neglected aspect of human rights change, along with government, business, and civil society factors, is essential to gaining a comprehensive understanding of human rights progress.

III. How Should Human Rights Indicators Measure?

If this is what the human rights movement is measuring, *how* should it be doing so? Perhaps the most important and controversial question about how to measure human rights is: Should rights measurement be qualitative or quantitative? Is it even possible to measure rights quantitatively? Another pressing, related question is whether rights can be measured in such a way that comparisons can be made across time—comparisons that are impossible with many of the rights measures currently produced.

Quantitative versus qualitative measurement

One of the most persistent obstacles facing human rights measurement is the widespread reluctance to use quantitative data to assess civil and political rights. There is a common belief in the human rights community that while economic and social rights are well suited to quantitative evaluation, civil and political rights are not.¹⁶ Many in the human rights community oppose the quantitative measurement of civil and political rights on the grounds that measuring trends in so-called “negative rights”—such as the right *not* to be tortured, *not* to be killed arbitrarily, *not* to be censored or discriminated against—would unwittingly endorse the notion that the progressive realization of negative rights is laudable, when in fact those guilty of violating these rights could

easily stop these policies at any time and have an obligation to do so. The fact that the number tortured is declining does not mean that a state is to be praised, this argument goes; one person tortured is one too many.

This perceived dichotomy between economic and social rights and civil and political rights ‘has influenced the methodological discussion concerning their measurement.’¹⁷ But the strict divide between civil/political and social/economic rights is largely artificial and highly problematic.¹⁸ Moreover, the notion that all civil and political rights are negative is incorrect, since some, like the right to a fair trial, depend on the development of a functioning court system, and therefore require positive government action.¹⁹ As Rajeev Malhotra of OHCHR has demonstrated, all rights involve positive and negative components.²⁰ Civil/political rights, just like social/economic rights, can and should be assessed both qualitatively and quantitatively.

By and large, the human rights movement relies much more on qualitative than quantitative measurement, so it is worth pointing out some of the benefits of using statistics for rights analysis. Including appropriate quantitative measurement alongside qualitative analysis has at least two major benefits. First, numbers can reveal information that is difficult to assess qualitatively. This is particularly true when it comes to gauging the magnitude and scope of a problem, comparing across regions or countries, or monitoring trends over time. Once a CSO adopts a problem, it needs answers to questions like: How big is the problem? Is it getting bigger? Does it affect certain areas or segments of the population disproportionately? Practitioners often worry that relying upon quantitative data to assess the severity of a situation will blind them to the particularities of local context in which a problem is rooted—reducing everything to numbers, and distorting the reality of the situation. When approached with care and used in conjunction with informed qualitative analysis, however, the opposite can also be true: quantitative data can, for example, be extremely useful in determining two important aspects of a human rights inquiry: whether an abuse is “widespread,” and whether it is “systematic.”

Second, quantitative measurement can make a human rights argument more convincing and harder to refute. The success of the quantitative Human Development Index, when compared to the political failure of the UNDP’s qualitative Human Freedom Index and Political Freedom

Index, demonstrates this advantage of numbers.²¹ CSOs are largely free from the UN's diplomatic constraints, but their qualitative measurements are equally unlikely to achieve global acceptance. None, thus far, have done so.²² Governments have a harder time dismissing an embarrassing report when it is bolstered by numbers—provided they are credible—rather than the subjective arguments of foreign academics or activists, no matter how careful and rigorous their analysis.

Like the split between civil/political and social/economic rights, the perceived qualitative/quantitative divide is simplistic. Quantitative and qualitative approaches are not fundamentally different; they are in fact both the products of human judgment and interpretation (beginning with the researcher's judgment of what is worth measuring in the first place). They are entirely complementary and indeed interdependent ways of accessing and arranging facts about the world around us. Any measurement of the human rights situation will necessarily incorporate aspects of both. Numbers alone don't tell the whole story; we need the human rights analysis to contextualize them and make them meaningful. Likewise, a purely qualitative, impressionistic human rights argument without any numbers to indicate the scope or magnitude of the violations described may strike readers as ungrounded, difficult to understand, or easy to dismiss as unrepresentative.

