CHAPTER 5

Using indicators for human rights accountability

Statistical indicators are a powerful tool in the struggle for human rights. They make it possible for people and organizations—from grassroots activists and civil society to governments and the United Nations—to identify important actors and hold them accountable for their actions. That is why developing and using indicators for human rights has become a cutting-edge area of advocacy. Working together, governments, activists, lawyers, statisticians and development specialists are breaking ground in using statistics to push for change—in perceptions, policies and practices. Indicators can be used as a tool for:

• Making better policies and monitoring progress.
• Identifying unintended impacts of laws, policies and practices.
• Identifying which actors are having an impact on the realization of rights.
• Revealing whether the obligations of these actors are being met.
• Giving early warning of potential violations, prompting preventive action.
• Enhancing social consensus on difficult trade-offs to be made in the face of resource constraints.
• Exposing issues that had been neglected or silenced.

BUILDING ACCOUNTABILITY

Over the past two decades growing demands for influential actors to acknowledge their accountability in all spheres of public life have led to the creation of new procedures. Through many routes, formal accountability is being created: for actors to *accept* responsibility for the impacts of their action and inaction on human rights, to *cooperate* by providing information

and entering into dialogue and to *respond* adequately to claims made.

Nationally, accountability procedures have been greatly strengthened in many countries through the constitutional recognition of human rights and the establishment of national human rights institutions and related arrangements such as ombudsman offices and antidiscrimination commissioners. And internationally, states have increasingly been held to account under both UN and regional mechanisms, on the basis of treaties ratified by countries and of generally applicable special procedures—such as special rapporteurs—under the UN Charter.

But accountability is not exacted only through such formal mechanisms. A diverse range of techniques is gradually coming together to ensure greatly increased acknowledgement of accountability from other actors, including corporations, NGOs and such multilateral actors as the World Bank, the World Trade Organization, the International Monetary Fund and the agencies of the United Nations.

As procedures of accountability are developed, they create important opportunities to collect information. By ratifying the human rights treaties, states make a commitment to submit reports on how much the rights addressed in each treaty are being realized in their country. For all six major treaties, NGOs are invited to submit alternative reports, giving them a valuable opportunity to present data supplementing the perspectives of official reports. When corporations sign on to codes of conduct and admit independent monitors onto their premises, they create a unique opportunity to collect detailed data on their practices.

Beyond the procedures of accountability, human rights are increasingly being used as criteria for designing and evaluating policy, creat-

Developing and using indicators for human rights has become a cutting-edge area of advocacy

ing a growing demand for indicators. Some governments—such as that of South Africa—have brought human rights to the centre of their national policy strategies and require tools to direct and assess the impact of their policies. Similarly, some donor countries—such as Australia and Norway—are using human rights as criteria for development assistance and need to assess their impact. And international organizations are declaring commitments to specific goals—such as the commitments arising from the UN conferences of the 1990s. If these are to be met, information is needed on progress towards their realization—and on whether those committed are doing enough to ensure progress.

WHY STATISTICS?

Rights can never be fully measured merely in statistics: the issues go far beyond what can be captured in numbers (box 5.1). But this is true of all uses of statistics. Nevertheless, as a tool for analysis, statistics can open the questions behind the generalities and help reveal the broader social challenges.

Data collection and analysis is a time-consuming process, demanding attention to detail and accuracy—making it seem academic and removed from the front line of advocacy. But when data are carefully collected, analysed and interpreted, when the findings are released and turned into messages, they become an important means for promoting human rights. And in an information age of networking and lobbying, creating and disseminating accurate information is a fast way of drawing widespread attention to an issue.

The task of assessing rights is not confined to expert opinion and international discussion. The rise of civil society has extended the possibilities of analysis, especially at local levels, and civil society organizations are often at the frontier of generating new approaches. In the absence of data, rankings and ratings of human rights performance by legal and political experts have sometimes been used instead—but often creating dispute rather than opening a dialogue between those advocating change and those being assessed (box 5.2). Today information is demanded that empowers people with facts, not opinion.

Now, as the fields of human rights and human development draw closer together, the quantitative techniques of statistics are getting greater attention. This brings a new level of professionalism and credibility to the information collected—and shows that many of the earlier qualitative ratings can be replaced by more detailed quantitative data that can stand up to scrutiny and break down barriers of disbelief.

CREATING INDICATORS: FROM DEVELOPMENT TO RIGHTS

Statistical indicators have been used in development for many years, for advocacy and for focusing policy. The earlier preoccupation with economic indicators has been considerably broadened since the launch of the *Human Development Report*s in 1990. These Reports have presented composite indices—the HDI,

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BOX 5.1

Handle with care

Statistics come with strings attached. They provide great power for clarity, but also for distortion. When based on careful research and method, indicators help establish strong evidence, open dialogue and increase accountability. But they need to be:

• *Policy relevant*—giving messages on issues that can be influenced, directly or indirectly, by policy action.

• *Reliable*—enabling different people to use them and get consistent results.

• *Valid*—based on identifiable criteria that measure what they are intended to measure.

• *Consistently measurable over time*—necessary if they are to show whether progress is being made and targets are being achieved.

• *Possible to disaggregate*—for focusing on social groups, minorities and individuals.

• *Designed to separate the monitor and the monitored where possible*—minimizing the conflicts of interest that arise when an actor monitors its own performance.

Getting the facts straight is serious when rights are at risk. The powerful impact of statistics creates four caveats in their use:

• *Overuse*—Statistics alone cannot capture the full picture of rights and should not be the only focus of assessment. All statistical analysis needs to be embedded in an interpretation drawing on broader political, social and contextual analysis.

• *Underuse*—Data are rarely voluntarily collected on issues that are incriminating, embarrassing or simply ignored. One European social worker in the 1980s, complaining about the lack of data on homeless people, remarked, "Everything else is counted—every cow and chicken and piece of butter." Even when data are collected, they may not be made public for many years—and then there may be political pressure on the media not to publicize the findings.

• *Misuse*—Data collection is often biased towards institutions and formalized reporting, towards events that occur, not events prevented or suppressed. But lack of data does not always mean fewer occurrences. Structural repression is invisible when fear prevents people from protesting, registering complaints or speaking out.

• *Political abuse*—Indicators can be manipulated for political purposes to discredit certain countries or actors. And using them as criteria for trade or aid relationships would create new incentives to manipulate reporting.

Source: Human Development Report Office; Jabine and Claude 1992; Spirer 2000.

HPI, GDI and GEM—that have captured policy-makers' attention and created debates on strategies for human development.

Human development indicators and human rights indicators have three common features. They both share the goal of producing information that will give policy signals on how to better realize human freedoms—such as freedom from want, freedom from fear and freedom from discrimination. They both rely on measures of outcomes and inputs to tell the story—not only literacy and infant mortality rates, but also teacher-pupil ratios and immunization rates. And they both use measures of averages and disaggregations, the global and the local, to reveal information at many different levels. But there are three important contrasts in approach:

• *Conceptual foundations*. Human development indicators assess the expansion of people's capabilities. Human rights indicators assess whether people are living with dignity and freedom—and also the extent to which critical actors have fulfilled their obligations to create and uphold just social arrangements to ensure this.

• *Focus of attention*. Human development indicators focus primarily on human outcomes and inputs, drawing attention to unacceptable disparities and suffering. Human rights indicators also focus on these human outcomes but bring additional attention to the policies and practices of legal and administrative entities and the conduct of public officials.

• *Additional information*. A human rights assessment needs additional data—not only on violations, such as torture and disappearances, but also on the processes of justice, such as data on judicial institutions and legal frameworks and opinion poll data on social norms. Further, there is even greater emphasis on data that are disaggregated—by gender, ethnicity, race, religion, nationality, birth, social origin and other relevant distinctions.

The human development indices have long revealed that economic and social rights are far from being realized for millions of people. The human poverty index focuses on deprivations in the most basic of economic and social necessities: leading a long and healthy life, being knowledgeable, having the resources for a decent standard of living and being included in social and community life.

Adjusted to the different contexts of developing and industrialized countries, the components of the HPI reveal not only the extent of human deprivation worldwide, but also that deprivation exists in every country, no matter its level of development (see What do the human development indices reveal?). By creating summary measures of deprivation, the human development indices play a vital role in drawing attention to the gross deprivations of so many people in the world and have provided important advocacy tools for promoting human rights.

