



Measuring Social Change:

Principles to Guide the Assessment of Human Rights-Based Approaches to Development

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This paper is intended to contribute to the discourse on human rights based approaches to development.

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Measuring Social Change: Principles to Guide the Assessment of Human Rights-Based Approaches to Development,¹

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Cover photo: Thousands of women take part in an ActionAid coordinated HungerFREE rally in Nepal (8 December 2008). The rally was the culmination of 16 days of activism and many of its participants travelled for several days from remote regions of Nepal to attend. In the foreground is 19 year old community organiser Rubi Khan. (Dec 2008)

CREDIT: Brian Sokol/ActionAid

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INTRODUCTION

In recent decades, the field of human development has seen two important shifts in approach, the first involving a heightened emphasis on evaluating the impact of development interventions and the second involving the adoption of, or at least engagement with, human rights based approaches (HRBAs) to development. Development agencies are thus facing a dual challenge of designing robust models and practices for evaluating the impact of their work, and of doing so where their work has a distinct orientation to human rights. This briefing paper seeks to provide practitioners with some principles to work out how best, in the context of their own organisational objectives and structures, they can develop such models and practices. It does so by moving through a series of fundamental concepts, debates and practices that lay the foundations for articulating the key principles that should underpin impact evaluation of HRBAs to development.

In the first section, we discuss the historical shift from classical development approaches to human rights based approaches to development, ending with a brief articulation of what HRBAs entail. Although there is a wealth of literature, both theoretical and agency based, on the meaning of HRBAs, what we are doing in this section is drawing attention to those dimensions of the approach that most distinguish it from traditional development approaches and those dimensions that will require particular attention when it comes to evaluating the impact of projects that are oriented around human rights.

In the second section we turn to impact evaluation, clearly distinguishing impact evaluation from other related processes (for example, outcome evaluation or monitoring) and highlighting some of the challenges and insights on how to evaluate impact that have emerged in recent years from work in the field of development. In the third section, we draw out some of the implications that the key features of HRBAs have for impact evaluation. In section four we then move to debates that have been taking place in the field of human rights, where theorists and practitioners have also, in recent years, begun to think about how to evaluate the impact of human rights interventions. Our objective here will be to draw out some of the main principles and challenges raised when what one is trying to evaluate relates to the enjoyment of human rights.

Drawing these three sections together, in the final part of the paper, we articulate some key principles that ought to guide impact evaluation of HRBAs to development, as well as some of the important challenges and stumbling blocks which agencies and practitioners are likely to face as they move into this territory. In other words, this paper does not pretend to provide a toolkit for conducting impact evaluation of HRBAs to development projects, but rather to provide agencies and practitioners with some of the intellectual resources that will assist them in designing processes suited to their particular contexts and objectives. Moreover, our objective is to begin a conversation, with the next step being feedback from practitioners, based on their experience of developing projects and trying out practices of evaluating their impact.

Three thousand peasants march through the Haitian capital Port au Prince to demand more support for smallholder farmers and an end to biofuel plantations. (Dec 2008). CREDIT: Charles Eckert/ActionAid



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THE EVOLUTION OF HUMAN RIGHTS BASED APPROACHES TO DEVELOPMENT

Before turning to a discussion of how HRBAs might be measured for the purpose of impact evaluation, it is important to outline how this approach formulates a conception of 'development' relative to that of alternative approaches and practices. This will highlight the clear shift that a 'rights-based' articulation of development brings, relative to alternative understandings that emphasise competing concerns such as 'growth' or 'basic needs'. It will also highlight two key lessons for designing effective impact evaluation of HRBAs. First, the importance of ensuring conceptual clarity in defining HRBAs. Second, the importance of overcoming the dominance of quantitative measures in current models for impact evaluation of development.

Debating the 'economic development' orthodoxy

Development discourse has shifted direction a number of times. However, for the most part, the conception of development has remained strongly wedded to the prevailing economic orthodoxy – in particular, the push for 'economic growth'. This approach gained momentum and was rearticulated through the rising authority of neoclassical economics, which emphasised the free market as the key engine for growth and development and was adopted in the emerging neoliberal policy framework, which won favour in the 1980s.¹ The implications of a 'growth-oriented' conception of development, was the setting of quantitative goals and targets, as measured by quantitative indicators like Gross National Product (GNP).

The authority of the concept of 'economic development', with its clear emphasis on 'growth', would be challenged a number of times before alternative conceptions began to gain momentum.² Importantly, in 1962, the UN (in Esteva 1992, 13) called for an expansion of the narrow economic development paradigm, to one that included social concerns:

Development is growth plus change [...] Change, in turn, is social and cultural as well as economic, and qualitative as well a quantitative.

This concern was taken up by the International Labour Organisation (ILO) in the late 1970s, through the introduction of a 'basic needs' approach (BNA) to development. Rather than rely on the ambiguous 'trickle-down effect' postulated in a growth-oriented approach to development, this approach focused on identifying and targeting basic needs to help guide growth into positive development outcomes. Calling for "the achievement of a certain specific minimum standard of living before the end of the century" (ILO 1976 in Esteva 1992, 15), this approach moves beyond a blanket 'growth' objective to include, for example, targets around employment, food and education. Yet, the BNA was heavily criticised for a number of perceived weaknesses, including failing to engage recipients in defining their needs and tending to focus on goods and services based remedies (Reader 2006, 338). Broadly, a basic needs approach did not significantly challenge the trend for quantitative goals and measurements in defining or evaluating development.³

A more assertive challenge to the economic development orthodoxy emerged from the works of Amartya Sen. Sen continues to provide a concerted critique of the orthodox conflation of development with 'economic development' (see for example, Sen 1989 and 1999) and was also equally concerned that a 'basic needs' approach, with its focus on service delivery, likewise conformed with the mould of "commodity-centred evaluation" typical of the economic literature (Sen 1989, 47). He argues instead that "Development can be seen... as a process of expanding the real freedoms that people enjoy" (Sen 1999, 3). Central to this conception of 'development' as 'freedom' is the notion of 'capabilities'. Articulating a 'capability approach', Sen argues that this refers to "human life as a set of "doings and beings"... "functionings"" (Sen 1989, 43). The implication for measuring development, is that key 'functionings' such as those relating to nourishment, morbidity and mortality also need to be examined (Sen 1989, 50). The United Nations Development Program (UNDP) adopted this framework in the 1990s, whereby it launched the concept of 'human development' and associated metrics through its 1990 Human Development Report (See Fukuda-Parr 2003). Importantly, in emphasising the importance of 'freedom', Sen's work laid the ground to link rights and development.

