



**IS THE GLOBAL SITUATION OF  
HUMAN RIGHTS IMPROVING OR  
DETERIORATING?  
MAKING THE CASE FOR THE  
EMPIRICAL MEASUREMENT OF  
HUMAN RIGHTS CHANGE**

## PHOTO CREDITS

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# ACRONYMS

**AI** – Amnesty International

**CIRI** - Cingranelli-Richards Human Rights Data Project

**Council** – Human Rights Council

**CPI** - Corruption Perceptions Index

**CPRs** – Civil and Political Rights

**ESRs** – Economic and Social Rights

**ESCRs** – Economic, Social and Cultural Rights

**GA** – United Nations General Assembly

**HRMI** – Human Rights Measurement Initiative

**ICESCR** - International Covenant on Economic, Social and Cultural Rights

**OHCHR** – Office of the High Commissioner for Human Rights

**Pew** - Pew Research Center

**RSF** - Reporters without Borders

**SDGs** – Sustainable Development Goals

**UN** – United Nations

**V-Dem** – Varieties of Democracy Approach

# EXECUTIVE SUMMARY

Commentary on the worldwide human rights situation is often characterised by assertions of an unfolding human rights crisis in much of the developing world, and back-sliding in some of the world's major democracies. Clearly human rights violations are far too commonplace in all parts of the world, and we have a long way to go to realise the vision set out more than seventy years ago by the architects of the Universal Declaration of Human Rights. But is it correct, as some would have us believe, that the global situation of human rights is worse today than it was five, ten or even fifty years ago? The short answer is: without better empirical measures of human rights performance, we do not know and, indeed, we cannot know.

Measuring human rights performance is not straightforward. Yet it is as important as it is challenging. In the context of the global human rights 'implementation gap' that has caught the attention of United Nations (UN) member States, and human rights organisations, professionals and advocates, this policy brief sets out the relevance of adequate human rights measurement, and considers some of

the key steps that have been taken in this area over recent decades. It then introduces a new (in operation since 2015) collaborative project that aims to put in place a first truly global and comprehensive (in terms of human rights coverage) system of human rights measurement: the Human Rights Measurement Initiative (HRMI).

HRMI aims to provide empirical human rights measurement data that is useful to States, UN officials and independent experts, NGOs, researchers, journalists, and the general public. HRMI's initial dataset includes measures for twelve human rights, including both economic and social rights (ESRs) and civil and political rights (CPRs). HRMI employs distinct methodologies for measuring ESRs and CPRs. This comprehensive dataset, comprising thousands of individual indicators, allows users to measure State performance and the on-the-ground impact of the international human rights system; to undertake comparative analyses between States; and to monitor and understand overall human rights trends over time and across regions.



A photograph of two women in traditional Vietnamese clothing, including conical hats and colorful patterned skirts, working in a flooded rice field. They are bent over, planting young rice seedlings into the muddy water. The field is filled with rows of these small green plants. The background is a soft, hazy landscape.

I.

# MEASURING HUMAN RIGHTS CHANGE

Commentary on the worldwide human rights situation is characterised, to a large degree, by negative assertions of an unfolding human rights crisis. Powered by influential voices at the UN, as well as by civil society and the media, the general public narrative is often one of backsliding in the world's major democracies, of human rights emergencies in Asia, Africa and Latin America, and of a general retreat from universal values.

But is this correct? Are global human rights trends as bad as these commentaries suggest?

The short answer is: we do not know.

In order to respond to such questions, we would need something we do not currently possess: global, comprehensive (in terms of human rights coverage) and reliable empirical data tracking trends in national human rights performance.

Such evidence is relatively commonplace (if still incomplete) for socio-economic development, and (to a lesser degree) for peace and security, (i.e., the other two 'pillars' of the UN). There is also considerable and readily available data for other metrics of international political importance such as climate change, biodiversity, public health, and migration.

Yet, half a century since the first UN human rights mechanisms were established to promote State compliance with universal norms, the international community has barely given any thought to human rights measurement, let alone put in place the necessary systems to make it happen.

Without good measurement, it is very difficult to accurately observe and objectively comment upon prevalent human rights trends. Human rights progress is often 'quiet progress' – small changes in legislation, police training, discreet shifts in political narratives – and takes place over long periods of time. Likewise, backsliding on human rights may not be immediately obvious to an outside observer. This is especially so in the 21<sup>st</sup> Century, when autocratic and populist leaders have become adept at hiding regressive measures behind a 'rule of law' veneer, or within ostensibly unrelated legislation dealing with economic development or national security. Moreover, where the UN and/or civil society have taken steps to assess the global human rights situation, they have tended to use anecdotal rather than empirical information (e.g., the UN High Commissioner for Human Rights'

annual report to the Human Rights Council - 'Council'); or, where social science techniques have been applied, have tended to focus on a limited range of human rights – mostly civil and political (e.g., RSF's Press Freedom Index, Freedom House's 'Freedom in the World' report, the Economist Intelligence Unit's Democracy Index – see Box 1 of this report).

Although some steps have been taken to propose a universal approach to measuring human rights change via 'human rights indicators' (see, for example, the Office of the High Commissioner for Human Rights' (OHCHR) 2012 report on this subject – considered in Section IV below), today we remain in a situation where few State delegations to the Council are aware of OHCHR's 2012 proposals or even of the broad issue of human rights measurement. Even fewer States have actually applied OHCHR's framework at national level in order to objectively assess compliance with their international human rights obligations. Finally, it seems that no State systematically includes such indicator data and analysis in their periodic progress reports back to the UN.

A photograph of a group of children standing in front of a weathered, cracked wall. On the right, a girl in a red dress and white headscarf looks off to the side. In the center, four other children are visible: a boy in a pink shirt, a girl in a yellow dress, a girl in a grey dress, and a boy in a pink shirt. They are all looking towards the camera or slightly away. The ground is dry and dusty.

# II.

## THE INTERNATIONAL HUMAN RIGHTS SYSTEM AND THE 'IMPLEMENTATION GAP'

The lack of comprehensive empirical evidence showing human rights changes and trends is problematic for a number of reasons. First, it risks reducing discussions about the global human rights situation (including at important global fora like the Council) to hyperbole and conjecture. Second, it risks undermining the credibility of the international human rights system.

The international community has invested enormous time and energy in building that system over the past 70 years. With the adoption of the Universal Declaration of Human Rights and the nine core treaties that followed it, UN member States defined a 'common standard of achievements for all peoples and all nations,'<sup>1</sup> shedding light on the path that States should take in order to uphold human dignity. With the creation of the various UN compliance mechanisms (especially the Treaty Bodies, Special Procedures and the Universal Periodic Review), the international community then created an elaborate human rights machinery to help guide States along that path and hold them to account when they stray.

Unfortunately, for as long as the UN human rights system has existed, commentators have questioned the degree to which it is capable of, and is succeeding in, securing real-world change by driving tangible and demonstrable improvements in the on-the-ground enjoyment of human rights. Over time, these questions and critiques have fed a broad political narrative that portrays the UN and the universal principles it seeks to uphold as distant and out-of-touch, and international human rights obligations as 'more honoured in the breach than in the observance.' According to this narrative, a significant 'implementation gap' has been allowed to develop between universal values and local realities.

Concern over this gap and a determination amongst some to bridge it, has played a prominent role in shaping recent reforms of the international human rights system. For example, when proposing that the former Commission on Human Rights be replaced with a smaller, more powerful Council, then UN Secretary-General Kofi Annan made clear that a primary objective of the new body would be to lead the international community 'from an era of declaration to an era of implementation.'<sup>2</sup> Following this political lead, when the UN General Assembly (GA) formally established the Council with resolution 60/251, it emphasised that the new body should 'promote the full implementation of human rights obligations undertaken by States.'<sup>3</sup> In order to fulfil this mandate,

the GA instructed the Council to develop methods of work that 'enable genuine dialogue, [are] results-oriented, allow for subsequent follow-up discussions to recommendations and their implementation, and also allow for substantive interaction with special procedures and mechanisms.'<sup>4</sup> The GA also called upon the Council to promote 'advisory services, technical assistance and capacity-building'<sup>5</sup> to help 'strengthen the capacity of Member States to comply with their human rights obligations.'<sup>6</sup>

Yet, despite these assertions and resolutions, and despite growing evidence (at least since 2016) that States are beginning to take concrete steps to bridge the longstanding 'implementation gap,' old doubts and criticisms over the effectiveness and on-the-ground delivery of the international human rights system persist.

Why is this the case? Are such criticisms and concerns valid or are they overblown?

In order to answer these questions, it is useful to recount how the international human rights system is meant to work in principle. In short, four conditions must be met if that system is to work effectively, and to have a real impact on the lives and dignity of people around the world:

1. States must first agree on, and explicitly elaborate, the elements that constitute 'universal human rights norms.'
2. States must then choose to sign and ratify, or accede to, the various human rights treaties, thereby binding themselves to, and accepting obligations under, international human rights law.
3. States must then be willing to engage and cooperate with the UN's human rights compliance mechanisms, in order to gradually bring national laws, policies and practices into line with universal norms.
4. States must track progress with the domestic implementation (as appropriate) of recommendations received from the compliance mechanisms, and measure the impact of this on the enjoyment of human rights. This will in turn allow them to report back to the UN mechanisms and to the Council with objective information and data on progress, achievements and further challenges.

Since the establishment of the UN, remarkable progress has been made in meeting the first two of these conditions. Regarding the first, States have negotiated and adopted a comprehensive and deeply textured canopy of international human rights norms. A Universal Declaration and nine core conventions have been agreed upon, and these have been complemented by thousands of resolutions, principles, guidelines, opinions and general comments (e.g., by Treaty Bodies), and decisions.

Regarding the second condition, progress has been equally marked. The number of States choosing to ratify or accede to the international human rights treaties, and thus commit to the standards set forth in those instruments, has grown exponentially since their adoption (see Figure 1).

However, progress on the third and fourth conditions is both more difficult to assess and less obvious.

Despite the exhortations of Kofi Annan, the Council has tended to neglect its mandate to 'promote the full implementation of human rights obligations undertaken by States.'<sup>17</sup> The Council's agenda, like the Commission's before it, is usually dominated by general thematic debate and – to a lesser degree – by discussions and negotiations over serious human rights violations. As a general rule, very little space has been reserved for States and other national stakeholders to provide and exchange information on levels of implementation, or to seek international technical and capacity-building support to improve compliance in the future.

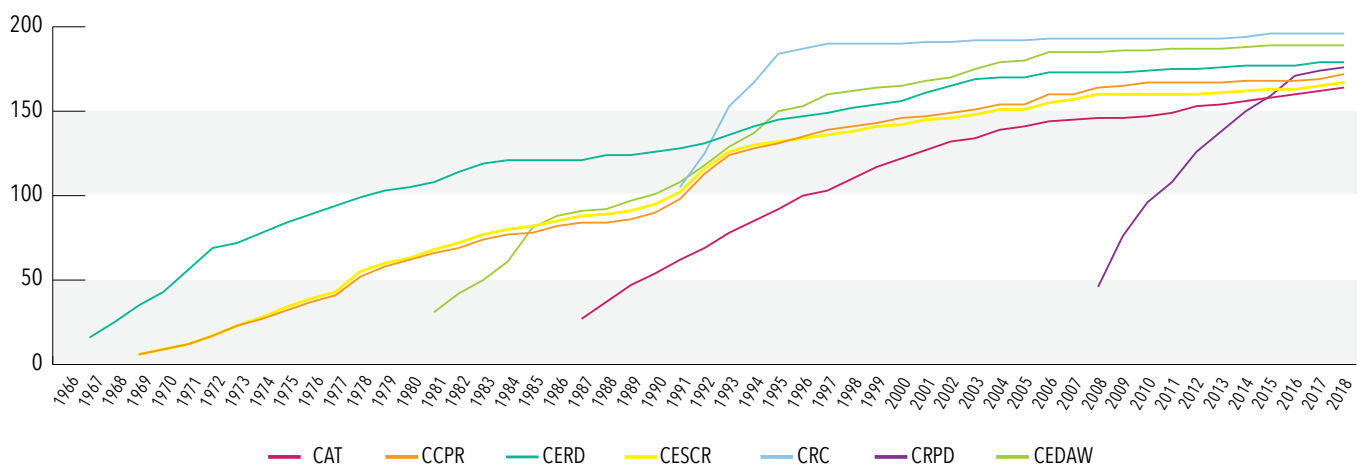
Meaningful progress in measuring the impact of implemented recommendations on the enjoyment of human rights remains limited at best. States are yet to systematically measure their compliance with the rights contained in ratified international instruments, and those that do face tremendous challenges. This may reflect the fact that human rights performance (i.e., how a government is treating its citizens) is a sensitive subject for many States; but may equally be, in the case of low- and middle-income States, the result of technical and human capacity-constraints.