Yet to capture the additional features of human rights—and to create policy and advocacy tools—indicators are needed that can help create a culture of accountability. Building such a culture means exploring the impact that different actors have on the realization of rights—and assessing whether or not they are meeting their obligations to address them. For the state, these obligations are set out in inter-

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BOX 5.2

The freedom indices: were they tools for the times?

The human development index, launched in *Human Development Report 1990,* drew instant attention to how well countries were doing in achieving social and economic outcomes. But many asked why it missed out on political and civil freedoms, also inherent in the concept of human development. To balance the focus, the next two Reports proposed to complement the HDI with indices of civil and political freedoms.

Human Development Report 1991 introduced the human freedom index, derived from 40 criteria rated in Professor Charles Humana's *World Human Rights Guide.* Following a critical review and debate of this source and method, *Human Development Report 1992* launched the political freedom index, which focused on five freedoms and drew on the judgements of a range of experts, scoring each country from 1 to 10. Why has neither of these indices been continued?

• The human freedom index and the political freedom index were based on qualitative judgements, not quantifiable empirical data.

• Both indices were aimed at analysing complex issues with summary answers—either yes or no or a rating of 1–10. But because no data and examples were provided, the indices did not empower readers to understand the judgements.

• The HDI shows clearly where change is needed through data on its components. But neither the human freedom index nor the political freedom index could reveal why a country scored yes rather than no, or 4 rather than 5. So, the assessments could not be translated into policy advocacy.

Assessing human freedoms is inevitably contentious—all the more reason to make the method transparent and repeatable by others, to channel differences of opinion into debate rather than inflaming dispute. The lessons learned from the freedom indices must be a clear guide in creating indicators of human rights.

Source: Humana 1992; Human Development Report Office.

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national law, which provides a framework for developing indicators of legal accountability. But the need to take into account the complex impacts of other actors—locally and globally—calls for developing indicators that extend beyond current legal obligations.

A wide array of information is needed for exploring rights through statistics, reaching, like a pyramid, from summary aggregate measures—such as the human development indices and national average outcomes—to detailed data specific to a particular context. Raising national life expectancy or average calorie consumption is an important step towards realizing rights—but at the same time, far greater detail and disaggregation of data are needed to show whether the rights of all people are being realized. Using statistics to go deeper into the issues can help reveal the disparities behind average outcomes and help focus attention on what needs to be done to address the situation (box 5.3).

Many actors are contributing to creating these pyramids of data. The Office of the High Commissioner for Human Rights is encouraging efforts to devise globally relevant indicators. The human rights treaty bodies have produced guidelines for statistical information that states parties should provide in their reports to show how they are respecting, protecting and fulfilling rights. Some corporations are making more data available on their practices and impacts—although there is still great resistance to such transparency. And civil society organizations—from grass-roots advocacy groups to research institutes—are collecting and analysing locally specific data to understand the obstacles in the context of their own countries, municipalities and communities.

Despite many similarities, human rights and human development indicators have different emphases—making it clear that a high human development ranking is not a guarantee of a faultless human rights record. Realizing rights goes far beyond average national performance—and the highest human development performers are as accountable as the rest for their commitments to rights (box 5.4).

Indicators for human rights need to be explored for four interlocking objectives:

• *Asking whether states respect, protect and fulfil rights*—the overriding framework of accountability for the role of the state.

• *Ensuring that key principles of rights are met*—asking whether rights are being realized without discrimination, and with adequate progress, people's participation and effective remedies.

• *Ensuring secure access*—through the norms and institutions, laws and enabling economic environment that turn outcomes from needs met into rights realized.

• *Identifying critical non-state actors*—highlighting which other actors have an impact on realizing rights and revealing what that impact is.

It is often said that civil and political rights need a different approach to developing indi-

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BOX 5.3

Using statistics to look behind the questions

Imagine a country in which 87% of children are enrolled in secondary school. What does this reveal about the right of a child to an education? Certainly, the final goal—secondary education for all—has not been reached. But have all the obligations of those involved been met? Answering means looking beyond this one statistic, deeper into the issues.

If we discover that only 77% of girls are enrolled and 97% of boys, then much of the failure is due to discrimination. Do opinion polls reveal that parents discount the importance of girls' education? Then parents are failing to respect the rights of their daughters to a literate future and the government is failing to raise awareness and change that norm. Or do surveys reveal inadequate provision of school facilities, such as a lack of separate classrooms for girls or very few female teachers? Then the government is failing to promote the rights of girls to real access to an education.

Perhaps there is gender equity—but discriminatory legislation enforces apartheid and grossly underprovides for schools for children of the oppressed ethnic group, with only 40% of them in school. That would be a failure of the government to respect the rights of all people without discrimination, calling for an immediate change in legislation, but also for changes in institutions and norms.

Or perhaps there is no discrimination—but all schools lack resources and cannot provide quality education. Is the government giving enough priority to education? It depends on resource availability. In a country spending twice as much on military power and presidential palaces as on secondary education, the answer would be no—and the government would be failing to adequately fulfil rights. But in a country spending 0.5% of revenues on national security and 8% on secondary education, the answer would be quite different: a lack of resources, not a lack of priority, would be the constraint.

And what about progress? If a country had raised enrolments from 50% to 87% in five years, it would be making strong progress in realizing rights—but if the country had let enrolments fall from 95% to 87%, it would be headed backwards.

If resources are lacking, what are donors and the international community doing? How much development assistance are they providing? What percentage is allocated to the education sector?

Clearly, statistics alone cannot give conclusive answers—but they do help open key questions. They need to be embedded in a deeper analysis of the actors involved and their range of obligations. But if statistics can reveal whether or not those obligations are being met, they help to create accountability and, ultimately, to realize rights.

Source: Human Development Report Office.

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cators than that for economic, social and cultural rights—but most of the differences are myths (box 5.5). The same framework can be adapted to developing indicators for all human rights.

RESPECTING, PROTECTING AND FULFILLING RIGHTS

Assessing the state's legal accountability means asking whether it is respecting, protecting and fulfilling rights, taking into account resource constraints, historical background and natural conditions.

• *Respecting rights*—refraining from interfering with people's pursuit of their rights, whether through torture or arbitrary arrest, illegal forced housing evictions or the introduction of medical fees that make health care unaffordable for poor people.

• *Protecting rights*—preventing violations by other actors, whether ensuring that private employers comply with basic labour standards, preventing monopoly ownership of the media or preventing parents from keeping their children out of school.

• *Fulfilling rights*—taking legislative, budgetary, judicial and other measures, whether creating legislation requiring equal pay for equal work or increasing budgetary allocations to the most deprived regions.

RESPECTING RIGHTS

Statistics can highlight violations of respect for rights. Data on torture, forced housing evictions, rigged elections and food blockades causing famines are powerful in calling for the accountability of those responsible. Collecting statistical evidence is a tremendous challenge in such cases because of the strong implications that such data bring—and official statistics are often the weakest source. Few states would voluntarily and intentionally document such despicable acts for all to see. This predictable bias against reporting official failure to respect rights calls for caution in making comparisons among countries or in the same country over time.

Such statistics are notoriously uncertain and often missing. Data showing the number

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of recorded cases of torture can condemn the activities of a state—but their absence in no way condones them. In fact, sometimes the lack of data is itself revealing data (box 5.6). Secretly held official sources occasionally come to light that reveal more than ever

expected—and certainly more than intended by the violators. In Guatemala a recently discovered dossier has produced data revealing clear policy control behind the terror campaign of the early 1980s, pushing accountability for the deaths and disappearances up to the highest levels (box 5.7).

When collecting data, separating the monitor from the monitored helps to remove this bias—but often endangers those trying to document the violations. International and local human rights organizations have bravely confronted the risks of compiling information on such violations as torture, media repression, electoral manipulation and disappearances for many years, always recognizing that the resulting picture is incomplete.

