8. Human Rights Indicators in Development: Definitions, Relevance and Application

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1. Introduction: what are human rights indicators and why are they relevant to development?

Human rights indicators are quantitative or qualitative variables or facts used to measure the realization of human rights. They are designed to monitor and promote the implementation of human rights. They permit the assessment of the state of human rights enjoyment at a particular time in a particular context; but they may also allow for assessments of changes over time and comparisons across contexts. Like indicators in general, human rights indicators refer to “a set of statistics that can serve as a proxy or a metaphor for phenomena that are not directly measureable.”[[1]](#footnote-1) This is particularly important given that human rights indicators offer “measurability” in an area where it is often assumed that measurement in objective and empirical terms is not possible. According to the Office of the High Commissioner for Human Rights (OHCHR), they are, in practical terms tools that enable States, “to assess their own progress on human rights, formulate human rights-based public policies and programs, and make precise information available to civil society and to national and international human rights monitoring mechanisms.” The particular purposes for which they may be used are therefore varied and a range of definitions of human rights indicators now exists, as elaborated in Text Box 1.

[insert Box 1 here]

Text Box 1

[...] human rights indicators are specific information on the state of an event, activity or an outcome that can be related to human rights norms and standards[…] in the context of this work, an indicator can be considered as **a human rights indicator** if it can be related to human rights norms and standards, addresses and reflects human rights principles and concerns, and is used to assess and monitor promotion and implementation of human rights.(OHCHR: *Human Rights Indicators. A Guide to Measurement and Implementation.* (Geneva, United Nations, 2012), 172. See also *Report on Indicators for Monitoring Compliance with International Human Rights Instruments.* Geneva, 22-23 June, UN Doc HRI/MC/2006/7, 11 May 2006) par. 7.

[…] a human rights indicator derives from, reflects and is designed to monitor realization or otherwise of a specific human rights norm, usually with a view to holding a duty-bearer to account. (Paul Hunt, Special Rapporteur on the Right to Health, quoted in WHO, *Consultation on Indicators for the Right to Health. Château de Penthes, Geneva, 1-2 April 2004. Meeting Report* (Geneva: WHO December 2004) 5.)

Human rights indicators are data used by analysts or institutions and organizations to describe situations that exist or to measure changes or trends over a period of time. They are descriptions of performance or compliance that may provide insights into matters of larger significance beyond that which is actually measured. (Erik André Andersen and Hans-Otto Sano, *Human Rights Indicators at Programme and Project Level. Guidelines for Defining Indicators, Monitoring and Evaluation* (Copenhagen: The Danish Institute for Human Rights, 2006) 11.)

Human rights indicators are tools for States to assess their own progress in implementing human rights, formulate human rights-based public policies and programmes, and make precise information available to civil society and to national and international human rights monitoring mechanisms. (OHCHR, Human Rights Indicators, http://www.ohchr.org/EN/Issues/Indicators/Pages/HRIndicatorsIndex.aspx)

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The four definitions in Box 1 capture distinct characteristics of human rights indicators. The first, developed by the UN, offers a broad understanding of human rights indicators – encompassing a range of elements that may be related to human rights including “principles” and “concerns.”

The second definition links human rights indicators more closely to human rights law, defining them relative to human rights obligations such that the indicators have their origin in human rights norms and are designed to monitor the implementation of human rights obligations, and promote the accountability of duty-bearers. By contrast, the first definition does not focus exclusively on monitoring.

The third definition relates to the growing practice of institutions and other stakeholders using and applying human rights indicators. Indicators are therefore anchored in institutional practice. This definition underscores the fact that not all data are indicators. Nevertheless, data used for the purposes of compliance and performance assessment, or for status measurement, may be used as indicators.

The fourth definition was an early effort developed by the OHCHR, which, at the request of the UN treaty bodies in 2006, elaborated a system of illustrative indicators to help the UN treaty bodies interpret quantitative information in States parties’ reports, facilitating the monitoring of compliance with human rights obligations. Under this framework, distinctions are drawn between structural, process, and outcome indicators.[[2]](#footnote-2)

* *Structural indicators* reflect the ratification and incorporation of legal instruments and the existence of institutions deemed necessary for the facilitation of human rights.
* *Process indicators* assess the efforts of States as they implement and enforce human rights. They are surmised to be part of a cause-effect relationship between outcomes and efforts of the States. Thus, efforts of school building or teacher training may contribute to the outcomes of realizing the right to education.
* *Outcome indicators* are measuring the actual enjoyment of human rights. Whereas the analytical perspective in process indicators focuses on duty-bearers as well as rights-holders (for instance, resource allocations or number of vaccinations undertaken), the perspective in outcome indicators concentrates on the rights-holder enjoyment (for instance, results in the prevalence of illness or the number of deaths in custody).[[3]](#footnote-3)

The relevance of human rights indicators to development hinges on the broader relationship between human rights and development. Human rights indicators are relevant to development to the extent that human rights themselves are relevant to development. The following section offers two basic characterizations of how human rights indicators are relevant to development policy and practice. First, human rights indicators help us understand the impact of development on human rights and the impact of human rights on development. Second, human rights indicators are essential to any development policy or programming approach that aims to integrate human rights in a deliberate or explicit way, that is, a human rights-based approach (HRBA).

