

A Smart Tool for Human Rights:

Three Dimensions for Measuring Human Rights Work

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July 2012

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# 1. Introduction

This article presents an instrument for measuring progress and improving planning, monitoring and evaluation of human rights work. The proposed framework combines notions from the Office of the High Commissioner for Human Rights (OHCHR) of the United Nations (UN), from the United Nations Development Program (UNDP) and the Organization for Economic Co-operation and Development (OECD).

The realization of the enjoyment of human rights for all is one of the overarching goals of cooperation among actors in the international community. Since the 1993 UN Human Rights Conference in Vienna human rights have been declared a common goal for all member states of the UN, and the realization has become an important factor in international cooperation and international exchange of knowledge and resources. Thus differences in approaches have become issues for debate and diplomacy between governments and citizens of different countries. Progressive realization of human rights being a common goal, choices had best be made based on earlier experiences and analysis of the results of interventions of international cooperation. These choices can differ as to the goals and purposes, the prioritization, the implementation and the intended results. The debate on the trickling down effects of implementation of social and economic rights on the realization of civil and political rights is a case in point. Assessments for setting priorities and making choices, as well as judging progress, need to have evidence-based arguments that are on the one hand context-specific for in-depth analysis, but on the other hand generic for learning lessons and improving future interventions.

This article aims at presenting an instrument for measuring change and progress in human rights work and for improved planning, monitoring and evaluation (PME) at the project, program and policy level. Learning lessons from evidence-based analysis of the results of human rights interventions will enhance the future planning, priority setting and implementation. Assessing the results of such interventions requires specific indicators that are presented here as a coherent framework. This framework brings together a theoretical line of thinking on three perspectives to view human rights, and a practical application in a similar threefold based on well-known notions that are used in human rights work. Strategy development and planning, monitoring and ex-post evaluation are being facilitated by the structure of the tool. Thus assessment of the effects leads to learning lessons from experience and, ultimately, to improved human rights interventions.

### **1.1. Three perspectives in human rights thinking**

In his book *Development as Freedom*, Nobel prize winning economist Amartya Sen<sup>1</sup> has analysed the relation between rights and freedoms on the one hand and development on the other by using the concept of capabilities: People can only really and sustainably improve their economic situation by developing their capabilities if they can do so freely according to their own wishes. Conversely, rights and freedoms will only make it possible for people to develop their capabilities, if they have a minimum of economic opportunities and resources. Thus, at an individual level, the realization of human rights is both the objective of change and the means of change.

At the level of a society the realization of human rights is necessary to make economic development possible, as it will facilitate a more equal distribution of resources. Equal

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<sup>1</sup> Amartya Sen: *Development as Freedom*. Oxford University Press 1999.

distribution of resources and facilities requires a participatory mechanism of decision-making on the priority setting and implementation of development measures. This is where human rights at the national level come in, especially the right to participation, but also the freedom of expression and the freedom of association. For instance the question whether an intended measure for change addresses the needs of all stakeholders in an equal way, is an issue that requires an open public debate and a participatory way of decision making.

The positive relation between individual freedoms and economic opportunities is one consequence of Sen's theory. This relation has more generally been elaborated under the denominator of a "human rights based approach to development"<sup>2</sup>. But what it still needs is a tool to measure the effects of the interlinkage so that concrete indicators provide decision-making processes with evidence on the results and longer term effects.

According to the UN a human rights-based approach is "a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyse inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress"<sup>3</sup>.

## **1.2. Three angles in human rights practice**

In human rights work, whether by governmental or non-governmental institutions, three angles have been developed by the UN Office of the High Commissioner for Human Rights

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<sup>2</sup> Although the UN Office of the High Commissioner for Human Rights (OHCHR) uses the terminology of "a human rights based approach to development programming", which implies a more operational concept than the idea that development as such is based on human rights, a useful reference is: <http://www.ohchr.org/Documents/Publications/FAQen.pdf> (most recently accessed on 26-07-2012).

<sup>3</sup> Ibid.

(OHCHR)<sup>4</sup> that have to be taken into account in the priority setting, planning and implementation, and thus also in the monitoring and evaluation of human rights work. These are:

- The legal structure in relation to human rights – which human rights treaties have been ratified and are an obligation for the State;
- The process of an intervention – have essential human rights conditions been fulfilled in the process of implementation;
- The outcome of an intervention – what are the results for the beneficiaries and other stakeholders.

However, this 20 page report by the OHCHR – with a very interesting elaboration of the proposed indicators for a limited number of rights – makes subdivisions in these three angles, but focused per specific right. Therefore the matrix of indicators by the OHCHR is different for every right. Also the possible indicators are focused on state obligations that should be monitored, instead of covering also planning and priority setting by NGOs. If the three types of indicators are considered as general ways of looking at human rights, it is necessary to break down the three types into smaller and more concrete, but still generic aspects. Only then it will be possible to define cross-cutting issues, check their occurrence and cover all possible issues that should be monitored.

### **1.3. Human rights as yardstick**

It is a logic next step to measure the results of human rights based development in human rights terms. Linked to the International Conventions and Covenants, common benchmarks have been established, mainly by the continuous work of the Treaty Bodies that monitor the

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<sup>4</sup> [http://www2.ohchr.org/english/issues/indicators/docs/HRI.MC.2008.3\\_en.pdf](http://www2.ohchr.org/english/issues/indicators/docs/HRI.MC.2008.3_en.pdf) (most recently accessed on 25-07-2012).

realization of rights at the national level in each State that is party to the treaty, and issue General Comments and Recommendations that offer guidance to all States parties in general with regard to the implementation of rights. Using human rights as a yardstick for the realization of human rights is only logical. However, using the yardsticks of human rights for development (or change in general) requires that we consider development as such in human rights terms. To make that clear we offer here two examples of how the abstract and theoretical norms of rights treaties are used in practical human rights work. As an example, the Treaty Body of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) adopted a General Recommendation No. 24<sup>5</sup> on access to health care for women. This recommendation elaborates in 31 paragraphs which aspects of access to health care are decisive when assessing the rights aspects of a national health care policy and its implementation, such as non-discrimination of women and participation of women in policy making and then continues by checking the structural aspects with regard to the right to equal access to health-care. These aspects can easily be reformulated into concrete (structural and process-) indicators for measuring whether a governmental policy and its implementation are sufficient in rights terms.

It is often said that the realization of social and economic rights is more easily measured than that of civil and political rights, because of the more progressive and quantitative character of the effects. However, it is also very well possible to measure the realization of civil and political rights with the use of the '*jurisprudence*' by the UN Treaty Bodies. According to the General Comment no. 34 by the Human Rights Committee, which oversees

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<sup>5</sup> [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/77bae3190a903f8d80256785005599ff?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/77bae3190a903f8d80256785005599ff?Opendocument) (most recently accessed on 25-07-2012).



the realization of the International Covenant on Civil and Political Rights (ICCPR), concerning Article 19 on freedom of opinion and expression<sup>6</sup>, important aspects to be monitored are:

- the right to freedom of opinion be absolute;
- the right of freedom of expression be restricted only under certain conditions provided by law;
- the freedoms cover the areas of religious discourse, teaching, journalism, etc.;
- they include access to information as well as spreading it;
- free dissemination of information being on paper as well as in art or in digital form.

The General Comment no. 34 gives special attention to the freedom of expression in the media and public debate as a cornerstone for a democratic society, and to freedom of access to information; it elaborates the arguments for restrictions of the freedom of expression, which may relate either to respect of the rights or reputations of others or to the protection of national security, of public order, public health or morals, in conformity with a test of necessity and proportionality. All these aspects can be translated into concrete indicators to monitor the freedom of opinion and expression, and they can serve as aspects for a baseline study and ensuing monitoring and evaluation, so that the extent and direction of change can be measured.

As in the UN report on indicators mentioned above, the Treaty Bodies take as their point of departure a specific right (right to life, right to health-care for women, right to freedom of expression) for concretizing the aspects of what constitutes the (expected) effects on the enjoyment of human rights. This article tries to analyse what kind of breakdown into aspects is valid for all rights, and how we can identify (unexpected) effects.

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<sup>6</sup> <http://www2.ohchr.org/english/bodies/hrc/comments.htm> (most recently accessed on 25-07-2012).

The norms and standards by the OHCHR and the Treaty Bodies in the UN system are examples for the development of indicators as presented in this tool. The differences are due to the difference in objective: the OHCHR and the Treaty Bodies set the standards for state obligations as to human rights; this tool aims at providing an analytical structure for measuring and learning of human rights work by different actors. Different is also the way to reach that end: The UN starts with a specific right and makes it more concrete per right; this tool starts with the structure, makes it more concrete by generic subdivisions and then considers which aspects relate to a specific right or intervention. The similarity consists in that they focus on the same phenomena to be achieved.