As noted above, although OHCHR has proposed a broad framework for using human rights indicators to track progress, this framework remains relatively obscure, poorly understood by States, and rarely applied at the national level. What is more, the framework itself has been persistently criticised (see Section IV below).

Driving further and deeper progress with these last two dimensions of the international human rights system – national implementation and the measurement of progress – is vital to furthering the enjoyment of human rights around the world, and for the credibility of the UN human rights system.

Regarding its credibility, the UN is currently almost completely reliant on a small number of anecdotal 'case studies' to demonstrate its effectiveness and impact. The new High Commissioner for Human Rights, Michelle Bachelet, in close cooperation with the Secretary-General, António Guterres, is scaling up efforts to gather and publicise such case studies

**FIGURE 1. HUMAN RIGHTS TREATY RATIFICATIONS/ACCESSIONS OVERTIME**





or 'human rights success stories,' as part of her efforts to build a 'positive narrative' around human rights and the UN human rights pillar. Notwithstanding, while welcome, such anecdotal approaches to tracking human rights change will never obviate the need for empirical data and analysis.

It is only by gathering and analysing statistical data for all human rights (civil, political, economic, social and cultural) across all countries, that the international human rights system will ever be able to convincingly demonstrate relevance, impact and value (and confront allegations of selectivity and politicisation).

Human rights measurement also offers important benefits for States themselves.

States necessarily devote significant political capital and resources to the acts of ratifying international treaties, reporting to and engaging with the human rights mechanisms, and implementing recommendations. It therefore stands to reason that States (especially democratically elected governments) would, in principle, welcome the opportunity to showcase the outcome of all this effort (in order to justify the resources deployed, show progress to the public, and demonstrate their commitment to human rights). Moreover, measuring human rights impact and trends can also help

support better governance, by showing the impact of government policy (including policies designed to implement UN human rights recommendations) on the lives and rights of individual people. Where there is insufficient progress, it may suggest to the government that the relevant policy needs rethinking.



# III. THE CHALLENGE OF MEASURING HUMAN RIGHTS PERFORMANCE

*'On the 10th of December this year, we will celebrate the 70th anniversary of the adoption of the Universal Declaration of Human Rights. 'This Declaration,' said Eleanor Roosevelt at the vote in the UN, 'may well become the international Magna Carta, for all men, everywhere' [...] In the intervening decades, we've seen a lot of progress. An extensive range of human rights conventions have been developed on the basis of the Declaration. And yet: 'for all men, everywhere'? We haven't achieved that yet.*

*In fact, when it comes to human rights, today's world shows an alarming trend. The upward trend that lasted for decades is now going downhill. Worldwide, human rights are increasingly under pressure. Authoritarian regimes are tightening their grip. Reports of sexual violence against women and girls in conflicts paint a disturbing picture. There is shrinking space for civil liberties, and the universality of human rights is being questioned – sometimes quite aggressively.'*

-Closing remarks by the Minister of Foreign Affairs of the Netherlands, H.E. Mr Stef Blok, at a meeting on the EU Global Human Rights Sanction Regime, 20 November 2018.

Is this prognosis correct? Are human rights really in retreat around the world?

As related at the beginning of this policy brief, such critiques of the international human rights regime and concerns about the current global arc of change have become a mainstay of global debates and commentaries about the state of human rights around the world. However, based on currently-available data, we simply cannot know if this critique is valid. In short, we need better data if we are to properly and objectively assess the global situation of human rights. To gain access to such data will, in turn, require a revolution in thinking and in practice.

There are several reasons why, today, measuring human rights trends and impact is fraught with difficulties.

The first broad reason is the lack of available human rights data, or perhaps more correctly, a collective failure to link existing data (e.g., social development data) with the universal human rights framework. For instance, while many indicators are available (e.g., data gathered by the World Health Organisation, the UN Children's Fund, and UN Women) to show progress

towards economic and social outcomes, very few of them provide consistent benchmarks that might show whether and to what extent countries are meeting their obligation to progressively realise the rights set down in the International Covenant on Economic, Social and Cultural Rights (ICESCR) – e.g., by taking account of the different resource capacities of States.

Moreover, and to further complicate matters, the core human rights principles of equality and non-discrimination demand that socio-economic outcome data (i.e., the that would form the basis of ESR indicators) be disaggregated to understand the differential enjoyment of human rights across population groups (e.g., women, indigenous peoples, persons with disabilities). Disaggregated data on this scale does not currently exist (consistently) across all UN member States.

Compounding the problem of the overall lack of human rights-specific indicator data is the fact that there is no universally agreed framework for using economic and social outcome indicators as the basis of human rights measurement. While OHCHR's 2012 report does set forth a consensus view of the key attributes of different rights and does propose different indicators that might be used to measure the enjoyment of those rights, it leaves it to States to choose which indicators they might wish to apply. As a result (i.e., because different States will tend to choose different indicators) the opportunity to compare progress between countries or to track global progress was lost. This same critique applies to statistical CPR indicators that do not rely on counts of violations, such as data on the number of journalists, the percentage of women parliamentarians, or time spent in pre-trial detention.

A second broad problem with existing data and methodologies is that for many rights, such as CPRs, rights guaranteeing freedom from discrimination, and labour rights, the true level of the violation, respect or enjoyment of those rights is not directly observable. As such, measures that rely on reported violations tend to give a biased picture of the graveness of the situations being measured.

Why is this the case? First, many human rights violations are clandestine and, when discovered, are contested. Second, human rights abuses are often not reported at all.

Regarding uneven or selective under-reporting, many existing human rights measurement projects tend to rely exclusively on publicly-available information when producing their datasets (see Section IV below). If underreporting were equal across all countries and over time, this would not necessarily be a problem. We would know that collated data captures less than the sum total of important information, but as long as the same proportion of that information was missing in all countries and for each period then the indicators would be capable of telling us whether practices are getting better or worse.

However, there is good reason to suspect that underreporting is not consistent across all countries or over time. As a result, not only do measurements based on public documentation risk underreporting abuse, they may also be inaccurate. Levels of reported violations that emerge, for example, from areas with no independent human rights institutions, few journalists, limited internet access, and/or relatively underdeveloped civil societies, will by definition be very different from reports emanating from countries with a more developed human rights infrastructure.<sup>8</sup>

Further, some academics have convincingly argued that countries today are held to a higher standard of accountability for their human rights practices than they were in the past. This is mainly due to uneven but steady growth in the information-gathering capabilities of different international actors, the increasing numbers of human rights organisations and monitors, and an expanded understanding and interpretation of the rights themselves by the UN Treaty Bodies and others. As Christopher J. Fariss of the University of Michigan has said: 'The standard of accountability used to assess State behaviour becomes more stringent as monitors look harder for abuse, look in more places for abuse, and classify more acts as abuse.'<sup>9</sup> This has led many existing measures to conclude that the global human rights situation is stagnant or, on some fronts, worsening.

To account for this potentially shifting standard of accountability, Fariss proposed a new methodology to measure respect for physical integrity rights over time. When he ran this model using existing datasets, he found that respect for these rights has actually improved over time. Importantly (in terms of demonstrating the effectiveness of the UN human rights system), the model also revealed a positive correlation between respect for human rights and

the ratification of core human rights treaties, (he used ratification of the UN Convention against Torture as an example).

A final broad problem/challenge with existing approaches to human rights measurement (where they exist) is that they tend to focus on the enjoyment of a relatively narrow range of CPRs and in a pre-selected group of countries. This is clearly problematic when the universal system is based on a presumption that, first: 'all human rights are universal, indivisible and interdependent and interrelated,' [and must be treated] in a fair and equal manner, on the same footing, and with the same emphasis;<sup>10</sup> and, second: all States share an equal and solemn commitment to 'fulfil their obligations to promote universal respect for, and observance and protection of, all human rights.'<sup>11</sup> It is also somewhat paradoxical when one considers that the base data for ESR indicators is relatively available and accessible compared to CPR data/indicators.



# IV.

## EXISTING EFFORTS TO TRACK GLOBAL HUMAN RIGHTS CHANGE AND IMPACT

There have been a number of efforts to measure human rights progress and impact, including by UN Treaty Bodies and Special Procedures. For example, Danilo Türk, the first Special Rapporteur on ESCRs (1986-1992) promoted the development of better statistical measures of human rights performance, lamenting that in their absence 'there is little chance of obtaining an overall picture which shows the extent to which these rights are realised.'<sup>12</sup>

These and other efforts (e.g., by NGOs and academia) can be grouped into two broad categories: guidelines/frameworks; and indices/rankings.

## A. GUIDELINES AND FRAMEWORKS

The first set of efforts to drive progress towards the empirical measurement of human rights has been the elaboration of general guidelines or frameworks.

Importantly, these guidelines or frameworks do not generate data themselves, but rather aim to help States and other stakeholders establish their own measurement methodologies and systems.

The most widely known set of guidelines or framework is, of course, OHCHR's 2012 report on 'Human rights indicators: a guide to measurement and implementation.'<sup>13</sup>

As the then High Commissioner for Human Rights, Navi Pillay, states in the foreword, the report aimed to fill a gap between the wide recognition of the importance of human rights measurement via assessment-indicators on the one hand, and the lack of uptake/practical application of those techniques on the other.

The report presented itself as the culmination of two decades of work by different parts of the UN system including various Special Procedures mandate holders (e.g., the former Special Rapporteur on the right to education, Katarina Tomaševski, and her 'Four A's approach',<sup>14</sup> the former Special Rapporteur on the right to health, Paul Hunt<sup>15</sup> and OHCHR itself). The final guidelines also drew on information gathered through a number of regional and international workshops with relevant experts.<sup>16</sup>

The final report aimed to provide a conceptual framework for identifying the indicators that States and other stakeholders might use to measure human rights change (see Figure 2 below). Following the methodology of Paul Hunt, OHCHR's framework proposed three types of indicators (structure, process and outcome) to effectively track the fulfilment, by each State, of its human rights obligations. The report also presented the broad contours of the consensus view – according to OHCHR – on the main attributes (or aspects) of each human right.<sup>17</sup>

OHCHR's 2012 report provides an extensive list of possible indicators States can use to track each aspect of each right. To do so, it first identifies around four key attributes for each human right; and then identifies multiple structural, process and outcome indicators for each of those attributes. The result is a report that lists hundreds of possible indicators for each right.

The 2012 report, in other words, proposes a broad methodology for human rights measurement, and then offers a list of options for the measurement indicators that States might choose to apply. OHCHR adopted this cautious approach due to pressure from certain UN member States, which did not want the UN to develop tools to further scrutinise national human rights performance. In that sense the States were undoubtedly successful, as the final OHCHR report did not succeed in furthering the cause of human rights measurement, and is, today, largely forgotten.

The main flaw in OHCHR's report is that by proposing only a broad methodological framework, and a long list of possible indicators (to be chosen or discarded by States), it failed to set out an agreed, common approach. This has, in turn, served to increase confusion rather than reduce it, and has meant that different States (in the relatively small number of instances where States have tried to apply indicators) have developed different methodologies and identified different indicators to suit their needs.

As a consequence, OHCHR's report failed to create the conditions under which the international community might realistically compare the enjoyment of human rights between States, or track worldwide human rights trends in a consistent manner.

Finally, the report did not provide guidance for measuring the progressive realisation of ESCRs 'to the maximum of available resources' (as per article 2.1 of the ICESCRs).

Other notable guidelines/frameworks include the Center for Economic and Social Rights' OPERA approach,<sup>18</sup> and aspects of the Centre on Housing Rights and Evictions' study<sup>19</sup> on the right to housing.

