

## **Panel 4 – Caveats on Metrics**

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Do not have notes.

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### **“Human Rights Compliance and Performance Indicators”**

One caveat is that indicators are used for different purposes and this is not always realized; implicit understanding of why we talk about indicators and why they're important.

There are certain areas/issues where there is a silence; not really capturing what is going on.

#### **Purpose of Presentation**

- Explore opportunities of human rights and development indicators
- Reflect about WB agenda4Results and its potential HR linkage
  - Opportunities for integrating human rights perspectives
- Three entries for discussing HR indicators:
  - From the top: the level of obligations
  - From the bottom: the micro level close to individuals and groups. What kind of progress/regress?
    - How do people *feel* that their human rights are being violated?
- From processes of standardizing indicators. Scaling up from below – or, defining indicators at the centers of global governance

#### **Definitions: Compliance Indicators**

- Compliance indicators measure whether and how actors act in accordance with a (legal) norm or a policy. Compliance indicators measure normative, legal or policy accountability
- Does the state party respect freedom of speech standards in accordance with ICCR....?
- Do business corporations live up to the Voluntary Principles on Security and Human Rights?

#### **Definitions: performance indicators**

- Performance indicators measure results in relation to a particular goal, a benchmark or a process of planned change. The essence of this measure is effectiveness and a snapshot of development status.
  - Indicators here are planning instruments, but they can also have a larger framework... we work within a framework... human development framework

Why important to make distinctions between compliance and performance?

- The conceptual clarity
  - Most discussion is in the performance area
- Distinctions between macro and micro
  - Here indicators would be performance measures

Distinctions: compliance and performance

- Awareness about challenges & opportunities: one challenge in all development is scaling up from micro to macro, solving questions of attribution, creating standardized measures from the bottom to the top

OHCHR Compliance Indicators

- Initiative started in 2006: 14 rights covered
- Primary Users: treaty bodies monitoring HR
  - This was originally; now indicators relevant for many other stakeholders
- Secondary Users: everyone else
- Compliance rather than performance
- Quantitative rather than qualitative
- No ranking

Indicator Hierarchy (OHCHR example)

- Covenants
- Rights
- Attributes
- Indicators
- Data

Rights attributes

- Right to enjoyment of the highest attainable standard of physical and mental health

Types of Indicators

- Structural: acceptance
- Process: effort
- Outcome: result
  - Example: one outcome for sexual/reproductive health is maternal mortality ratio

#### World Bank Results Agenda

- Country
  - Institutions
  - Policies
  - Expenditures
  - → Capacity, outputs
  - → long-term outcomes
  - Feedback mechanism in terms of learning for the World Bank
    - Policy dialogue, analytic work, financing

#### Revolution4Results

- Communications and dialogue with partners and stakeholders is about problem-solving to strengthen institutions and policies, and to use expenditures effectively to achieve results
- Openness

#### Building Blocks 4R

- Corporate score card which tries to assess what went well and what did not

#### Country Engagement Assessment 4R

- Measure the “unmeasurable”
- Prompts management discussion

#### Perspectives

- The perspective of performance and process relaxes constraints on human rights integration
- We still will use compliance indicators as benchmarks, performance indicators can be formulated in their image
- Inviting communities to participate may open some doors for stronger human rights.....

### **Elizabeth Eagen, Program Officer, Information Program and Human Rights Governance Grants Program, Open Society Institute**

#### **OSI's Caveats**

##### The Human Rights Data Initiative

- Rebuilding information infrastructure
- Extending the use of human rights information
- Supporting evidence-based policymaking initiatives
- ...Data are not statistics! Statistics are not the goal

##### Challenges and Opportunities in human rights practice with data

- Deep shifts global institutional arrangements and information technology
  - New ways to use information
    - ...Human rights and governance institutions need to take a sip of the information towards learning
  - Performance indicators and flow of aid – a lever and a problem
    - New information program to work with information broadly
    - Need to address policy issues on the table from a human rights perspective
  - Engaging the domestic population on controversial ideas
  - Posing and proposing new questions on the role of empirical data

##### Calls to action, or a major caveat?

- Sex, Drugs and Body Counts – Andras/Greenhill
  - Trafficking statistics collected by NGOs; but NGOs are not statistical agencies
  - Would more funding bring better statistics? Absolutely not, she says
  - Public *conviction* that you can get these statistics

##### Kelly Greenhill's numbers test

- What is/are the source of the numbers?

## Caveats from NGOs

- Statistical Caveats:
  - Underlying data is almost never representative
    - Doesn't cover the same rate for different countries; may know lots about X but not Y
  - Indices have a range that gets compressed at the margins
    - Detail is hidden by the construction of the index
  - Events are not homogenous and can't be equated
    - Both statistical orgs and human rights orgs may come together here... can't say that quality of press freedom is the same as the quality in another country
- Source NGO Caveats
  - A gaming system
    - The number that gets published matters...
  - Distortion of the movement
    - Tough decisions to make and affect your ability to determine the lifeblood of your organization
  - The pressure to produce
  - Why those indicators and not these?
  - Comparisons inconsistent with reality, and create shorthand discussion
    - Interesting one-country study of all indicators showing one thing (failed state) and another (great place to invest)
    - Human rights happens on an individual basis, the human... compressing... *one* number is not the way to go

## Takeaways from the field, and what are we good at?

- The pressure to produce numbers is real
- The payoff is quick: quantifying the unquantifiable can draw rapid attention. Is it the right attention?
  - Without a lot of money and PR, you can't tailor it to fit (like an expensive shirt vs. a mass-produced shirt!)
- Organizations shouldn't be in the business of producing or collecting statistics if they're not set up for it
- Numbers urge us to do something. What we need to do is replace that urgency generator with something else
- What are HROs really good at? They're good at data depth... they're good at the long-tail of evidence
- Rather than #s in a formula, HR advocates and the human rights information.....