1 Dubbed the 'Washington consensus', this new development approach focused on market enabling policies such as privatisation and deregulation (see Williamson 1990).

2 See in particular the work of 'dependency' theorists, as pioneered by the work of André Gunder Frank, who were arguing that development in the 'first world' was actually causing 'underdevelopment' in the 'third world', with first world economies rising through exploitation of so-called 'developing' countries (see Gunder Frank 1966). Similarly, Vandana Shiva advanced an ecological feminist critique of the development project (see Shiva 1989).

3 See Reader (2006) for a summary of some of the key criticisms of basic needs, as well as a defence of the approach.

Linking rights and development: an emerging HRBA framework

Despite the chequered history and complexity of debates over development, to a large extent a consensus approach is emerging among a range of governmental and non-governmental actors on the important links between human rights and development. Mainstreaming of HRBAs to development has been embarked upon across the UN system⁴, has been adopted by a range of bilateral donors, and now serves as the new programming ethos of a number of international non-government organisations (INGOs) (O'Neill 2003). A mere decade after releasing its landmark report launching human development, the United Nations Development Programme (UNDP) sought to frame a clear linkage between the concepts of 'human development' and 'human rights'. In the Human Development Report 2000: Human Development and Human Rights, the UNDP (2000) argues that 'human development' and 'human rights' have much in common, and in terms of key differences, remain complementary. The key point of difference lies in the emphasis on 'capabilities' through the human development lens, compared to 'claims' in the human rights approach (UNDP 2000, 21). Yet, they are understood to be aligned in "attempts to advance the dignity, well-being and freedom of individuals in general" (UNDP 2000, 19). Therefore a human rights based approach to poverty eradication and development starts with the connection between poverty and human rights from the perspective of people living in poverty (ActionAid International 2008, 1).

Human rights based approaches are based on a belief that people living in poverty should understand their experiences of want, fear, discrimination and exclusion in terms of human rights abuses, violations and exploitations and not in terms of natural phenomena, or as a consequence of their own failings. Human rights based approaches are different to traditional approaches to development insofar as they focus on exclusion and disempowerment. Therefore poor people are not seen as objects of charity but as people who have human rights by virtue of their humanity, and development work is viewed as a struggle for justice (ACFID 2010, 9). By embedding 'accountability' into the development discourse, HRBAs to development provide key opportunities and challenges for development programming and evaluation. The human rights based approach highlights the human rights entitlements of people, or rights holders, and the corresponding responsibilities of governments, or duty bearers, to respect, protect and fulfil people's human rights.

While HRBAs to development are easily differentiated from other development discourses, particularly by their emphasis on people as 'rights holders', there is by no means a single universally accepted rights based approach. Cornwall and Nyamu-Musembi (2004, 1415) argue that "there are plural rights-based approaches" with "different implications for development practice". In particular, a divide between narrow legal interpretations and broader rights frameworks is evident. CARE International (2001, 6) refers to "two schools of 'rights-based' thought in the relief and development world": one based on legal human rights norms and; the other based on "our common humanity" or "moral norms". Subscribing to the latter, CARE highlights a key tension that divides consensus of HRBAs to development. The Common Understanding on HRBAs to development arrived at by the UN is more typical of a legal interpretation of the concept, emphasising the importance of compliance with the international legal human rights framework in its agreed principles (see UNDG 2003). This raises a key problem for the design of impact evaluation models – the need for clarity and consensus on how HRBAs to development are defined. In response, many development non-government organisations (NGOs) have moved beyond narrow legal interpretations to articulate a more expansive approach to HRBAs to development. This is evident in ActionAid International's (AAI) approach.

AAI maintains that there are three integrated programs that need to be demonstrated in a human rights based approach; empowerment programs which build the power of rights holders, solidarity programs which build power with groups of rights holders, and campaigning and advocacy which enable rights holders to have power over duty bearers who violate and deny their human rights (ActionAid International 2007, 1). An empowerment program is the foundation of a human rights based approach and its focus must be on working with poor and excluded rights holders and their communities, organisations and movements to enable their collective analysis, the development of an identity and ultimately their actions. A solidarity program must link citizens, organisations, social movements, and coalitions to enlarge the support, voices and actions that will enhance poor and excluded people's power. Finally campaigning and advocacy programs must be targeted at duty bearers, such as states, non-state actors and institutions, and at people and institutions who violate or deny people their human rights so as to ensure that policies, practices and public opinion are changed (ActionAid International 2007, 1).