While valuable, these civil society contributions do not propose a universal methodology to measure human rights trends, nor do they provide robust and comparable evidence of the impact of State implementation of UN human rights recommendations. Moreover, although the OPERA framework does include an analysis of government expenditure, overall these measurement efforts, like OHCHR's, fail to take due account of the 'progressive realisation' aspect of the ICESCRs. The only

framework that fully takes this element into account is the Social and Economic Rights Fulfilment (SERF) Index, discussed below.

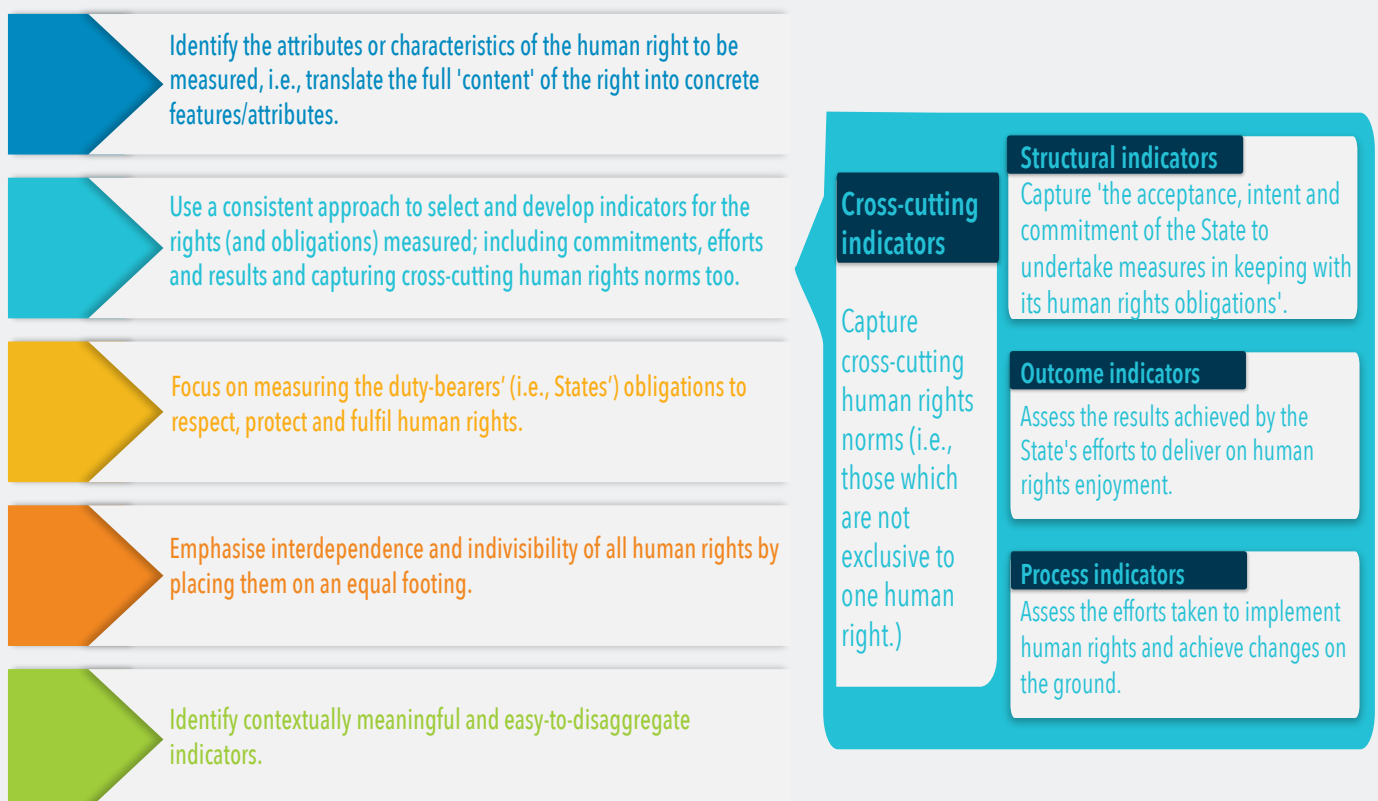
## B. INDICES AND RANKINGS

The second group of initiatives that have emerged to track global trends are the human rights indices or rankings.

Unlike the indicator frameworks or guidelines discussed above, the main purpose of these initiatives is to classify (and compare) States according to their human rights 'performance'. Box 1 provides a non-exhaustive list of some of these initiatives.

As can be seen in Box 1, efforts to assess country performance with regard to CPRs have been more numerous than initiatives to measure ESRs. This

## FIGURE 2. OHCHR'S CONCEPTUAL FRAMEWORK FOR DEVELOPING AND IDENTIFYING HUMAN RIGHTS INDICATORS



focus on CPRs serves to introduce a bias in favour of high-income Western democracies, which may perform well with regard to the absolute enjoyment of CPRs, but less well when it comes to the realisation of ESCRs 'to the maximum of available resources.'

Moreover, contrary to the proposed framework set out in OHCHR's 2012 report, existing CPR measurement efforts have tended to rely on a 'counting violations' approach, as well as on information contained in relevant government reports, the reports of international advocacy NGOs, academic surveys, or public opinion polls. As a consequence, they do not resolve the 'unobservability' challenge outlined in Part III of this policy brief.

Where there have been efforts to measure ESRs (with the exception of the SERF Index), these have tended to ignore the important 'progressive realisation' aspect of State obligations and/or to focus instead of aspects of the ICESCR that are not subject to progressive

realisation such as the duties to respect and protect, and to ensure non-discrimination.

Additionally, existing ESR measurement projects do not (generally speaking) allow for comparisons between countries and, while often rich in detail, fail to provide an overview of the extent to which States are meeting their ESR obligations over time.



## BOX 1. SELECTED EFFORTS TO SHOW STATES' FULFILMENT OF THEIR UNIVERSAL HUMAN RIGHTS OBLIGATIONS ACROSS TIME

Initiative	Data since	Variables measured	Description
<b>Reporters without Borders (RSF)-Press Freedom Index</b>	2013	Violence against journalists based on pluralism, media independence, media environment and self-censorship, legislative framework, transparency, and the quality of the infrastructure that supports the production of news and information.	<p>The degree of freedom available to journalists in 180 countries is calculated on the basis of responses to an expert questionnaire (by media professionals, lawyers and sociologists), combined with data on abuses and violence against journalists and media outlets, gathered by experts, with the support of a network of correspondents in 130 countries.</p> <p>Countries are ranked under the following categories: good situation, satisfactory situation, problematic situation, difficult situation and very serious situation.</p>
<b>Freedom House - Freedom in the world</b>	1972	Political rights and civil liberties based on electoral process, political pluralism and participation, the functioning of the government, freedom of expression and of belief, associational and organisational rights, the rule of law, and personal autonomy and individual rights.	<p>Composed of numerical ratings and supporting descriptive texts for 195 countries and 14 territories, it ranks States through a combination of on-the-ground research, consultations with local contacts, and information from news articles, nongovernmental organisations, governments, and a variety of other sources.</p> <p>States are then assigned to a free, partially free or not free groups.</p>
<b>The Economist Intelligence Unit - Democracy Index</b>	2006	Democracy, through electoral process and pluralism; civil liberties; the functioning of government; political participation; and political culture.	<p>The index provides a snapshot of the state of world democracy for 165 States and two territories. Based on 60 indicators, the Index then assigns the countries to one of the following groups: full democracy, flawed democracy, hybrid regime or authoritarian regime. Each of these categories is in turn divided in two (except for authoritarian regimes which have three) sub categories.</p>

Initiative	Data since	Variables measured	Description
<b>Political Terror Scale</b>	1976	Physical integrity rights, through levels of State sanctioned or State perpetrated violence (torture, political imprisonment, killings and disappearances).	<p>The PTS is based on Country Reports on Human Rights Practices published annually by the United States (US) State Department and the State of the World's Human Rights report published annually by Amnesty International (AI) and occasionally using the Human Rights Watch report.</p> <p>A group of researchers assigns each State a score from 1 to 5, depending on the scope, intensity, and range of the human rights violations measured. A score of 1 means that the violations rarely occur, while a score of 5 signals that violations affect the whole population.</p>
<b>Cingranelli-Richards Human Rights Data Project (CIRI)</b>	1981 (until 2011)	Physical integrity rights, civil liberties (i.e., freedoms of speech, association and assembly, movement, religion, and the right to participate in the selection of government leaders), workers' rights and women's rights.	CIRI uses country reports by the US State Department and the State of the World's Human Rights report published annually by AI, but it disaggregates physical integrity violations combining information from both sets of reports. It then assigns a value to each of the 14 rights measured. Finally, CIRI produces two combined indices: one measuring respect for physical integrity rights and another measuring empowerment rights, i.e., civil liberties.
<b>Transparency International - Corruption Perceptions Index (CPI)</b>	1995	Perception of corruption in the public sector.	Based on the views of experts and surveys of business people, the CPI 'ranks 180 countries and territories 'by their perceived levels of public sector corruption.' <sup>20</sup> Data is collected from 13 external sources, which had in turn ranked countries using their own scales. Transparency International standardises these values and then ranks all countries using a scale of 0 to 100, where 0 is highly corrupt and 100 is no perception of corruption.
<b>Pew Research Center (Pew) - World dissatisfaction with how democracy is working</b>	2001	Levels of satisfaction are measured using the following question: 'How satisfied are you with the way democracy is working in our country - very satisfied, somewhat satisfied, not too satisfied, or not at all satisfied?' <sup>21</sup>	Pew conducts telephone and face-to-face interviews to calculate, based on national samples, national levels of satisfaction with democracy.

Initiative	Data since	Variables measured	Description
<b>Right to Education Initiative - Right to Education Index (RTEI)</b>	2015	Right to education, based on the international right to education framework.	The RTEI is based on a survey, with explicit references to the international human rights framework. Primary respondents are civil society organisations and national education coalitions. 'RTEI collects both quantitative and qualitative responses. Quantitative data is used to develop the index scores on a scale of 0 (right to education absent) to 100 (right to education respected, protected, and fulfilled). Qualitative data helps explain and expand the researchers' and peer reviewers' responses about limitations and on-the-ground realities.' <sup>22</sup>
<b>Varieties of Democracy (V-Dem)</b>	1789	Nature, causes and consequences of democracy.	V-Dem conducts expert (mostly academics) surveys, and uses official documents to measure five high-level principles of democracy: Electoral, Liberal, Participatory, Deliberative, and Egalitarian. V-Dem then assigns a score (between 0-1, where 1 is best performance) to each State (for each attribute measured). Based on this data, V-Dem publishes 5 indices and data on over 350 specific indicators.
<b>Sakiko Fukuda-Parr, Terra Lawson-Remer and HRMI co-founder Susan Randolph - SERF Index.</b>	1970	'Countries' fulfilment of their obligations with regard to specific social and economic rights, expressed as a percentage of the feasible level of economic and social rights enjoyment that could be achieved.' <sup>23</sup>	The SERF index uses publicly available socio-economic statistics. To compute the score of a State, the SERF index first constructs, for each given socio-economic indicator, the 'Achievement Possibility Frontiers' (APFs). The APF reflects what the best performing-countries have achieved at different per capita income levels. Each indicator reflects an aspect of a substantive ESR. Thus, APFs benchmark each country's level of obligation <i>vis-à-vis</i> the measured ESR. Country scores on a right aspect are the percentage of the benchmark achieved. Scores on the different aspects of a right are then averaged to construct the corresponding Rights Indices. All the Rights Indices are then averaged to yield the composite SERF Index. <sup>24</sup> Since the indicators widely available for high-income countries differ from those widely available for low and middle income countries, there are two versions of the SERF Index: one for low- and middle-income countries and one for high-income countries.