Completing the picture often becomes possible only many years later. The South African Truth and Reconciliation Commission put great emphasis on data collection and analysis, gathering 21,300 statements and identifying 37,700 gross violations of human rights—the result is one of the largest structured databases on human rights abuses ever compiled. By providing details on the age and gender of the victims, their political affiliation and the type and date of abuse suffered, the database enabled the researchers to make powerful statements about the human rights violations that occurred. The results underpinned the findings of the commission, by dramatically highlighting the scale and extent of past violence, and helped shape the rehabilitation and reparation policies.

PROTECTING RIGHTS

If states are to protect individuals' rights from being violated by private actors, they must identify those actors. Corporations may pollute the environment and harm the health of the community. The practices of unscrupulous landlords threaten the right to adequate housing for vulnerable tenants. Domestic violence threatens personal security and health, especially for women and children. What measures can capture the extent to which states protect people against such threats?

BOX 5.6

When lack of data is revealing data

Incriminating data on the most extreme violations of rights are hardly likely to be provided freely and openly by governments. Argentine statisticians and economists were among the first to "disappear" in 1976–77—a hint of the military government's fears of revealing data being leaked. But even when there are no data there may be clues. A sudden break or change in a data series can speak volumes. Violators of rights often leave data footprints and strong grounds for suspicion. Statisticians analysing human rights data can find predictable and systematic patterns in the silence between the numbers.

No data on a known phenomenon. After the Chernobyl reactor disaster in the Soviet Union, many informal reports revealed that doctors had been ordered not to diagnose any radiation-related illnesses, including cancer, leukaemia and anaemia. While the data should reflect an increase in such cases, this silencing would cause a clear—and suspicious—decline.

Sudden cessation of a series. Kwashiorkor is a serious childhood disease caused by long-term malnutrition. In 1968, under the apartheid government of South Africa, data collected showed that its incidence in the country was 300 times as high among Africans as among whites. Rather than tackle the underlying issues, the South African government chose instead to collect no more data on kwashiorkor—a clear decision to hide the issue.

Too close for comfort. All raw data have random variations and fluctuations. When these disappear and data series become highly regular, showing even improvements over time or closely matching the targeted levels, there are strong grounds to suspect that invented data are disguising reality.

Sudden jumps in other data categories. During Argentina's repressive military rule of the 1970s, the bodies of those killed in detention were statistically hidden in the category of *nigun nombre*—no name—burials. One study tracking such burials from 1970 to 1984 found statistically significant leaps in the number of *nigun nombre* burials at the height of the repression, revealing the true location of those who disappeared.

Source: Samuelson and Spirer 1992.

BOX 5.7

Statistics that reveal chilling policy—and create accountability

Nobody in Guatemala could say that they didn't know about the disappearances in the early 1980s: several highly respected NGOs and the Guatemalan human rights commission had documented as much as they knew of the fate of many scientists, students, doctors and engineers.

But a military archive discovered in 1998 revealed that the military forces had kept detailed records of their death squad operations. Data reconstructed from those records produced clear evidence of an incisive policy initiative in late 1983: a switch in strategy from indiscriminate terror in the countryside, killing mostly rural peasants, to highly targeted disappearances of individual people mainly in the capital.

The implications? The shift between these two modes of terror—captured so clearly in data—was so dramatic, complete and rapid that it must have been highly coordinated. Who had the power to switch off the massacres and turn on selective urban assassinations? Only the Guatemalan military high command had that authority. Accountability does not stop at those who pulled the trigger or typed the death squad dossier. Statistical evidence can force it up the ranks to reach those who used murder as an optimal policy strategy.

Source: Ball 1999.

- *Direct measurement of the harmful activity*, such as the volume of chemical pollution a commercial enterprise is dumping into a river, subminimum wages paid in a factory, physical abuse of women in the home and significant patterns in local crime rates.
- *Measurement of state action to prevent or stop it*. Creating law is a primary tool for the state for preventing other actors from violating rights—but how much effort does the state make to enforce those laws? This could be gauged by, for example, the frequency of inspections for enterprises that pollute or create substandard working conditions and the size of the penalties imposed. Similarly, what obstacles are blocking children from school—such as parental attitudes or employers' rules—and what measures is the government taking to overcome them?

FULFILLING RIGHTS

Fulfilling rights calls for designing and implementing policies that ensure that the standards of rights are met for all—and that access to them is made as secure as possible. Such policies apply to all rights, but there is no simple formula for all contexts. Every country must create the policies and social arrangements needed for ensuring that the rights of all its people are fulfilled.

The implications? Assessing whether states are meeting their obligations to fulfil rights—or not—calls for a close focus on the context. Development analysis—including the findings of the *Human Development Report*s—is an important means for this. It aims to understand the links between different policy choices and the resulting economic and social outcomes in widely differing contexts and at different levels of development. Across all contexts, however, indicators are needed to ensure that:
- Policies embody the key principles of rights—non-discrimination and true participation.
- Action is taken to ensure adequate progress and the provision of effective remedies.
- Rights are made secure by building social norms, institutions, laws and an enabling economic environment.

ENSURING KEY PRINCIPLES AND ADEQUATE ACTION

Running through every right are key principles that must be met and actions that must be taken:
- No discrimination—ensuring equitable treatment for all.
- Adequate progress—committing resources and effort to the priority of rights.
- True participation—enabling people to be involved in decisions that affect their well-being.
- Effective remedy—ensuring redress when rights are violated.

Deeply rooted in concepts of social justice, these principles and calls to action are strongly reinforced by international human rights law, creating powerful legal tools for advocacy (box 5.8). It is often through assessing whether they are being met in policies and practices that civil society organizations have had greatest success in using indicators to claim rights.

NO DISCRIMINATION

Discrimination can be de jure, embedded in the purpose of policy through legislation or institutions that favour some and marginalize

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BOX 5.8

Legal norms running through rights

The major documents of international human rights law emphasize principles and obligations of action ensuring that the process of realizing rights involves:
- *Non-discrimination*. "Each state party to the present covenant undertakes to respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present covenant without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (International Covenant on Civil and Political Rights, Article 2[1]).
- *Adequate progress*. "While full realization of the relevant rights may be achieved progressively, steps towards that goal must be taken within a reasonably short time after the Covenant's entry into force for the States concerned. Such steps should be deliberate, concrete and targeted as clearly as possible towards meeting the obligations recognized in the Covenant" (Committee on Economic, Social and Cultural Rights, General Comment 3, para. 2).
- *True participation*. "States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights" (Declaration on the Right to Development, Article 8[2]).
- *Effective remedy*. "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law" (Universal Declaration of Human Rights, Article 8).

Source: UN 1948, 1966a, 1966b, 1986, 1990.

others. It can also be de facto, found in the effects of policy—a result of historical injustice that may no longer be visible itself. Both kinds of discrimination must be overcome to realize rights. Purposeful discrimination, as in discriminatory legislation, can be changed relatively fast—and there is no justification for it to remain standing. Discrimination in the effects of policy takes time and extra effort to eradicate—but is no less important because historical injustice easily becomes present and future injustice if it is not addressed.

Data are among the most powerful tools for revealing de facto discrimination, often where people did not realize or believe that it existed. It is here that statistics can explode myths, reveal unknown biases and expose the status quo as unacceptable. Discrimination by race and gender has been widely revealed through statistics, creating greater national awareness of the issues.

The discrimination in education spending and achievement in South Africa under apartheid was a particularly clear example (fig-ure 5.1). Though the gap remains wide, current government policies are focused on reducing it. Measures of gender disparities, such as the GDI and GEM, reveal discrimination against women in every country. In developing countries there are still 80% more illiterate women than illiterate men, and worldwide, women occupy only 14% of seats in parliaments. Time use and employment surveys have repeatedly shown that women are paid less for equal work and work many more hours in unpaid labour.

At the national level, disaggregating the human development indices by region, gender and ethnic group gives a striking initial picture of who is deprived or discriminated against in economic and social rights. The disaggregated human development index can give a broad impression of average outcomes in life expectancy, literacy, school enrolments and resources for a decent standard of living. But it is the human poverty index that more directly captures deprivation and discrimination through its focus not on average progress but on the proportion of people failing to reach a minimum threshold.

In national human development reports many countries are now using national data to disaggregate these indicators by district, gender, ethnicity and income group. The stark contrast in outcomes is immediately clear (figure 5.2). In Brazil two government think tanks together with UNDP created a detailed database of human development statistics showing different human development outcomes across municipalities—with tremendous consequences for public awareness and a direct impact in reshaping government policies (box 5.9).