To ensure that these programs can be successfully implemented in a cohesive manner AAI has suggested that there is a need for a framework which contains the minimum elements of a human rights based approach (ActionAid International 2007, 2). This framework should include a rights analysis, or power analysis, that has activities which include on-going

⁴ The UN (UNDG 2003) has formalised its position on HRBAs through publication of a *UN Statement of Common Understanding on Human Rights Based Approach to Development Cooperation and programming*.

analysis of power relations among rights holders and duty bearers and an analysis of the exclusion and violence against women. The framework should include activities that ensure the agency of the poor and the excluded is central to all development efforts. Rights holders must be able to organise and mobilise and to articulate their agenda and demand the change that they wish to see. Women's rights must be a core component of the framework and there must be activities to ensure women are able to identify and contest different forms of subordination and exploitation which will reduce inequality and transform gender power relations. Moreover, a human rights based framework must enable poor and excluded people to have the political space to connect with, challenge and claim their rights from duty bearers, particularly the State. Finally it is critical that a framework is focused on 'changing the rules'. A human rights based approach to poverty eradication and development is most successful when there is sustained social change at the local and national level which results from entrenching gains in laws, budgets and institutions at the local, national and international level (ActionAid International 2007, 2-3).

HRBAs place significant weight on the rights holders and changes in power relations which lead to a focus on downward accountability, and this indeed is one of the greatest challenges for the international development community. How should accountability be assessed? What does accountability for HRBAs to development look like, particularly where this conception of development is not easily captured by quantitative indicators? The challenge of evaluating the impact of HRBAs guides the following sections.



Five thousand people attend a mass meeting in Bodh Gaya, India, demanding land rights. In the foreground is Kalawati Devi, a Dalit woman who has fought for many years to gain land rights for her small plot of land in Bhadai village. (Dec 2010). CREDIT: Ranjan Rahi/ActionAid

RECENT APPROACHES TO IMPACT EVALUATION IN THE FIELD OF DEVELOPMENT

Over the last ten years, development agencies have experienced heightened pressure to show that their work is having a positive impact on the communities and people they work with. This is most immediately evident in the more rigorous requirements from international funding bodies, which increasingly require that agencies both plan around and demonstrate quantifiable indicators and targets within a logical framework (or logframe), but is indicative of a more general shift in the not-for-profit or NGO sector towards upward accountability and bureaucratisation of their systems (Minogue, 2003; Skocpol, 2003; Roberts et al., 2005). While some practitioners see this shift as a threat to the traditional ethos of the NGO sector, and even as the colonisation of the sector by the business world, with its emphasis on profit generation, there are undoubted benefits to be reaped from more rigorously focusing on the outcomes of the interventions of development agencies.

A basic and important distinction can be drawn between monitoring, which is concerned with overseeing the implementation of a project, checking activities, processes and outputs throughout the life of a project and *evaluation*, which is often thought of as occurring after a project has been completed. Of course, in practice the two ought not to be segregated, as ongoing program or project monitoring will provide the information required to understand the dynamics and mechanisms of change that become evident in the final evaluation. A further distinction can then be drawn between the evaluation of *outputs*, *outcomes* and *impacts*. While the lines between these three are neither thick nor bright, one can distinguish them as follows: *Outputs* are the most concrete and thus easy to measure products of a project (meetings held, reports written, wells dug, schools built); *outcomes* are what are produced or caused by those outputs in the first instance (the passage of a piece of legislation, the number of children attending school, the number of reports to the police of domestic violence); *impacts* then come at the very end of the chain as the actual effect on people's lives (children gaining an education, women living without violence, indigenous peoples' health). Moreover, impact evaluation involves taking account of what has happened in people's lives as a result of a project or intervention, irrespective whether those impacts were planned, intentional, negative or positive.

In the course of engaging this heightened emphasis on project evaluation, development agencies have become increasingly aware of the importance of evaluating the impact of their projects and of the challenges involved in this process (Baker, 2000). Before moving to the implications of using HRBAs for impact evaluation, it is worth reiterating some of the key insights from this engagement:

- (i) The importance of early and rigorous planning of the evaluation design and baseline data collection;
- (ii) The practical and political difficulties in achieving randomisation or control groups, as required for robust results in quantitative studies;
- (iii) The different implications of using quantitative and qualitative methods and the importance of mixed methods;
- (iv) The cost implications and political sensitivities involved in both effecting a proper evaluation and implementing policy recommendations that might flow from it;
- (v) The importance of collecting data in a manner that is rigorous, systematic and strategic, and of using that data not only for (upward) reporting imperatives, but also for learning and the empowerment of community stakeholders;
- (vi) The need to think through questions of stakeholder accountability in project evaluation and in particular accountability to the communities in which development projects are taking place.

All of these aspects of impact evaluation in traditional development projects, and in particular the latter two, which raise the critical dimensions of participation and empowerment, carry over into human rights based approaches to monitoring and evaluation.

4 CORE FEATURES OF HRBAS AND THEIR IMPLICATIONS FOR IMPACT EVALUATION

In this section, we look at three core features of human rights based approaches and what they imply for impact evaluation.

First, HRBAs require outcomes to be tied to the protection and promotion of human rights, including the full range of political, civil, economic, social and cultural rights. Correlatively, but approached in negative terms, HRBAs require that development projects take human rights principles and standards into account in their design and projected outcomes, such that they do not contribute to the violation of human rights or themselves violate the human rights of target populations. The most obvious of such violations will be those that might result from the development project itself, for example a large-scale infrastructure project might violate the sustainable and self-sufficient economic development of a particular community or its cultural rights. Also included here, however, is the obligation that human rights based approaches place on the development agency itself to observe and respect human rights principles in its own operation.

Understood in the most straightforward way, the positive formulation implies that HRBAs to development require that development efforts contribute to human rights of target populations and any others who might be affected. Practically, this does not imply that every project must affect the full range of human rights; projects will inevitably focus in on the promotion and protection of a specific range of rights. Nevertheless, the implication of the holistic nature of rights based approaches implies that putative positive impacts (such as macro-economic growth) cannot be achieved at the expense of other rights. In other words, from a human rights based perspective, the overriding principle is that the rights of all human beings must be respected and can under no circumstances be compromised or violated, irrespective of other projected benefits. Taking this relatively straight forward understanding of what human rights adds through HRBAs, impact evaluation would thus have to include an evaluation of the manner in which a project had impacted the enjoyment and protection of those rights with which it was most directly concerned (for example, the reproductive rights of women, the right to health), as well as having an eye to the full range of rights that may be impacted. The content of this full range of rights can be understood as those rights set out in the Universal Declaration of Human Rights (UDHR) and the core instruments of international human rights law. A minimal condition for agencies designing impact evaluation processes for human rights based development projects thus requires a familiarity with the content of these instruments.⁵ Agencies should also have a clear view to the rights that any particular project is targeting and thus those most central to its aims and objectives.