In this article subdivisions have been made in each dimension to get to grips with these too broad aspects. The legal structure has been subdivided into the international obligations (ratifications), the national legislation, its implementation, and mechanisms for redress in cases of injustice. The process has been subdivided along the lines of different groups of stakeholders. The outcome has been subdivided into effectiveness, efficiency, relevance and sustainability, but also into aspects of availability, accessibility, affordability, acceptability, and quality.

With these subdivisions the indicators point to concrete aspects of change or progress, that will become concrete enough for gathering data and assessing whether the (expected) effect is positive or not, and whether there are unintended, positive or negative effects. The indicators at different levels and from different perspectives do relate to each other, not in a simple break-down manner but depending on the rights at stake and the substance and conditions of the intervention. This analysis will be different for each intervention.

## 2. Definitions and context

This chapter gives definitions and describes the context in which indicators are being used. It refers to the way in which human rights interventions can be organized in such a way that the reporting and learning processes are best facilitated. In order to be able to grasp the diverse terminology, we present here the common definitions that are used in the area of programme evaluation. Several “schools” exist, but we will limit ourselves to the ones most commonly used.

As the need for learning and accountability in international cooperation and human rights work has grown over the years, tools to measure results in an objectivated and in-depth way have been developed by governments and non-governmental organisations. Every intervention or programme<sup>7</sup> will have to be monitored (= regular scanning whether a programme is progressing sufficiently), reviewed (often a mid-term assessment on how far we have got), and evaluated (= judgement of the results after closure of the programme). But each programme has different indicators for their results, effects or impacts to be measured by, depending on the objectives of the programme.

### 2.1. Definitions

Assessment is mostly used as a neutral term (as to timeframe and decisiveness) pointing at the process of measuring and accounting results. Result is a neutral term for different kinds of results: output (immediate result), outcome (benefit for the target group), effect (longer term consequences) and impact (wider societal, long-term changes that turned out to be sustainable after closure of the programme). To measure these different levels of results we

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<sup>7</sup> In this paper I use the word “programme” or “intervention” for any set of related activities in the field, projects or a series of projects, interventions or initiatives at policy level. A glossary is annexed.

need yardsticks or indicators. As an example of the difference between result and indicator: for measuring distance we have the yardstick of meters or feet, and for temperature we have the yardstick degrees Celsius or Fahrenheit. The change can thus be measured according to different yardsticks. We need to link the indicators to the objectives of the intended change (when boiling water: temperature in degrees Celsius; when walking to the station: distance in kilometres). When we search for indicators of social change, we also link the indicators to what the programme (or project or policy) intends to achieve. When we measure, we also want to know what (how much, how many, how well) was intended to be achieved: the target or benchmark (when boiling water, the benchmark is 100 degrees C.).

In general indicators and benchmarks are defined as:

- An indicator is a quantitative or qualitative factor or variable that provides a simple and reliable means to measure achievement, to reflect the changes connected to an intervention, or to help assess the performance of a development actor (Andersen & Sano 2006<sup>8</sup>).
- A benchmark is a point of reference for progress, against which change can be measured. It can also be considered as the point to which the expected or intended change will lead.

Results are to be subdivided into different levels as to their scope, timeframe and beneficiaries. The most often used division is between output, outcome, and impact:

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<sup>8</sup> Andersen, Erik André & Hans-Otto Sano: *Human Rights Indicators at Programme and Project level; Guidelines for defining indicators, monitoring and evaluation*. Danish Institute for Human Rights, Copenhagen 2006.  
<http://www.humanrights.dk/files/pdf/indikatorMANUALwebPDF.pdf> (most recently accessed on 25-07-2012).

- Output is a result that the programme has immediate responsibility for;
- Outcome is what the target group can achieve with the output, and
- Impacts are the effects on a bigger sector of society for a longer period of time<sup>9</sup>.

Considering that there is a difference between stakeholders, target groups and beneficiaries, we quote the definitions from the OECD Glossary<sup>10</sup>:

- Beneficiaries are the individuals, groups, or organizations, whether targeted or not, that benefit, directly or indirectly, from the development intervention.
- Target groups are the specific individuals or organizations for whose benefit the development intervention is undertaken.
- Stakeholders are agencies, organisations, groups or individuals who have a direct or indirect interest in the development intervention or its evaluation.

Results can also be measured at different instances of an intervention. To measure change, the same indicators should be used at different moments in the timeline:

- Baseline study – carried out before the intervention, often used in the problem identification
- Mid-term review – carried out during the intervention, often used to check whether the project evolves as expected
- Evaluation ex post – carried out after the closure of the project or programme; depending on how much time has elapsed after the closure, it will be possible to

<sup>9</sup> <http://www.oecd.org/dataoecd/59/28/1851320.pdf> (most recently accessed on 26-07-2012). Although the OECD refers only to governmental interventions, this is a useful source.

<sup>10</sup> Glossary of Key Terms in Evaluation and Results Based Management, DAC – OECD, 2002. <http://www.oecd.org/dataoecd/29/21/2754804.pdf> (most recently accessed on 25-07-2012).

measure longer term impact

## **2.2. Context**

Human rights interventions have both national and international aspects that make up for their context. National governments have the obligation to work towards human rights enjoyment for all through ratification of international treaties, compliant legislation, implementations of these laws and a general condition of the rule of law and effective mechanisms for remedy in case rights have been violated. In the national context the state institutions and local non-governmental organizations (NGOs) interact with regard to the state obligations, improvements in national legislation and the rule of law. At the national level NGOs use publicity, lobby or campaigning in order to pressurize their government to respect, protect and fulfil the rights. At the international level, NGOs can invoke the international norms and standards, complaint mechanisms of human rights treaties and the UN Universal Periodic Review mechanism that is carried out every four years in the UN Human Rights Council. These national efforts can be supported by foreign interventions, in diplomatic and financially supportive ways.

These interventions can have the form of policy-implementation by the government, projects or programmes by civil society organizations, foreign supportive actions or international (UN) interventions. In each of these interventions there is a need for planning, monitoring and evaluation, in order to achieve the most effective results. This is the context that the tool presented in this article can be used.

Therefore, insight into different project management and results-based methodologies of interventions is useful for describing the context of human rights work in general. This article

does not go into the current debate on the use and misuse of development cooperation projects; a debate that indeed needs to be held, but not here.

### 2.3. Logical framework

Indicators are part of the appraisal or assessment procedures of an intervention; other requirements for organizing work are (prior to the programme being carried out) a needs assessment or problem tree, and the formulation of the different levels of expected results: objectives, purposes, outcomes and output. The framework that structures the interlinkage between those levels is called the logical framework. Other instruments for organizing the human rights work can be participatory processes with the involved stakeholders, strategy development meetings, etc. And the original situation can be analysed in a base-line study as a reference for change. The logical framework or logframe is often regarded as a rigid system, only useful for on-off project management, but it does facilitate discussing a hierarchy in objectives, options for strategies and intended results (targets or benchmarks) by all stakeholders. It also facilitates identifying indicators on the different levels (output, outcome, impact).

General structure and content of a logframe Matrix (AusAid)<sup>11</sup>:

Activity Description	Indicators	Means of Verification	Assumptions
<b>Goal or Impact</b> – The long term development impact (policy goal) that the activity contributes at a national or sectoral level	How the achievement will be measured – including appropriate targets (quantity, quality and time)	Sources of information on the Goal indicator(s) – including who will collect it and how often	
<b>Purpose or Outcome</b> – The medium term result(s) that the activity aims to achieve – in terms of benefits to target groups	How the achievement of the Purpose will be measured – including appropriate targets (quantity, quality and time)	Sources of information on the Purpose indicator(s) – including who will collect it and how often	Assumptions concerning the Purpose to Goal linkage

<sup>11</sup> [http://www.who.int/ncd/vision2020\\_actionplan/documents/LFAGuidelines.pdf](http://www.who.int/ncd/vision2020_actionplan/documents/LFAGuidelines.pdf) (most recently accessed on 25-07-2012. I have deleted one intermediate level that was called “Intermediate level”.)

<b>Outputs</b> – The tangible products or services that the activity will deliver	How the achievement of the Outputs will be measured – including appropriate targets (quantity, quality and time)	Sources of information on the Output indicator(s) – including who will collect it and how often	Assumptions concerning the Output to Component Objective linkage
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The logical framework presents the causal interlinkage between the different levels of results: output is concrete, outcome is partly dependent on what the stakeholders do to use it for their benefit, and impact relates to the effects for a wider sector of society (wider than just the stakeholders) and over a longer period of time. Thus impact is more difficult to measure, especially so when it comes to human rights work, because in that longer period of time under consideration, more external factors can influence the ultimate effect.