(i) Human rights and development overlap in a range of ways – some positive and some arguably negative.[[4]](#footnote-4) On the positive side, one may conceive of human rights and development as having complementary or proximate goals as well as overlapping spheres of activity. These connections can be understood as occurring as a matter of practice, through the expansion of development activities into spheres governed by human rights treaties in sectors like health, education, social protection, gender, water, land rights, and migration.[[5]](#footnote-5) Human rights indicators can help assess the degree to which development affects the enjoyment of human rights, whether positively or negatively. They may facilitate an understanding of whether development and human rights goals are consistent with each other in practice, whether or not development activities in fact support the realization of human rights, and if not, what the nature and extent of any unintended negative impacts development activities may be on human rights (such as, undermining the conditions for their enjoyment, increasing poverty or perpetuating exclusion and discrimination). In this sense, human rights indicators can help operationalize or assess compliance with a requirement to “do no harm.”[[6]](#footnote-6) From a different perspective, human rights indicators can enable an assessment of the influence of human rights on development policy and approaches. This is particularly relevant in the gradual integration of human rights principles into good development practice, evident in the latter’s increased emphasis on participation and consultation, accountability, transparency, equality/equity and the inclusion and protection of vulnerable groups.

(ii) In policy or programming initiatives, human rights indicators are indispensable to any deliberate or explicit integration of human rights into development policy or programming regardless of whether the rationale for that integration is intrinsic or instrumental. Intrinsic arguments emphasize human rights as expressions of values and norms that provide foundational moral and ethical guidance backed by legal obligation. These arguments underline the importance of human rights in establishing baselines and standards that must be respected in relation to process and outcome, regardless of other exigencies and considerations. Intrinsic arguments for integrating human rights in development are therefore based on a belief that respecting human rights in development is “the right thing to do.” By contrast, instrumental arguments for integrating human rights in development hold that such integration is called for or justified to the extent that human rights can help promote better development outcomes, for instance, by enhancing accountability, promoting empowerment and attention to the poorest and most vulnerable and focusing attention beyond aggregate results. In this sense, the relevance of human rights is based on how useful they can be in promoting development effectiveness and attaining development goals such as the Millennium Development Goals (MDGs).

Development agencies relying on more instrumental or economics-based rationales for interventions will be especially focused on the use of human rights indicators because of the need to demonstrate the ”value added” of human rights. However, agencies that adopt a human rights-based approach as a normative policy commitment or as a matter of legal obligation also need to consider how to operationalize those commitments and evaluate their experiences in doing so (such as, the impacts of HRBAs on development results), which in turn would imply some reliance on human rights indicators. In some respects, therefore, integrating human rights into development in any explicit or deliberate way relies on human rights indicators. In sum, human rights indicators underpin the question of how to approach human rights in development, as well as technical and empirical elements of human rights. They are important to any operational consideration of human rights in development, whether one is analyzing how the two spheres of human rights and development interact or is aiming to bring these two spheres together as a matter of policy or programming.

2. Fundamental elements of human rights indicators

A. Distinctness of human rights indicators

We can distinguish at least four characteristics that define human rights indicators.

(a) They measure the enjoyment of rights by rights-holders, but also the degree of compliance or non-compliance of duty-bearers in a way that reflects the two essential dimensions of a human right (namely, right and duty).[[7]](#footnote-7)

(b) Human rights indicators relate to compliance with a legal regime, and with human rights obligations to which governments have subscribed. Their distinct value added is derived from their link to the international human rights framework and from their direct source in international treaty obligations.

(c) They measure processes as well as outcomes.

(d) In assessing duty-bearer performance, they measure legal commitment (through treaty ratification and/or transposition into domestic law) or formal acceptance of human rights primarily by states and secondary duty-bearers such as organizational entities, as well as efforts to realize human rights.

The latter two characteristics capture the ideas of Acceptance/Commitment, Effort, and Outcomes, which are captured in the OHCHR framework described above defining the three basic types of human rights indicator (structural, process, and outcome indicators).

Thus, while the coverage of both human rights indicators and development indicators may look very similar, human rights indicators are distinct in one important way captured in the first (rights-duties) characteristic, which is compliance with a legal norm. As such, their force and legitimacy is derived from binding legal obligations and legal accountability. As a result, human rights indicators offer a measure of normative or legal precision and enhanced accountability that other indicators may not. Human rights indicators distinguish themselves from development indicators in three other respects:

* *Political analysis*. When addressing political economy or analyzing politics, human rights will tend to capture individual political events and/or identify human rights violations, whereas development analysts will focus more strongly on aggregate dimensions and on broader societal conflicts. This will affect the formulation of development versus human rights indicators.
* *Discrimination*. While development thinking increasingly incorporates equity and equality concerns, the focus on discrimination itself is not as systematic as it is in human rights work. Human rights norms of non-discrimination, and therefore human rights indicators designed to monitor those norms, rely on disaggregated data and attention to the impact on the most vulnerable, especially when knowledge and data are available on groups which are socially marginalized.
* *Legal obligations.* Human rights indicators place a greater emphasis on legal obligations and responsibility, with a consequent focus on remedy, redress and reparations. These elements tend to be less prominent in the tools and indicators used in development programming and monitoring.