Governments need to take action to counter the accumulated effects of these discriminatory outcomes. Yet many countries continue to focus resources and opportunities on those already privileged. Across a range of countries, public health and education spending is routinely concentrated on providing services for the better off, reinforcing the divide. By the principles of rights, it is an imperative to reorient resources towards the marginalized so that long-standing and systemic discrimination is overcome.

BOX 5.9

The power of statistics to create national debate

The human development index cannot capture the full complexity and richness of the concept of human development—but it does give a powerful picture of the basic conditions of people's lives, informing the public, empowering debate and focusing policy.

In Brazil two leading government think tanks—the Institute of Applied Economic Research (IPEA) and the João Pinheiro Foundation—with the support of UNDP, produced *The Atlas of Human Development* in Brazil in 1998. By disaggregating the human development index at the local level, they created a CD-ROM database for all 4,500 municipalities in 27 states, giving detailed data on education, survival and health, housing and income throughout the country—by municipality, state and region.

By focusing locally, the atlas caught the attention of national and local press, igniting media debates and local politics, asking why neighbouring communities had such disparate human development rankings.

Installing the database in local libraries helped to generate tremendous interest among local communities.

At the state level the data shaped policies. In the state of Minas Gerais the government used the data to redistribute sales tax revenues among municipalities, boosting the municipalities with low human development outcomes and also the investing in health, education, sanitation, food security and environmental conservation.

At the federal level the data revealed that although most deprivation is in the northeast of the country, human poverty can be found even in São Paulo, the richest state. The Ministry for National Integration used the atlas to ensure better targeting of assistance throughout Brazil.

The impact of the atlas shows the potential of statistics—for empowering communities, creating accountability and reshaping policy. Such success is strong motivation for improving the collection and use of data.

Source: Libanio 2000; Institute of Applied Economic Research and others 1998.

FIGURE 5.1
Discrimination by race—education in South Africa

Enrolment ratio, 1993
Index (national average = 100)

Expenditure per student, 1991
US$ thousands

Percentage of adults with at least
7 years of schooling
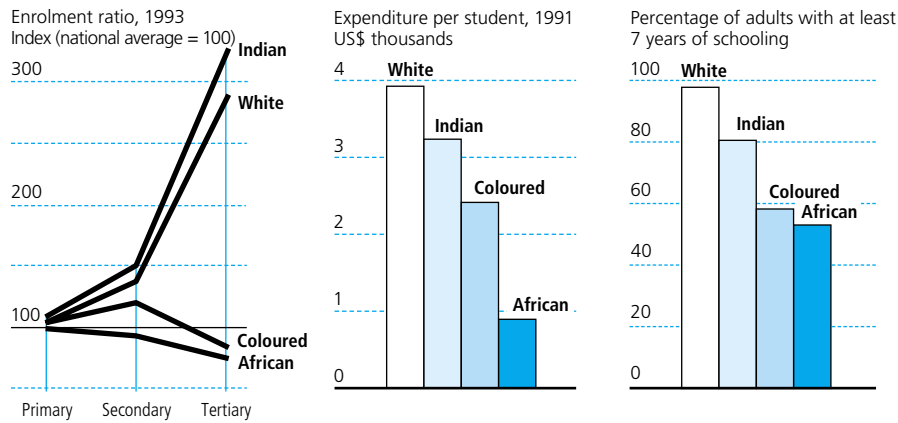
Source: Castro-Leal 1996; Buckland and Fielden 1994; South Africa, Central Statistical Services 1994.

FIGURE 5.2
Disaggregating the average can reveal discrimination

Nepal, 1996
Human development index by social group

Cambodia, 1997
Human poverty index (percent)
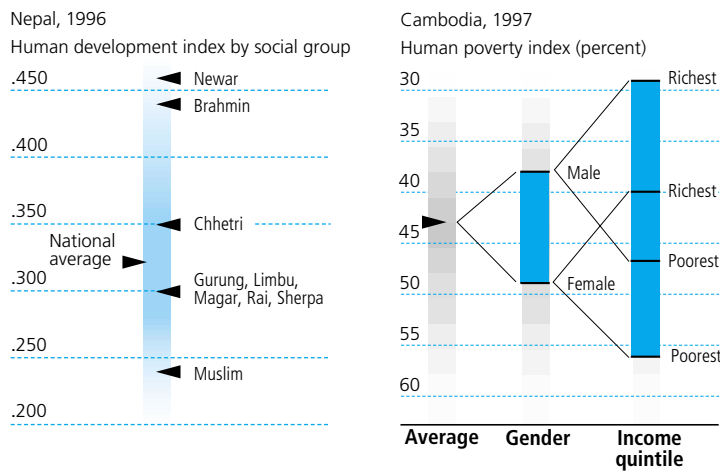
Source: UNDP 1998a, 1998b.

FIGURE 5.3
Resources and human poverty—industrialized country contrasts
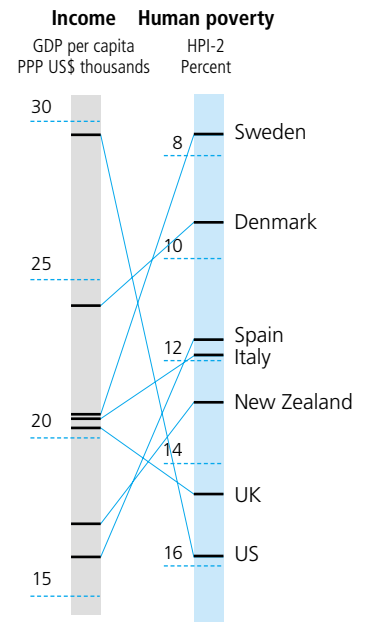
Source: Human Development Report Office.

FIGURE 5.4
Giving priority to basic health and education in Nepal

	Public spending as a percentage of GNP **International benchmark: 25%**	Social sector as a percentage of public spending **International benchmark: 40%**	Priority social sector as a percentage of social sector spending **International benchmark: 50%**	**Human allocation ratio** Priority social sector as a percentage of GNP **International benchmark: 5%**
Nepal, 1985–86	23.1	15.8	52.6	1.9
Nepal, 1996–97	19.9	29.2	59.1	3.4

Source: UNDP 1998b.

In many countries civil society organizations are increasingly focusing their advocacy efforts on monitoring national and local budgetary processes to assess how public money is allocated to the needs of different social groups—and then to check on how it is actually used. By analysing national and state-level budgets, they demystify the process, create debate in the media and even help their political representatives better understand the impact of the decisions they are making (box 5.10).

ADEQUATE PROGRESS

There is no justification for not respecting rights. Torture and disappearances, food blockades and forced housing evictions cannot be tolerated at any level of development. But protecting and fulfilling rights requires resources and time. Changing legislation may be costless—but to turn law into reality calls for investing in public institutions—to extend their services and strengthen their capacity—and educating the public and training officials. International human rights law requires states parties to the International Covenant on Eco-

nomic, Social and Cultural Rights to dedicate the maximum of available resources to realizing these rights in order to make adequate progress. But there is also a need to dedicate adequate resources to protecting and fulfilling civil and political rights—to build institutional capacity that ensures that violations do not occur or recur.

Countries clearly have different amounts of resources available to secure rights in these ways: worldwide, national per capita incomes range from $30,000 to just $500 (PPP US$). The same level of spending per pupil could be the maximum commitment of available resources in a low-income country, yet reflect a clear lack of commitment in a high-income country. How can importance differences between these cases be distinguished?

Making assessments is easier when informed by what has been possible elsewhere—raising questions about why an achievement possible in one place has not been possible in another. The human development indices have long made such resource comparisons. The human poverty index ranks industrialized countries by the extent to which illiteracy, short life expectancy, social exclusion and income poverty are still found in the midst of their thriving societies. Per capita national income can be used as a broad proxy for available resources, since it is from this resource base that governments may raise revenues for eradicating human poverty. Comparing countries' human poverty index with their average income per capita reveals that some industrialized countries give greater resource priority than others to minimizing human poverty (figure 5.3).