*Example<sup>12</sup>:*

*A programme aims at contributing to the freedom of expression by supporting a journalists' union in their lobbying activities for better legislation.*

*Problem analysis: In this country the press freedom is being limited by intimidation and prosecution of critical journalists for hate sowing, and ensuing self-censorship by journalists. In the planning phase strategies and expected results are formulated at the different levels: realizing less persecution (impact), changing the laws that make prosecution of journalists possible (outcome), improvement of feelings of security and change in attitudes of journalists (outcome), improve lobbying skills (output). In logframe terms:*

- *(Intended) impact: improved freedom of expression – less persecution of journalists – better legislation*
- *(Intended) outcome: better feeling of security for journalists – effective lobbying activities by the journalists*
- *(Intended) output: better lobbying skills and plans – awareness of self-censorship*
- *(intended) activity: one two-day workshop on lobbying skills.*

*Indicators may have been formulated as:*

- *Number of journalists being prosecuted (quantitative impact indicator, objective)*
- *Quality of legislation for slander (qualitative impact indicator, objective)*
- *Improved feeling of security (qualitative outcome indicator, subjective)*
- *Lobbying skills of journalists (quantitative output indicator, subjective).*

Depending on the character of the indicator, targets or benchmarks will be formulated of what the intervention should have achieved after a certain period. Differences in real effects from the expected targets can be explained as to the causes and possible changes in external conditions, and may be adapted to more realistic achievements during the PME-cycle. Here the learning process is interlinked with the implementation process.

The logframe enables us to identify the indicators at the different levels and to check whether there are gaps in the evidence to be gathered:

<sup>12</sup> At several instances in this paper I present examples of measurement linked to one “exemplary” project: contributing to the freedom of expression in a country by supporting a journalists’ union in their lobbying activities for better legislation. These examples are presented in italics.



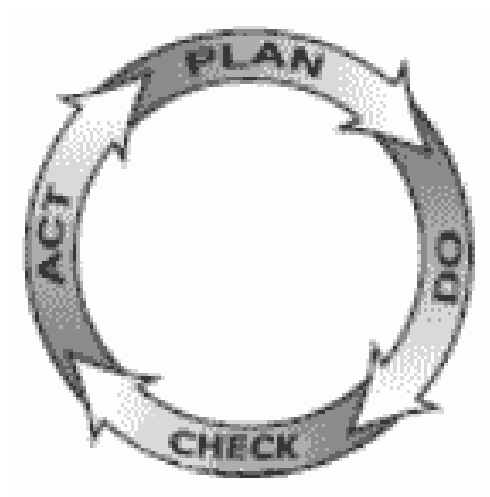
<b>Activity Description</b>	<b>Indicators</b>	<b>Means of Verification</b>	<b>Assumptions</b>
<b>Goal or Impact</b> – The freedom of expression has been improved	No. of journalists being prosecuted has decreased; Improvement in legislation on slander	National data on arrests and trials; National data on legislation; expert analysis;	
<b>Purpose or Outcome</b> – The lobbying for better freedom of expression has been effective	Lobbying interventions have been successful after a given period of time; Awareness of self-censorship has grown; Improvement in feeling of security among journalists after a given period of time;	Data on quality and quantity of lobbying activities and their effects; Interviews with those involved Interviews with those involved	Successes in lobbying and awareness on self-censorship together lead to an improved feeling of security; the political space for lobbying and journalism will not be limited as a result of more critical attitude of journalists
<b>Outputs</b> – The journalists have been trained in using lobbying activities for better freedom of expression	Improvement in lobbying skills of journalists	Evaluation of workshop by participants	Trained participants will have more skills and courage to undertake lobbying activities

In real discussions with stakeholders, which should take place in the planning phase, more precise and better focused indicators can be developed, which give a more complete picture of the results. This example is just for the sake of the argument. In the example the indicator “lobbying interventions have been successful” draws a relation between the output (the improvement of the lobbying skills) and the impact level (improved legislation). On the other hand, it is not possible to measure all (side-)effects of an intervention, and we can consider some indicators as representing a broader scope (proxy indicators). For example, the number of prosecuted journalists can be regarded as a proxy-indicator for the general situation of press-freedom.

From this example it will be clear that also the situation before the intervention should be described, in what is often called a baseline study – often combined with the problem analysis. Change in the situation can then be identified with the same indicators: how many journalists have been incriminated in year X, before the intervention started, and how many at mid-term and afterwards?

## 2.4. Process management

As noted above, the context of indicators is embedded in the planning, monitoring and evaluation (PME) of interventions for human rights improvement. The process of change and improvement is supported by management tools, of which the “Plan-Do-Check-Act” cycle<sup>13</sup> is the best known. The main idea is the difference between the “do”-part and the “act”-part. The “do”-part refers to the implementation of what has been planned, while the “act”-part refers to the implementation of conclusions from the monitoring and evaluation in the “check”-part. Thus the monitoring or evaluation leads to improvement in the new plans.

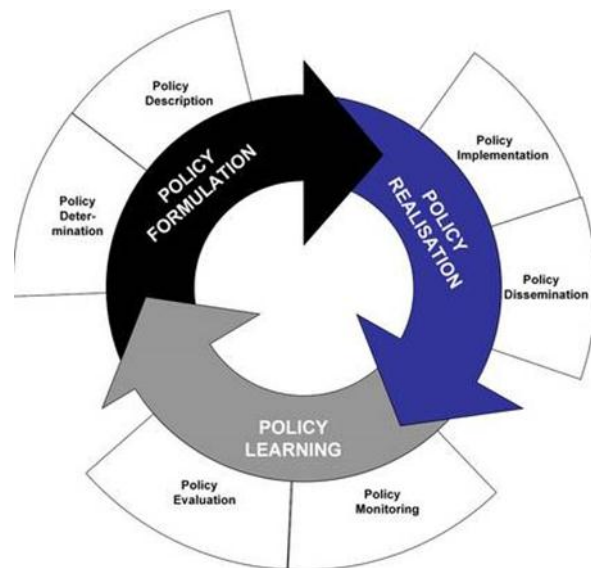


This Plan-Do-Check-Act cycle is a well-known project management tool. More policy-oriented, but based on a similar line of thinking is the cycle of policy formulation, realization and learning<sup>14</sup> as disseminated by OECD that facilitates processes of learning and accountability:

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<sup>13</sup> <http://asq.org/learn-about-quality/project-planning-tools/overview/pdca-cycle.html> (most recently accessed on 25-07-2012).

<sup>14</sup> ©IOB Dutch Ministry of Foreign Affairs, downloaded from [www.oecd.org/dataoecd/62/62/46436210.ppt](http://www.oecd.org/dataoecd/62/62/46436210.ppt), on 11-06-2011. Most recently accessed on 25-07-2012.



Throughout these PME-cycles, indicators form a continuous line that, at the different levels, links the output of an intervention to the outcome and impact. They are analysed in relation to the current situation and the objectives in the planning period, are the yardsticks during the monitoring process and form the backbone of the evaluation. Indicators can be qualitative and quantitative, short-term and long-term, objective and subjective, assessed by external evaluators and/or assessed by a participatory process.

It is essential that the indicators linked to the objectives are formulated in the planning phase, so that the objective becomes more focused and more concrete. However, during the monitoring process it is also important to check whether the indicators formulated at the outset are still satisfactory during the implementation phase. Noting the arguments to reformulate indicators, or to shift the level of indicators, facilitates the learning process of what are the most important aspects of the intended change. Here the assumptions are important to note what conditions are necessary.

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*Example:*

*During the implementation phase it may become clear that the intended purpose of the journalists' project of improved feeling of security is more of an impact level than of the outcome level, while the improvement of legislation is more of the outcome level; this conclusion can be drawn after the assumptions of the process have been made clear: the legislation*

should be improved before you can expect that the feeling of security has increased. So the logframe can be reformulated as follows:

<b>Activity Description</b>	<b>Indicators</b>	<b>Means of Verification</b>	<b>Assumptions</b>
<b>Goal or Impact</b> – The freedom of expression has been improved	No. of journalists being prosecuted has diminished; Improvement in feeling of security among journalists	National data on arrests and trials; Interviews with those involved;	Data are publicly available <sup>15</sup>
<b>Purpose or Outcome</b> – The lobbying for better freedom of expression has been effective	Lobbying interventions have been successful; Improvement in legislation on slander	Assessment of the new law's quality by lawyers; National data on legislation	Legislation is in place, and consequently applied by law-enforcement institutions
<b>Outputs</b> – The journalists have been trained in using lobbying activities for better freedom of expression	Improvement in lobbying skills of journalists	Evaluation of workshop	Journalists are sufficiently motivated to speak out in lobbying opportunities

The assumptions are often possible conditions, positive (opportunities) or negative (risks), beyond the control of the project, but at the same time they may be decisive for the implementation being successful or not. Formulating beforehand what conditions can turn out to be a weak link in the theory of change or in the process of implementation, makes it possible to anticipate and try and prevent the assumption from being of a negative impact. If an assumption points at an absolutely necessary condition for any implementation, it is called a “killer assumption”. It depends on the problem analysis and the theory of change whether there are some or many killer assumptions. In the example it might be for instance the break-out of war or an otherwise increased censorship.