B. Similarities of human rights indicators and other indicators

A comparison of human rights and development indicators reveals certain similarities.

1. Similarities occur due to overlaps in subject matter or substantive areas covered by development and human rights monitoring or evaluation, as well as similarities in the indicators used to monitor social rights and human development outcomes in the social sectors.
2. Similarities are also evident in the indicators used to measure principles like participation, accountability and equality given that development policy has evolved to integrate these principles more and more explicitly.
3. Based on the foregoing, the measurement of plans, strategies, processes and outcomes in both development and human rights law monitoring can bear strong similarities, and by consequence, so too can the indicators used for each.

As a result, some human rights indicators are used for development monitoring and evaluation purposes, and conversely development indicators such as those developed under MDG targets can have relevance for monitoring human rights realization.[[8]](#footnote-8)

Similarities between human rights and development indicators are evident in the context of the MDGs. Some MDG indicators measure the implementation of specific human rights, although they do so without explicit human rights reference – and perhaps more because of the convergence of areas of coverage of the MDGs and human rights treaties.[[9]](#footnote-9) Indeed, the MDGs are criticized precisely for their neglect of human rights[[10]](#footnote-10) and the fact that their indicators and targets are formulated without any systematic or explicit integration of human rights. It is only through OHCHR’s work on human rights indicators that it has been acknowledged that the MDG data and indicators may, in fact, create opportunities for human rights monitoring. Thus, important linkages between the MDGs and human rights have begun to be recognized in common values as well as shared indicators.[[11]](#footnote-11)

Human rights and governance represent another domain of similarity, but also of ambiguity. A relatively recent indicator framework is the Ibrahim Index of African Governance published by the Mo Ibrahim Foundation (first published in 2007). This index is intended as a tool for civil society in African countries to hold their governments to account. Indicators are divided into four sub-headings: safety and the rule of law; participation and human rights; sustainable economic opportunity, and human development. Accountability is addressed in the context of safety and the rule of law together with anti-corruption. Human rights are analyzed in the section on participation and human rights, which comprises three sub-headings: participation, human rights, and gender. The section on participation deals primarily with election issues, the human rights section with civil and political rights, and the gender section with education indicators, the proportion of women who are economically active outside the household, and the proportion of seats held by women.[[12]](#footnote-12)

Despite potential questions surrounding the comparability of data from different sources in individual countries leading to one score ranking of countries and with respect to the validity of data supplied by expert assessments , it is noteworthy how human rights are classified in the governance index. Accountability is related more to anti-corruption than to human rights, and participation is linked more strongly to electoral performances and democracy than to human rights. The index is thus fundamentally a governance index that incorporates human rights indicators only partially and with a narrower focus on those connected with political systems and political governance.

For some donor actors, human rights policy is subsumed under the heading of governance.[[13]](#footnote-13) This policy option both recognizes the importance of human rights in development, while keeping the rights dimension at a certain distance and lessening its direct prominence. Donors have referred to human rights principles of accountability, participation, and non-discrimination. However, the donor policies of good governance also refer to accountability and participation. An overlap exists between human rights principles and governance criteria and it is sometimes difficult to determine whether a discussion of participation departs from governance or from a human rights perspective. At the country level, governance is analyzed by indices like the Ibrahim Index or in the World Governance Indicators (WGI, [www.govindicators.org](http://www.govindicators.org)). In these analyses, human rights are reflected as one small part of the governance framework, and most often in terms of civil and political rights. At the program and project level, however, human rights principles blend with governance criteria. The implication of the latter is that governance and human rights goals overlap, especially as regards accountability and participation, in ways that rarely make explicit whether the perspective is one of human rights or governance.

C. Human Rights Indicators in Development Practice

The substance of human rights measurement may encompass events-based data and indicators, such as the recording of atrocities and their coding into indicators of violations.[[14]](#footnote-14) (UNDP, 2006). Event-based data seek to establish, “Who did what to whom?”. Events data are sometimes coded into indicator formats aiming to compare and count atrocities and violations of a particular nature.

The measurement of duty-bearer compliance—the focus on acts of both commission and of omission—means that human rights indicators operate in a sensitive terrain. No global human rights measurement of state compliance exists.[[15]](#footnote-15) In the field of development, reference is often made to the ranking of counties in UNDP’s Human Development Index. In the human rights field, such benchmarking and ranking methodologies of states’ human rights compliance have not gained acceptance.