As noted earlier, some people interpret HRBAs from a strongly legal perspective, and so argue that the existence of this set of legal or normative human rights standards has very definitive and hard implications for HRBAs to development and indeed that it provides absolute and binding standards or benchmarks against which a project can be evaluated. Mary Robinson, for example, the former United Nations High Commissioner for Human Rights, has argued that: “A human rights based approach adds value because it provides a normative framework of obligations that has legal power to render governments accountable” (Robinson, 2002). Similarly, the claim is frequently made that HRBAs provide development with clear and definite benchmarks for achievement. Combined, these claims provide the field of development with a type of authority and certainty that often eludes social, economic and political change projects, which frequently experience their objectives as aspirational rather than authoritatively sanctioned and as subject to negotiation and the politics of possibility, rather than to hard and specifiable targets.

It is true that the legal normativity and detail of the content of human rights offers a degree of clarity and authority. For example, the fact that many states have made formal legal commitments to human rights standards (by ratifying treaties) and that a number of human rights principles (particularly those articulated in the UDHR) have attained the status of customary international law adds to their authority in terms of states’ already having agreed to comply with obligations. Importantly, international human rights norms and laws provide binding standards for all people, irrespective of the constraints of the national systems in the states in which they live. In development contexts where local laws or policies fall short of human rights standards, international human rights can thus set a more appropriate benchmark against which to evaluate development interventions. Moreover, scholars and the international and regional human rights bodies have provided a body of opinions and expert views elaborating the content of human rights. Thus, for example, if a development agency wishes to ensure that a project contributes to enjoyment of the right to freedom of expression, it might well look to the way in which the Human Rights Committee has elaborated the meaning of that right, or at the types of questions it has asked States when they present their reports on compliance.

At the same time, one should not overestimate either the power that ‘legal obligation’ in the field of international human rights law offers to the field of development, or the clarity and definitiveness of standards associated with human rights principles or even articles of treaties which states have ratified. As human rights NGOs know and as scholars

⁵ An excellent overview of instruments with explanatory principles can be found on the webpages of the United Nations High Commissioner for Human Rights at <http://www2.ohchr.org/english/law/>, viewed February 6, 2011.



Hafeza Khatun facilitates a Reflect circle at Fathapur, Shahrasti, Chandpur, Bangladesh, run by ActionAid's partner Bangladesh Association for Community Education. CREDIT: GMB Akash/Panos/ActionAid

have now documented (Hafner-Burton and Tsutsui, 2005), the act of ratifying a treaty has not, to date, in itself led to improved observance or compliance and evidently, many states do not hold their formal legal commitments in the field of international human rights law as obligatory when it comes to actual behaviour. Thus, the standards articulated in treaties provide a normative standard, but not one that we can expect will play a definitive role in forcing compliance. Moreover, such elaborations rarely give the type of precise guidance against which a particular project could be evaluated. They do not, for example set out participation quotas that would satisfy the right to education, recognising that such specifications would need to be made in the context of particular country and community circumstances. *When one talks about impact evaluation benchmarking to human rights standards, one must thus be clear that one will be benchmarking to areas to which a project needs to attend (non-discrimination, respect for cultural rights and so on), but not to a clearly and definitively articulated standard.*

A more complex understanding of the implication of human rights standards for development practice and the evaluation of development projects emerges from a conceptualisation of human rights not as legal standards against which development outcomes can be measured, but rather as an approach to policy and program formulation that prioritises the dignity of all human beings. This position highlights how adopting a rights framework alters the ethical and political context for development and requires attention to power relations and accountability. According to this view, a human rights approach demands that all program design be oriented around the idea of persons as rights holders rather than as beneficiaries. The two major implications of this view are first that *accountability is owed to rights holders themselves rather than (only) to donors or other stakeholders*, and second that *programs should be designed to empower those rights holders, that is, to increase their capacity and the social and political structures to enable them to be better able to take part in the processes whereby the distribution of resources and institutional outcomes is decided.* One can see here a direct link with Amartya Sen's argument that the object of development should not be macro outcomes, but rather the enrichment of people's capabilities, such that their freedom, understood broadly to include the material conditions for freedom, is ultimately enhanced.

This then points to the second dimension of human rights based approaches, that is, the way in which they emphasise questions of power and decision making, insisting that in examining gaps in development, one moves beyond technical solutions (for example putting in additional infrastructure) to consider the political and social dynamics that underpin relative deprivation or powerlessness in decision making. In other words, to say that people have the right to health does not simply mean that health services ought to be delivered to them (either through government, charity or private organisations). Rather it means that the Government of the country in which the rights holders live is obligated (either on its own or with the support of the international community) to ensure that people living under its jurisdiction enjoy a decent standard of health and that the people (as rights holders) play a role in steering and determining the process of ensuring the fulfilment of this obligation. Accordingly, *assessing the impact of HRBAs to a development project will require focusing our attention on issues regarding information provision, participation in decision-making, normative changes and distribution of power and not simply on goods or service delivery.*