## 2.5. The theory of change

The logic of the goal, outcome and output and thus the logic of the associated indicators can also be clarified by the use of the “theory of change”: which intermediate changes are expected to lead to the ultimately intended change. In the needs assessment or problem identification the theory of change is an essential step to be discussed by the stakeholders. The theory of change is a more flexible and more analytical instrument than the logframe as

<sup>15</sup> Note the vicious circle that a certain extent of freedom of expression is necessary to improve the freedom of expression.

it is coping with processes and analyses that are not just one-dimensional and linear cause-effect relations. However, the matrix of a logframe is a helpful structure that can be combined with a more intricate theory of change methodology.

A special website with online tools to develop the theory of change notes:

“A Theory of Change defines all building blocks required to bring about a given long-term goal. This set of connected building blocks—interchangeably referred to as outcomes, results, accomplishments, or preconditions is depicted on a map known as a pathway of change/change framework, which is a graphic representation of the change process.

Built around the pathway of change, a Theory of Change describes the types of interventions (a single program or a comprehensive community initiative) that bring about the outcomes depicted in the pathway of a change map. Each outcome in the pathway of change is tied to an intervention, revealing the often complex web of activity that is required to bring about change.

A Theory of Change would not be complete without an articulation of the assumptions that stakeholders use to explain the change process represented by the change framework. Assumptions explain both the connections between early, intermediate and long term outcomes and the expectations about how and why proposed interventions will bring them about. Often, assumptions are supported by research, strengthening the case to be made about the plausibility of theory and the likelihood that stated goals will be accomplished.

Stakeholders appreciate theories of change as part of program planning and evaluation because they create a commonly understood vision of the long-term goals, how they will be reached, and what will be used to measure progress along the way.

A Theory of Change is a specific and measurable description of a social change initiative that forms the basis for strategic planning, on-going decision-making and evaluation. The methodology used to create a Theory of Change is also usually referred to a Theory of Change, or the Theory of Change approach or method. So, when you hear or say “Theory of Change”, you may mean either the process or the result.

Like any good planning and evaluation method for social change, it requires participants to be clear on long-term goals, identify measurable indicators of success, and formulate actions to achieve goals.”<sup>16</sup>

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*Example:*

*In country X the government aims at limiting the freedom of expression by identifying a number of taboo items that it does not want to be discussed in the public space at all. Often these taboo items are a threat to the continuity of the government itself: corruption, human rights violations in the past, etc. For a long time, in Indonesia taboo items were: ethnicity, religion, race and class differences. It prosecuted journalists who raised these items in the media, based on a law that forbids hate sowing, and judges applied this law even when there was no proof of hate sowing. Also the legislation to punish slander was used to prosecute critical journalists. The narrative theory of change in this case may be as follows:*

*In the problem analysis it is analysed that two main problems are obstacles for an improved freedom of expression:*

- *The occurrence of journalists’ self-censorship out of fear for persecution based on old laws on hate-sowing and slander;*
- *Lack of lobbying skills to speak up and try to change these laws.*

*So the theory of change might be as follows:*

- *IF journalists are aware of sensitive issues and of a way to discuss these items without hate sowing, THEN they can break the taboo. This may provoke prosecution, but they can try to prove there is no hate, so there should follow acquittal, and the taboo would decrease. In order to address the fear by journalists to put the taboo issues on the table, the intervention plans to organise a workshop for awareness raising on self-censorship.*
- *IF journalists have sufficient skills for lobbying for improved legislation, THEN they could try to lobby the parliament for repeal of the law on hate sowing and slander and in the future they would not be prosecuted on that ground. In order to improve the lobbying skills of journalists the intervention plans to organise a workshop on lobbying skills.*

*During the discussions one could have expected that improvement of the independence of the judiciary would also bring about improvement in the freedom of expression. One can argue that changing that condition is too broad a purpose for an intervention, so it has not been included in this theory of change. It might be included in a future plan.*

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<sup>16</sup> <http://www.theoryofchange.org/about/what-is-theory-of-change/>

The theory of change is also important during an intervention for analysing whether the results tend to go in the right direction. However, this is often not a linear development. A common example of contradictory data indicating in the wrong direction is an intervention that aims at diminishing domestic violence, with an indicator that points to decreasing numbers of cases with a target of a lower number. However, in the first stage there may be a seemingly higher occurrence because more people become aware that domestic violence is a crime, and more complaints are being lodged. This phenomenon is called a “black horse”. The theory of change should take such different outcomes into account.

### 3. Indicators

This chapter identifies different types of indicators and their interlinking aspects. Indicators are important tools to measure change but there are also other tools for evaluation, such as story telling or the most significant change approach. These latter two methods measure results in a different way and can give complementary insights into the scope, the importance and more subjective impacts of the results. In this article I limit myself to the possibility of developing a tool with different types of indicators. In the area of international relations indicators have been developed in different directions:

- Developmental indicators which measure the progress of development (UNDP<sup>17</sup>);
- Indicators linked to the Millennium Development Goals (UN<sup>18</sup>);
- Human rights indicators which measure the progress in enjoyment of human rights (UN<sup>19</sup>);
- Criteria for applying conditionality which measure conditional aspects for international cooperation.

In this article I focus on the developmental and human rights indicators. Criteria for conditionality indicators are controversial as conditionality itself is controversial<sup>20</sup>. Conditionality is a concept that was used in international relations as a means to announce and impose sanctions to exert pressure by one country for improvement of human rights

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<sup>17</sup> <http://hdrstats.undp.org/en/indicators/default.html> (most recently accessed on 25-07-2012).

<sup>18</sup> [http://www.un.org/millenniumgoals/pdf/2012\\_Progress\\_E.pdf](http://www.un.org/millenniumgoals/pdf/2012_Progress_E.pdf) (most recently accessed on 25-07-2012).

<sup>19</sup> [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/c8603b9f3a39579ac1257186003898c2/\\$FILE/G0641960.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/c8603b9f3a39579ac1257186003898c2/$FILE/G0641960.pdf) (most recently accessed on 25-07-2012).

<sup>20</sup> See for instance: DFID, HM Treasury: *Partnerships for poverty reduction: rethinking conditionality*. A UK policy paper. March 2005. <http://www2.ohchr.org/english/issues/development/docs/conditionality.pdf> (most recently accessed on 25-07-2012); and Andris Zimelis, *Conditionality and the EU-ACP Partnership: A Misguided Approach to Development?* Australian Journal of Political Science, Vol. 46, Iss. 3, 2011. <http://www.tandfonline.com/doi/abs/10.1080/10361146.2011.595698#preview> (most recently accessed on 25-07-2012).



conditions in another country. It is controversial in the sense that it is often applied in relations with an unequal power balance, for instance with regard to poorer countries or to countries without valuable trade and economic interests, that is, valuable for the party that imposes the conditionality. In this article I will not elaborate on the concept and the different forms of conditionality.

The relation between human development and human rights has been analysed in the 1990s by Amartya Sen (1999), who argued that development is only possible when people are free to develop their capabilities, and that freedom is only possible with perspectives of development at hand. Freedom as the enjoyment of human rights is the objective of development as well as the means to achieve development. This interrelation implies a dynamic change model that needs to be accompanied with its equivalent set of yardsticks.

The United Nations Development Program (UNDP) has developed a number of indicators, called the Human Development Index (HDI). By this index countries can be assessed as to their progress in development. Over the years the HDI has been improved and refined. Still, a number of drawbacks remain. One of the main points is that it mainly assesses economic development, which by no means is congruent with social and political improvements, let alone with sustainability factors. Another is that it measures averages by country, and is lacking a good analysis of distribution of resources or facilities among different groups within a country. The equality indicators are limited. For example, the education indicator does not contain gender-specific or a minority-specific data<sup>21</sup>. In this way access to education for girls cannot be measured with the enrolment data for all children together, nor can the right to

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<sup>21</sup> <http://hdrstats.undp.org/en/indicators/103706.html> (most recently accessed on 25-07-2012).

equal access to education for children from minorities be measured. There is a Gender Inequality Index to bridge that gap to some extent, but there is no Minority Inequality Index.