It is, then, neither possible nor desirable to replace all qualitative assessment with quantitative metrics. What we need is an appropriate balance between the two. Qualitative analysis provides context and ultimately proposes solutions. Quantitative assessment is based on a subjective selection of indicators, and thus can never be entirely objective. Nevertheless, quantitative indicators can be of great service to the human rights movement, and very little such measurement currently exists, especially in the sphere of civil/political rights.

Whether it is quantitative, qualitative, or survey-based, all human rights measurement will do more service to the movement if it is conducted with methodological rigor. The human rights movement's credibility is weakened when activists or CSOs make claims—for example, that a violation is “widespread” or “systematic”—without appropriate evidence (statistical or otherwise) to back them up. Moreover, careless measurement or interpretation of statistical data

can feed false and misleading information to activists and others who are basing their strategies on this information.

Time series

Measurement can also be very valuable to the human rights community when it allows for analysis of trends over time. Trend analysis is extremely important to human rights research, because it allows us to recognize emerging problems, assess the effectiveness of responses, and determine whether progress is being made. Unfortunately, many human rights measures do not allow for this kind of analysis. One-off measures abound, providing narrowly useful snapshots but failing to provide the continuous data necessary for broader and more revealing research. Other measures produce only sporadic results over time, making trend analysis impossible. Still others do not use consistent methodology, or look at entirely different phenomena each year. Many subjective country reports produce qualitative data with little attention paid to trends over time. For example, UNDP's *Human Development Reports* often discuss human rights issues and include quantitative data, but topics change from year to year, preventing a continuous time series analysis. The lack of continuous human rights studies is undoubtedly due, in large part, to the resource constraints of CSOs. As we will see, however, there are ways to overcome some of these constraints through CSO collaboration and by encouraging governments to gather and publicize human rights data.

Time series data is also essential to determining whether positive rights—and particularly economic and social rights—are being “progressively realized.” Indeed, without such data, it is hard to know how to evaluate “progressive realization” at all. Internationally and regionally comparable data, some of which is already collected and published by governments and international organizations, may suggest benchmarks for reasonable rates of improvement, and increase accountability when duties are not being met.

IV. Conclusion: Obstacles and the Way Forward

Of course, it is easy to say that human rights measurement should be conducted more systematically and rigorously, but CSOs rightly point out that these types of studies can be prohibitively expensive for them to conduct. Continuous studies are more costly than one-off surveys, and qualitative assessments by in-house experts can be much faster and cheaper than quantitative research. This qualitative observation and analysis will always play a central role in human rights work, and the methodological recommendations made in this paper will not always be feasible when decisions must be made quickly using available resources. What this paper has tried to show, however, is that the human rights movement has a long-term, collective interest in access to more comprehensive, rights-based, continuous, and systematic measurement tools.

One way to address the problem of limited CSO resources is to demand better data from government statistics-gathering institutions, since the state is often best positioned to gather data and to continue gathering it over time. For example, Amnesty International has persistently put pressure on the UK Home Office to release more comprehensive statistics on how many asylum seekers it is holding in detention—as well as on where these detainees are from, how old they are, and how long they are incarcerated.²³ In response to Amnesty's early campaign, the Parliamentary Home Affairs Committee released a report in April 2003 calling on the Home Office to make more comprehensive data available.²⁴ This has led to gradual improvements in the government's data-gathering and publication, which in turn better enables Amnesty to monitor the government's adherence to international norms surrounding the treatment of refugees.