The third dimension of human rights that must be taken into consideration in thinking about HRBAs is the principle of non-discrimination or equal dignity. Thus, insofar as we remain concerned with harder outcomes (health standards, educational attainment and so on), even as HRBAs require that we attend to process, it also moves our attention from macro-development or global achievements to a finer grained analysis that includes questions of inequality and distribution. Particularly important from a human rights based perspective are differential outcomes between groups along racial, ethnic, gender, religious or other lines of identity distinction. This aspect of HRBAs has important flow-on effects when one comes to evaluate the impact of interventions, insofar as *one will have to move from aggregate measures to measures that reveal inequalities or distributional issues* (Reinbold, 2008). Moreover, when combined with the emphasis that HRBAs place on issues of power, decision-making and empowerment of rights holders, assessment of such differential outcomes should not be limited to empirical data indicating the shape of distributions, but should also probe the social and political dynamics that underpin such inequalities. In other words, in evaluating the impact of human rights based development projects, one should be examining the degree to which they attend to differential or discriminatory distributions and to the underlying political, social, cultural and economic dynamics that underpin such inequalities. To give a concrete example, a project that is concerned with developing a community's capacity for food production should attend to the gender distribution of its impacts and to issues such as tenure systems and women's inheritance and economic rights that might prevent women from benefiting from such schemes.

In this respect, as well as this increased emphasis on accountability between agencies and rights holders, insofar as HRBAs are attendant to intra-community power relations and political dynamics, they also have implications for accountability amongst rights holders. Processes such as social audits and transparency or integrity evaluations serve not only to ensure that the processes of project development and delivery are available to rights holders, but also to build solidarity and render transparent some of the structural inequalities that exist within communities.

Of particular importance here is a recognition of the structural discrimination against women that has often remained invisible to macro-development approaches. Women all over the world are likely to be more marginalised along a number of critical social and economic dimensions and thus more vulnerable to rights violations, a social and economic dynamic that is frequently justified by socially constructed gender roles, presented here as 'natural'. Women are generally expected to carry out domestic and caring work in the private domain, without social or economic recognition. By contrast, men's work in the public domain is seen as the foundation of economic life and social value, giving men access to powerful decision-making roles, in politics for example. Even where women do enter paid work they are disproportionately concentrated in the lower paid 'caring' jobs, while continuing to hold most of the responsibility for society's unpaid caring work. Injustice, including gender injustice, is created by human beings and results from the choices made by some individuals, communities, institutions and nations to discriminate against, exclude, or exploit others. Those with power do not give it up easily, instead often using it to accumulate more power, privilege and status, abdicating their obligation to society by denying rights, resources and opportunities to the less fortunate. Unequal power relations between women and men are also perpetuated by violence against women, which includes domestic violence, rape, sexual assault and harassment. It is therefore essential that all HRBA work has a specific focus on altering the construction of gender roles thereby empowering women, building solidarity with women and enabling women to take action and claim their human rights.

These three dimensions of HRBAs provide some critical principles for thinking about how to conduct impact evaluation where human rights principles underpin development projects. To further probe the distinct issues and challenges raised when one considers a human rights dimension of development, it is useful to look at the debates that have been taking place in the field of impact evaluation of human rights interventions.

KEY DEBATES ON IMPACT EVALUATION IN THE FIELD OF HUMAN RIGHTS

Impact evaluation has come quite recently into the field of human rights, and it is only in the last seven years that human rights scholars, human rights organisations (including intergovernmental and non-governmental organisations) and funding agencies (including governments and foundations) have begun to think seriously, and to think together, about how to best evaluate the impact of human rights interventions.⁶ Nevertheless, one can identify a number of ‘meta-issues’ raised throughout these discussions and studies. In this section we provide an overview of these issues, by way of a comparative discussion that is likely to shed light on similar emergent challenges as human rights becomes increasingly important in impact evaluation in the field of development.

1. Historical resistance to and suspicions about impact evaluation and the dangers it may pose to human rights approaches

Being deeply embedded in values-based NGOs, human rights have largely been defined not around ‘returns’, but around mission and service (Kanter and Summers, 1987). This has left a legacy of resistance to impact evaluation, especially insofar as the move towards impact evaluation is often perceived as part of a more general shift towards a culture of managerialism in the organisational culture of NGOs and organisations working in the fields of social change. How one responds to this cultural shift will depend on whether one sees it as a healthy adoption of processes and principles that will be to the benefit of the sector or whether one sees it as the colonisation of the sector by a hegemonic model that does not adequately recognise the subject specificity of the field of human rights. The centrality of social values over financial values in the field thus complicates the question of measurement and raises questions of how one can take advantage of the positive effects of evaluation while avoiding the commodification and narrowing that it might entail.

Many human rights practitioners express a particular concern that the introduction of impact evaluation processes will squeeze out the more radical dimensions of their work, stem experimentation and creativity and displace productive work with bureaucratic activity. Of particular importance here is the view that the impact of human rights interventions is both indirect and only felt over the long term. Unless impact evaluation processes can take this into account, they may fundamentally alter the nature of the work.

2. Complexity of causal chains in the field of human rights.

The inherent complexity of the field in which rights interventions operate complicates any attempt to measure impacts. As Ignatieff and Desormeau put it, “Rights are about more than levels of attainment. They are about relationships between individuals and duty-bearers, about mechanisms by which claims and corresponding obligations are mediated” (in Carr Center 2005, 3). Many of the impacts that would be considered most important from a human rights perspective and critical objectives of a human rights based project, such as changes in perceptions, attitudes and value systems are intangible and intangibles present particular challenges to those seeking to evaluate impact. For example, in approaching the issue of girls’ education, HRBAs will seek not only increased enrolments, but also changes in perceptions of the role of girls and women, and the value of their being fully included in education. Measuring these intangibles tends to be either highly anecdotal, or if it is to be subject to rigorous qualitative evaluation (through interview, surveys, focus groups and so on), such evaluation is likely to be time consuming, labour intensive and expensive.