Stressing the point that the economic position of a country is not decisive in fulfilling human rights, the Human Development Report 2010 stated: “On one crucial point the evidence is compelling and clear: there is much that countries can do to improve the quality of people’s lives even under adverse circumstances. Many countries have made great gains in health and education despite only modest growth in income, while some countries with strong economic performance over the decades have failed to make similarly impressive progress in life expectancy, schooling and overall living standards. Improvements are never automatic— they require political will, courageous leadership and the continuing commitment of the international community.”<sup>22</sup>

The Millennium Development Goals (MDGs) have been ground breaking in the sense that clear indicators and targets have been identified on each of the development goals that (in the political debate) have been set as the most important ones. Progress is tracked against 21 targets and 60 indicators addressing extreme poverty and hunger, education, women’s empowerment and gender equality, health, environmental sustainability and global partnership.<sup>23</sup> A number of proxy-indicators have been selected as representative to all indicators in that area, so that the volume of measurement was still in proportion with the efforts for change as such. On the other hand, the MDGs suffer the same disadvantage as the Human Development Index: they do not show how the progress has been distributed among the different groups within a society. To identify a special “gender-MDG” is not sufficient to get the whole picture.

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<sup>22</sup> [http://hdr.undp.org/en/media/HDR\\_2010\\_EN\\_Complete\\_reprint.pdf](http://hdr.undp.org/en/media/HDR_2010_EN_Complete_reprint.pdf) page iv-v. (most recently accessed 25-07-2012).

<sup>23</sup> [http://www.un.org/millenniumgoals/pdf/2012\\_Progress\\_E.pdf](http://www.un.org/millenniumgoals/pdf/2012_Progress_E.pdf) (most recently accessed on 25-07-2012).

Thus it can be said that developmental indicators have a quite narrow, mostly economic scope, and that they do not do justice to the concept that the realization of human rights for all is the overarching goal of international cooperation. In the same line of thinking, the indicators linked to the MDGs have too little human rights aspects to achieve a transparent measurement of human rights interventions. In order to be able to measure development in the wider context of a human rights based approach we need to use human rights indicators.

The United Nations human rights system provides for an intricate building of norms and guarantees, and each has its criteria for compliance and non-compliance. These criteria have been developed since the Universal Declaration of Human Rights (UDHR) was adopted in 1948. The International Covenants and Conventions are Treaties that States parties have to commit themselves by, and that have Treaty Bodies or Committees of Experts which monitor their compliance. This paragraph shows how the human rights system provides indicators from three different perspectives: legal structure, process and outcome.

In the monitoring process per country by the Treaty Bodies, criteria have been developed, targets formulated and violations identified. New interpretations and adaptations of the indicators are included in the General Comments and General Recommendations that the Treaty Bodies have laid down over the years and which are valid for all countries that have ratified that Convention.

The Office of the High Commissioner for Human Rights (OHCHR) has a leading role in developing these indicators. “The framework [of the OHCHR] recommends the development of structural, process and outcome indicators. This configuration of indicators should help assess the steps being taken by States in addressing their obligations – from commitments

and acceptance of international human rights standards (structural indicators) to efforts being made to meet the obligations that flow from the standards (process indicators) and on to the results of those efforts (outcome indicators). The framework seeks neither to prepare a common list of indicators to be applied across all countries irrespective of their social, political and economic development, nor to make a case for building a global composite measure for cross-country comparisons of the realization or enjoyment of human rights.”<sup>24</sup>

Thus, the division in three kinds of indicators based on the OHCHR is a first step for building up the tool:

- Structural indicators – responding to the question: what is the legal structure that is in place and which international conventions have been ratified?
- Process indicators – responding to the question: has implementation been carried out according to human rights standards?
- Outcome indicators – responding to the question: what results have been achieved for direct use by the beneficiaries?

This distinction is especially important when one aims to break down the necessary information into different perspectives:

- The level at which the human rights are realized: the State level, the local level and the intervention level.
- The instrumental perspective: human rights as objective, as a means and as a yardstick.
- The conceptual perspective: the legal structure, the human rights conditions and the ultimate effects.

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<sup>24</sup> [http://www2.ohchr.org/english/issues/indicators/docs/HRI.MC.2008.3\\_en.pdf](http://www2.ohchr.org/english/issues/indicators/docs/HRI.MC.2008.3_en.pdf) (most recently accessed on 25-07-2012).

- The time perspective: the baseline study (the structure as point for departure), the mid-term review (monitoring the process of implementation) and the ex post evaluation (the ultimate effects).

The combination does not result in a linear, quick assessment of any intervention, but it does make clear that there is a structure covering a multi-faceted reality that can be taken into account for optimal learning and improvement of human rights interventions. All these perspectives give input for the subdivisions in the following paragraphs that make these three types of indicators better manageable and more concrete.

### **3.1. Structural indicators**

The structural indicators point to the long-term legal structure that is in place for the enjoyment of human rights. They are by nature a State responsibility, and data on compliance are often found at the national level, but also at the lower levels of governance one can find important information in the field. The enjoyment of human rights starts after a period of transition often with the international ratification by a State Party, but does not stop there. It also includes national legislation and law enforcement conditions. As in our example: has the national government ratified the UN Covenants and Conventions involved, has the freedom of expression been codified in law, and to what extent is this legislation in conformity with the international standards? Have journalists been prosecuted for using the right to freedom of expression, or on the contrary, can measures of censorship be challenged? These indicators make it possible to identify long term changes in the legal structure and thus facilitate evidence based planning for future interventions. A final aspect in the structural indicators is the access to control, redress and complaint mechanisms for those cases where rights have been violated.

The subdivisions, all relating to the legal structure, can be identified as follows:

- Extent of ratification of international treaties and compliance with the international instruments;
- Extent of translation of international standards into national legislation;
- Extent of compliance and implementation of this legislation and general rule of law aspects;
- Access to control mechanisms, nationally, such as ombudsman, and internationally, such as complaint mechanisms.

This subdivision makes the indicators concrete and covers different aspects of the legal structure. They point to the questions that have to be addressed when making an assessment.

In 2008, in its General Comment no. 19<sup>25</sup> on the right to social security the ESC-Committee referred to another subdivision in the legal structure, viz. with respect to the obligations of the States parties. Addressing the implementation of the right to social security, it pointed to the often used threefold for the realization of rights: the obligations

- To respect: it requires that States parties refrain from interfering directly or indirectly with the enjoyment of the right (esp. the freedoms of opinion, expression, assembly, etc.);

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<sup>25</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/403/97/PDF/G0840397.pdf?OpenElement> (most recently accessed on 25-07-2012).

- To protect: it requires that States parties prevent third parties from interfering in any way with the enjoyment of the right (esp. non-discrimination, equality in labour conditions);
- To fulfil: it requires States parties to adopt the necessary measures, directed towards the progressive and ultimately full realization of the right (esp. social and economic rights should be progressively fulfilled)<sup>26</sup>;

Each type of obligation requires a different kind of indicator, or question to be responded to:

- To respect – to what extent has the government developed conditions that give room for freedoms that are involved, but also in a negative way: to what extent has the government a policy of interfering with internationally accepted standards?
- To protect – to what extent are mechanisms in place that empower the population to use their rights without interference from third parties (e.g. labour laws and laws that incriminate discrimination)?
- To fulfil – to what extent are priorities in place and resources available to really fulfil the needs of the rights holders in conformity with their own perceived interests?

On the one hand there is a certain extent of overlap, but on the other hand this subdivision makes it possible to check the complete coverage. For instance the right to freedom of expression is often regarded as a right completely in the part of the “respect”-obligation, but it should also be considered whether the State complies with its obligation to protect (against discrimination, hate speech or other criminal acts that are debatable under the freedom of expression) and with its obligation to fulfil (providing information to journalists

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<sup>26</sup> The obligation to fulfil can again be subdivided into three ways that the rights can be fulfilled: the obligations to facilitate, to promote and to provide. For priority setting this is an important subdivision.

or taking care of educational institutions for journalists). In the same way the right to health, often regarded as a specific “fulfil”-obligation, also contains aspects of protection (against illegal abortion or equal access to facilities) and respect (freedom to have more than one child).

For each of these aspects there are different relations with the earlier subdivision. Indicators identify which gaps or white spots in the legal structure are still remaining, and what progress is visible after a certain time. It will be clear that these indicators mostly relate to State obligations, so they indicate the situation at national level.

