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Human Rights Indicators as “Development 2.0”?¹

Are there currently more alternative projects of and to development ongoing in the Latin American region? Others than, for example, Buen Vivir (Ecuador)/Vivir Bien (Bolivia), self-governance, participatory budgeting and a general political rupture through the appearance of, what de la Cadena has called, “Earth-beings” (2010)? In this article, I trace another legal-technical, yet humanist, approach to improve people lives in the region; one that has been termed as ‘Development 2.0’. This label points at the fusion of two overlapping, yet partly contradicting businesses and movements: social and econ sciences-related development, on the one hand, and legal and technical human rights, on the other (de Béco, 2014). While for a long time both were promoted somehow separately – by different actors and through different institutions (what de Béco has characterized as rather strictly ‘norm-related’ in the case of human rights and more flexible ‘change-related’ in the case of development) – recent advances and ongoing debates regards post-2015 Millennium Development Goals (MDG) have spurred initiatives toward mutually more integral approaches (e.g. Raza and Baxewanos, 2013).

Introducing a new idea to public management

Human rights indicators (HRI), as an appropriate measurement to monitor the gradual respect, protection and fulfillment of human rights, have been discussed since the adoption of Article 2.1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966 in 1976 (Riedel et al., 2014: 23–35).

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This article of the Covenant vaguely imposes a duty on all parties to: “take steps [...] to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.”

Accordingly, various international and national human rights organizations initiated in the past 15 years processes to homogenize national statistical systems and to elaborate methodologies for human rights indicators. The two most-encompassing ones were elaborated by the Inter-American Commission on Human Rights (see IACHR, 2008) and by the United Nations Office of the High Commissioner of Human Rights (UN OHCHR, 2012). An early report, produced by FIAN International together with members of the UN OHCHR Committee on Economic, Social and Cultural Rights, reveals how different approaches to HRI were previously tested on feasibility and serviceability in countries, such as Spain, Ghana and Colombia (FIAN International et al., 2009). Throughout the years, the German international law professor and temporary vice-president of the Committee, Eibe Riedel, has been particularly active and he has also proposed the so-called 'IBSA model' (Indicators, Benchmarking, Scoping and Assessments, cf. Riedel, 2002, 2014) as a general framework for HRI. According to the IBSA model, state parties should, in collaboration with the civil society, select certain benchmarks according to which human rights progress should be assessed (by national and international experts and within the Universal Periodic Reviews (UPR) of the ICESCR Optional Protocol member states).

Since 2008, and in light of fostering in particular ESC rights, a series of state governments, associations and local human rights institutions have been working at different levels and with different results on the implementation of human rights indicators, aiming at thorough monitoring and assessment of, in the case of governments, all public policies in light of a continuous human rights realization. The methodology initiated in 2012 is nowadays promoted worldwide by the UN OHCHR, mainly through the mechanism of expert suggestions. These emerge from the UPR of countries' human rights progress, where recommendations frequently include the need to implement indicators-based assessment systems.

In principle (and there are some cases known), HRI could also be elaborated in conjunction with civil society organizations, such as labor unions, associations for the protection of tenants, NGOs, political parties, etc. According to the recent Mexican report on the Development of Indicators for the Economic, Social and Cultural Right to a Healthy Environment, several UN agencies have been contributing in various ways to these approaches: the World Health Organization

(WHO), UN HABITAT, the ILO, FAO, UNESCO, UNODC, but also the OECD and the World Bank as well as a few specialized international bodies dealing with statistics (UN ACNUDH 2012, 19–21). The first steps in these initiatives included trial projects and high-level meetings in Uganda and Guatemala (2006), regional workshops in Asia organized by the UNHCHR (2007), and international workshops in Chile and Brazil (2007). The collected results were further discussed in Canada, Switzerland (an important step was the “Metagora” project by the Paris 21 syndicate, devoted to streamlining international statistics, which held a conference in Montreux), and Ireland at the 9th Forum of NGOs in Europe.

This said, the three UN OHCHR standard publications on HRI are from 2006, 2008 and from 2012 (a complete guide); the latter provides the most encompassing introduction and methodology. In addition, the Mexican UN OHCHR representation, the first office to implement HRI projects worldwide, has published several detailed reports and guides, including accounts of the implementation of various HRI in the country. The report focusing on Latin America, summarizing all regional field projects, has recently been published by the UN ACNUDH (2013). Further essential texts regarding the evolution of the debate, starting with Barsh (1993), who elaborated on the basic scope and limits of measuring human rights, are: Andersen and Sano, 2006; Fröberg, 2005; Hines, 2005; Malhotra and Fasel, 2005; McInerney-Lankford and Sano, 2010; Merry, 2011, 2013a, 2013b; Rosga and Satterthwaite, 2008; Welling, 2008; Riedel et al., 2014.