Fig. 1 illustrates the complexity of human rights indicators. The human rights and development domains overlap, but are also distinct as stated earlier. There are no sharp demarcations between these domains. This complexity is also reflected in the way that human rights indicators are employed in either strict human rights compliance regimes (such as the treaty body assessments) or in development programming. Both the compliance regime and the development regime reveal distinct purposes for assessment methodologies. In the compliance regime, indicators are mainly used to assess compliance with legal norms, i.e., an assessment of legal accountability. In the development regime, human rights indicators are primarily employed to assess processes of implementation, achievement of human rights related objectives, and monitoring of particular aspects of development programming. The perspective of legal and normative accountability is less pronounced in this domain.

Assessing compliance implies the assessment of obligations to respect, to protect, and to fulfill economic, social and cultural rights. In the field of civil and political rights, obligations are formulated as obligations to respect and to ensure rights under the Covenant.

The human rights compliance regime typically departs in international (though sometimes domestic) legal obligations and in the normative framework of human rights. Indicators will generally relate to human rights legal standards or to human rights principles (accountability, non-discrimination and equality, and participation). Most human rights compliance indicators relate to monitoring at the country level. When used for monitoring at the program level, indicators are constructed first, to measure program performance, but sometimes such program indicators are also employed as instruments to measure sector or local government performance, and may ultimately be aggregated into assessments of country-level implementation of human rights in combination with other indicators. Thus short term indicators at the program or local government levels could provide inputs to indicators at the highest country level of aggregation, i.e. at the national level. Thus performance indicators were combined into aggregate measures to assess the entire program theory underpinning democracy support in a particular country.[[16]](#footnote-16)

Figure 1. HUMAN RIGHTS INDICATORS IN DEVELOPMENT

 Human Rights Compliance Regime Development Regime

|  |  |
| --- | --- |
| Country level* Indicators assessing formal commitment to human rights obligations
* Indicators assessing violations of human rights
* Indicators benchmarking duty-bearer compliance
 | * Indicators measuring efforts and results of duty-bearers
* Indicators measuring activities of actors
 |
| * Indicators connecting program objectives, components or results to domestic or international legal obligations

Program level* Indicators tracking non-discrimination of specific groups
 | * Indicators measuring the realization of program goals
* Indicators measuring outputs of programs
* Indicators measuring rights or principles in program implementation
* Indicators measuring empowerment of specific groups
 |
| Criteria for robust human rights indicators * Relate to the human rights framework, either directly as rights or in terms of principles
* Capture formal acceptance of human rights
* Capture processes of human rights realization, for instance, processes of capacity building
* Measure duty-bearer compliance
* Measure duty-bearer’s efforts to comply with/realize human rights
* Measure rights-holder enjoyment of human rights
* Disaggregate according to grounds of discrimination/characteristics of vulnerability or exclusion
* Measure vulnerable group protection, participation, voice, and/or empowerment
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| --- |
| Box 2. EXAMPLES OF HUMAN RIGHTS INDICATORS |
| **Indicators** | **Sources** |
| ***Compliance indicators***  |
| 1 | Incidence and prevalence of death, physical injury and communicable and non-communicable diseases in custody (Compliance at country level) | Office of the High Commissioner for Human Rights, Outcome indicator on the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment. , OHCHR, *Report on Indicators,* 91 |
| 2 | Do the laws of the State prohibit child marriage [Yes, No: Enforcement scores: 1 Excellent, 2 Good, 3 Fair, 4 Poor] (Compliance at country level) | American Bar Association. CEDAW assessment tool. <http://www.americanbar.org/advocacy/rule_of_law/publications/assessments/cedaw.html> |
| 3 | Proportion of school-age children not attending primary school (Compliance at country level) | OHCHR, *Human Rights Indicators in Development. A Guide,* 93. |
| 4 | Number of survivors of sexual and gender-based violence receiving services in selected districts (Compliance at program level) | Government of Nepal, UN Country Team, Nepal: *United Nations Development Assistance Framework for Nepal 2008-10.* [*http://www.un.org.np/sites/default/files/report/undaf-for-nepal-2008-2010.pdf*](http://www.un.org.np/sites/default/files/report/undaf-for-nepal-2008-2010.pdf) |
| ***Process indicators*** |
| 5 | Number of judges per population for rich versus poor areas (Process indicators, country level) | Jim Parsons, Monica Thornton, Hyo Eun (April) Bang, Ben Estep, Kaya Williams, and Neil Weiner, *Developing Indicators to Measure the Rule of Law: A Global Approach. A report to the World Justice Project*, (Vera Institute of Justice, 2008) 9 |
| 6 | Accountability, transparency and corruption in rural areas. Normalized scale 0-100 based on expert assessment (Process indicators, country level) | *Mo Ibrahim Index of African Governance*, IIAG Methodology,http://www.moibrahimfoundation.org/iiag-methodology/ |
| 7 | Demonstrable progress against key CPA (Comprehensive Peace Accord) milestones, inclusive a new Constitution with equal rights for all and a democratic governance structure (Process indicators, program level) | MFA, Danida *Denmark-Nepal Country Policy Paper 2013-2017.* (Copenhagen 2013) 11. <http://um.dk/~/media/UM/English-site/Documents/Politics-and-diplomacy/Nepal_UK_web.pdf>. Accessed March 2014.  |
| 8 | Number of new community initiatives targeting vulnerable children (Process indicators, program level | Save the Children *Getting it Right for Children. A Practitioners Guide to Child Rights Programming* (London, UK: International Save the Children Alliance, 2007) 114 |