<b>Structural indicators</b>	<b>To respect</b>	<b>To protect</b>	<b>To fulfil</b>
Ratifications	ICCPR ratified? Compliance with Treaty Body recommendations?	ICERD, CEDAW, CRC ratified? Compliance with Treaty Body recommendations?	ICESCR, CEDAW, CRC, CAT ratified? Compliance with Treaty Body recommendations?
Codification	Related rights (freedom of expression, opinion, religion, association, right to participation, right to fair trial) codified in national legislation?	Related rights (non-discrimination, freedom of exploitation, child labour, right to fair trial) codified in national legislation?	Related rights (education, health care, social security, right to participation) codified in national legislation, in compliance with non-discrimination standards?
Application	Related legislation is applied according to international standards (fair trial, non-discrimination, not corrupt)?	Related legislation is applied according to international standards (fair trial, non-discrimination, not corrupt)?	Related legislation is applied according to international standards (fair trial, non-discrimination, not corrupt)?
Control mechanisms	Accessibility of appeal procedures (ombudsman, National Human Rights	Accessibility of appeal procedures (ombudsman, National Human Rights	Accessibility of appeal procedures (ombudsman, National Human Rights



Structural indicators	To respect	To protect	To fulfil
	Institute)?	Institute)?	Institute)?

Although primarily meant to assess the national situation as to the legal structure in a country, local incidents can also be part of this assessment of the structural indicators, for instance where it concerns discrimination of certain ethnic groups, or special economic zones with less labour conditions protection. The matrix above also makes clear that there is some overlap between the three columns. Norms for fair trial and non-discrimination often come back at different places.

### 3.2. Process indicators

The process indicators can be concretized into four most important aspects as analysed by the Human Development Report 2000<sup>27</sup>:

“Running through every right are key principles that must be met and actions that must be taken:

- No discrimination—ensuring equitable treatment for all.
- Adequate progress—committing resources and effort to the priority of rights.
- True participation—enabling people to be involved in decisions that affect their wellbeing.
- Effective remedy—ensuring redress when rights are violated.”

These aspects of the process make clear what questions we should ask ourselves in order to find responses as to the manner implementation:

<sup>27</sup> [http://hdr.undp.org/en/media/hdr\\_2000\\_ch5.pdf](http://hdr.undp.org/en/media/hdr_2000_ch5.pdf), UNDP Human Development Report 2000, page 95 (most recently accessed on 25-07-2012).

- No discrimination – to what extent will the intervention ensure equitable treatment for all?
- Adequate progress – to what extent are sufficient resources and effort made available to the intended priority of rights?
- True participation – to what extent have people been empowered to be involved in decisions that affect their enjoyment of rights and their wellbeing?
- Effective remedy – to what extent has any redress been guaranteed when rights are violated?

The non-discrimination requirement is self-evident, but still it is important to measure the current situation as well as future results, because an intervention may in the long run turn out dis-advantageous for another group than the intended target group. It will be necessary – but difficult! – to weigh the results for the different groups of affected people.

Adequate progress is an aspect that is difficult to measure in an absolute way, but the indicators can relate to earlier agreed planning and priorities. It is a necessary type of indicator because many governments try to delay or slow down a process of human rights implementation, because of their adverse interests. Budgetary considerations or alleged lack of resources are often the reasons for delay, so that a strict planning beforehand with clear indicators makes it possible to counter these efforts for delay.

True participation is involved to ensure that choices are made with the consent and support of those stakeholders that will experience the intended changes. This means that there must be free flows of information, and real, democratic decision making processes during the planning phase and the implementation phase. Especially when different interests are at stake among different groups of stakeholders, this is a critical aspect. Indicators that identify

the level of participation are often related to the subjective feeling that the stakeholders have. It is important to interview all different groups involved as to their input. Power relations within groups of stakeholders may influence the responses, such as a traditional dominance of men over women, or undemocratic leadership within communities. These dilemmas need to be handled with care and sensitivity.

Where relevant other process indicators can be added, so for instance when an intervention is operated in a conflict environment, the participation aspect can be subdivided in participation by the different conflicting groups. Where land issues are addressed, the rights of indigenous peoples can be considered. In more general terms, as the process indicators refer to the manner in which an intervention or policy is being implemented, another subdivision is appropriate here, namely in the kind of stakeholders whose rights should be taken into account. It is conceivable that the beneficiaries' rights will be taken into account more carefully than other stakeholders' rights, and that there is a group of unintended stakeholders whose rights are violated by an intervention in favour of the beneficiaries. There is an old-time example with the promotion of mechanization of agriculture on Java, where the (male) heads of families were the beneficiaries, and benefitted all-right, but at the costs of their wives who traditionally did the harvest by hand.

Effective remedy is an aspect that relates to earlier violations in the process of human rights work, and the guarantee that any (un)intentional wrong doing will be compensated. Protocols should be in place to correct any damage. At first sight it is of course quite paradoxical that human rights work could result into human rights violations, but it cannot be ruled out that intended changes later on result in adverse results for some "beneficiaries". In theory interventions can lead to improvements for one group and decline

for another group, especially where economic interests are at stake. Of course the prevention of these negative effects should be discussed in the problem analysis in the planning phase, and there it links to the participation aspect.

The specific aspect of process indicators is that they measure effects of an intervention on stakeholders. These effects are different for different types of stakeholders. In order to cover the aspects that relate to the process, therefore, we need to measure the effects for (groups of) individual rights holders. Below we propose a second subdivision according to the type of stakeholders, subdivided according to their different interests (stakes) in the intervention:

- The stakeholders that are the direct target group of an intervention;
- The stakeholders that have an interest in the intended change;
- The stakeholders that will experience the changes in an unintended way.

Here also the indicators can be interrelated and thus generate more concrete and more focused indicators:

Process indicators	Direct stakeholders	Indirect stakeholders	Unintended stakeholders
Non-discrimination	Do all intended stakeholders benefit in a similar way?	Is there a difference in the benefit between direct and indirect stakeholders, and can this difference be explained?	Is the positive or negative effect for unintended stakeholders discriminatory?
Adequate progress	Do all intended stakeholders benefit similarly through the period of intervention?	Do direct and indirect stakeholders benefit through the period of the intervention in a comparable way?	Is the positive or negative effect of the intervention for the unintended stakeholders legitimate?

Process indicators	Direct stakeholders	Indirect stakeholders	Unintended stakeholders
True participation	Do all stakeholders participate in democratic decision making as to the goal and planning of the intervention?	Is there a mechanism for the indirect stakeholders to participate in the decision making that is legitimate for their indirect stake?	Have the positive or negative effects of the intervention been considered during the decision making process?
Effective remedy	If these norms are not complied with, do the stakeholders have a mechanism for effective remedy or redress?	If these norms have not been complied with, is there a mechanism for effective remedy or redress?	Can the unintended stakeholders access mechanisms for effective remedy in case of negative effects?

These indicators identify the conditions of an intervention, which should comply with human rights standards. As we differentiate between intended stakeholders and unintended stakeholders, the choice in the planning phase which benchmark is acceptable, is open to interpretation. If for example an intervention supports especially a group of small entrepreneurs, this might be disadvantageous to businessmen who operate on a larger scale. This negative effect for unintended stakeholders is part of the objective and to some extent acceptable. Monitoring these unintended effects is important as it at least makes it possible to adapt the programme if necessary, or add a side-programme that decreases the negative effect.

The question as to whether or to what extent true participation should be considered for unintended stakeholders is of course even more dilemmatic. Participation in some of the decision making, careful problem analysis and hearing both sides in a conflict of interest in the planning phase make it possible to identify critical conditions for the unintended

stakeholders. The principle should be that no intervention should violate other people's rights.

### 3.3. Outcome indicators

The outcome indicators will have to indicate what the (intended) results of a certain policy or programme for the beneficiaries are, compared to the situation at the beginning. These indicators are sometimes called success indicators. We prefer the term of outcome indicators.

In general evaluation terms, outcome is divided into four equally important aspects of success:

- Effectiveness
- Efficiency
- Relevance
- Sustainability

This division can be used for general human rights work. If an intervention aims at improving the press freedom,

- the effectiveness points to the concrete effects as identified as expected outcomes in the logframe and to the extent of realization of the objective;
- efficiency points to the way of implementation and whether (public) resources have been used in a time- and cost-effective way;
- relevance is an aspect that should have been analysed in the priority setting phase, but also afterwards to check whether the analysis was sound;

- sustainability refers to the probability that the effects will be felt also after the intervention has been concluded – although there is some debate what kind of timespan should be taken into account.