To date, there have been two major responses to the difficulty of measuring certain critical outcomes, particularly those that involve process or normative change. The first has been to conduct detailed single case studies (Finnemore and Sikkink, 1998; Clark, 2001). These provide rich data about the trajectory of a particular campaign, but lacking comparators or controls, may tell us little about the relative value of a particular intervention. The second type of response has been to not measure such outcomes at all or to replace them by proxy variables. In many cases, and problematically, those proxy variables are chosen because they can be measured but we cannot with any confidence assume that they actually provide a proxy measure of the variable we do wish to measure. So, for example, much measurement has focused on very concrete outputs like the number of reports written or meetings held or press releases produced, assuming that these provide a proxy for influence. Even where the outcome measured appears to very close to the variable of interest, for example, one tracks changes in domestic legislation, this in itself does not tell us what changes actually occur in the enjoyment of the human rights in question. Thus, attempts to measure intangibles may distort our understanding of these rights based objectives or lead to a false estimation of how well they have been achieved.

⁶ Initiating this conversation was a workshop run by the Carr Center for Human Rights at Harvard University, bringing together practitioners and scholars to identify key approaches to and debates concerning impact evaluation in human rights (Carr Center, 2006). More recently, the Institute for the Study of Human rights at Columbia University has extended this project, including funding agencies and linking human rights impact evaluation with contiguous areas including development and humanitarian intervention (Institute for the Study of Human Rights, 2010).

3. The lack of robust measurement scales

Even with respect to the more tangible objectives, there is no universally accepted or robust scale or even agreed upon set of indicators in the field of human rights. The three most utilised are Freedom House's 'Freedom in the World Scale', the 'Political Terror Scale' (PTS) and the 'Cignarelli Richards Scale'. The Freedom of the World Scale focuses on political rights and civil liberties, in particular, voting and accountability, freedom of expression and belief, assembly and association, the rule of law and the right to hold private property. The PTS was developed to measure terror or physical integrity abuse. While these scales are widely used in scholarly literature, they have been criticised on a number of grounds relevant to our discussion. First, they are not able to pick up the relatively subtle differences that an intervention might make, and as such a country may remain on the same score even where an intervention has had a significant, albeit localised effect, or where the effect is still in train as will be the case with much of the early work on awareness raising and norm modification. Second, they measure a very narrow spectrum of human rights. In particular, in this context, it is not clear how they would illuminate the types of rights that are relevant in the development context, or, they would do so in a rather blunt way.

4. Outcome related difficulties

Beyond the issue of intangible outcomes discussed above, there are a number of other 'outcome related problems' that need to be considered in designing impact evaluation tools. In particular:

- (i) Human rights projects tend to have multiple objectives;
- (ii) There is often no baseline data;
- (iii) Many of the most important impacts will only be achieved over the long term, but measurement scales are generally relatively short term;
- (iv) Human rights interventions take place in highly complex environments and as such it is very difficult to isolate causality.

These outcome related problems do not render impact evaluation impossible, but heighten the importance of recognising what cannot easily be picked up in a project design and thus not discounting outcomes that are resistant to short term or simple measurement. Moreover, those designing impact evaluations for human rights need to consider long term, creative and mixed methods.

5. The importance of who drives impact evaluation

Evaluation is always contextual and both who drives it and its intended audience significantly influence how it takes place and what is measured. Whether the evaluation is directed towards the funding body, staff of the organisation that designed and implemented the interventions, partner organisations or the communities and individuals whose rights one is advocating is not simply a matter of where to send the reports, but is likely to determine the type of evaluation one carries out. Similarly, impact evaluation by scholars may be heavily influenced by disciplinary commitments and debates that are very different from more 'outcome' or project based evaluations.

If evaluation is taking place for the purposes of satisfying funding agencies, it may be of paramount importance to ensure that such evaluation is independent, and this may lead agencies to place the evaluation function either outside the agency altogether (through a consultant) or to ensure a strong separation between the evaluation unit and the operational/ programmatic parts of the organisation. This decision may, however lead to diminished integration of the evaluation into the policy planning and program development of the organisation. The very organisational buy-in and involvement that may compromise independence may, in other words be the necessary condition for the evaluation to have a strong impact on the way in which the organisation develops its work in the future.

Moreover, if evaluation is driven by the need to ensure funding bodies that money has been efficiently spent, there may be less willingness to draw out those areas of the program that have been unsuccessful or partially unsuccessful. It is, however, precisely such information that organisations need in order to recalibrate programs to improve effectiveness. Similarly, if organisations are aware that they will have to conduct such evaluations, they may even be tempted to design a project to maximise the likelihood that positive measurable outcomes can be achieved, rather than taking on projects that are experimental but which may be a necessary stage in the development of effective tools and approaches. Minimising the risk of 'measurable failure' may, in other words have deleterious impacts in the longer term.

One way in which this is articulated in the literature is through the distinction between 'learning-based evaluation' and 'accountability-based evaluation'. It is critical that those designing impact evaluations recognise the tensions that might arise from these two different contexts or motivations and seek to harmonise them.

Finally, irrespective of the value or demand for evaluation from funding and delivery agencies, one must not overlook the fact that one of the fundamental principles of evaluation that flows from HRBAs is that accountability is owed to rights holders themselves. That is, adopting the framework of human rights entails recognising that the people who have traditionally been identified as the object of development policies and projects (the poor and marginalised) are reconceived as those who have legitimate human rights claims and are thus privileged as the site from which priorities and goals are identified, control maintained and who can hold duty bearers to account. Operationally, this means that rights holders must be placed at the centre of evaluation designs in a manner that includes them not only in making judgments about the quality and impact of a project, but also in defining the objectives against which it is to be evaluated. Moreover, placing rights holders at the centre of impact evaluation is not simply a matter of shifting relations of power or control, but also itself a strategic tool for facilitating communities' learning processes about what works and how, and thereby their future strategic capacities. Turning on its head the classical hierarchy in which community uptake of an intervention is evaluated by those who paid for it or delivered it, here the community itself is recognised as having the right to assess and evaluate the performance of development agencies and in turn to become further empowered to steer and shape future project design.