Amnesty's formidable size and reputation, as well as the relatively responsive attitude the UK government takes toward civil society's demands, made its campaign for more data more likely to succeed. Many other CSOs are not so fortunate. But even small CSOs in countries with less receptive governments can apply public pressure for the publication of official data. In other cases, governments may be willing to collect data but unable to do so as a result of their own lack of resources or expertise. In these cases, there may be a role for foreign governments and international institutions to build the capacity of state institutions to gather statistics.²⁵

In many cases, however, governments will be unwilling to gather or release data, and there is a central role for CSOs in collecting human rights information. One way to improve their capacity to do so is to improve vertical collaboration between national and international CSOs. A local CSO promoting women's rights in a rural area of Iran may find Freedom House's assessment of Iranian civil and political rights far too general to be of practical assistance in shaping their local projects. Similarly, Freedom House is unlikely to look at the survey data collected by the local CSO, because that information is very limited in scope and may not be comparable to other surveys in other parts of the country.

With cooperation, however, collaborative data-gathering initiatives can provide immense benefits to both international and local/national groups. The World Health Organization's "Multi-Country Study on Women's Health and Domestic Violence Against Women," is a model for this kind of collaboration. Collaborative studies like this one establish a common standard for measurement on a particular issue, allowing CSOs to conduct further research according to those standards. Such research expands the coverage of the study, enlarging the pool of data available to those—like the WHO—who are interested in broad research. It also helps CSOs, whose new research will now be comparable to that of other organizations following the same standards, and who will benefit from the methodological expertise and heightened visibility that their association with the WHO will bring. Furthermore, this type of collaborative data gathering may allow CSOs to better assess and demonstrate their own impact by linking their process measures to a much broader assessment of outcomes than they would be able to produce on their own. While global and local human rights CSOs have distinct measurement needs, their interests are in fact interdependent, and are sometimes best advanced through collaborative data-gathering.

The technical obstacles to measurement are, in many cases, surmountable through collaboration. This paper has also tried to show that the conceptual challenges to human rights measurement should not prevent us from using more systematic, consistent, and sometimes quantitative measures, when doing so is likely to further our goals of realizing human rights. The existing array of human rights indicators is inadequate from a rights perspective, and will not improve without the engagement of academics, and particularly practitioners, in the human rights

movement. It is the Carr Center's hope that its efforts can bring together local, national, and international CSOs, academics, statisticians, and others in the human rights movement and other relevant fields, for this essential conversation.

¹ For examples, see the Introduction to these working papers, by Michael Ignatieff and Kate Desormeau.

² When we speak of human rights measurement, we are referring to the gathering of quantitative or qualitative information relevant to a human rights analysis. This data could come from one of the four following sources, although other sources are also possible: (A) events-based data on human rights violations; (B) socio-economic and other administrative statistics; (C) household perception and opinion surveys; (D) data based on expert judgements. This list taken from Rajeev Malhotra and Nicholas Fasel, "Quantitative Human Rights Indicators: A Survey of Major Initiatives," draft for discussion at Turku, 3 March 2005. <<http://www.abo.fi/instut/imr/indicators/Background.doc>>. Some disagree over what constitutes quantitative data. Some would call survey or expert opinion data quantitative if it has been numerically coded, while this paper would consider such subjective accounts to be qualitative information that has simply been given a numerical value. This paper, however, discusses measurement in general, and therefore this definitional question is not central to the arguments presented here.

³ See "Annual Report 2004," Annual Report of the South African Judicial Inspectorate of Prisons, 2004: 16.

⁴ See Andrew Kuper, ed., *Global Responsibilities: Who Must Deliver on Human Rights?* (New York: Routledge, 2005).

⁵ The HDI, for example, has had some successes in using the "naming and shaming" approach to spur reform. Based on its poor performance in the HDI country ranking, the Brazilian government committed to a \$6 billion anti-poverty program and used the UNDP's disaggregated statistics to target the funding to disadvantaged provinces. See Sakiko Fukuda-Parr, "Indicators of Human Development and Human Rights—Overlaps, Differences... and What about the Human Development Index?" *Statistical Journal of the United Nations ECE* 18 (2001): 246. Transparency International's *Corruption Perceptions Index* has also had "naming and shaming" success in Nigeria and elsewhere. Marie Besançon, "Good Governance Rankings: The Art of Measurement," World Peace Foundation Report #36, 2003: 2.