Are countries making progress towards realizing rights? This can be assessed in two ways:
• Tracking changes in inputs, such as education spending or teacher-pupil ratios.
• Tracking changes in outcomes, such as falling illiteracy rates or declining child malnutrition.

Tracking changes in such inputs as budgetary allocations can reveal how priorities are being reshaped. *Human Development Report 1991* explored the four key ratios of public spending that determine how much priority is given to essential issues. Data on budgetary

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BOX 5.10

Demystifying budgets

To my surprise, I found the state and district budget documents fascinating. These documents are not just numbers. They speak about the expressed intention of the government, its policies, its allocation of financial resources, which create the rich and poor regions and groups within the state.

—M. D. Mistry,
*founder of Development Initiatives
for Social and Human Action (DISHA)*

DISHA is an NGO founded in Gujarat, India, to promote development for tribal areas and forest, mine and construction workers. The NGO quickly realized that central to assessing the development of tribal areas was to focus on the budget—the most powerful way of understanding the government's priorities, monitoring whether objectives are turned into reality and ensuring that resources are allocated

to reduce, not exacerbate, disparities between communities. By producing summaries on how budgetary allocations affect different issues—from education, policing, rural housing and minimum wages to the situation of women and tribal groups—DISHA has made public knowledge of the priorities and focus of the budget—how revenue is allocated, whether it is actually spent that way and who stands to gain.

Its work has rallied media attention and increased public interest in the budgetary process. As one member of DISHA said, "Through budget analysis, I want to assert the right of poor and tribal people to know what the government is doing with public resources and to judge its performance year to year." Through its analyses, the NGO questioned inadequate allocations to deprived areas and people and why promised allocations had never actually been spent.

Source: Foundation for Public Interest 1997; Mistry 1999; International Budget Project 1999.

restructuring in Nepal, for example, show increasing priority being given to basic health and education spending (figure 5.4). Between 1985–86 and 1996–97 public spending fell as a percentage of GNP, but social sector spending allocated to priorities—primary health and education, water supply and local development—increased, rising towards 20% of public spending—the international standard proposed by the 20:20 initiative.

Tracking changes in outcomes is the focus of the human development indices. Yet aggregated national averages—especially adult literacy and life expectancy—change very slowly and are not sensitive to short-term progress, or to how different groups benefit from average progress. A new approach to assessing progress in human development is needed, one that more fully reflects the principles of rights—disaggregating across social groups to give special attention to how those worst off are affected (see annex).

When a country is making progress, who is to say whether or not its rate of progress is adequate? What can be achieved depends on the context—on resources, historical constraints, policy options and competing priorities. At the same time, agreed standards are needed: recognizing that making progress takes time is by no means an excuse to make no progress at all.

One useful tool for agreeing on an adequate rate of progress is the benchmark. Governments have often declared general goals—say, ending female illiteracy as soon as possible. Far better, they can work with civil society and agree to set a benchmark of, say, reducing female illiteracy from 30% to 15% by 2010. That turns a worthy but unassessable goal into a clear target that can be monitored. In Bolivia, for example, the government consulted with civil society and opposition political parties to create an action plan for 1997–2002, setting annual benchmarks for 17 easily monitored indicators, including the proportion of births attended by trained personnel and of girls who stay in primary school (figure 5.5).
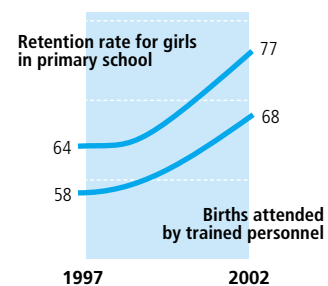
Setting benchmarks enables civil society and government to reach agreement about what rate of progress would be adequate (box

5.11). The stronger is the basis of national dialogue, the more national commitment there will be to the benchmark. The need for democratic debate and widely available public information is clear. If benchmarks are to be a tool of accountability—not just the rhetoric of empty promises—they must be:

• Specific, time bound and verifiable.
• Set with the participation of the people whose rights are affected, to agree on what is an adequate rate of progress and to prevent the target from being set too low.
• Reassessed independently at their target date, with accountability for performance.

To strengthen the benchmarking process, several actors can take a lead. Government agencies can use benchmarks as the intermediate goals of their policy-making. Governments, policy institutes and national NGOs can assess what has been achieved in similar countries, as a guide for agreeing on what targets are feasible domestically. National human rights institutions can use those benchmarks to monitor progress—not only in realizing economic, social and cultural rights but also in, say, eliminating discriminatory gaps, improving the efficiency of the judicial process and increasing participation. The Office of the High Commissioner for Human Rights could provide assistance to

Retention rate for girls in primary school 77
64
58
68
Births attended by trained personnel

1997   2002

Source: UDAPE 2000.

BOX 5.11
Benchmarking—to agree on an adequate rate of progress

Benchmarks have the potential to bring statistical precision into national debates—and they are increasingly being used to set specific, time-bound targets for making progress. In Thailand more than 30 benchmarks for realizing children's rights in 1992–96 were set as part of the Seventh National Social and Economic Development Plan, including:
• Reduce maternal mortality to 30 per 100,000 live births and infant and child mortality to 23 and 35 per 1,000 live births by 1996.
• Ensure that at least 70% of newborn infants weigh more than 3 kilograms, and at least 93% more than 2.5 kilograms, by 1996.
• Expand basic education from six to nine years and ensure that not less than

73% of those who complete the sixth grade continue with secondary education by 1996.

These benchmarks took into account proposals from the National Youth Bureau and civil society and also reflected the global goals set at the World Summit for Children in 1990. Setting goals through participation adds legitimacy—and encourages the NGOs involved to actively monitor the results.

Like any tool, benchmarking has its weaknesses. The pressure to meet targets can sometimes lead to results being manipulated to report what people want to see. The lesson? Separate the monitor from the monitored, or benchmarks will have their biggest impact on recorded statistics, not on reality.

Source: Hunt 1998; Muntarbhorn and Taylor 1994.

countries in developing national approaches to setting and monitoring benchmarks.

TRUE PARTICIPATION

Participation plays an important role in realizing rights. States are legally obliged to enable people to take part in the decisions that affect their welfare—by providing data, allowing others to collect and use data and providing opportunities for people to be involved in policy-making. Indicators are needed to assess whether this is taking place.

First, to what extent are people aware of their rights? Public opinion polls reveal much about what is known and what is not. And the commitment to raising awareness can be assessed by the extent and impact of human rights education—whether by the state through schools and public facilities or by corporations making their workers aware of their labour rights and the corporate code of conduct.

Second, how much information is actually collected and made publicly available? The public availability of data on human rights is a telling indication of the commitment to accountability. To what extent are influential actors willing to record and publicize data on their behaviour and impact? Not only governments but also corporations, donors and multilateral institutions are under more pressure to

collect more data—and to put more data in the public domain. But how much data are collected? And how much are made publicly available? Every example mentioned in this Report—whether good or bad—is at least one step ahead of silence because data have drawn public attention to it, helping to build momentum for change. All countries face the issues illustrated here, but without the data to identify them, the challenge to realize rights is all the greater.

Third, are there opportunities for people to be involved in consultations? Participation comes in many forms—town hall meetings, referendums, media debates, public hearings. FACTUS, a database on trends and practices in European cultural policies, collates information on towns in 37 European countries. Questions reveal how policies of decentralizing resources and consulting the public differ across municipalities (table 5.1). Of course, such a rough indicator cannot capture the quality and extent of participation, but it is a first sign of the local government's attitude towards actively involving people in promoting cultural rights. More detailed data—on the percentage of the budget decentralized, the number of organizations and individuals consulted and the budget for those policies, for example—would begin to present a fuller picture of the quality of participation.

EFFECTIVE REMEDY

If a right is violated, there must be an entitlement to a remedy. Remedies are not only judicial, reached through the courts. They can be administrative, or even an official guarantee that the violation will not happen again. Indicators are needed to assess whether effective remedies are provided. An assessment of judicial remedies can be made by studying the efficacy of the justice system designed to provide them. How many cases come to court—and what is the average time that it takes? What is the current backlog of cases per judge? Such data from South Asia reveal a serious inability of the courts to provide timely remedies (table 5.2). Of all cases filed, how many are never con-

TABLE 5.1

Do municipalities have policies enabling participation in promoting culture?