**V.**

**THE HUMAN RIGHTS  
MEASUREMENT  
INITIATIVE ('HRMI'):  
BREAKING NEW  
GROUND**

The Human Rights Measurement Initiative (HRMI, pronounced 'her-me') has addressed each of the challenges discussed above. HRMI is a global collaborative project that is focused on providing human rights data that are useful to practitioners, researchers, journalists, and everyday people worldwide. The initiative has been operating since late 2015 and is the first global initiative to publish a comprehensive suite of measures that track the human rights performance of countries. HRMI's initial set of data includes measures of 12 human rights.<sup>25</sup>

In producing human rights data, HRMI values independence, cross-disciplinary collaboration, and human-centred design. Further, to ensure that HRMI data are accessible to the public and civil society, rather than just specialist researchers, HRMI puts a strong emphasis on the public presentation of the data, including through the development of an easily understood interactive data visualisation website.<sup>26</sup>

HRMI's goal is improve people's lives by measuring country-level progress on every single human right acknowledged by the international human rights system and defined according to the International Bill of Human Rights.<sup>27</sup>

Grounded in international law, the initial HRMI data set provides country-level metrics for five ESRs: the rights to food, education, health, housing (which includes water and sanitation), and work (which includes aspects of social security); and seven CPRs: the rights to opinion and expression, assembly and association, participation in government, as well as freedom from execution, torture and ill-treatment, disappearance, and arbitrary or political arrest and imprisonment.

## MEASURING CIVIL AND POLITICAL RIGHTS

HRMI measures CPRs using an expert survey approach. Survey respondents are human rights practitioners, including researchers in civil society organisations, journalists, lawyers, and staff at NHRIs with A-level accreditation by the GANHRI, all of whom directly monitor human rights in their countries. HRMI's logic is that the proximity of these respondents with the primary sources of information should make them a better source than, for example, academics.

This is the first relevant difference between HRMI and other existing efforts (including those mentioned in Box 1). Regarding CPRs, HRMI addresses and tackles the 'observability' and 'reliability' challenges (see Section III above) by getting information directly from independent experts who are monitoring the human rights situation in their countries.

Other efforts to measure CPRs have relied on consistently available secondary or tertiary sources of information (like State, media, and NGO reports, or surveys of academics). However, as discussed extensively above, information about CPR practices based on these sources, can be incomplete and uneven across both countries and time; this is reflected in the information available in State and NGO reports, which are also often not comprehensive in their coverage of human rights. While surveying academics, as V-Dem does (see Box 1 above), can help overcome the problem of comprehensiveness, academics are still much more likely to rely on secondary sources for their information about human rights abuse than are human rights practitioners. Indeed, academics often rely on the same State, media, and NGO reports that previous measures have used. As a result, academics may still be subject to some of the biases present in State and NGO reports. Further, because they are likely to be relying on the same sources, several different academics may give the same answers to survey questions, which could serve to provide a false sense of certainty about what is actually known about human rights abuse in a country or time.

HRMI overcomes these problems by getting information directly from human rights practitioners monitoring CPR practices in their countries. As a result, the information comes from people that are either in direct contact with primary sources of information or serve as primary sources themselves. As such, information that never found its way into any other publicly available reporting may now be utilised as part of a more comprehensive measure of a State's practices. For example, whereas previous data projects largely limited their analysis to the respect for CPRs across the whole country, HRMI can produce data on which particular populations were particularly vulnerable to a lack of enjoyment of their rights, allowing for the crucial disaggregation discussed in previous sections.

As a result, HRMI's CPR measures have three distinct advantages over existing data. First, HRMI's data utilise valuable, but previously unavailable information that is, arguably, more complete and comprehensive than currently available public accounts. Second, HRMI's measures are honest about the level of certainty for each score, thanks to the survey and statistical methods utilised in collecting and producing their data.<sup>28</sup> Third, HRMI's data can provide disaggregated information on which particular population groups in a country are most at risk for a lack of CPR enjoyment.

To date, HRMI has produced CPR data for 19 countries for two years (2017 and 2018), focused on the seven rights mentioned before. An example is provided in Box 2, below.

## BOX 2. CIVIL AND POLITICAL RIGHTS IN NEW ZEALAND

To illustrate HRMI's CPR data, this Box focuses on the example of New Zealand. As shown in figure A, New Zealand's scores on each of the seven CPRs measured, are divided into two categories. The scores for the three 'empowerment rights' are shown in the first set of bars: 6.3/10 for the right to participate in government; 7.1/10 for the right to opinion and expression; and 7.7/10 for the right to assembly and association.

Figure A also shows New Zealand's scores for the four 'safety from the State' rights (also known as 'physical integrity rights'). These are: 7.7/10 for the right to freedom from torture and ill-treatment; 8.6/10 for the right to freedom from execution; 9.1/10 for the right to freedom from disappearance; and 8.4/10 for the right to freedom from arbitrary and political arrest.

Taken alone, these scores don't tell us a lot. People want answers to questions like: Is New Zealand doing well or poorly? Are things improving over time, or not? And which people are most at risk of violations?

On the time question, the answer is easy. So far HRMI has data only for two years: 2017 and 2018, and for New Zealand the data show stable scores across those two years.

Is New Zealand doing well, or poorly? To answer this, we can look at Figures B and C (taken

from the HRMI data portal) which compare New Zealand with the four other high-income OECD countries that HRMI has so far collected CPR data for. In these charts the solid vertical line shows HRMI's estimate of the score for each country, and the shaded box area represents the uncertainty around that score. If two uncertainty bands substantially overlap, then we cannot say with any certainty that one country is performing better than the other.

So Figure B tells us that in terms of 'safety from the State', New Zealand performs similarly to Australia, South Korea and the United Kingdom, and better than the United States.

And Figure C tells us a very similar story, although it also tells us that on 'empowerment rights', New Zealand, Australia, South Korea and the United Kingdom are outperforming the United States with less certainty than on 'safety from the State'.

Digging into the New Zealand data a bit more, we can observe that one of the areas where New Zealand is performing relatively less well is on the right to participate in government.

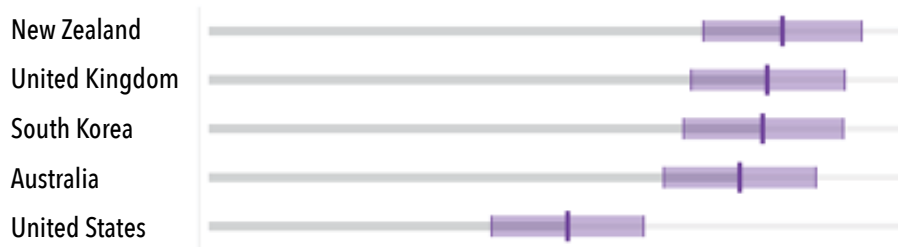
To understand what might be driving that, we can look at which groups of people the New Zealand experts indicated were most at risk of having this right violated. This information is shown in Figure D below. The numbers in parentheses tell

### FIGURE A. SUMMARY OF HRMI CIVIL AND POLITICAL RIGHTS SCORES FOR NEW ZEALAND

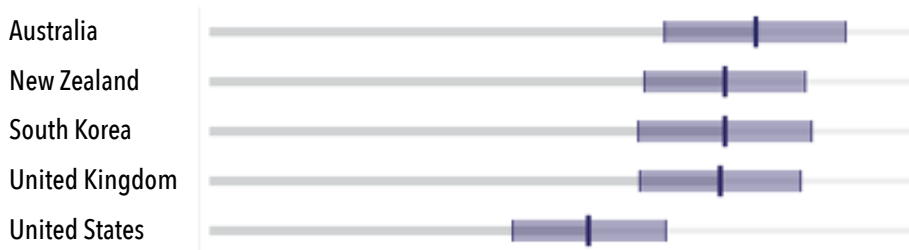
#### Civil and Political Rights



**FIGURE B. SAFETY FROM THE STATE RIGHTS: NEW ZEALAND COMPARED WITH OTHER HIGH-INCOME OECD COUNTRIES**



**FIGURE C: EMPOWERMENT RIGHTS: NEW ZEALAND COMPARED WITH OTHER HIGH-INCOME OECD COUNTRIES**



us the percentage of expert survey respondents who identified each group of people as being particularly vulnerable to having this right violated.

Indeed, the restriction on prisoners' right to vote is a topical issue in New Zealand at present, made more salient by the fact that Māori, the indigenous people of the country, are significantly over-represented in the prison population. In a

non-binding decision, the New Zealand Supreme Court has found that the prisoner-voting ban is inconsistent with the New Zealand Bill of Rights Act and the ICCPR.

Critics also argue that the effect on Māori means the prisoner-voting ban is inconsistent with the Treaty of Waitangi, the founding document of New Zealand.

**FIGURE D. NEW ZEALAND: PEOPLE AT RISK OF VIOLATIONS OF THEIR RIGHT TO PARTICIPATE IN GOVERNMENT**

Detainees or those accused of crimes (62%)

Indigenous people (23%)  
 Other people (23%)  
 People of particular ethnicities (8%)  
 Children (8%)  
 People with disabilities (8%)  
 People with low social or economic status (8%)  
 People who are homeless (8%)  
 People with less education (8%)



## MEASURING ECONOMIC AND SOCIAL RIGHTS

Consistent with HRMI's collaborative approach, the initiative has adopted the ESR SERF index measurement approach pioneered by HRMI co-founder Susan Randolph and her co-authors Sakiko Fukuda-Parr and Terra Lawson-Remer. This approach has been applied to five of the rights specified in the ICESCR: the rights to food (article 11), education (articles 13 and 14), health (article 12), housing (article 11), and decent work (articles 6 and 7). This approach takes seriously the State obligations laid out in article 2.1 of the ICESCR, that every party to the treaty must progressively realise the rights 'to the maximum of its available resources'. As such, every country has a different benchmark level of rights enjoyment that the State is responsible for fulfilling at a given time, based on what evidence suggests could be reasonably achieved with the State's current resources.

This award-winning methodology<sup>29</sup> has been praised for a number of reasons. Although it uses many of the same indicators monitored by the Sustainable Development Goals (SDGs), it takes a rights-based approach and incorporates the idea of progressive

realisation. Thus, it allows data users to hold higher-income countries to high standards while also recognising the progress of lower-income countries. It also allows data users to distinguish between countries that are doing poorly because they are not using their resources well, versus those that are doing the best they reasonably can with their available resources. This latter group would require additional income (or development aid) to further extend rights enjoyment.

The ESR metrics are presented as a percentage of the benchmark achievement that could be reasonably reached with that country's per-capita income level, i.e., a country's score is the percentage met of its immediate obligation under the ICESCR to fulfil the right concerned. Thus, a 100% score does not generally mean that everyone in the country is enjoying the right, but rather, that the country is doing as well as can be expected on that right given its resources. Similarly, to the extent their resources differ, two countries can achieve the same score even with different percentages of people enjoying the right.

In that sense, the scores show to what extent States are using their resources as effectively as possible to progressively fulfil the ESRs of their populations.

How does HRMI calculate those scores?

To calculate the 'feasible' achievement for each country, HRMI estimates an 'achievement possibilities frontier' for each indicator. This involves plotting what other countries have achieved (i.e., the scores for each particular indicator) throughout time and at different levels of resources (i.e., per capita GDP). Country performance is then assessed by comparing the country's actual performance with the feasible performance, as benchmarked by the achievement possibilities frontier.

To consider the context of each State (as well as the indicators collected by countries at different income levels) HRMI uses two separate assessment standards. The 'low- and middle- income' assessment standard, which is most relevant to the challenges of low- and middle-income countries, and the 'high-income country' assessment standard, which better reflects the challenges that are particular to high-income countries. Using these two separate standards allows HRMI to use specific and differentiated indicators for both sets of countries (See Figure 3). For the specific indicators used by HRMI, see Appendix C.

To illustrate, consider the right to food. The low- and middle-income standard relies on the child stunting rate. Child stunting is not as much of a problem in high-income countries and there is very limited variation

in child stunting rates among high-income countries. Food security, however, remains a challenge in high-income countries and so for the high-income countries progress is assessed using the FAO measure of the percentage of households that are food secure, based on the Food Insecurity Experience Scale (FIES). Unfortunately, since the FAO have only published the food security measure for the most recent period, HRMI is unable – at this time – to assess change over time in the right to food for the high-income countries.

The ESR metrics constructed by HRMI are the underlying Right Indices that make up the SERF Index (See Box 1). Both variants of the SERF Index (i.e., low- and middle-income, and high-income standards) are computed for all countries to the extent that data are available, so that country performance can be compared using either assessment standard.