6. The efficacy and politics of different methodologies

As noted above, within the social sciences there are significant disagreements both about which types of methodologies are most accurate and effective for measuring the relevant variables and also, importantly, about the political implications of different methodologies. Thus, quantitative methodologies lay claim to a unique level of objectivity, whereas qualitative methodologies provide more scope for getting at people's experiences and can also throw up more nuanced information that may be omitted when one has to focus on variables identified at the outset. Unfortunately, the evaluation of methodological strengths and weaknesses is not always itself conducted in an objective manner, but is rather influenced by disciplinary biases or loyalties. Scholars are often trained in only one set of methodological approaches and tools and may be wedded to those approaches and ill equipped to bring a full range of possible approaches to the evaluation table. As such, agencies may receive advice on methodologies based on the narrow methodological commitments of experts.

Nevertheless, with specific respect to impact evaluation in the field of human rights, there is a strong ideological or political motivation for endorsing participatory methodologies. This is firstly because human rights approaches identify the people towards whom projects are directed as those to whom those projects should be accountable. Second, from a human rights point of view, it will be important to equalise the relationships such that rights holders are experienced by agencies as partners in the projects they develop rather than beneficiaries. In other words, part of the human rights project will be the transformation of the relationship between 'intervenor' and those 'intervened-upon' to one in which all parties experience themselves as subjects of empowerment.

PRINCIPLES FOR IMPACT EVALUATION OF HUMAN RIGHTS BASED APPROACHES TO DEVELOPMENT

The objective of this discussion paper is not to provide a formula that NGOs using HRBAs should pick up and apply to their own projects, but rather to suggest a number of key principles that ought to underpin any particular impact evaluation process. These principles will need to be adjusted according to the context of the project and the other operating principles of the agency and, should themselves be refined and sharpened as the practitioners reflect on the experience of translating them into actual evaluation processes.

Principle 1: Utilising the human rights framework

Agencies designing projects and evaluation processes should be guided by human rights principles and in particular the following principles:

- (i) The emphasis on non-discrimination in relation to all rights;
- (ii) The inter-dependence of rights and in particular the notion that socio-economic rights on the one hand and civil and political rights on the other are understood as mutually reinforcing and not as pulling in opposite directions;
- (iii) The primacy of the rights of women and gender equality;
- (iv) The notion that respecting rights involves recognising that each right holder is a subject who is entitled to dignity and justice.

Principle 2: Placing the rights holders at the centre of the evaluation process

Changes in relationships and shifts in power should not be measured 'from the outside' by experts but rather the methodology should embody the principle of empowerment such that rights holders will be at the centre of the evaluation process. Impact evaluation should thus be an occasion for rights holders to articulate what they want to see happen, the degree to which they see it as having happened and to analyse the process of how change has (or has not) occurred.

Principle 3: Empowerment; evaluating changes in relationships

While rights language often resembles the language of needs based work and service delivery (for example the right to food or the right to housing) what distinguishes rights based approaches is that they identify the provision of goods or services in terms of power relations and access to decision making. Projects that seek to promote the enjoyment of a particular right or rights should thus not simply be evaluated according to whether more of the service is available (though this does matter), but in terms of whether power relations between rights holders and duty bearers (Governments, inter-governmental organisations and often INGOs) have shifted such that the former have acquired greater understanding and more power over the provision of the services for them. Thus, the term *empowerment* here designates not only control over resources, but also power in the decision-making capacities, including knowledge and the ability to understand and critically analyse the legislative and budgetary processes in the political system.

Principle 4: Focusing on distribution and patterns of equity

In evaluating the impact of an intervention, it will always be critical to ask who has been affected, which groups have benefited, which groups may have been excluded and if the project has changed existing patterns of inequality. In particular, impact evaluation should focus on the dimensions of gender, race, ethnicity, religion, caste or other minority status and how groups distinguished along these lines have been affected and whether their power in the overall group has changed as a result of the project.

Principle 5: Evaluating unintended consequences

Although it would be unrealistic for any evaluation to examine how a particular project has impacted the full range of human rights, it will be critical to include processes that are able to pick up on any negative impacts that the project has had on people's rights. Thus for example, despite increasing economic wellbeing at a macro level, a resource development project may have undermined particular practices that are important for the sustainability of the community (say agriculture) or that are important to its cultural practices. This principle is linked in with principle 4 insofar as it may be that positive impacts for some groups have negative impacts for others (women, children, people most dependent on a certain traditional use of land).

Principle 6: Sensitivity to the limits of positivist methodologies

Given the importance of intangibles such as changes in relationship dynamics or the subjective experience of empowerment, it is critical that evaluation processes either find methods to track such changes, or recognise that the more concrete changes that they can track are not equivalent to the former. Preferably, evaluation processes should include qualitative methods that will pick up on such changes by drawing out the subjective experiences of rights holders and analysing the ways in which they relate to each other and others. Where this is not possible, however, evaluations should be modest about their scope, recognising the other important impacts they may not capture.

Principle 7: Awareness of the complexities of causality

Given the difficulty in attributing causality and the complex context in which interventions occur, evaluations need to be designed with a capacious understanding of the range of contextual factors that may operate as independent or intervening variables. This principle points to the importance of a broad contextual understanding of the particular project as well as other immediate and even past projects that may have an impact in the same space. Along similar lines, it may be useful to communicate with those designing and evaluating other projects in the same community to take into account other interventions and better distinguish particular effects. Similarly, evaluations should include an awareness of the history of work in this community and relevant economic, political or cultural factors.