Municipality	Policies to transfer responsibility and resources between levels of public authority?	Policies to empower consumers, artists and voluntary organizations to take part in decision-making for cultural provision?
Prague, Czech Republic	●	●
Catalonia, Spain	●	●
Timis, Romania	◐	◐
Naples, Italy	◐	◐
Istria, Croatia	●	◐
Cork, Ireland	◐	●
Helsinki, Finland	●	○
Nicosia, Cyprus	○	◐
Mafra, Portugal	○	○
Göteborg, Sweden	○	○

Municipal responses, 1996–99
● Official policy
◐ Informal policy
○ No policy
Source: Interarts Observatory 1999.

cluded? And of the cases brought to court, what percentage are won by the alleged victim? Statistics can reveal patterns in judicial outcomes that raise important questions. Casa Alianza, a Central American NGO, has carefully documented data on trials to show that there is little, if any, remedy for street children who are abused, tortured and murdered by civilians or officials (box 5.12).

All these aspects of realizing rights can be brought together to assess the extent to which a state is meeting its legal obligations to respect, protect and fulfil rights—with no discrimination, adequate progress, true participation and effective remedy. Civil society organizations are leading the way in making such analyses, proving just how rich the resulting picture can be—as a 1998 analysis by the Centre for Economic and Social Rights showed for the right to health in Ecuador (table 5.3).

Ensuring secure access

Securing rights goes far beyond attention to human outcomes. The absence of poverty and torture does not, alone, ensure that the related rights are being realized. These outcomes need to be secured through social norms, institutions, laws and an enabling economic environment. Statistics on each of these areas can help assess the extent to which this secure access is being ensured—and raise questions in every country.

Social norms

If social norms are to create secure access, they must support human rights, not threaten them. Opinion polls can gauge this reality—despite the possible gap between stated and actual opinions. Survey data from around the world on attitudes towards violence against women show the importance of changing norms and perceptions—of both men and women—to protect women's right to personal security. In India a 1996 study of primary education found that 98% of parents believed it important for boys to be educated, but only 89% for girls. In 1998 more than 7,700 hate crimes were reported in the United States, reflecting a continued intolerance of difference—a threat

familiar to people in many countries (figure 5.6). Such data not only reveal the threats of intolerance and discrimination embedded in social norms—they also indicate where action is needed to transform norms through education, empowerment and awareness.

Institutions

Is the quality of institutions adequate to create secure access to the goods and services they are set up to provide? A tough and complex question that shifts the focus of indicators from outcomes to access to services—for example, from maternal mortality ratios to the availability and accessibility of prenatal health services and the proportion of births attended by medical personnel.

FIGURE 5.6
Intolerance of difference— hate crimes in the United States

Object of reported hate crimes, 1998 (total = 7,755)

Race 56%

Religion 18%

Sexual orientation 16%

Other 10%
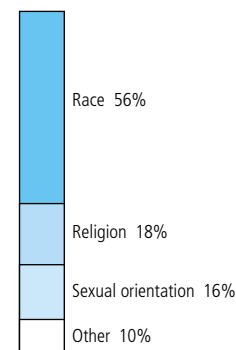
Source: Human Rights Campaign 1998.

TABLE 5.2
Justice delayed, justice denied?
1996

Country	Cases pending per 1,000 persons	Persons per judge	Cases pending per judge
Bangladesh	53	95,000	5,150
India	23	91,000	2,150
Pakistan	5	85,000	450
Nepal	4	85,000	300

Source: Mahbub ul Haq Human Development Centre 1999.

BOX 5.12
No remedy for the violence done—the street children of Guatemala

More than 15,000 street children live in the urban centres of Guatemala and its neighbour Honduras—either runaways or outcasts, but often viewed by the public as "vermin", bad for the neighbourhood. Governmental and social indifference to their plight has left them unprotected from abuse and, at times, torture and murder at the hands of officials and civilians alike.

To expose the violations of these children's rights, Casa Alianza/Convent House Latin America—an NGO dedicated to defending and rehabilitating street children—documented every known case, creating a shocking report of undeniable evidence. But Casa Alianza has gone further, pushing for justice through the courts—and documenting the results to create data revealing a startling lack of remedy.

In Guatemala 392 cases involving street children were taken to court between March 1990 and September 1998. By the end of that period 47% had been filed for lack of investigation and 44% more were in danger of the same; 4% were closed for lack of evidence. Only 5% of cases—17 in total—had been heard and concluded. Of those, Casa Alianza won 15.

What of the people involved? Some 220 members of the security forces were charged in the cases brought, yet only 10% have ever received a sentence.

Documenting these cases drew public attention to an issue previously ignored. But Casa Alianza believes that the inability of the judicial system to provide a remedy for the violence done to street children is a failure to protect their rights—and an unspoken endorsement of continuing violence and impunity.

Source: Casa Alianza 1999; Harris 2000.

TABLE 5.3

Realizing the right to health in Ecuador—assessing the state's obligations

State obligation	Assessment	Available or desirable indicators
Respecting rights Is there direct interference with people's ability to realize their rights? Is there avoidable regression in the existing levels of health or access to health care?	State petroleum operations dump heavy metals and carcinogens into water sources of communities in the Ecuadoran Amazon.	*Desired data: annual volume of chemical pollution by state operations.*
	Avoidable cuts are made in programmes without adequate contingency plans for the most vulnerable.	In 1990 an estimated 50% of children under five were malnourished. Between 1990 and 1994 the coverage of nutrition programmes fell from 11% to 4%.
Protecting rights Do people suffer systematic, harmful effects on their health from actions by private actors? What measures does the state take to protect them?	The abuse of women and children by partners and family members is a grave threat to their health.	In 1998, 88% of women in Guayaquil, the largest city, said they had suffered some form of intrafamilial violence.
	Despite the recent Law against Violence against Women and the Family, the state has not adequately protected victims through the judicial system.	Between 1989 and 1992, of 1,920 complaints relating to sex crimes against women and girls in Guayaquil, only 2% resulted in convictions.
	The private petroleum industry is not prevented from dumping heavy metals and carcinogens into community water sources in the Ecuadoran Amazon	In the late 1980s private oil companies were dumping almost 4.4 million gallons of toxic waste into the Amazon daily.
Fulfilling rights Has the state taken adequate measures to tackle the roots of national health problems?	In 1996 government research concluded that more than 80% of deaths could be avoided by giving priority to primary and secondary preventive care.	In 1995 only 17% of the health budget was allocated to primary care, and just 7% to preventive care.
	Nutrition programmes have limited coverage compared with those in other Latin American countries.	In the mid-1990s programme coverage was just 4%—compared with 40% in Bolivia and 85% in Peru.
Non-discrimination Is there discrimination—in the state's efforts or in outcomes?	Despite high inequality and extreme deprivation of rural, poor and indigenous populations, the government devotes most expenditures and resources to urban and better-off groups.	In 1997, 84% of urban people had access to health services—compared with only 10% of rural people—and 80% of health personnel were in urban areas.
		Desired data: health care access disaggregated by ethnicity, income level and education level.
Adequate progress Has the state made adequate progress—both in outcomes and in inputs—towards meeting its obligations?	In 1970 the state set benchmarks: • Safe water for 80% of the urban population and 50% of the rural. • Sanitation for 70% of the urban population and 50% of the rural.	In 1982–90 the share of households with access to safe water fell from 88% to 78% in urban areas, and remained below 25% in rural. The share with access to sanitation fell from 46% to 38% in urban areas, and from 15% to 10% in rural.
	Since the late 1980s successive governments have cut health spending—to pay off debt and to increase military spending.	In 1998, 4% of the national budget went to health, and 45% to debt servicing.
Participation Are people educated about and aware of their rights?	There are no government programmes for public education on the right to health, and public information on personal health is very limited.	*Desired data: percentage of people aware of their right to health; percentage of people aware of basic health norms.*
Are there mechanisms aimed at ensuring communities greater influence on and participation in policies concerning their health?	The system for allocating resources is very centralized and bureaucratic, undermining opportunities for participation.	*Desired data: percentage of the health budget allocated locally; percentage of health programmes designed with popular consultation.*
Effective remedy Has the state provided effective remedies for violations of the right to health?	Inefficiency, corruption and a lack of resources create many barriers to effective lawsuits.	After 25 years of massive damage to the health of Amazonian communities by state and private oil companies, only a handful of claims have been filed—and none successfully.