## WHAT DO THE DATA TELL US ABOUT GLOBAL TRENDS IN ECONOMIC AND SOCIAL RIGHTS?

In short, the HRMI ESR data show that while some countries have been slipping backward, overall there has been a gradual improvement in the fulfilment of ESRs worldwide. This is consistent with Kathryn Sikkink's work documenting that the long-term trend

### FIGURE 3. HRMI'S PROCESS FOR DEVELOPING ESR METRICS

#### Step 1.

Identify indicators that reflect the extent to which people enjoy each ESR, and which are available on an internationally-comparable basis for many countries.

#### Step 2.

Determine the extent to which a country should be able to fulfil the rights of its population, according to its per capita income, and calculate performance scores (i.e., extent to which a State meets its obligations) for each indicator.

#### Step 3.

For each right, combine the scores into an aggregate metric (i.e., single figure).

in human rights change has been positive, albeit improving slowly and as a result of struggle.<sup>30</sup>

The figures shown below compare the average ESR scores by region across four snapshots of time: 2006, 2009, 2012 and 2016.

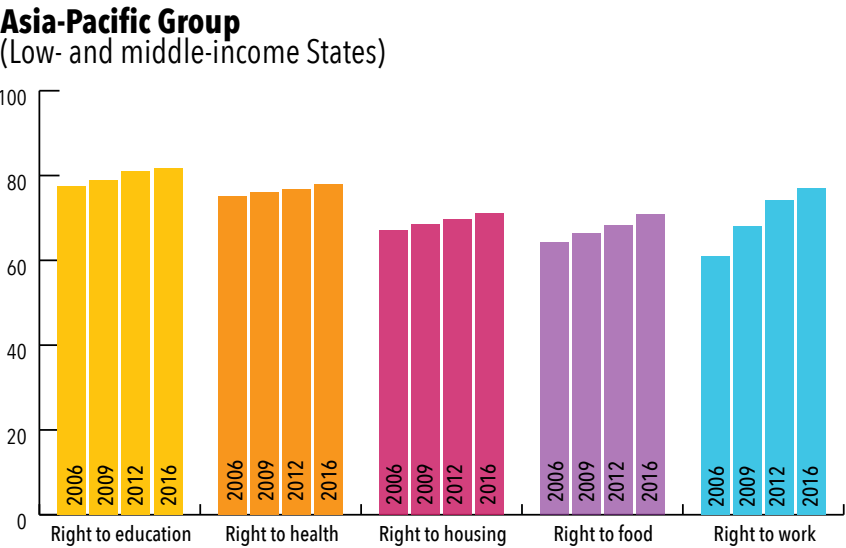
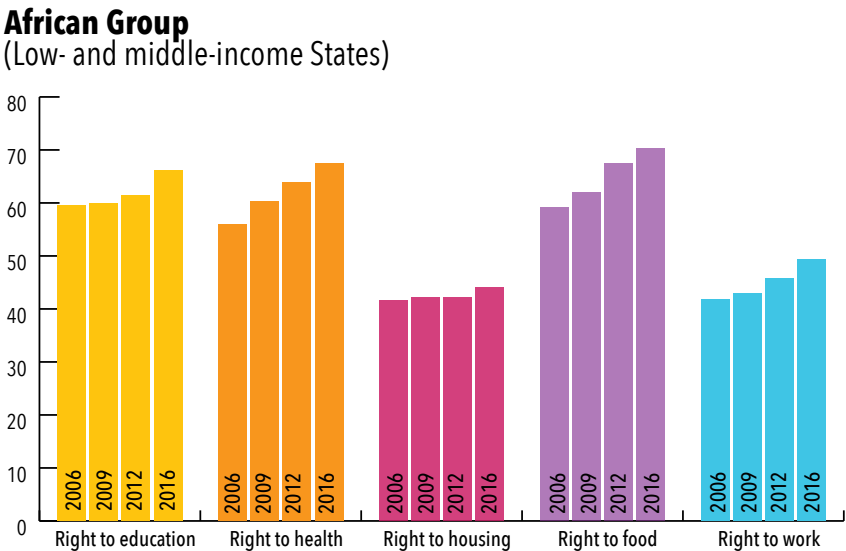
The most positive trends overall can be observed in the African and Asia-Pacific Groups, where trend improvements can be observed across all five rights measured, although least noticeably for the right to housing (which incorporates the right to water and sanitation) in States of the African Group (AG). Not only has progress on the right to housing in these States

been slower but, generally, the scores are lower for the right to housing than for other rights. In contrast, particularly strong progress can be seen on the rights to health and food in States of the AG.

The Asia-Pacific Group (APG) scores were highest on the right to education, but progress has been greatest on the right to work (incorporating aspects of social security) so by 2016, the average scores on the right to work and the right to education were nearly equal.

For the Eastern European Group (EEG), the pace of progress has been slower, although from a higher starting level of State performance on most rights.

FIGURE 4. TRENDS IN ECONOMIC AND SOCIAL RIGHTS PERFORMANCE (BY UN REGIONAL GROUP)



For this region, low performance on the right to health stands out. The average score of 73% in 2016 on the right to health (which is based on indicators for the child survival rate, the percentage survival to age 65 rate, and the modern contraceptive use rate) tells us that, on average, enjoyment rates of the right to health in the EEG are only 73% as high as they could and should be, given these countries' resources.

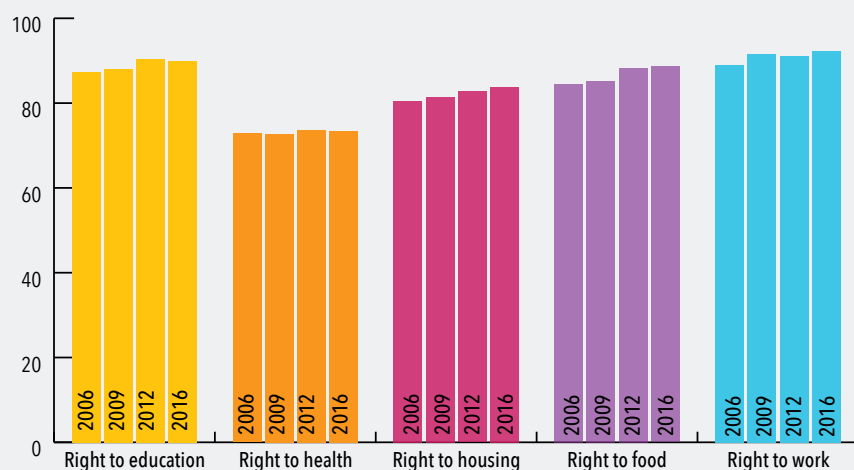
In contrast, EEG States are doing much better on the right to work (92% in 2016), albeit still falling short of achieving their immediate obligations to fulfil ESRs to the maximum of available resources.

For the Latin America and Caribbean Group (GRULAC)<sup>31</sup> we also observe steady progress over time, albeit with relatively slower progress on education, and much greater progress on the right to food.

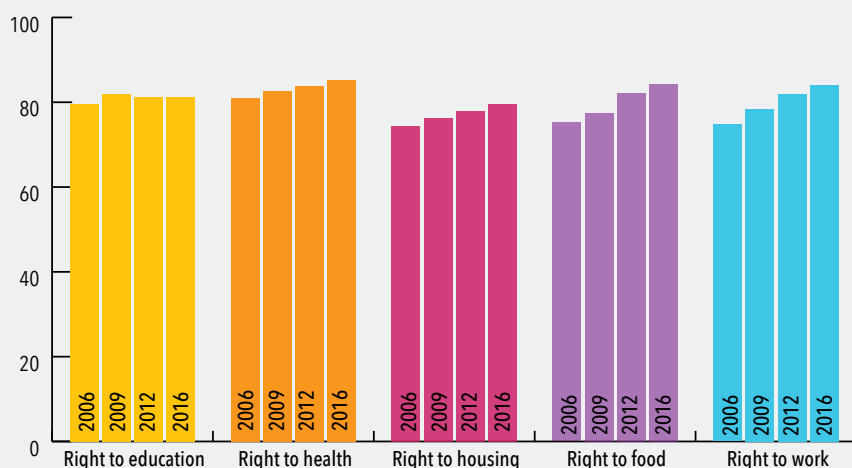
Overall, we see the slowest progress in high-income States.<sup>32</sup> Here, we see a gradual trend improvement in the fulfilment of people's rights to health and housing, a flat trend for the right to education, and backward slippage for the right to work.

It is interesting to note the high-income State scores for ensuring the right to work. This is the one group and one right where a clear retrogression, a violation

### Eastern European Group (Low- and middle-income States)

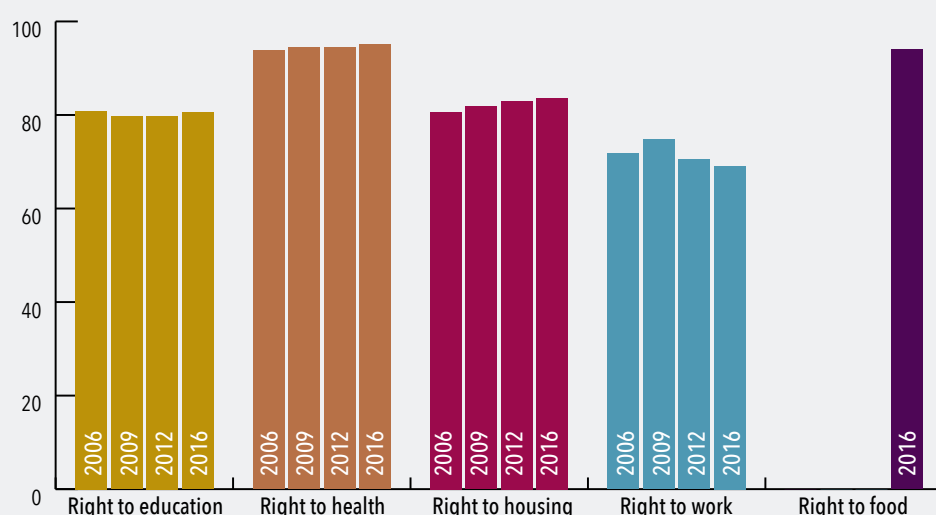


### Latin America and the Caribbean Group (Low- and middle-income States)



NOTE. For the full list of low- and middle-income countries see Appendix B. Source: 2019 Human Rights Measurement Initiative (HRMI) dataset <https://humanrightsmmeasurement.org>, in collaboration with the Economic and Social Rights Empowerment Initiative, [serfindex.org](https://serfindex.org).

## FIGURE 5. ECONOMIC AND SOCIAL RIGHTS TRENDS IN HIGH-INCOME STATES (ALL UN REGIONAL GROUPS)



NOTE. For the full list of high-income States see Appendix A.

Source: 2019 Human Rights Measurement Initiative (HRMI) dataset, <https://humanrightsmeasurement.org>, in collaboration with the Economic and Social Rights Empowerment Initiative, [serfindex.org](http://serfindex.org).

of the ICESCR, can be observed. The indicators used to assess performance on the right to work for high-income States are the percentage of unemployed that are long-term unemployed, and the percentage of people receiving less than 50% of the median income. The effects of the 2008 recession are at play here and policy measures to hasten recovery are needed, but more systemic factors are a problem as well. While some individual States are performing much better than others, high-income States as a whole are remiss in failing to put in place policies ensuring access to decent work that provides a decent wage.

Importantly, the data for the high-income States should not be compared with those for low- and middle-income States, because, as mentioned before, the former are assessed on the basis of a slightly different set of indicators than those used to assess the latter.<sup>33</sup>

We can also use the HRMI ESR data set to identify the top-performing States overall.

Figure 6 (below) shows the 2016 scores for the five top-performing low-and-middle-income States on ESRs. Shown in rank order of the average of their scores on the five rights, these are: Costa Rica, Samoa, Thailand, Kyrgyzstan and Kazakhstan.

What can we learn from these countries?