The development regime is less precise and explicit about specific rights. Objectives defined at the country level by actors may or may not refer to specific rights; yet these efforts may be understood to contribute to human rights implementation. Actors may be state or non-state actors who work towards broader objectives of development than those defined by human rights. Efforts related to attaining the MDGs are relevant in this regard. At the program level, indicators can refer to goals as well as to outputs, which may all be human rights relevant. Quite a few human rights indicators at the process level will be found in development assistance programs.

Systematic efforts to define a set of commonly accepted and legitimate human rights indicators are an endeavor of the last decade only. The Office of the High Commissioner has undertaken that exercise, but the use of these indicators across the UN remains an ongoing effort. Nevertheless, a plethora of human rights indicators are in use, created by universities, donors, research NGOs and development actors. Some are qualitative, but most are expressed in a quantitative format. Box 2 illustrates different indicator examples, each with reference to Fig. 1.

The eight indicator examples in Box 2 illustrate a number of basic types of human rights indicators. Four of these are *compliance indicators* and relate directly to the international human rights treaties and to the specific rights under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Example 1, the Convention on the Elimination of Discrimination Against Women (CEDAW) in Example 2, the right to education in the International Covenant on Economic, Social and Cultural Rights in Example 3, and CEDAW again in Example 4.

The four examples of *process indicators* refer to the rule of law in Example 5, to good governance and non-corruption in Example 6, to conflict mitigation in Example 7, and to child rights protection measures in Example 8.

The examples moreover illustrate the following different formats of human rights indicators:

* Quantitative indicators counting events (Example 1)
* Quantitative indicators counting numbers or general prevalence (Examples 4, 5, 8)
* Qualitative assessment of law, coded in numeric format (Example 2)
* Comparison with baseline data with respect to objectives of progressively realizing a right (Example 3)
* Expert assessment of prevalence (Example 6)
* Measurement against targets, milestones or benchmarks (Example 7)

All of the indicators are quantitative in some form, but one of them (Example 6) is based on qualitative assessment. All of these indicators therefore permit comparisons. Most of them will rely on administrative data, data collected by local or central governments or by national statistical bodies. However, survey data may also be relevant. In Example 6, corruption is measured by experts assessing the situation, but it can also be measured by survey questionnaires where the local population provides their perception of corruption as regards their contact with particular institutions.

4. Challenges of employing human rights indicators in development

Many challenges attend human rights indicators, impacting their uptake in development.