⁶ Paul Hunt, *Interim report of the Special Rapporteur of the Commission on Human Rights on the right of everyone to enjoy the highest attainable standard of physical and mental health*, United Nations General Assembly, Fifty-eighth session, Agenda item 117 (c), 10 October 2003, United Nations General Assembly, paras. 14-29. See also Rajeev Malhotra and Nicholas Fasel, "Quantitative Human Rights Indicators: A Survey of Major Initiatives," draft for discussion at Turku, 3 March 2005. <<http://www.abo.fi/instut/imr/indicators/Background.doc>>, para. 63-5.

⁷ Susan James, "Rights as Enforceable Claims," in Andrew Kuper, ed., *Global Responsibilities*: 87.

⁸ Oona Hathaway, "Do Human Rights Treaties Make a Difference," *Yale Law Journal* 11:8 (June 2002).

⁹ Amartya Sen, "Human Rights and Human Development," in UNDP, *Human Development Report 2000* (New York: Oxford University Press, 2000); Paul Hunt, Special Rapporteur on the Right to Health, "Background Note" in "Consultation on Indicators for the Right to Health," draft meeting report for World Health Organization "Workshop on Indicators for the Right to Health," Geneva, 15 May 2003: 14-17; Craig G Mokhiber, deputy director of OHCHR New York, communication of 25 February 2005; Sakiko Fukuda-Parr, director of UNDP's Human Development Report Office from 1995 to 2004, communication of 17 February 2005.

¹⁰ Botswana's HDI rank fell from 94 in 1992 to 126 in 2002. Although Botswana's income and education statistics improved during this time, the significant drop was a result of changes in the country's life expectancy, which plunged from 50 years to 41.4 years as a result of its HIV high infection rate (currently estimated at 37.3 % of adults), dragging down its relative HDI progress. UNDP, *Human Development Report 2004* (New York: Oxford University Press, 2004) "Human Development Indicators": 7; UNDP, *Human Development Report 1992* (New York: Oxford University Press, 1992) "The Concept and Measurement of Human Development": 20; UNDP, *Human Development Report 2002* (New York: Oxford University Press, 2002) "The State and Progress of Human Development": 40; and UNDP, *Human Development Report 1994* (New York: Oxford University Press, 1994) "The Human Development Index Revisited": 94.

¹¹ For examples of positive reviews of Botswana's HIV/AIDS policies, see UNDP, *Moving Upstream and Engaging Governments in Strategic Policy Advocacy: The Case of UNDP Botswana HIV/AIDS Policy*, 30 March 2005, <<http://www.undp.org/hiv/botswana.pdf>>; Patricia A. Watson, *The Front Line in the War Against HIV/AIDS*

in Botswana: Case Studies from the African Comprehensive HIV/AIDS Partnerships, Africa Comprehensive HIV/AIDS Partnership, 30 March 2005, <http://www.achap.org/downloads/War%20Against%20HIV_Aids.pdf>; J. Stephen Morrison and Heather Hurlburt, *Botswana's Strategy to Combat HIV/AIDS: Lessons for Africa and President Bush's Emergency Plan for AIDS Relief*, A Conference Report of the CSIS Task Force on HIV/AIDS, Center for Strategic and International Studies, 2004, <http://csis.org/africa/0401_BotswanaHIV.pdf>; and Donald De Korte, Patson Mazonde and Ernest Darkoh, *Introducing ARV Therapy in the Public Sector in Botswana*, World Health Organization, 2004, <http://www.who.int/hiv/pub/prev_care/en/botswana.pdf>.

¹² An exception to this input-oriented governance measurement is the system of governance indicators proposed by Robert Rotberg. See, for example, 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.