With regard to economic, social and cultural rights, there also is a method to make outcome indicators more concrete and better measurable. It is possible to check the progress in the realization of these rights by using five criteria, often called “4 A + Q”:

- Availability
- Accessibility (physically)
- Affordability (economically)
- Acceptability (culturally)
- Quality

These five aspects of the realization of a human rights facility refer to the facility itself and indicators can be very different depending on the kind of facility. So for instance if we want to measure the realization of the right to health for women in country X, we measure: these aspects according to targets that have been set beforehand, based on the problem analysis:

- Availability – have the health centres become available in all parts of the country, at a rate of A doctors for B-thousand women?
- Accessibility (physically) – have the health centres become available at a distance of maximum C kilometres in all parts of the country, to be covered by simple public transport?

- Affordability (economically) – are visits to the health centres moderately cheap (below D % of the average monthly income); or is there an accessible mechanism for low-income (below E) patients?
- Acceptability (culturally) – are the facilities offered to the patients in line with their cultural traditions, and is there space for dissenting opinions?
- Quality – is the health care of the health centres of good quality for all patients?

Between the extent of accessibility and acceptability there is a certain overlap, especially when speaking of aspects that are culturally accessible and/or culturally acceptable (e.g. family planning care or academic education for women in Islamic countries), so that some people also use the 3 A + Q formula. I think it is important to retain the 4 A's, as accessibility is a condition of a certain rights-related facility (e.g. the distance to a health centre), while acceptability refers to what the person involved thinks is acceptable in his or her culture (e.g. family planning devices).

These five aspects show in their formulation that they are quantitative as well as qualitative, and that they can refer to very different human rights interventions. They also show in their performance the principle of a human rights based approach to development. If linked to three of the four aspects of outcome indicators (effectiveness, relevance and sustainability), they can generate a very comprehensive picture of how (how much, far, well) the achievement of the intervention has been realized by measuring these aspects of the human rights realization. As these indicators show changes over time in the progress of the human rights realization they are more fit to measure ESC-rights, because that is what they intend: be realized progressively.



To measure the realization of political or civil rights, the questions that the indicators refer to, are much more of a yes or no nature (How is the situation of freedom of expression? Yes there is censorship. Or: how is the situation of the freedom of association: No, civil organizations are not allowed to freely organize themselves). For indicators of this kind we can turn to the Treaty Bodies' Comments and Recommendations to find indicators that have been internationally accepted. What are the limits of freedom of expression that are internationally accepted, so which limits are not acceptable? These questions will have been addressed in the planning phase, relating to the problem analysis and the theory of change, and thus come back when defining the indicators. Lack of freedom of expression can often be associated with censorship, but also with unfair trial, depending on the local situation.

Depending on the chosen priorities, based on the problem analysis and the theory of change, the progress of an intervention can be measured over time. Adaptations can be necessary as to the priority issues, the intended benchmarks, or the intended stakeholders of an intervention. It will be clear that the data on the relevance and the sustainability are more expected and not yet measurable at the start of an intervention, but that they become more and more important over time and are decisive at the evaluation stage.

Outcome indicators	Data at the outset	Midterm review	Evaluation
Effectiveness <ul style="list-style-type: none"> <li>• Availability</li> <li>• Accessibility</li> <li>• Affordability</li> <li>• Acceptability</li> <li>• Quality</li> </ul>	To what extent is the HR aspect as prioritised available/accessible/etc. to its rights holders?	To what extent has the HR aspect as prioritised become more available/accessible/etc. to the rights holders?	Has the intervention been sufficiently effective as to 4A + Q (for ESC-rights) or in relation to the realization of other rights?
Efficiency	Are the most efficient working methods available?	Is the intervention being carried out in the most cost-	Has the intervention been carried out in the most cost-

Outcome indicators	Data at the outset	Midterm review	Evaluation
		and time-effective way?	and time-effective way
Relevance <ul style="list-style-type: none"> <li>• Availability</li> <li>• Accessibility</li> <li>• Affordability</li> <li>• Acceptability</li> <li>• Quality</li> </ul>	To what extent is the intervention's goal expected to be relevant to the intended stakeholders?	Is the intervention achieving (part of) the relevant goals as prioritised?	Have the intervention's effects been sufficiently relevant for the stakeholders?
Sustainability <ul style="list-style-type: none"> <li>• Availability</li> <li>• Accessibility</li> <li>• Affordability</li> <li>• Acceptability</li> <li>• Quality</li> </ul>	To what extent and in which time spans the effects of the intervention are expected to remain identifiable?	Are the effects up till the mid-term expected to be sustainable after closure of the intervention?	Have the intervention's effects proven to be sufficiently sustainable after the intervention's closure?

Whereas the structural indicators mostly relate to the state obligations and thus to the national level, and whereas the process indicators relate to the intended and unintended stakeholders and their rights and thus to the local level, the outcome indicators relate to the specific intervention under review. It will be clear that they relate to each other at different levels of the realization of rights, or at different perspectives. So for instance the assessment of the sustainability at the mid-term review may be depending on the application of the process indicators, but also on the progress in codification of state obligations. The analysis of data is in the cross-linking of the different levels and perspectives of the indicators. Each intervention will have different cause-effect relationships that relate in differently linked indicators.

In the eventual analysis of the effectiveness, relevance and sustainability in the evaluation, there is a need for a qualitative assessment in the sense of what is sufficient? There is not one quantitative benchmark or milestone of what is effective. Here the evaluator's experience will come in.

Another dilemma in the analysis is bound to appear as to the difference between contribution and attribution. As most interventions have as their objective to contribute to an improvement of the realization of rights, this often is difficult to identify as a direct contribution, depending on the amount of external factors and the time lapse between the intervention and the assessment. One can speak of the less direct relation in the cause-effect relationship, in the sense of attribution, meaning that an aspect can be “regarded as something belonging to or being caused by”<sup>28</sup> a certain intervention. The strength of the cause-effect relationship is in the reasoning of the cross-links of different indicators. If, as in our example, persecution of journalists is the main problem, then lobbying for better legislation is more effective if also the right to fair trial is addressed and monitored; and if also the attitudes of journalists to speak out are strengthened, and these changes are being measured. The extent to which the attribution is inclined to become a direct contribution is being measured by additional indicators of a different type.

An example from the International Covenant on Economic, Social and Cultural Rights (ICESCR) makes clear how the provisions of the Treaty are broken down into measurable parts, and what indicators can be used to measure. The Treaty Body, the ESC-Committee, has argued that the right to education (art. 13 ICESCR; General Comment no. 13, 1999<sup>29</sup>) can be broken down into a number of indicators (availability, accessibility, affordability, acceptability and quality, 4A+Q). The process indicators point to the compliance with obligations of non-discrimination, information, participation and attention for vulnerable groups. Schools should therefore be equally accessible for boys and girls, for all ethnic

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<sup>28</sup> Concise Oxford English Dictionary, Oxford University Press, 2004.

<sup>29</sup> <http://www.unhchr.ch/tbs/doc.nsf/0/ae1a0b126d068e868025683c003c8b3b?Opendocument> (most recently accessed on 26-07-2012). The ESC Committee has used a slightly different wording and uses the term adaptability instead of affordability: education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.

groups; the target group (in this case either the pupils or their parents) should be informed about the conditions of enrolment, and be able to participate in the realization of the educational facility. As to the compliance with process indicators of attention to vulnerable groups one can think of disabled children, orphans, etc. It goes without saying that the quality indicator and most process indicators point to qualitative data rather than quantitative data.

Another example is presented by the ESC-Committee on the more diverse right to social security (art. 9 ICESCR). In 2008, in its General Comment no. 19<sup>30</sup> the Committee broke down the concept of social security in to bits that are measurable, such as health care, pension, maternity provisions, etc. These parts are then subjected to the division into the aspects of 4A+Q.

Many donors who fund human rights work by civil society organisations require that programme proposals identify their indicators with which they want the results to be assessed (monitored, reviewed and evaluated). In the process of developing the intervention logic, problem analysis, theory of change, objectives and strategies, and a base-line study, the human rights activists also see what the most important indicators in that programme are.

After the programme proposal has been approved, the programme officers ideally gather their data for the base-line study in line with the indicators of the programme, and they continue to gather data in order to monitor their results. Alas, often this is not the case. Many proposals have been approved because of their good activities, and expected outputs,

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<sup>30</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/403/97/PDF/G0840397.pdf?OpenElement> (most recently accessed on 26-07-2012).

but without clear outcomes or impacts. There is ample reason for a certain lack of long-term view in human rights work. First, human rights programmes are subject to many external factors and obstacles that often are hard to anticipate for. Secondly, as a result of this, programmes have to be adapted over time to the political space of their environment. Third, human rights programmes often require a substantial amount of courage and it is understandable that this is an unstable factor. Fourth, the human rights activists who do have the courage sometimes are forced to stop their work and are difficult to be replaced.