Principle 8: Valuing experimentation and learning

Demonstrating the impact of HRBAs to development, including demonstrating successes to donors to ensure ongoing funding and support, is crucial to the legitimacy of both a development strategy and the organisations that employ it. However, it is important that organisations balance the need to monitor progress and demonstrate achievements, with the need to 'experiment' (often with the implications that successful outcomes are not as predictable as with established projects) and 'learn' from these experiences. Similarly, long-term projects will not always lend themselves to short-term measurable progress, instead 'learning' needs to occur over a longer timeframe and expectations (those of donors and organisations) must be adjusted accordingly. It is important that organisations maintain commitment to new and long-term projects, forgoing the possible disincentives that a pressure to demonstrate impact might create.

REFERENCE LIST

- ActionAid International (2007) Core Minimum of ActionAid International's Human Rights Based Approach, Johannesburg.
- ActionAid International (2008) Human Rights Based Approaches to Poverty Eradication and Development, ActionAid International, Johannesburg.
- Australian Council for International Development (2010) Rights in Sight, Australian Aid and Development NGOs on Human Rights, Canberra.
- Baker, Judy (2000), Evaluating the Impact of Development Projects on Poverty; A Handbook for Practitioners, Washington Dc.: The World Bank.
- CARE International (2001) Benefits Harms Handbook. Available at: www.careinternational.org.uk/6217/rights-based-approaches/benefits-harmshandbook.html [Accessed August 30, 2010].
- Carr Center (2005) Measurement and human rights: Tracking Progress, Assessing Impact, A Carr Center Project Report Summer 2005, available at www.hks.harvard.edu/cchrp/pdf/Measurement_2005Report.pdf, viewed October 17, 2010.
- Clark, Anne Marie (2001), Diplomacy of Conscience: Amnesty International and Changing International Norms, Princeton NJ.: Princeton University Press.
- Cornwall, A. & Nyamu-Musembi, C. (2004) Putting the 'rights-based approach' to development into perspective. *Third World Quarterly*, 25(8), 1415-1437.
- Esteva, E. (1992) Development. In W. Sachs, ed. *The Development Dictionary: A guide to Knowledge as Power*. London: Zed Books, 6-25.
- Finnemore and Sikkink (1998), "International norm dynamics and political change".
- International Organization 52 (autumn): 887-917.
- Fukuda-Parr, S. (2003) The Human Development Paradigm: Operationalising Sen's Ideas on Capabilities. *Feminist Economics*, 9(2-3), 301-317.
- Gunder Frank, A. (1966) The Development of Underdevelopment. In R. Kanth, ed.
- Paradigms in Economic Development: Classic Perspectives, Critiques, and Reflections. London: M.E. Sharpe, pp. 149-159.
- Hafner-Burton and Tsutsui (2005), "Human Rights in a Globalizing world: the paradox of Empty Promises: *American Journal of Sociology*, 110 (5), 1373-1411.
- Institute for the Study of Human Rights, (2010), Human Rights Impact (Symposium Report), available at <http://hrcolumbia.org/impact/>, viewed on October 19, 2010.
- Kanter, Rosabeth Moss and David V. Summers (1987). Doing Well While Doing Good: Dilemmas of Performance Measurement in Non Profit Organizations and the Need For A Multiple Constituency Approach, In Walter W. Powell (ed.), *The Non Profit Sector: A Research Handbook*. New Haven and London: Yale University Press.
- Minogue, M. (2001), "The Internationalization of New Public Management" in W. McCourt and M. Minogue (eds.), *The Internationalization of New Public Management*, Cheltenham: Edward Elgar.
- O'Neill, W.G. (2003) An Introduction to the Concept of Rights-Based Approach to Development: A Paper for InterAction. Available at: <http://www.crin.org/hrbap/index.asp?action=theme.themeltem&subtheme=16&item4768> [Accessed July 18, 2010].
- Reinbold (2008). "Human Rights Reasons for Preferring Individual Measures of Inequality to Aggregate Measures", *Measurement and Human right Issues papers*, Vol. 1, Issue 1, August 2008, available at <http://www.hks.harvard.edu/cchrp/mhr/people/fellows.php>, viewed on October 19, 2010.
- Roberts, Susan M., John Paul Jones III and Oliver Fröhling (2005), "NGOs and the globalization of managerialism: A research framework", *World Development*, Volume 33, Issue 11, November 2005, Pages 1845-1864.
- Reader, S. (2006) Does a Basic Needs Approach Need Capabilities?. *The Journal of Political Philosophy*, 14 (3), 337-350.
- Robinson (2002). Statement at the World Summit on Sustainable Development Plenary Session, Johannesburg, South Africa 29th August 2002, available at <http://www.un.org/events/wssd/statements/unhchrE.htm>, viewed on October 19, 2010.
- Sen, A. (1989) Development as Capabilities Expansion. *Journal of Development Planning*, 19, 41-58.
- Sen, A. (1999) *Development as Freedom*. Oxford: Oxford University Press.
- Shiva, V. (1989) *Staying Alive: Women, Ecology and Development*, London: Zed Books.
- Skocpol, T. (2003), *Diminished Democracy; From Membership to Management in American Civic Life*. Norman: University of Oklahoma Press.
- UNDP (2000) *Human Development Report 2000: Human Rights and Human Development*, New York: Oxford University Press. Available at: <http://hrd.undp.org/en/reports/global/hdr2000/> [Accessed August 30, 2010].
- UNDG (2003) UN Statement of Common Understanding on Human Rights Based Approach to Development Cooperation and programming'. Available at: www.undg.org/index.cfm?P=221 [Accessed August 29, 2010].
- Williamson, J. ed. (1990) *Latin American Adjustment: How much has happened?*
- Washington DC: Institute for International Economics.



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