¹³ See, for example, the database created by Human Rights First to catalog and analyze the numerous existing measures that assess the rights of workers at many corporations. Human Rights First, *Measurement Units for Workers Rights (MUWR)*, <<http://workersrights.humanrightsfirst.org/welcome.asp>>. A second example is a diagnostic tool created by the Danish Institute for Human Rights to help businesses detect potential human rights violations caused by their actions. Danish Institute for Human Rights, *The Human Rights Compliance Assessment*, <http://www.humanrightsbusiness.org/040_hrca.htm>.

¹⁴ Susan James, "Rights as Enforceable Claims": 88.

¹⁵ The World Values Survey, which gauges patterns and trends in a wide range of political and social values, might be a useful example of the kind of broad survey the human rights movement could create to broadly measure attitudes about rights and responsibilities. See <<http://www.worldvaluessurvey.com/>>.

¹⁶ UNDP, *Human Development Report 2000* (New York: Oxford University Press, 2000): 93 box 5.5. <<http://hdr.undp.org/reports/global/2000/en/>>.

¹⁷ Todd Landman, "Measuring Human Rights: Principle, Practice, and Policy" in *Human Rights Quarterly* 26 (2004): 923.

¹⁸ For a recent example of this discussion, see Kenneth Roth, "Defending Economic, Social and Cultural Rights: Practical Issues Faced by an International Human Rights Organization," *Human Rights Quarterly* 26:1 (February 2004); Mary Robinson, "Advancing Economic, Social, and Cultural Rights: The Way Forward," *Human Rights Quarterly* 26: 4 (November 2004), Leonard S. Rubenstein, "How International Human Rights Organizations Can Advance Economic, Social and Cultural Rights: A Response to Kenneth Roth," *Human Rights Quarterly* 26:4 (November 2004); Kenneth Roth, "Response to Leonard S. Rubenstein," *Human Rights Quarterly* 26:4 (November 2004); and Leonard S. Rubenstein, "Response by Leonard S. Rubenstein," *Human Rights Quarterly* 26:4 (November 2004).

¹⁹ UNDP, *Human Development Report 2000*: 93 box 5.5.

²⁰ Communication with Todd Landman, 8 July 2005.

²¹ The UNDP attempted to incorporate qualitative political freedom indicators into the Human Development Reports in 1991 and 1992 with the Human Freedom Index and Political Freedom Index, respectively. These indices, the results of which were based on the opinions of experts, faced intense opposition from many UN member states, and were soon dissolved. See, for example, Russel Lawrence Barsh. "Measuring Human Rights: Problems of Methodology and Purpose," *Human Rights Quarterly* 15:1 (February 1993): 87-121.

²² One type of subjective that indicator that may be capable of withstanding accusations of bias is the category of indicators that survey in-country experts and broader populations to assess rights or freedoms. Examples of this type of measure include Développement et insertion internationale (DIAL), <<http://www.dial.prd.fr/>>; Afro Barometer, <<http://www.afrobarometer.org/>>; East Asia Barometer, <<http://eacsurvey.law.ntu.edu.tw/>>; and Latinobarometro, <<http://www.latinobarometro.org/>>.

²³ Amnesty International UK, *Get It Right: How Home Office Decision Making Fails Refugees* (February 2004), <http://www.amnesty.org.uk/images/ul/_/_Settings_user_My_Documents_Amnesty_Work_AIUK_Asylum_report_2004.pdf>. See also <[http://www.politics.co.uk/domestic-policy/asylum-seeker-detention-unlawful-\\$8788797.htm](http://www.politics.co.uk/domestic-policy/asylum-seeker-detention-unlawful-$8788797.htm)>.

²⁴ Amnesty International UK, "Seeking Asylum Is Not a Crime: Detention of People Who Have Sought Asylum," 20 June 2005: 43-4, <http://www.amnesty.org.uk/images/ul/d/detention_report_5.pdf>.

²⁵ See, for example, the OECD's Metagora project at <<http://www.metagora.org/html/index.html>>; and OECD Metagora, *Progress Report as of 31 December 2004: progress report for the 2nd meeting of the Metagora Steering Committee of Donors at OECD Headquarters, Paris, 27 January 2005*.