1. The first and most general of these relates to the complexity of the general relationship between human rights and development in terms of the legal and policy challenges faced when integrating human rights in development. The place of human rights in development is far from established and is not uniformly understood. That contestation is reflected also in the use of human rights indicators, since human rights indicators rely on there being some explicit recognition of human rights in development policy or in systems of evaluation. Moreover, human rights indicators may be viewed as more sensitive than more general considerations related to human rights because of the precision and quantification these may bring. As such, development policy may be more amenable to more general human rights considerations being taken into account as part of a policy dialogue but resist the harder assessments generally associated with human rights indicators.
2. Given their genesis in legal obligations, human rights may be more readily associated with monitoring and strict compliance, which is often met with greater resistance in development than more open-ended, facilitative and flexible requirements. Large amounts of mandatory monitoring and strict compliance rules tend to be unpopular, due to the burden of implementation, the sensitivity of the issues being monitored and the restrictions such enforcement may impose. This is particularly true in the case of human rights, where such obligations for monitoring and compliance arguably fall on donors as well as partners. Human rights indicators may also be associated with human rights conditionality, which itself has a long and fraught history in development.
3. Other institutional challenges relate to political sensitivity and the reluctance to take on approaches and methodologies that heighten the political dimensions of development cooperation. The existing political sensitivities of development policy and practice are viewed by many to be great as is, without introducing tools such as human rights indicators that are associated with naming and shaming and the enforcement of international law obligations, or that open the possibility of ranking between countries. Indeed the experience with other types of indicators in development and the ranking exercises such as the *Doing Business* report, published annually by the International Finance Corporation and the World Bank, attest to the serious political risks associated with such endeavors.
4. Linked to this political sensitivity is the broader resistance of many development agencies to engaging in human rights monitoring or enforcement, or to integrating such functions into internal policy compliance functions. Some agencies have well established mandate limitations on political activities and interference which could be viewed as inconsistent with the use of tools or methodologies connected with human rights measurement or monitoring (even if these were not strictly used for human rights compliance or enforcement). That resistance may also be shared by partner countries that do not want human rights considerations linked too closely or directly with development cooperation and that would rather opt for disentangling aid and human rights.
5. The foregoing challenges are sometimes underscored by practical challenges pertaining to human rights indicators. Even assuming that development policy integrates human rights in some way (whether as obligations, principles or “relevant considerations”), there are hurdles to overcome in the application of human rights indicators. First, given the range of interpretations of human rights themselves, and the variables related to culture, context and countries that must be accommodated, it is difficult to identify one authoritative source of human rights indicators that development actors can rely on in all circumstances. The closest example of such a universal system of human rights indicators is a comparatively recent phenomenon: the OHCHR human rights indicators framework emerged as a partial and evolving system only in 2006, and while it continues to be developed and grow, it is as yet incomplete. It is, moreover, a system developed to assist the work of UN human rights treaty bodies and not necessarily one tailored to development policy or programming. This leaves the option of integrating human rights into the monitoring and evaluation systems of development programming, but it does not solve the dilemma of authoritative and legitimate sources of indicators, which must be addressed in any development policy selection of indicators.
6. Even assuming one had a set of robust, legitimate and authoritative human rights indicators, the questions would still remain as to how these should be used by development agencies, where they are appropriate, what they would seek to measure and influence and what the desired and actual impact of their use would be. Related to this is the challenge of using human rights indicators consistently, objectively and fairly, and the general problem of enforcing such consistent use. The perennial challenge of conceptual and empirical rigor plaguing other forms of evaluation and indicators will be present with human right indicators too, and may arguably be greater given their relatively recent emergence. In institutional terms also, human rights indicators may present particular difficulty for development agencies that lack the capacity to use and implement such indicators effectively and consistently. It is well known that the staff of development agencies tends to be trained more in economics and technical fields of expertise than in human rights law or practice.
7. Moreover, the work of communities of practice engaged in developing and using human rights indicators evidences an imperfect engagement between producers and consumers of human rights indicators and there is a substantial amount of work needed to improve these processes. From the demand side, and among consumers of human rights indicators, there is a need for actors, institutions and organizations to become less disparate and more systematic in their methods of measurement, whereas from the supply side (mainly UN agencies) there is a need to apply systematically acknowledged frameworks of indicators and to fill in gaps of data availability.
8. A number of limitations inhere in the current state of human rights indicators. First is a dearth of data and statistics gathered specifically to monitor the realization of human rights. Second, other forms of data and statistics may not always be “transferable” or the most useful or appropriate to use in human rights measurement. Third, these challenges are all the more pronounced in developing countries where statistical capacity and information gathering initiatives by national human rights bodies may be emerging but still weak.
9. Emerging areas of application and expansion

The foregoing discussion has focused on the use of human rights indicators in development in general. However, with the growing relevance of human rights in a range of related fields, there are signs that the use of human rights indicators could become more expansive, for example, as a result of growing demands by a range of stakeholders (including NGOs and communities) for greater accountability in development cooperation.[[17]](#footnote-17) One obvious example is the growing recognition of the relevance of human rights in the private sector. The endorsement by the UN Human Rights Council of the UN Guiding Principles on Business and Human Rights (Human Rights Council resolution 17/4 of 16 June 2011) signals a new and visible emphasis on the links between human rights and private sector activities and a commitment by states to implement the UN “respect, protect and remedy” framework through principles that establish benchmarks for business activities relative to human rights. The framework establishes a baseline to help business manage the risk of adversely impacting human rights and a set of benchmarks for stakeholders to assess business’ respect for human rights. For instance, Principle 20 recommends the use of “appropriate qualitative and quantitative indicators” so that businesses can track the effectiveness of their response to verify whether adverse human rights impacts are being addressed.[[18]](#footnote-18)

Another expanding area in the application of human rights indicators is climate change, with the links between human rights and climate change receiving increasing attention.[[19]](#footnote-19) Those links are understood in the following terms: (i) climate change may impact the enjoyment of human rights; (ii) human rights obligations may be relevant to responses to climate change and to promoting “climate resilience;” (iii) measures to address climate change may themselves impact the realization of human rights. Assessing these links in concrete terms and understanding the human rights impacts of climate change relies on a metric of human rights enjoyment which human rights indicators provide. Similarly, integrating human rights considerations into climate policy more generally would require either free-standing human rights impact assessments or the incorporation of human rights considerations and indicators into strategic environmental assessments undertaken to guide climate policy.