Each of these authors provides valuable contributions to the topic: Rosga and Satterthwaite (2008) who have traced HRI back to audit cultures (Power, 1997; Strathern, 2000) and larger shifts within the international human rights system, as well as the anthropologist Sally Merry, have warned of an increased 'technicalization' of inherently political processes, thus producing slippages between the realm of the technical and the political' by rendering them 'objective' and 'technical' (Merry, 2011: 88). This would be enabled through the vast potential power of HRI, as they are positioned at the interface between socio-economic data and legal and political categorizations. Despite such critical arguments, also other actors have meanwhile started to think about HRI, such as the World Bank and other development agencies (see Andersen and Sano, 2006; McInerney-Lankford and Sano, 2010). Such advances have led to consider the merger of human rights assessments and development indicators (de Béco, 2014) as 'Development 2.0', the eventual overcoming of a crucial budgetary, disciplinary and ideological gap between two 'worlds' (see Uvin, 2004).

'Development 2.0' points to two crucial aspects of a seemingly more humanist development agenda, beyond the former label of 'development with a human face': First, better data collection, availability and harmonized processing should facilitate 'better' and more integral development planning. This step is crucial, since statistics are key for any development planning or criticism – and existing systems are extraordinarily weak and flawed (for Africa, see Jerven, 2013). Thus, embedding national public policies within a system of constant monitoring through human rights indicators should ideally guarantee for designing and targeting of 'better' policies. However, by prescribing the 'ingredients' or variables necessary to realize a human right, HRI also embody a specific vision of 'development' (Merry, 2013b) and how to bring it about; one, that is framed within the Western understanding of linear modernization and progress through material well-being (particularly in the case of Economic, Social and Cultural rights).

Second, this way altered processes of development planning and implementation should comply 'better' with humane and human rights-related standards. It seems that the notion 'better' is in these cases just a place holder for more coherent and compliant planning and auditing measurements at the national and international level – precisely through the implementation of inherently technological, and not necessarily humane, solutions. It is not easy to dismiss the argument that 'Development 2.0' would aim at standardization, technicalization and better administration, all valuable contributions to development processes, but at the same time partly resulting in de-politicizing inherently political value-debates, regarding priorities, rights and standards themselves (Rosga and Satterthwaite, 2008; Merry, 2011, 2013).

In Latin America, HRI began to be elaborated and implemented by the local UN OHCHR office in Mexico City; first in collaboration with the tribunal of justice on the right to just legal procedures, followed by a series of Mexican states who started to work on assessment schemes for specific human rights.² Following this experience and receiving support from Mexican UN OHCHR staff, Ecuador was the first country to consider implementing HRI broadly at the national level (in 2009); a still ongoing project that in fact largely differs from how the UN OHCHR presented its case (see Waldmüller, 2014; UN OHCHR, 2012: 103). From 2009 to 2013, at least five to six countries – in chronological order: Mexico (2009), Brazil (2009), Ecuador (2009), Bolivia (2011), Paraguay (2011), and Argentina

² The Mexican UN OHCHR website provides a number of reports (in Spanish) on these processes, available under 'Publicaciones' on <http://www.hchr.org.mx/> [last retrieve: 04.10.14].

having expressed its interest – have initiated human rights indicators’ projects, including diverging scopes and institutional actors (see UN ACNUDH, 2013, a report about ongoing projects in the region, published in Mexico). The region is currently the world’s leader with regard to HRI experience, while Western governments still remain reluctant to such means of governance. The situation in Latin America, however, creates a certain ‘peer-pressure’ among concerned actors and encourages the comparison of successes and failures between these projects. Although in fact the initial idea of HRI was to enable cross-country comparisons, somewhat similar to Human Development Index (HDI), according to my own research (Waldmüller, 2014), such ‘peer-pressure’ among ‘concerned stakeholders’ (in UN parlance) seems to rather aim at comparisons of specific rights protections across countries or institutions. I should hasten to add that such comparisons are largely flawed and should at the very least be treated with caution. For example, Ecuador seeks to implement HRI at the state level for many (if not all) rights, while Mexican HRI monitor at the level of particular municipal administrations or federal states with regard to selected individual rights. Moreover, the question of such comparisons is not (yet) particularly virulent at all, given the very slow and conflicting processes related to HRI implementations and lack of experiences from other regions (except for a few African countries).