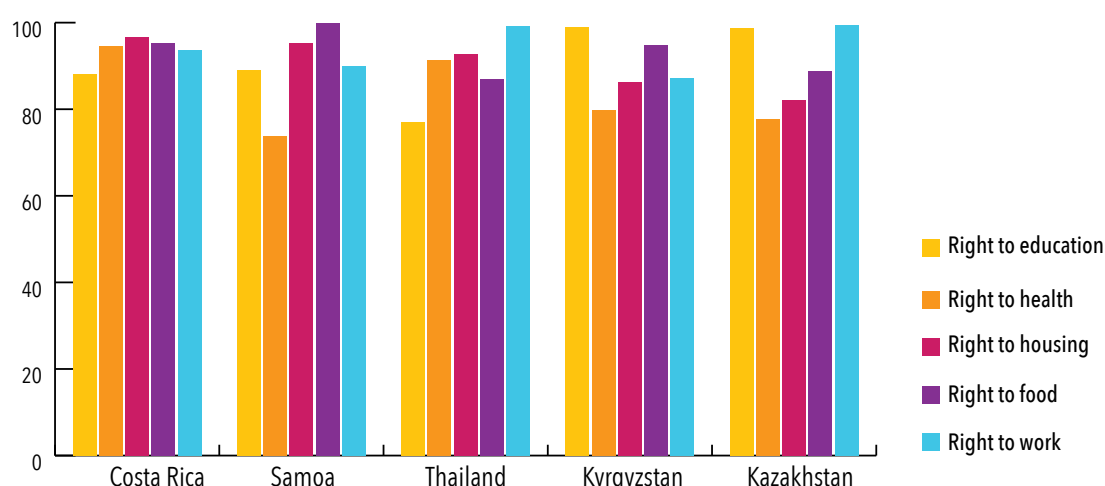
First, it is important to note that these countries' levels of GDP per capita vary significantly. Kazakhstan has

the highest income here, with 2016 GDP per capita of around \$23,000 in 2011 PPP\$. Costa Rica and Thailand come next at \$15,000 to \$16,000 per capita, respectively, then Samoa with around \$6,000, and Kyrgyzstan with the lowest per capita income, at just over \$3,000.

If we were to look only at the absolute performance of these 5 countries on rights enjoyment indicators, e.g., by using the SDG indicators, or many of the ESR indicators suggested by the OHCHR 2012 Report, we would find that the States with higher GDP per capita in this subset typically have much better outcomes on most indicators than those States with lower GDP per capita.

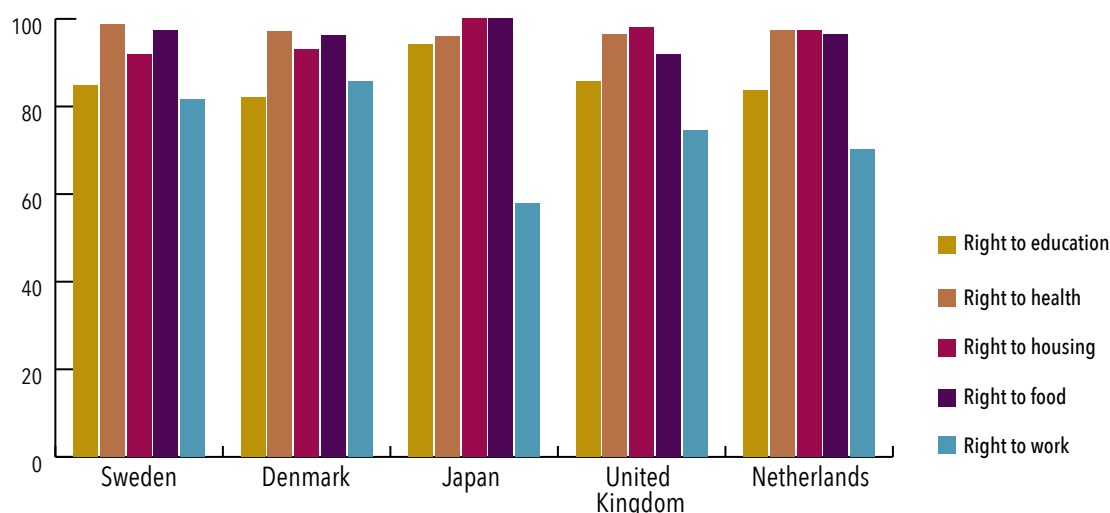
For example, the net secondary enrolment rate in Kazakhstan is 97.8%, while in Kyrgyzstan it is only 85.4%. That is not surprising, given that it is easier for a higher-income country to afford a good health or education system than a lower-income country. However, on HRMI's right to education metrics, Kyrgyzstan and Kazakhstan's scores are almost identical. That is because this methodology takes into account the principle of progressive realisation. In other words, these metrics assess each country against an income-appropriate benchmark. Thus, Kyrgyzstan is not assessed against the same benchmark as Kazakhstan, or even Samoa; rather, it is assessed against the benchmark of what other countries with equal income have been able to achieve. And what HRMI finds is that, despite being a low-income country, Kyrgyzstan is using its available

## FIGURE 6. TOP PERFORMING LOW- AND MIDDLE-INCOME COUNTRIES (ECONOMIC AND SOCIAL RIGHTS)



NOTE. Top performers are defined as those States that are most effectively using their resources to improve the quality of life of their populations. For the full list of low- and middle-income States see Appendix B. Source: 2019 Human Rights Measurement Initiative (HRMI) dataset, <https://humanrightsmmeasurement.org>, in collaboration with the Economic and Social Rights Empowerment Initiative, [serfindex.org](https://serfindex.org).

## FIGURE 7. TOP PERFORMING HIGH-INCOME COUNTRIES (ECONOMIC AND SOCIAL RIGHTS)



NOTE. Top performers are defined as those States that are most effectively using their resources to improve the quality of life of their populations. For the full list of high-income States see Appendix A. Source: 2019 Human Rights Measurement Initiative (HRMI) dataset, <https://humanrightsmmeasurement.org>, in collaboration with the Economic and Social Rights Empowerment Initiative, [serfindex.org](https://serfindex.org).

resources relatively well, particularly in terms of achieving good education outcomes, and much less well in terms of health outcomes.

Of the five low- and middle-income top performers, Costa Rica has the most consistent (and good) performance across the five rights measured, albeit with a relative weak spot in terms of education. This consistency across its performance in the ESRs measured, accounts for Costa Rica taking the #1 spot overall.

Figure 7 shows the 2016 scores for the five top-performing high-income countries. Shown in rank order these are: Sweden, Denmark, Japan, the United Kingdom and the Netherlands. What we can see is that although each of these top performers is fulfilling (or close to fulfilling) their immediate obligations under the ICESCR on some rights, all still have significant room for progress on at least a couple of other rights.

It is also interesting to look at the ranking of average performance by UN regional group and see how that

has changed over the past decade (see line charts below).

What we see is that for housing, health, and education, the ranking is the same: The EEG does best, followed by the GRULAC, APG and, then, the AG. However, for the right to food the ranking starts in that order but then the AG overtakes the APG.

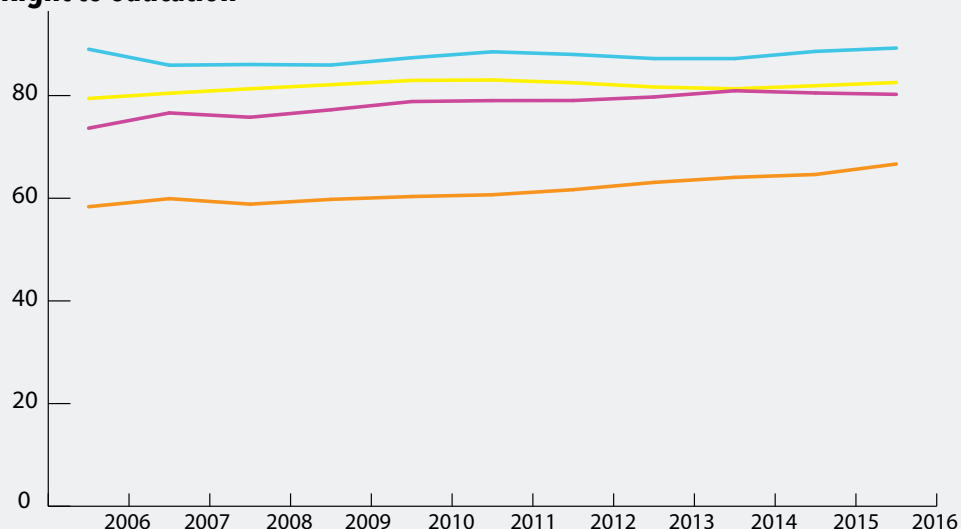
The ranking is different for the right to work: here the GRULAC performs best, followed by APG, EEG, and AG. In all cases (except perhaps the right to housing) the

greatest gains are shown by the AG. So, even though the AG has the lowest performance scores (except in the most recent years in the case of the right to food), it is progressing the most rapidly.

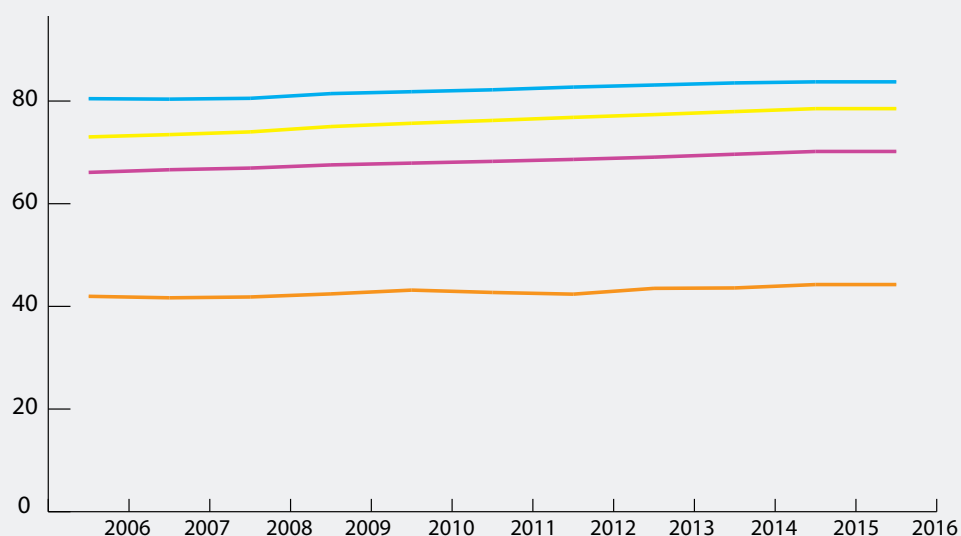
Finally, for a global overview of ESRs performance, please see Figure 9, on page 34.