Aid effectiveness is a field that has witnessed an emerging recognition of the relevance of human rights considerations. While the 2005 Paris Declaration on Aid Effectiveness did not contain any explicit reference to human rights as a cross-cutting theme, the 2008 Accra Agenda for Action (AAA) proclaimed respect for human rights as a cornerstone for achieving enduring impact on the lives and potential of poor women, men, and children, stating that it was “vital that all our policies address these issues in a more systematic and coherent way.” In paragraph 13 (c) the AAA continued, “Developing countries and donors will ensure that their respective development policies and programmes are designed and implemented in ways consistent with their agreed international commitments on gender equality, human rights, disability and environmental sustainability.”[[20]](#footnote-20) The 2011 outcome document from the Fourth High-Level Forum on Aid Effectiveness in Busan, South Korea, explicitly preserved the commitments of the AAA and also contained provisions on human rights including the right to development. It confirmed that the “common principles which—consistent with our agreed international commitments on human rights, decent work, gender equality, environmental sustainability and disability—form the foundation of our cooperation for effective development.”[[21]](#footnote-21)

The trend revealed by such high level statements and declarations is therefore clearly in favour of recognizing human rights more explicitly, including accepting international obligations and commitments, thus promoting a vision of development and human rights that supports international policy coherence and that recognizes the potential impacts of actions in one policy realm on other policy areas. The concern with how measures in the realm of aid effectiveness may impact human rights, or how human rights can help ensure aid effectiveness, relies on objective, reliable and accessible tools to measure and assess human rights, and by implication, requires human rights indicators.

Other areas have seen a rise in the integration of human rights concerns, and therefore the increased prominence of human rights indicators. One such area is trade, where the EU example is apposite: the 2010 European Parliament resolution on human rights, social and environmental standards in international trade agreements encouraged greater cooperation at multinational level to provide a multilateral trade framework which would enhance respect for human rights. The resolution considers that the Human Rights Council's universal periodic review should be a useful tool to monitor compliance with human rights provisions in international trade agreements and supports the practice of including legally binding human rights clauses in the EU's international agreements.[[22]](#footnote-22) Another area is anti-discrimination. The Equality and Human Rights Commission for Great Britain recently published the Human Rights Measurement Framework (HRMF), a new set of indicators that brings together information and evidence for analysing and assessing human rights in Britain. Commissioned in partnership with the Scottish Human Rights Commission, the HRMF was developed by researchers at the Centre for Analysis of Social Exclusion at the London School of Economics (LSE), together with the British Institute of Human Rights. The HRMF evidence base will enable the commissions, government, public bodies, non-governmental organisations and others with an interest in human rights, to begin to evaluate compliance with, and progress towards, the implementation of human rights in England, Scotland and Wales. Based on the indicators framework developed by the United Nations Office for the High Commissioner for Human Rights, the HRMF indicator sets are built on recognised international best practice, and have been developed and agreed upon through a process of research and consultation with subject experts and stakeholders.[[23]](#footnote-23)

These areas of emerging potential application of human rights indicators have particular significance for development given the importance of their substantive fields in relation to a range of areas of development cooperation, such as adaptation funding and technology transfer, the effects of aid on trade, or the focus on inclusion generally in more recent development thinking[[24]](#footnote-24) and on empowering and advocating for vulnerable groups . But the fact that international policy coherence is becoming such an important priority for development actors, donors and partners alike, bears out the relevance of the connections between human rights and these other spheres, and the need for robust metrics and effective measurement tools. All of these features support the importance of human rights indicators for current development priorities and their future directions.