What are human rights indicators and what makes them particularly promising?

Human rights indicators seek to reverse or compliment the traditional logic of the international human rights system: instead of primarily (and often in vain) working through national governments, civil societies and national human rights institutions (if independent, according to the Paris principles, see UN OHCHR, 2010: 31–44) should be empowered to demand the respect and fulfillment of human rights from their governments in an informed and succinct way. For this purpose, increased transparency and availability of more and better data has been deemed necessary (e.g. UN OHCHR, 2008).

In general, HRI operate at the level of sociological categorization (for example, defining ‘education’, ‘households’, ‘health’, ‘torture’, etc. through the specific prescriptions of how to assess them): each human right, stemming from the International Covenants, is broken down into structural, process and outcome indicators. The first type should assess the national and international legal frameworks, including jurisprudence, relevant to the concerned right. Strictly and statistically speaking, structural indicators are thus not indicators at all, but rather

legal inventories that can be useful for gaining an overview over rights-related legal evolution in time.

Process indicators aim at setting and assessing multiple goals, milestones and targets for public policies and programs: “[They] reflect all measures (public programs and specific interventions) that a State is taking to realize its intention or commitment for achieving the results corresponding to the performance of a given human right. They permit [...] to evaluate the way in which a state meets its obligations and, at the same time, help directly to monitor the progressive realization of the right or, dependent on each case, the protection process of that right in order to realize the right in question ” (UN ACNUDH, 2012: 36; own translation).

Outcome indicators, eventually, should assess impacts and concrete results achieved (and thus a state's obligation), based on the presupposed process indicators and mirror the coherence and progress between all three types of indicators. All three forms of indicators are relevant for the national reporting system, applied in UPR cycles in Geneva. Furthermore, they can be relevant for jurisdiction, NGOs, national human rights institutions, researchers and the civil society as such.

Data (mainly quantitative but also qualitative) for these indicators should stem from collaborating ministries, statistical authorities and national human rights institutions – but all data should be disaggregated by, what the UN calls, 'prohibited grounds of discrimination', such as sex, age, region, ethnicity (where permitted), etc., as to properly assess the situation of each sub-group of the population. In this sense HRI provide a clear advantage compared to all other main development indicators, which are typically based on household surveys (and thus tend to overlook gender, ethnicity and other relevant data).³ As can be inferred, creating such broad inventories and assessing the, -often quite complex- implementation of public programs and policies over time would require specifically trained staff and well-collaborating institutions. This, however, is precisely a problem in several Latin American public administrations (and not only there).

³ In addition, HRI should be: “(a) be valid and reliable; (b) be simple, appropriate and as few as possible; (c) be based on objective information (and not perceptions, opinions, assessments or judgments expressed by experts or persons); (d) produced and disseminated in an independent, impartial and transparent way, based on solid methodology, procedures and knowledge; (e) suitable for temporal and spatial comparison, according to the standards of relevant international statistics and for disaggregation by sex, age and vulnerable groups” (UN OHCHR, 2012: 15-16).

Main challenges for HRI implementations

Since 2009, my own research has been concerned with closely following the elaboration of HRI in Ecuador (and other countries) during the years 2011-2014.⁴ The results of this research enabled my research team to identify a series of complex and interlinked problems which need to be addressed in order to make the parallel implementation of indicators for several human rights (contrary to Mexican cases) potentially a success. The following presents a list of these main findings, but presents them as open questions. It is done on purpose to initiate reflection and debate for each further case. Based on the experience of a largely diverging local political and legal environment in Ecuador, when compared to the supposed universal methodology of HRI, the following key areas emerged as particularly worth considering:

1. **Conceptual:** how to adapt the general HRI methodology to local legal and political settings related to specific traditions, jurisprudence, contradictions and public policy framing? That is, to find answers to ethical questions of spatial scope (e.g. national, regional, local), duration, political willingness for accountability and cross-institutional as well as civil society participation;
2. **Methodological:** having agreed on a specific conceptual framework, making HRI work requires well-informed statisticians with a broad knowledge of legal and development issues to elaborate indicators based on data sources to be developed and adapted;
3. **Translation-related:** although HRI appear as a 'technical solution', they are involved in processes of trans-cultural translations between people, their various educational backgrounds and institutions, particularly with regard to different population groups in general national, regional and local contexts of modernity/coloniality (Escobar, 2002; Mignolo, 2011; Quijano and Ennis, 2000) – hence even more so in decidedly 'plurinational' and 'intercultural' contexts (alluding to, e.g., legal pluralism between Indigenous and ordinary law).