**FIGURE 8. AVERAGE PERFORMANCE OVER TIME, ECONOMIC AND SOCIAL RIGHTS (LOW AND MIDDLE INCOME STATES, BY UN REGIONAL GROUP)**

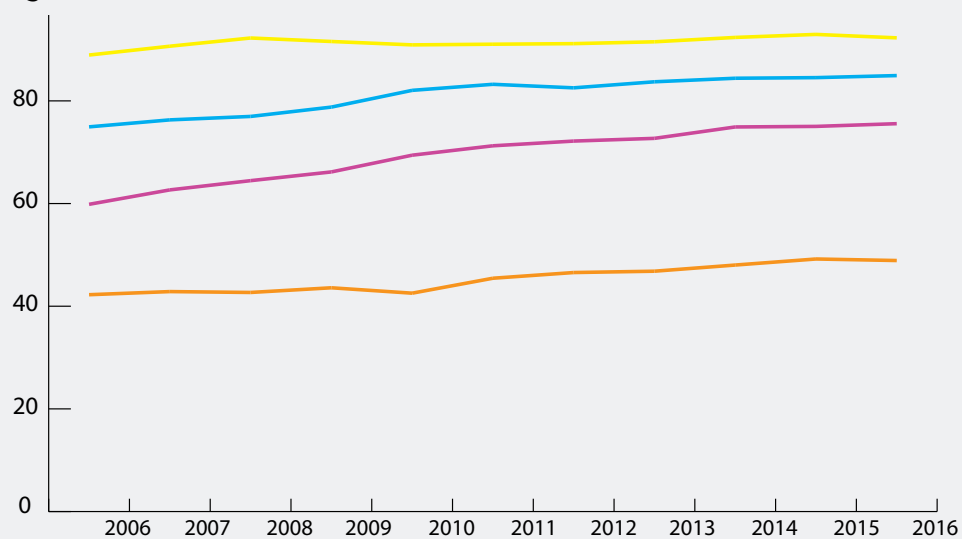
**Right to education**



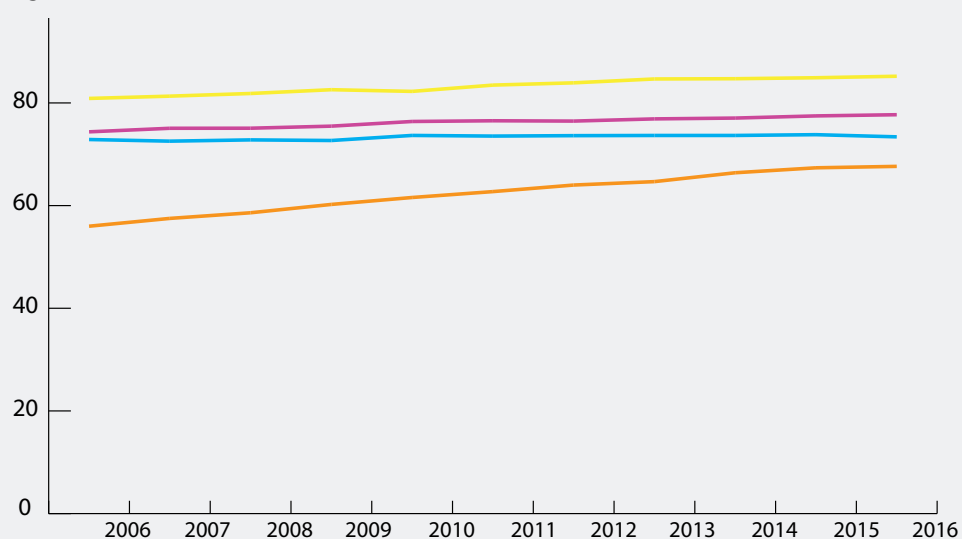
**Right to adequate housing**



## Right to work



## Right to health



## Right to food

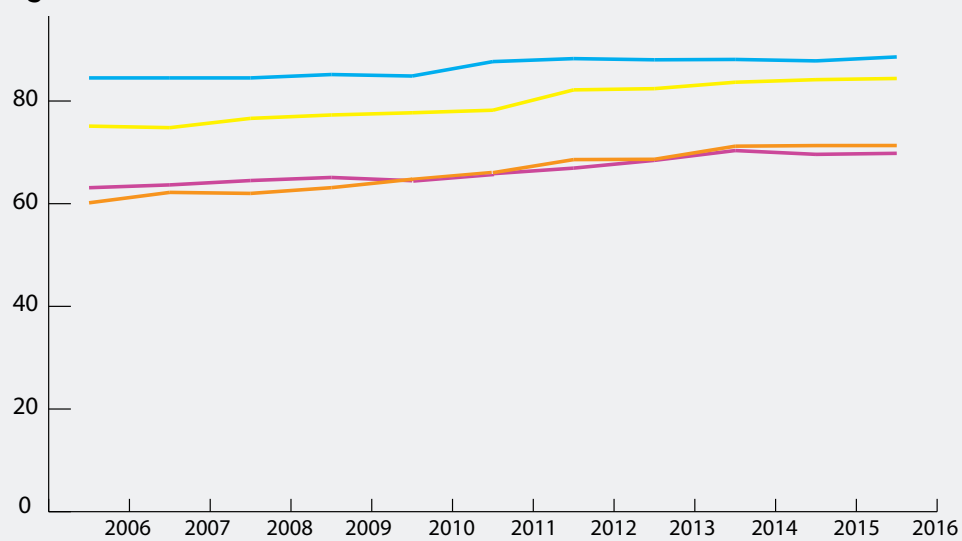
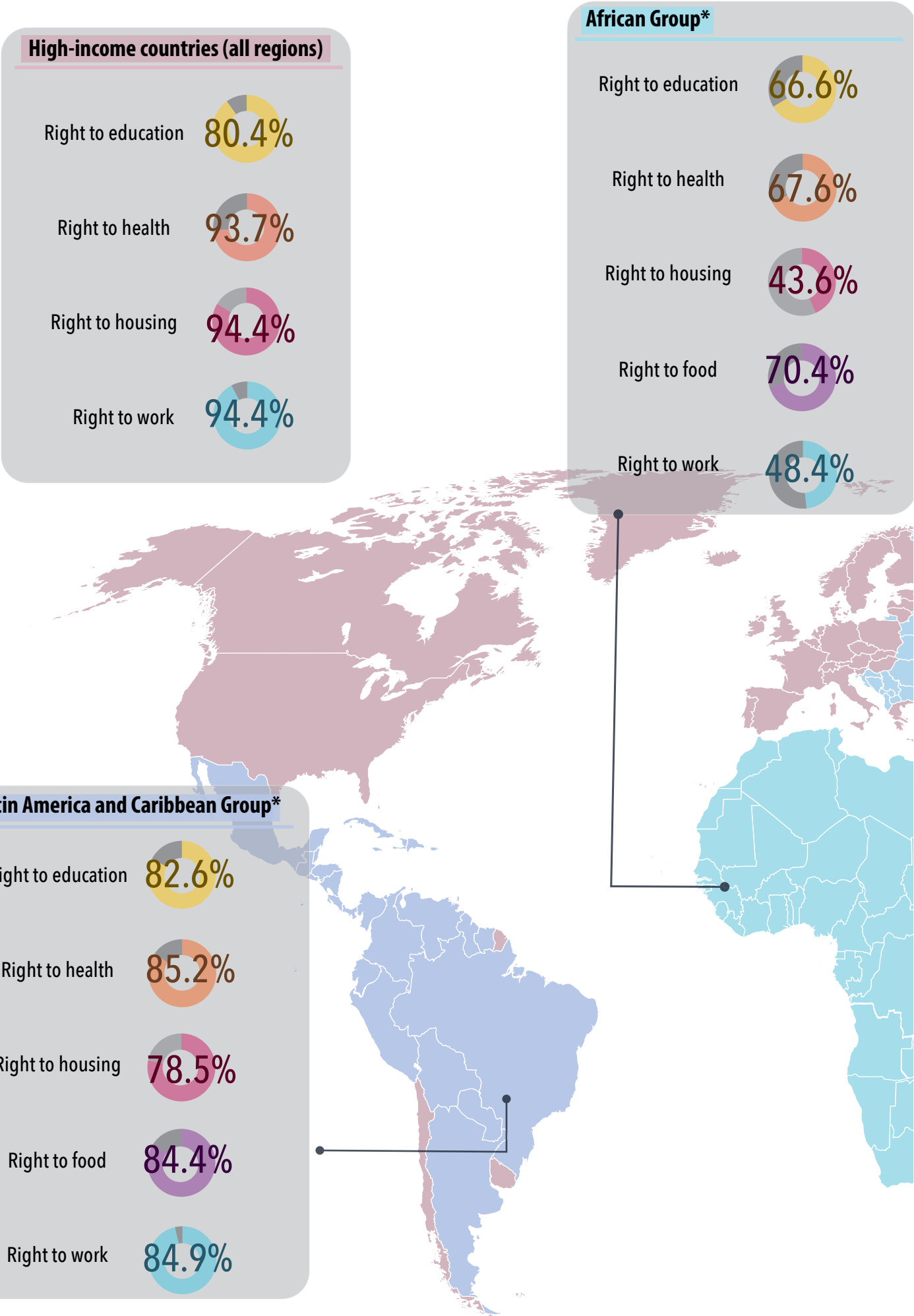
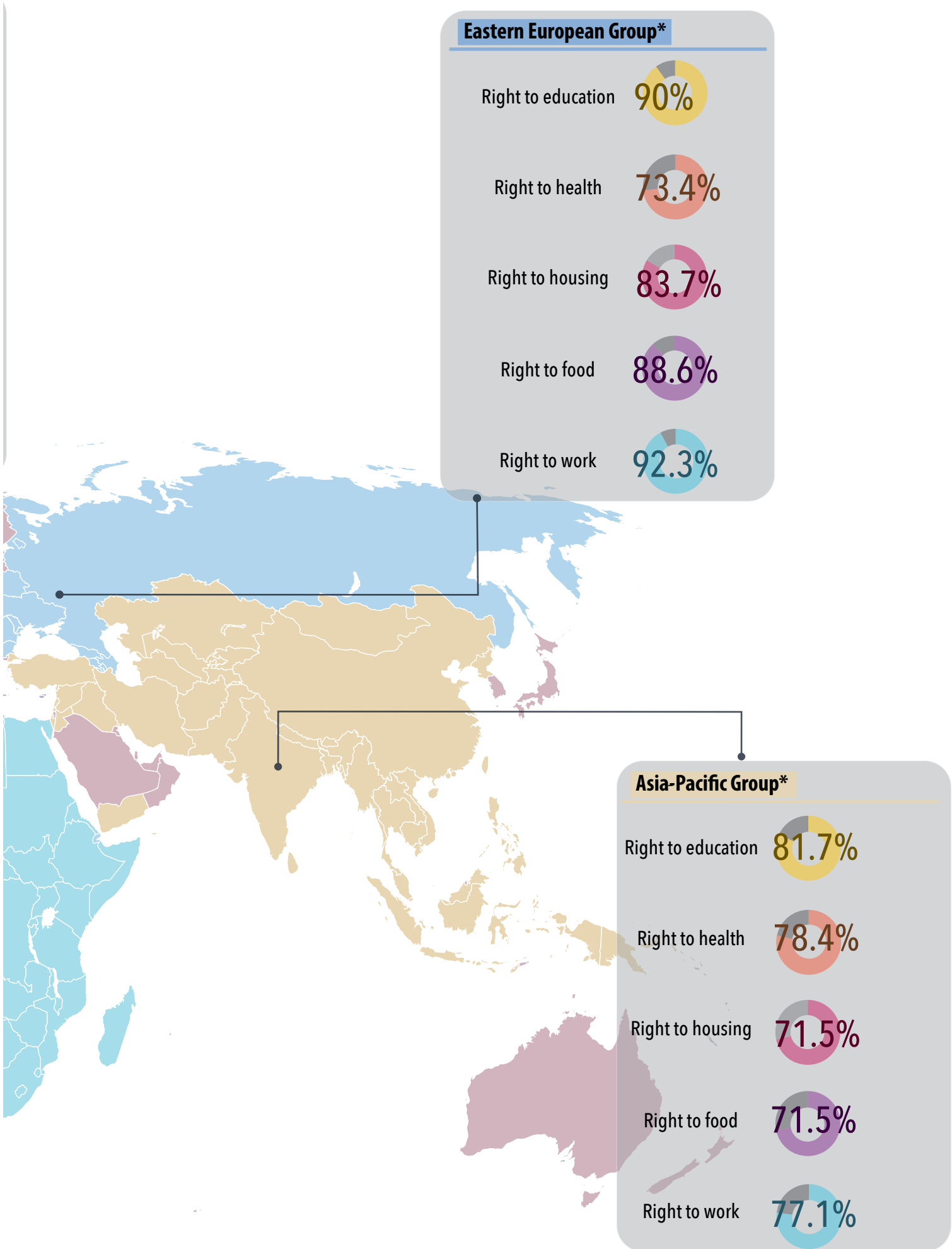


FIGURE 9. GLOBAL OVERVIEW OF ECONOMIC AND SOCIAL RIGHTS PERFORMANCE





# APPENDICES

# APPENDIX A.

## HIGH-INCOME STATES INCLUDED IN THE ANALYSIS

### AFRICAN GROUP

Seychelles

### ASIA-PACIFIC GROUP

Bahrain

Brunei Darussalam

Cyprus

Japan

Korea, Rep.