1. Maria Green, “What We Talk About When We Talk About Indicators: Current Approaches to Human Rights Measurement,”. *Human Rights Quarterly* 23 (2001): 1076, quoting Clifford W. Cobb & Craig Rixford, *Lessons Learned from the History of Social Indicators, Redefining Progress*, (Nov. 1998) 1 [↑](#footnote-ref-1)
2. This process later led to the 2012 publication, *Human Rights Indicators. A Guide to Measurement and Implementation* quoted in Text Box 1 and thus also to the revision of the definition of human rights indicators. [↑](#footnote-ref-2)
3. For the OHCHR indicator framework and the indicators developed for six economic, social and cultural rights and for six civil and political rights, see OHCHR, *Human Rights Indicators. A Guide for Measurement and Implementation.*(Geneva, United Nations, 2012) 33-41. [↑](#footnote-ref-3)
4. Siobhán McInerney-Lankford, “Human rights and development: some institutional perspectives,” *Netherlands Quarterly of Human Rights* 3 (2007): 3459. [↑](#footnote-ref-4)
5. For an elaboration of these aspects, see Report Commissioned by the Nordic Trust Fund of the World Bank, Prepared by GHK Consulting, *Human Rights and Economics: Tensions and Positive Relationships* (Washington, D.C.: World Bank, 2012) Part II. [↑](#footnote-ref-5)
6. Siobhán McInerney-Lankford, “Human Rights and Development: A Comment on Challenges and Opportunities from a Legal Perspective,” *Journal of Human Rights Practice* 1(2009): 51. [↑](#footnote-ref-6)
7. Both are essential because rights do not exist independently of duties, which is referred to as the “correlativity of rights and duties.” See B. Mayo, What Are Human Rights? In [↑](#footnote-ref-7)
8. Rosga and Satterthwaite criticize the OHCHR indicator framework for targeting the work on Treaty Body compliance as well as on rights-based development work. “Rights-based monitoring is an activity that is distinct from monitoring States’ compliance with human rights treaties […] When assessing compliance with a treaty, the assessor is determining the extent to which a State has met its duties under a legal standard. When assessing a development project from a rights-based perspective, the assessor is determining the extent to which the project has advanced human development while also enhancing human rights. Indicators, therefore, are likely to differ significantly based on their use” Ann Janette Rosga and Margaret Satterthwaite, “The Trust in Indicators: Measuring Human Rights,” *Berkeley Journal of International Law* 9/17 (2009): 300. This argument deserves careful consideration for which we do not have space here. Suffice it to say that most scholarship on human rights and development work does not make such rigorous distinctions, which may be difficult to use in practice and even run counter to goals of integrating human rights in development work. [↑](#footnote-ref-8)
9. OHCHR focuses on this overlapping of MGDs and human rights in its indicator framework and specifically on indicators relating to rights to life, adequate food, health, education, housing, social security, freedom of opinion and expression, and work. [↑](#footnote-ref-9)
10. Langford puts the MDG targets in front of the human rights mirror, criticizing Goal 1 for its lack of perspective on social security, Goal 2 for the lack of emphasis on free, compulsory education of a certain quality, Goal 7 for being embarrassing, partly due to vacuous environmental targets, but more succinctly for a “tortoise-like” target of slum-dwelling. He argues finally that the absence of quantitative targets in Goal 8 on development aid has contributed to ambiguity and absence of a systematic approach, for instance in relation to trade and human rights. Malcolm Langford, “A Poverty of Rights: Six Ways to Fix the MDGs,” *IDS Bulletin,* Vol. 41(2010) 1. [↑](#footnote-ref-10)
11. For the acknowledgement of joint values between MDGs and human rights, see H-O Sano, “The Drivers of Human Rights Change in Development.” In *Human Rights and Development in the New Millennium. Towards a Theory of* Chang eds. Paul Gready and Wouter Vandenhole. (London: Routledge, 2013) 29-50. . Of the several 100 illustrative indicators created in the OHCHR framework of six civil and political and six economic and social rights, 35 were recognized from the MDG indicators as monitoring either economic, social or civil and political human rights. See OHCHR, *Human Rights Indicators. A Guide to Measurement and Implementation.* . [↑](#footnote-ref-11)
12. See Ibrahim Index of African Governance, Section on Methodology and Resources: Rights. [↑](#footnote-ref-12)
13. Siobhán McInerney-Lankford and Hans-Otto Sano,. *Human Rights Indicators in Development. An Introduction* (Washington DC, World Bank 2010) 29. [↑](#footnote-ref-13)
14. UNDP, *Indicators for Human Rights Based Approaches to Development in UNDP Programming: A Users’ Guide* (New York: UNDP, 2006). [↑](#footnote-ref-14)
15. The Office of the High Commissioner for Human Rights has created *The Universal Human Rights Index* (<http://uhri.ohchr.org/en>). The index records concluding observations from Treaty Bodies and Recommendations from Universal Periodic Reviews. It does not measure human rights in countries by indicators. [↑](#footnote-ref-15)
16. In one of its country programs in Mozambique, SIDA (Swedish International Development Cooperation Agency) it was recommended to Sida to integrate local program indicators with country level human rights assessment. See Karin Davidson and Karolina Hulterström, *Improving Democracy and Human Rights Support. Recommendations for the Use of Indicators based on the Case of Mozambique.* (Västerås, Sweden, Swedish Agency for Development Evaluation, Sadev Report 2006:1) 23. In at least one program in Mozambique, the recommendations were followed up in practice later. [↑](#footnote-ref-16)
17. Shannon Kindornay, James Ron and Charli Carpenter, “Rights-Based Approaches to Development: Implications for NGOs,” *Human Rights Quarterly* 34 (2012) 472-506. [↑](#footnote-ref-17)
18. OHCHR, *Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework* (New York and Geneva: UN, 2011) 22. [↑](#footnote-ref-18)
19. Siobhán McInerney-Lankford, Mac Darrow, and Lavanya Rajamani, *Human Rights and Climate Change: A Review of the International Law Dimensions* (Washington DC: World Bank, World Bank Studies, 2010). [↑](#footnote-ref-19)
20. The Accra Agenda for Action, http://siteresources.worldbank.org/ACCRAEXT/Resources/4700790-1217425866038/AAA-4-SEPTEMBER-FINAL-16h00.pdf. [↑](#footnote-ref-20)
21. Fourth High Level Forum on Aid Effectiveness, para 11, available at: http://www.oecd.org/dac/effectiveness/fourthhighlevelforumonaideffectiveness.htm. [↑](#footnote-ref-21)
22. European Parliament resolution of 25 November 2010 on human rights and social and environmental standards in international trade agreements (EU Doc 2009/2219(INI)). [↑](#footnote-ref-22)
23. Equality and Human Rights Commission, *Human Rights Measurement Framework* (London:Equality and Human Rights Commission, 2012), http://www.equalityhumanrights.com/human-rights/our-human-rights-work/human-rights-measurement-framework/ [↑](#footnote-ref-23)
24. See for instance the World Bank, *Inclusion Matters. The Foundation of Shared Prosperity.* (Washington: The World Bank 2013). [↑](#footnote-ref-24)