⁴ In 2012, Ecuadorian authorities decided to implement HRIs for the following first rights: (i) the right to life; (2) the right to liberty and personal security; (3) the right to adequate food; (4) the right to the highest attainable standard of physical and mental health; (5) the right not to be subjected to torture or other cruel, inhuman or degrading treatment; (6) the right to participate in public affairs; (7) the right to education; (8) the right to adequate housing; (9) the right to work; (10) the right to social security; (11) the right to freedom of opinion and expression, and (12) the right to a fair trial. This list was, however, substantially altered in the following years - based on the decision to include so-called 'Buen Vivir rights', which would go beyond existent international human rights frameworks.

4. **Institutional:** where within given institutional settings to locate such HRI projects and under whose control? How to forge alliances across institutions to ensure ongoing data input and sharing and how to ensure long-lasting, balanced leadership without manipulation or abuse of information? In addition, should the implementation of HRI follow a rationale of delivering quick results, or a logic of gradual, long-term improvement/implementation?
5. **Human capacity-related areas:** are experts available or do they need to be trained first/simultaneously? Experts are needed for implementing and running HRI, but also for interpreting and using its outcomes properly for it to become an effective 'game changer'.
6. **Reporting, dissemination and use of information:** how will information produced by HRI be disseminated? What will be the link between HRI outcomes and public policies in a systemic way?

But besides these meta-questions of design, institution and capacity, implementations of HRI do also evidence other serious flaws. For example, by adopting a 'development business-related' perspective (aiming at the gradual improvement of each right, relative to a maximum of available resources), the relationship between various human rights among themselves remains largely unaddressed so far. This is particularly problematic in the, likewise unaddressed, case of group rights (Jordan, 2008), including collective rights, and again, their interconnectedness with various individual rights (Schulte-Tenckhoff, 2012; Stavenhagen, 1989). Despite the widespread work on HRI in the Latin American region, Indigenous concerns have almost entirely been overlooked (see Waldmüller, 2014).

'Development 2.0': good intentions, big challenges

In summary, HRI present an interesting case to view at public administration beyond the prism of being vested with almost unlimited power Latin American governments (especially populist ones) frequently tend(ed) to present themselves. In addition, HRI permit in principle to rework common ways in which public information is created, processed (between and across various institutions), rendered accessible and published. Promoting and enabling detailed knowledge about human rights, their scope, validity and realization for being widespread among civil societies in the region is certainly to be embraced as a step towards holding their governments accountable in a well-informed and more targeted way.

However, HRI are politically delicate (since at the same time they enable governments to collect more and detailed information), relatively longsome to implement and likely to bind human and financial resources that could be used for other short-term purposes. In addition, the known UNHCHR methodology tends rather to neglect crucial areas of human rights, such as their interconnectedness and theoretically well-corroborated indivisibility or the protection of group and collective rights, for which neither methodology proposals for future HRI exist yet.

This points toward a fundamental concern with HRI: so far, they remain exclusively within the Western ontology of individualism (humans as separated from 'nature' (Descola, 2005; Kohn, 2013), an assumed path toward modernity through a vaguely defined process of 'development' (see Blaser, 2009, 2013), essence-seeking and anthropocentrism⁵ (see de la Cadena, 2010). For instance, neither the UN OHCHR nor the Inter-American Commission methodology of HRI mentions the protection of nature through concepts such as 'sustainability', the importance of ecosystems or any other metabolic understanding of human-nature relationships and interactions. However, it is precisely those perspectives and approaches which so strongly emerge from the Latin American region – and which have led Ecuadorian authorities to think about a diverging methodology for HRI by adopting a different, rather biocentric⁶ perspective. Instead of merely assessing human rights, such a relational approach to human and natural security could provide a promising novel perspective (Waldmüller, 2014).

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⁵ Anthropocentric is defined as an ethical position “that considers man as the central fact, or final aim, of the universe” and generally “conceiv[es] of everything in the universe in terms of human values.” (Watson, 1983: 245).

⁶ Biocentrism is strongly defined as “the position that human needs, goals, and desires should not be taken as privileged or overriding in considering the needs, desires, interests, and goals of all members of all biological species taken together, and in general that the Earth as a whole [or life as such] should not be interpreted or managed from a human standpoint. According to this position, birds, trees, and the land itself considered as the biosphere have a right to be and to live out their individual and species’ potentials, and that members of the human species have no right to disturb, perturb, or destroy the ecological balance of the planet.” (Watson, 1983: *ibid.*).

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