Note: The table is based on a 1998 case study by the Centre for Economic and Social Rights.
Source: CESR 1998.

Assessments are needed both of the institutions that create the framework for all rights—such as the judiciary, ombudsmen and national human rights institutions—and of institutions that deliver on specific rights—health services and schools, electoral commissions and prisons.

Asking what secure access would mean points to the data needed. For example:

- Do health posts provide secure access to health services? To find out, start by asking how many people are served by one health post and from what distance. How capable are the medical staff of treating the illnesses they encounter? Track the stock levels of essential medicines to reveal the extent and frequency of shortages—and the vulnerabilities they entail.
- Is an ombudsman's office really capable of resolving complaints? Ask whether its budget is adequate and whether its staff is qualified. Analyse the number of cases brought, their type, the time taken to process them—and their outcomes.

LAWS

Assessing whether a law threatens or reinforces rights can be difficult. The perfect law may be enshrined in the national constitution—but never actually used in practice, or used consistently for or against only one social group. So, should the assessment be of the law as written or the law as applied? Both.

Does an adequate law exist? In many states, for example, the right to adequate shelter is not enshrined in domestic law; clearly, the right is not legally secured. If there is a law, how is it applied? Has it ever been invoked—and has it ever been successful? Do outcomes indicate a bias in its use? A report by Amnesty International on capital punishment in the United States points to just one example. Blacks and whites in the United States are victims of murder in almost equal numbers, yet 82% of prisoners executed since 1977 were convicted of the murder of a white person. How well is the law known? Is the relevant statute easily accessible? Available in local languages? Summarized in non-legal language so that the average person can understand it?

How accessible and available is legal advice? Is there legal aid for those who cannot afford to take a case to court? Are facilities providing legal advice accessible and close to major population centres?

ENABLING ECONOMIC ENVIRONMENT

The importance of resources recurs at all levels of analysis of securing access to rights. From the macro focus on the stability of the economy to the micro focus on the vulnerability of household expenses, data can be used to ask whether the structure of the economic environment helps or hinders the realization of the right. An economy may be booming and lifting incomes at all levels—yet if there is neither an official nor a community-based system of social security, an adequate standard of living is not being best secured. At the micro level, examining the cost of food as a percentage of household budgets can reveal the high vulnerability of low-income households to fluctuations in food prices. From the opportunity cost of taking time off work to vote—if the polling station is very far—to the rising costs of equipping a child for school that is supposed to be free, data on costs can reveal how financially insecure any right can be for those who need to pay for it.

IDENTIFYING ACTORS

The traditional focus on the state as the responsible actor is strongly reinforced by legal obligations. But improvements in human rights require the partnership of governments and families, corporations, communities and international agencies. Social arrangements are created and supported ultimately by people, acting individually or through communities, associations, companies, institutions and governments. Changes in the human rights situation of a country—both good and bad—may be caused not only by the state, but also by these other critical actors. Their roles and obligations are increasingly being brought under scrutiny.

More than 50 years ago the Universal Declaration of Human Rights recognized the need

Improvements in human rights require the partnership of governments and families, corporations, communities and international agencies

to focus on international impacts on rights. Article 28 declared, "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized." Today the interaction of actors, locally and globally, calls for analyses of the increasingly complex local and international orders, which are stretching the bounds of legal obligations. Indicators are needed that explore this complexity. They can identify which actors have a critical impact on the realization of rights—from the community to the global level—revealing where problems lie and signalling the action to alleviate them.

Locally, assessing the roles and impacts of different actors can give a far richer picture of why rights are not being realized. It can also point to needed interventions—which may call for community initiative, not just state action. In India in 1992, 30% of all children aged 6–14—about 23 million boys and 36 million girls—were out of school. In 1996 an independent Indian research team undertook a study in the north of the country to find out why. Surveying villages and households, the team created a rich database that uncovered some hidden reasons behind the problems of primary education. Most actors—from parents and teachers to politicians and the media—had not fulfilled their roles, a collective social failure that called not only for state policies but also for local community solutions (table 5.4).

At the international level, globalization and market liberalization have created an unprecedented interdependence that expands the influence of actors over human rights outcomes around the world. The more actors, the more complex the question. For a corporation with domestic employees, the assessment is relatively straightforward, since control over their safety and pay is directly under the company. But for many global corporations, subcontracting makes workers' rights increasingly difficult to monitor, let alone ensure. Mattel, a global corporation producing toys, has established a code of conduct and an independent

TABLE 5.4
Realizing the right to primary education in India—are actors meeting their obligations?

Actor	Obligation	Measure	Result
Parents	Must be willing to send children to school.	Proportion of parents who think it is important for children to be educated.	• 89% for girls, 98% for boys.
Government	Must provide schools that are accessible.	Distance of school from house.	• 92% of rural population had a primary school within 1 kilometre. • 49% of rural population had an upper-primary school within 1 kilometre.
	Must provide adequate facilities.	Number of teachers.	• 12% of primary schools had only one teacher appointed. • 21% had only a single teacher present at the time of the survey.
		State of facilities.	• 58% of schools had at least two rooms. • 60% had a leaking roof. • 89% did not have a functioning toilet. • 59% did not have drinking water.
		Head teacher attendance and activity.	On the day of the survey visit to the school: • 25% of head teachers were engaged in teaching activities. • 42% were engaged in non-teaching activities. • 33% were absent.
Community	Must support school, teachers and parents.	Public discussions.	• 49% of village education committees had not met in the past year.
Media	Must report on neglect of basic education.	Proportion of newspaper articles on basic education.	In one year's newspaper articles: • 8,550 on foreign investment. • 3,430 on foreign trade. • 2,650 on defence. • 990 on education. • 60 on rural primary education.

Note: The sample consisted of 188 villages, 1,200 households and 236 schools in four northern states of India in 1996.
Source: PROBE Team 1999.

HUMAN DEVELOPMENT REPORT 2000

council to monitor its implementation (box 5.13). Beyond corporations, indicators are needed for assessing the impacts of the actions or inaction of multilateral actors on the realization of rights—including the international financial institutions, the World Trade Organization and many UN agencies.

Also needed are indicators for the impacts of states beyond their own citizens—states as donors and lenders, traders and negotiators, arms dealers and peace-makers. The crimes of dictators are widely acknowledged, but foreign support for their regimes usually escapes the scrutiny it deserves. Foreign policies affect human rights through arms sales, insurgency and counterinsurgency training, sanctions, patterns of foreign aid and tariffs and quotas on imports. Powerful non-state actors and representatives of states shape laws and policies at both the national and the international level, through lobbying, funding of political candidates and other forms of pressure.

Overlooking these tremendously influential practices would produce a narrow picture of human rights and of the information relevant to assessing their realization. Explanations of national human rights problems may focus on domestic factors, but there is still a need to examine how international interactions help shape those domestic factors in the first place. It will be a major challenge to create indicators—and first to collect the data—that reveal the complex human rights impacts of these different actors.

THE WAY FORWARD

Collecting good statistical data on human rights is a tremendous challenge—but it is being tackled:

- *Rise of new actors*. The rise of civil society organizations and locally based human rights documentation centres has spread awareness and understanding of rights and created thousands of new potential data collection points around the world.
- *More access to information*. Greater freedom of expression and information and more transparency in many countries are allowing a wider group of people—and a

greater degree of truth—to be involved in the process. From Guatemala and Indonesia to South Africa and the former Soviet republics, the freer voices of civil society organizations and the media have greatly informed and broadened public dialogue.

- *Rise of information technology*. The phenomenal expansion of access to technology—especially the Internet—has simplified and speeded up data management to an incredible degree. Data can be recorded, collated and publicly posted far more quickly and widely.
- *More professional documentation of rights.* Many efforts have been made to improve the reliability of information being recorded. Through training courses, standardized formats and guidelines posted online, the expertise of people documenting human rights is being strengthened.