**Charles Kenny**

- We know a bad human rights violation when we see it, but it's hard to put it down on paper.
- The area with the most progress were positive rather than negative rights
  - There is more of an accepted scale of the right to health (not every country can afford to give everyone a heart transplant who needs it...)
  - Harder to find a scale for something like the right to a fair trial; this would be a particular challenge for the World Bank
    - Everyone says they respect human rights – Zimbabwe claims to in their constitution
- One way to test is to see how strong the correlations between different indicators that come from completely different sources
  - You need two completely different, independent indicators and see how they compare...
- Polity indicators of political rights
  - Switzerland has scored a 10 since the 1800s – they had a 10 before women had the right to vote.

## Questions

- Professor Aaronson: Metrics are not good, in their infancy... but maybe they are teaching us something: universality of human rights? Measurable if measurements focus on outcomes instead of perceptions. There isn't a hierarchy of human rights. I don't understand that for you and other funders the priority is to fund activists... but you ultimately have to have good data. Poor countries can either invest in health and education for their people or intellectual property... metrics help us understand the relationship between human rights and economic growth? So I agree with you... well, let me let you respond to that.
- Elizabeth: I support and fund the human rights movement, not what USAID contributes or where the World Bank puts their money. I address what governments see as the primary problem. My program focuses on civil and political rights which may underline the divisibility underlying what you're talking about... but I don't see how that would help with torture. I get the question how you prioritize what you fund... for the human rights and grants governance program, that is to support a general human rights program and support specific human rights we've seen fallen by the wayside, i.e. communities ignored... from the funder's perspective, it depends, but mine is not about using an international conversation around using other people's money or what it is that constitutes a human right, but it's different...
- Q: You are deliberating where your resources actually get put into, so at some level you have to look at the quality of human rights. You may say they're all the same but at some level you have to determine where you're putting your money, so you would have to somehow take this data and based on your needs & resources decide where to apply your funds based on some sort of data aggregation?

- Elizabeth: I would be very opposed/depressed to a plan that from an organization basing its actions on the number of people that have been killed. We want to monitor particular the situation based on the norms, conventions, etc. because that will then change the condition of those people; it's not about numbers. The way that your question is resolved in my department at OSI is through a conversation with experts. Evaluations take place within a framework of data depth, and that is how an allocation of funds is determined. We don't have an interior ranking but it really ends up being more a consensus process or an argumentation process.
- Q: How do organizations choose what right to focus on?
- Elizabeth: In the best case scenario, it's what you're passionate about. In the worst case, it's because someone starts a group based on what has happened to them. I work with strategic litigation organizations which test the extent of the power of the European Court of Human Rights, for example. A disappointing avenue is when they are looking for funding. A lot only want to talk about the exciting scandal of international trafficking because then everyone will throw money at it, but then women's rights organizations dealing with important domestic problems cannot get funding.
  - Q: Then how do you decide which orgs to fund?
  - Elizabeth: You'd have to ask the individual funder.
- Professor Foster: What do the people think is important...?
- Q: People are doing participation... when you put that together you are asking people to have an input into what donor agencies do. They will come up with their own set of categories/what they're interested in/what they want to see happen... I don't see how that works with indicators.
- Hans-Otto: It can run into each other with donors' interest on one hand and participation on the other, but the larger framework we are discussing on these issues is creating a global dialogue about human rights and about human rights implementation. I wouldn't be surprised to see that perspectives from below would trump those of donors in certain cases. And that would be okay as long as we are moving within the normative framework.
- Siobhan: I think notwithstanding the potential for conflict at a high level between stakeholders... to have them done at all is at first a huge value and also they are linked to obligations of member states; that's another step forward. Regarding the question of participation... at the World Bank, not so much a challenge around the categories that exist because they do exist but it's really about ensuring the consultation requirements and supplementing with sufficiently robust information policies and making sure they really work. Challenge not categories/what's on the books but ensuring the quality of the participation.
- Elizabeth: I just want to be clear that my problem is not with an attempt to measure; everyone here is interested in measuring and working with them to put a human rights lens on a policy conversation. Nobody wants to just have one conversation, you do want to have a perspective. My problem is that

human rights metrics can be a baseline/a neutral decision... just a piece of information, you cannot claim that it's not *your* opinion... human rights is a legal framework but it also takes place in that it is your opinion, you cannot say that when you assign a value to a right that it is not your opinion what gets what value. [to Professor Foster]: I'm not sure I understand your question about the people...

- Professor Foster: What about the people, say, in a village and what they want you to work on is important to them, more important than what you've chosen for them?

Elizabeth: That happens... the conversation about what gets funded in a human rights field is not about them overwhelming me with a number of cases... let's talk later, I'm not really sure about your question.