Kuwait

Oman

Palau

Qatar

Saudi Arabia

Singapore

United Arab Emirates

### EASTERN-EUROPEAN GROUP

Czech Republic

Estonia

Hungary

Latvia

Lithuania

Poland

Slovak Republic

Slovenia

### LATIN AMERICA AND THE CARIBBEAN GROUP

Antigua and Barbuda

Aruba

Bahamas, The

Barbados

Puerto Rico

St. Kitts and Nevis

Trinidad and Tobago

Uruguay

Chile

### WEASTERN-EUROPEAN GROUP AND OTHERS

Australia

Austria

Belgium

Canada

Denmark

Finland

France

Germany

Greece

Iceland

Ireland

Israel

Italy

Luxembourg

Malta

Netherlands

New Zealand

Norway

Portugal

Spain

Sweden

Switzerland

United Kingdom

United States

# APPENDIX B.

## LOW- AND MIDDLE-INCOME STATES INCLUDED IN THE ANALYSIS

### AFRICAN GROUP

Algeria  
Angola  
Benin  
Botswana  
Burkina Faso  
Burundi  
Cabo Verde  
Cameroon  
Central African Republic  
Chad  
Comoros  
Congo, Dem. Rep.  
Congo, Rep.  
Cote d'Ivoire  
Djibouti  
Egypt, Arab Rep.  
Equatorial Guinea  
Eritrea  
Eswatini  
Ethiopia  
Gabon  
Gambia, The  
Ghana  
Guinea  
Guinea-Bissau  
Kenya  
Lesotho  
Liberia  
Libya  
Madagascar  
Malawi  
Mali  
Mauritania  
Mauritius  
Morocco  
Mozambique  
Namibia  
Niger  
Nigeria  
Rwanda  
Sao Tome and Principe  
Senegal  
Sierra Leone  
Somalia  
South Africa  
South Sudan  
Sudan  
Tanzania  
Timor-Leste  
Togo

Tunisia  
Uganda  
Zambia  
Zimbabwe  
Kazakhstan  
Maldives

### ASIA-PACIFIC GROUP

Afghanistan  
Bangladesh  
Bhutan  
Cambodia  
China  
Fiji  
India  
Indonesia  
Iran, Islamic Rep.  
Iraq  
Jordan  
Kazakhstan  
Kiribati  
Korea, Dem. People's Rep.  
Kyrgyz Republic  
Lao PDR  
Lebanon  
Malaysia  
Maldives  
Marshall Islands  
Micronesia, Fed. Sts.  
Mongolia  
Myanmar  
Nauru  
Nepal  
Pakistan  
Papua New Guinea  
Philippines  
Samoa  
Solomon Islands  
Sri Lanka  
Syrian Arab Republic  
Tajikistan  
Thailand  
Tonga  
Turkey  
Turkmenistan  
Tuvalu  
Uzbekistan  
Vanuatu  
Vietnam  
Yemen, Rep.

### EASTERN-EUROPEAN GROUP

Albania  
Armenia  
Azerbaijan  
Belarus  
Bosnia and Herzegovina  
Bulgaria  
Croatia  
Georgia  
Macedonia, FYR  
Moldova  
Montenegro  
Romania  
Russian Federation  
Serbia  
Ukraine

### LATIN AMERICA AND THE CARIBBEAN GROUP

Argentina  
Belize  
Bermuda  
Bolivia  
Brazil  
Colombia  
Costa Rica  
Cuba  
Dominica  
Dominican Republic  
Ecuador  
El Salvador  
Grenada  
Guatemala  
Guyana  
Haiti  
Honduras  
Jamaica  
Mexico  
Nicaragua  
Panama  
Paraguay  
Peru  
St. Lucia  
St. Vincent and the Grenadines  
Suriname  
Venezuela, Bolivarian Republic

**NOTE:** None of the UN Western Europe and Others Group are low-or middle-income States.

# APPENDIX C.

## HRMI'S INDICATORS FOR MEASURING ECONOMIC AND SOCIAL RIGHTS

Rights and Sub-Rights	Assessment Standard		Data Source
	Low- and middle-income country	High-Income country	
Right to food score			
% Children not stunted	✓		Joint: UNICEF_WHO_WB
% People food secure		✓	FAO (FIES)
Right to education score			
Net Secondary school enrolment	✓	✓	UIS_UNESCO
Adjusted Primary school enrolment	✓		UIS_UNESCO
PISAscience % > level 2		✓	OECD
PISAmath score % > level 2		✓	OECD
PISAreading score % > level 2		✓	OECD
Right to health score			
% Children surviving to age 5	✓	✓	UNPD
% People surviving to age 65	✓	✓	UNPD
% Couple (Age 15-49) using Modern Contraceptives	✓		WB
% Newborns not low birthweight		✓	OECD & WB
Right to housing score			
% People with basic sanitation	✓		Joint: WHO_UNICEF
% People with water on premises	✓		Joint: WHO_UNICEF
% People with safely managed sanitation		✓	Joint: WHO_UNICEF
Right to work score			
% People not absolutely poor (>3.20 2011 PPP\$ per day)	✓		WB & Luxembourg Income Study
% People not relatively poor (>50% median income)		✓	Luxembourg Income Study & OECD
% Unemployed not long-term (>12 months) unemployed		✓	OECD

# ENDNOTES

1. UNITED NATIONS, GENERAL ASSEMBLY. (10 December 1948). The Universal Declaration of Human Rights. A/RES/217(III) Available at: <https://www.un.org/en/universal-declaration-human-rights/>
2. UNITED NATIONS, SECRETARY GENERAL. (7 April 2005). Secretary-General's Address to the Commission on Human Rights. Available at: <https://www.un.org/sg/en/content/sg/statement/2005-04-07/secretary-generals-address-commission-human-rights>
3. UNITED NATIONS, GENERAL ASSEMBLY. (3 April 2006). Resolution 60/251, paragraph 5d. Human Rights Council, A/RES/60/251 Available at: [https://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251\\_En.pdf](https://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf)
4. Ibid, paragraph 12.
5. Ibid, paragraph 5a.
6. Ibid, preambular paragraph 10.
7. Ibid, paragraph 5d.
8. BOLLEN, K.A. (1986). Political Rights and Political Liberties in Nations: An Evaluation of Human Rights Measures, 1950 to 1984. *Human Rights Quarterly* 8 (4):567-591; and CONRAD, C.R., J. HAGLUND AND W.H. MOORE (2014). Torture Allegations as Events Data: Introducing the Ill-Treatment and Torture (ITT) specific allegation data. *Journal of Peace Research* 51(3):429-438.
9. FARISS, C.J. (2014). Respect for human rights has improved over time: Modelling the changing standard of accountability. *American Political Science Review*, Vol. 108, No. 2. doi:10.1017/S0003055414000070
10. WORLD CONFERENCE ON HUMAN RIGHTS. (25 June 1993). Vienna Declaration and Programme of Action, paragraphs 5 and 1. Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>
11. Ibid.
12. TURK, DANILO. (1990). Realization of Economic, Social and Cultural Rights. Progress Report by Special Rapporteur, Commission on Human Rights, United Nations Economic and Social Council. New York: United Nations. para 7
13. UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS. (2012). Human Rights Indicators: A Guide to Measurement and Implementation, New York and Geneva: United Nations. Available at: [https://www.ohchr.org/Documents/Publications/Human\\_rights\\_indicators\\_en.pdf](https://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf).
14. This approach was developed by Katarina Tomaševski, the first UN Special Rapporteur on the right to education. For further information read. Tomaševski, Katarina. (2001). Human rights obligations: making education available, accessible, acceptable and adaptable. New York and Geneva: United Nations. Available at: [https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Tomasevski\\_Primer%203.pdf](https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Tomasevski_Primer%203.pdf)
15. HUNT, PAUL. (2005). Report of the Special Rapporteur on the Right of Everyone to the enjoyment of the Highest Attainable Standard of Physical and Mental health. New York: United Nations. Paul Hunt's (2005) approach for monitoring the right to health is a categorical approach as is OHCHR's 2012 approach building on Hunt's.
16. Mr Rajeev Malhotra, Mr Nicolas Fasel and Ms Grace Sanico Steffan, initiated and conceptualised OHCHR's work on human rights indicators and led the development of the Guide. The following experts also contributed to the development of the Guide: Martin Scheinin, Francisco Alba, Jana Asher, José Francisco Calí Tzay, Audrey R. Chapman, Eitan Felner, Maria Virginia Bras Gomes, Paul Hunt, Moushira Khattab, Miloon Kothari, Lothar Krappmann, Todd Landman, Manfred Nowak, Michael O'Flaherty, Mark Orkin, Victoria Popescu, Eibe Riedel, Hans-Otto Sano, the late Hanna Beate Schoepp-Schilling, Mehmet Sevim and Christopher Stone.
17. HUNT, PAUL. (2005). Report of the Special Rapporteur on the Right of Everyone to the enjoyment of the Highest Attainable Standard of Physical and Mental Health. Op. Cit.
18. This framework was built to help advocates and practitioners to build robust evidence on the States' compliance with their ESCRs obligations. The OPERA is a comprehensive overarching framework that allows advocates

- and practitioners to integrate the wide range of tools and techniques that have been developed to monitor the enjoyment of ESCRs, to analyse State's fulfilment of their ESCRs obligations. By integrating outcomes, policy efforts, and resources, the OPERA framework allows creating a 'comprehensive picture of compliance'. Center for Economic and Social Rights. (2012) The OPERA Framework Assessing compliance with the obligation to fulfill economic, social and cultural rights. Available at: [http://www.cesr.org/sites/default/files/the.opera\\_framework.pdf](http://www.cesr.org/sites/default/files/the.opera_framework.pdf)
19. CENTRE ON HOUSING RIGHTS AND EVICTIONS. (s.d.) Publications. Available at: <https://www.cohre.org/>
  20. TRANSPARENCY INTERNATIONAL. (2018). Corruption Perceptions Index 2018. Available at: <https://www.transparency.org/cpi2018>
  21. PEW RESEARCH CENTER. (2019). Many Across the Globe are Dissatisfied with how Democracy is Working. Available at: <https://www.pewglobal.org/2019/04/29/many-across-the-globe-are-dissatisfied-with-how-democracy-is-working/>
  22. RIGHT TO EDUCATION INDEX. (2019). Process. Available at: <https://www.rtei.org/en/about/process/>
  23. ECONOMIC AND SOCIAL RIGHTS EMPOWERMENT INITIATIVE. (2019). Overview, the SERF Index. Available at: <https://serfindex.uconn.edu/overview/>
  24. Ibid.
  25. Freedom of opinion and expression, right to assembly and association, right to freedom from execution, right to freedom from torture, right to participate in government, right to food, right to freedom from arbitrary arrest, right to freedom from disappearance, right to education right to health, right to housing, and right to work.
  26. HRMI data is accessible from the home page of their website: <https://humanrightsmmeasurement.org/>.
  27. For more information on HRMI's raison d'être, measurement methodology, and how it compares with other human rights measurement projects, please see Anne-Marie Brook, K. Chad Clay and Susan Randolph, "Human Rights Data for Everyone: Introducing the Human Rights measurement Initiative (HRMI)", forthcoming in the Journal of Human Rights.
  28. For example, if survey respondents are in strong agreement about how to score a country on a particular right, a score will be generated with a very narrow uncertainty band. Conversely, where there is more disagreement among survey respondents, the uncertainty band around the score for that right will be wider.
  29. HRMI co-founder Dr Susan Randolph, and her co-authors Dr Sakiko Fukuda-Parr and Dr Terra Lawson-Remer won the 2019 Grawemeyer Award for Ideas Improving World Order for their work developing this methodology. Their book "Fulfilling Economic and Social Rights" (Oxford University Press, 2015) also won the 2016 American Political Association award for the best book in human rights scholarship.
  30. Kathryn Sikkink, Evidence for Hope: Making Human Rights Work in the 21st Century (2017), Princeton University Press. The positive trends documented are also consistent with Stephen Pinker's more general documentation of human progress across a range of indicators that reflect human wellbeing.
  31. Note that this group excludes the high-income countries of Chile, Panama, Uruguay, and a number of small Caribbean Islands. These countries are included in the high-income region grouping.
  32. Country income groups are defined using the 2017 World Bank classification system. In 2017, countries were classified as falling into the high-income group if their 2016 GNI per capita measured in US current dollars (calculated using the Atlas method) was greater than \$12,235.
  33. Although there are high-income countries in the Eastern Europe, Asia-Pacific and Latin America and Caribbean regions, these countries have been grouped with the other high-income countries for the purpose of this presentation.





working together to protect universal human rights



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