How can these opportunities be used to strengthen accountability through indicators? Four routes: collecting more and better official data, diversifying sources of information for the community, increasing access to official

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BOX 5.13

Monitoring Mattel—no toying with statistics

Mattel is the largest toy manufacturer in the world, with large production plants in China, Indonesia, Malaysia, Mexico and Thailand. This global corporation has recognized the importance of reputation. Widely publicized attacks on the Nike Corporation in 1996 for substandard labour conditions in its Asian plants prompted Mattel to take steps to ensure that it would not face similar accusations. In 1997 the company set itself a code of conduct—with standards exceeding the industry average—and founded MIMCO, the Mattel Independent Monitoring Council, to monitor its compliance with the code.

Monitoring is a four-stage process, with each stage verifying and supplementing the information gathered in the previous one. Managers of each plant prepare dossiers on wages, working conditions, environment and safety. These are checked for consistency with financial data. Confidential on-site interviews with employees give insights into child labour,

wages, safety, harassment, workers associations and penalties. Finally, the monitors make on-site visits to see the work environment for themselves. MIMCO compares the results across plants and makes recommendations to the Mattel board of directors—and the team returns to each plant six months later to assess their implementation.

The council emphasizes the importance of translating the principles of the code of conduct—such as good air quality and working conditions—into quantifiable standards. Even if there is no agreement on exactly what the standards should be, at least it is possible to know what is being measured. Finally, MIMCO insists on publishing its findings without restrictions from Mattel and welcomes scrutiny of those findings by other NGOs.

As the most influential corporation in children's toys, Mattel took a brave step in adopting this approach, one that many other influential corporations would do well to follow.

Source: MIMCO 2000; Sethi 2000.

Percentage of abused women who contacted the police, 1993–97

information and strengthening the procedures of accountability.

COLLECTING MORE AND BETTER OFFICIAL DATA

Assessing rights calls for data that reveal failures of duties and insecurity of the rights—and data on all people. These include data on the marginalized and deprived, who are often missed by official statistics, data collected by alternative sources in order to separate actors from monitors and data disaggregated by region, gender, ethnicity, income level and other categories of discrimination. Assessing rights thus calls for a new approach to data collection. Statistical capacity building is rarely given priority—but information is an essential tool for designing and assessing policy. National statistical offices and UN agencies need to work together much more closely to make this possible. Even today, many of the most basic development indicators are still incomplete data sets.

DIVERSIFYING SOURCES OF INFORMATION

Official statistics are important for a government's self-monitoring and assessment, but the picture that they present can be enriched—or sometimes contradicted—by alternative sources. Violence against women is severely underreported when statistics are collected only through police reports, especially in countries where women are afraid of the police or fearful of public judgement (figure 5.7). Supplementing these data with information from women's groups and shelters would help. Similarly, when corporate practices are being assessed, the evaluation is far more likely to be accepted as valid when conducted by an independent monitor.

What can be done in the community? Sample surveys can check the reliability of official data—and go further into the underlying local problems. Schools, hospitals, libraries and the local marketplace can all be rich sources of information on people's lives, opinions and awareness. But if civil society organizations are to provide new sources of information, their data must have credibility—often lacking in the past, making for easy dismissal of their

claims by officials. The Human Rights Information and Documentation Systems, International (HURIDOCS) project has been strengthening the reliability of non-official data for many years by creating standardized definitions and formats to be used in gathering data and by providing training for data collectors and analysts.

Care is also needed to ensure that sensitive data are stored securely. When organizations take on the ethical obligation of serving the victims, survivors and witnesses of violations, they also take on the obligation of dealing with the data safely, separating identities from evidence given and using widely available, low-cost computer encryption programmes to reassure witnesses about the safety of giving evidence.

REALIZING THE RIGHT TO INFORMATION

Providing information on national needs and government priorities can enhance public understanding of difficult trade-offs, creating a greater social consensus in the face of limited resources and multiple demands. But when people lack access to information on policies and practices that affect their well-being, there are many additional costs:
• Away from the torchlight of public scrutiny, corruption flourishes.
• Press freedom is compromised when journalists choose to turn a blind eye to the misdemeanours of some officials in return for special access to leaks and secret information.
• Powerful private actors can effectively buy secrecy—even for information that reveals serious threats to public health and safety.

Legislated access to information is not enough. Policies encouraging openness in public life are also needed to ensure that the data are within reach of all. Official data may be made public—but available only in offices in major cities, accessible only to those with the knowledge, time and determination to find them. The Internet greatly widens these possibilities—but only for those who can get on line. The right to information movement has proved that the focus, quality and outcomes of policy-making can be transformed when people demand that information be made public and then put it to use.
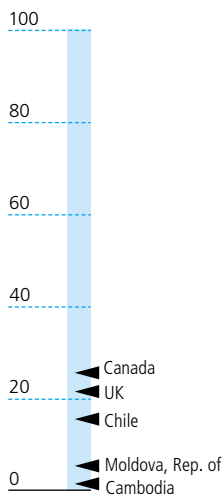
The call to acknowledge accountability is touching all influential actors—pushing for them to accept responsibility, cooperate with monitors and respond to recommendations. Non-state actors need to strengthen their commitments. Corporate codes of conduct need to be translated into quantifiable standards, with independent monitors to collect data on their implementation. Multilateral agencies need similar scrutiny of their impacts. The World Bank has set an important example by setting up an inspection panel to allow civil society to present alternative assessments of the impact of projects. Other multilaterals need to follow suit, including the World Trade Organization, the International Monetary Fund and many UN agencies.

Under Article 55 of the UN Charter, all UN members make a commitment to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction." And by ratifying the human rights treaties, they make additional legal commitments. But to what extent do they put these commitments into practice? An index can be created to assess the extent to which UN members can be held internationally accountable. The data are available and verifiable—but it is only now, with such a significant leap in participation in the international human rights regime, that such an index would be meaningful (box 5.14).

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Recalling the difference that a focus on statistics made to its work promoting rights, one Indian NGO reported, "We were not merely a struggle-oriented and slogan-shouting organization. We had the intellectual ability to put our case across solidly in the government's own terminology. The government had no alternative but to accept our conclusions, since they were based on its own facts and figures." Such empowerment is invaluable—and is needed by all actors intent on promoting the realization of human rights. Holding actors to account for the human impacts of their policies and practices is central to the pursuit of justice—and using indicators is increasingly recognized as a tool central to that process.

BOX 5.14

Towards a human rights international accountability index

Members of the United Nations are held accountable for human rights through three routes:
- *Accept.* All countries ratifying or acceding to the major international human rights treaties commit themselves, in that act, to international scrutiny of their human rights record.
- *Cooperate.* All states ratifying a human rights treaty are committed to submitting an initial report within one to two years on the status of rights addressed in the treaty and periodic reports thereafter—yet many do not. For the six major treaties, almost 250 initial reports were overdue on 1 January 1999. Even states that have not ratified treaties are called upon to cooperate with requests made by special rapporteurs and other special procedures by inviting them to visit the country.
- *Respond.* By becoming a party to a treaty, a state undertakes to cooperate with the treaty body concerned by responding to its concluding observations and final views. Equally, by joining the United Nations, states agree to cooperate with the organization, and these days that includes its human rights special procedures.

An index can be constructed to capture the commitments in each of these areas (box table 5.14).

Source: Alston 2000.

BOX TABLE 5.14

Indicators for a human rights international accountability index

Dimension	Basis for indicators

Accept: fundamental acknowledgement of international accountability	• Ratification or accession to:
	  • International Covenant on Civil and Political Rights (ICCPR)
	  • International Covenant on Economic, Social and Cultural Rights (ICESCR)
	  • International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
	  • Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
	  • Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
	  • Convention on the Rights of the Child
	  • The four Geneva Conventions of 1949
	• Ratification of the individual complaints procedures for the ICCPR, ICERD, CEDAW, CAT and the Geneva Conventions

Cooperate: participation in established international procedures	• Submission of reports due to treaty bodies in good time • Provision of requested information to special rapporteurs and thematic missions • Cooperation with monitoring missions • Cooperation with UN-sponsored election monitors • Cooperation with the International Committee of the Red Cross in relation to prison visits
Respond: extent of adequate replies to requests	• Adequate response to recommendations by treaty bodies • Adequate response to final views adopted in connection with communications procedures • Adequate response to recommendations by country rapporteurs and thematic mechanisms