It is questionable how to identify indicators afterwards, if they were not yet identified at the start of a programme. There seems to be some logic in the linking of indicators with the objectives of the programme (see our example on the programme in support of freedom of expression). But insight in the theory of change, possible external interference during the programme and other aspects require that the organization that carries out the programme, will have to be involved in the identification of the indicators. The human rights activists can argue that a certain indicator is useless because the political space has been too limited, but the evaluator might think that this argument is used to disguise that the programme has just been unsuccessful (which is already a judgment in itself). Then it is a moral question whether the evaluator should have the decisive word.

Finally, after we have identified the (contents of the) indicators, we have to modify our indicators in such a way that they indeed do tell us what we want to know. Therefore we have a simple checklist. Indicators have to fulfil a number of quality requirements, additionally to their contents. Very well-known is the requirement of indicators being SMART:

- Specific

- Measurable
- Appropriate
- Reliable
- Time bound.

These requirements are self-evident but it is good to have a check as to the indicators that have been formulated in the planning stage, and possibly adapt them to be more “smart”. However, there are limits to the “smartness” of indicators, especially where it concerns immaterial effects and results, such as security, skills and access.

Quantitative indicators may seem to give more specific and objective information, but this is only partly true. Qualitative indicators often have a quantitative aspect that can be sufficiently specific. E.g. with the goal: “improved press freedom” one can refer to accepted quantitative particles from the human rights system (number of journalists prosecuted, or number of critical articles) to assess the impact of the intervention.

## 4. The tool in practice

In this chapter I will apply the different levels and perspectives of indicators on the exemplary intervention that we used earlier: the intervention that aims at supporting freedom of expression in country X. In this country the press freedom is being limited by intimidating and prosecuting critical journalists for hate sowing or slander and by self-censorship by journalists. The activity will include a workshop in lobbying skills for journalists active in the journalists' union, directed at improvement of current legislation, and a workshop with open discussions about sensitive issues in the self-censorship mechanism. We had a rough logical framework, but in identifying the possible indicators we can improve the matrices.

With the use of the smart tool we identify the three different types of indicators and fill in the indicators in the form of questions that have to be answered. The data collection will be carried out accordingly. In order to find the cross-linking we give each field its own number.

### 4.1. Structural indicators

As these structural indicators refer to the legal structure, national legislation, implementation and control mechanisms, quite automatically these indicators generate questions about the national level of the effects, and these give us information about the impact of a programme, being the effects on wider society and for a longer period of time.

We can also see that by dividing the structural indicators in the substantial differences of “to respect”, “to protect” and “to fulfil”, we may find new issues for the problem analysis (such as: how is the situation with regard to other forms of persecution, such as disappearances or

torture?). That also makes clear why it is important to identify the indicators during the planning phase of a programme.

<b>I. Structural indicators</b>	<b>1.To respect</b>	<b>2.To protect</b>	<b>3.To fulfil</b>
a. Ratifications	I.1.a. Has ICCPR (Covenant on civil and political rights) been ratified? If so, what are the results of the reporting procedure? To what extent is there compliance with Treaty Body recommendations with regard to freedom of expression?	I.2.a. Have ICPAPED (protection against disappearances) <sup>31</sup> and CERD (non-discrimination) been ratified? If so, what are the results of the reporting procedure? Has the Human Rights Defenders Declaration been supported? To what extent is there compliance with its recommendations?	I.3.a. Has CAT <sup>32</sup> (Convention against torture) been ratified? If so, what are the results of the reporting procedure? Is there compliance with Treaty Body recommendations?
b. Codification	I.1.b. Are related rights (freedom of expression, opinion, right to fair trial) codified in national legislation? Are possible reservations acceptable according to international norms?	I.2.b. Are related rights (non-disappearance, non-discrimination, right to fair trial) codified in national legislation? Are possible reservations acceptable according to international norms?	I.3.b. Are related rights (freedom from torture) codified in national legislation? Are possible reservations acceptable according to international norms?
c. Application	I.1.c. Is the related legislation applied according to international standards (fair trial, non-	I.2.c. Is the related legislation applied according to international standards (fair trial, non-	I.3.c. Related legislation is applied according to international standards (fair trial, non-discrimination,

<sup>31</sup> The International Convention for the Protection against Disappearances, Treaty Body not yet operational.

<sup>32</sup> It is debatable whether the Convention against Torture would be placed under the heading of respecting (the physical integrity), protecting (prevention of torture) or fulfilling (realization of the prevention), or all three. For the analysis this dilemma is not decisive.



I. Structural indicators	1.To respect	2.To protect	3.To fulfil
	discrimination, not corrupt)? Is there censorship? How many journalists are prosecuted and tried?	discrimination, not corrupt)? Are there disappearances and if so, of journalists? Are these cases investigated and brought to trial?	not corrupt)? Are there cases of torture, and if so, of journalists? Are these cases investigated and brought to trial?
d. Control mechanisms	I.1.d.Are there accessible appeal procedures (ombudsman, National Human Rights Institute <sup>33</sup> )? Do such institutions have a special focus on freedom of expression? Have concrete cases been handled satisfactorily?	I.2.d. Are there accessible appeal procedures as to protection mechanisms (ombudsman, National Human Rights Institute)? Is there a reliable and effective mechanism to complain and get redress after disappearance? Have concrete cases been handled satisfactorily?	I.3.d. Are there accessible appeal procedures as to the realization of related rights (ombudsman, National Human Rights Institute)? Do such institutions have a special focus on freedom from torture? Have concrete cases been handled satisfactorily?

## 4.2. Process indicators

The process indicators refer to the manner by which the programme is being carried out, and thus is quite normative in character. Is there any discrimination towards stakeholders, and how do we deal with the different kinds of stakeholders? The question into whether the difference is acceptable requires an explanation of how and why. This explanation should go into the criteria of what is discrimination and what is not. Here a lot of interpretation comes

<sup>33</sup> These institutions are not listed here exhaustively. Other possibilities are: parliamentary inquiry, international procedures, international human rights organizations, United Nations (Universal Periodic Review) reporting and special mechanisms (special rapporteurs' mechanisms), etc. Whether these mechanisms are in place or not, relates to the indicators I.1.a, I.2.a, I.3.a, and I.1.b, I.2.b, I.3.b.

in. Part of the answer is found in the indicator above on CERD (I.2.a and I.2.b), and another part in the legal (nationally and internationally) definition of discrimination.

In this example indirect stakeholders might be family members of journalists, also affected by persecution, but also editors and human rights activists, and even readers of the papers.

The same goes for the question into differences between intended and unintended stakeholders (II.3.a.). Here again a lot of interpretation comes in. If there are negative effects in this example (persecution being addressed, perpetrators brought to trial?) for unintended stakeholders, how can we define them as discriminatory or non-discriminatory? Part of the answer is found in the indicator above on CERD (I.2.a and I.2.b), and another part in the definitions of discrimination, nationally and internationally.

<b>II. Process indicators</b>	<b>1.Direct stakeholders</b>	<b>2.Indirect stakeholders</b>	<b>3.Unintended stakeholders</b>
a. Non-discrimination	II.1.a. Are all journalists participating stakeholders?  If not, how have the stakeholders been selected?  Are selection criteria non-discriminatory?  Do all intended stakeholders benefit in a similar way?	II.2.a. Is there a difference in the benefit between direct and indirect stakeholders, and if so, can this difference be explained?	II.3.a. Is there a positive or negative effect for unintended stakeholders? If so, is this difference of a discriminatory nature?
b. Adequate progress	II.1.b. Do all intended stakeholders benefit similarly through the period of intervention?	II.2.b. Do direct and indirect stakeholders benefit through the period of the intervention in a comparable way?	II.3.b. Is the positive or negative effect of the intervention for the unintended stakeholders legitimate?
c. True participation	II.1.c. Do all stakeholders participate in democratic	II.2.c. Is there a mechanism for the indirect stakeholders	II.3.c. Have the positive or negative effects of the

II. Process indicators	1.Direct stakeholders	2.Indirect stakeholders	3.Unintended stakeholders
	decision making as to the goal and planning of the intervention?	to participate in the decision making that is legitimate for their indirect stake?	intervention been considered and responded to during the decision making process?
d. Effective remedy	II.1.d. If these norms are not complied with, do the stakeholders have a mechanism for effective remedy of redress?	II.2.d. If these norms have not been complied with, is there a mechanism for effective remedy or redress?	II.3.d. Can the unintended stakeholders have sufficient access to mechanisms for effective remedy in case of negative effects?

### 4.3. Outcome indicators

Here our first division refers to the kind of review, and thus to the moment of reviewing (beforehand, midterm, and afterwards). The planning of the intervention should have included the moments of midterm review and the evaluation. A number of indicators pointing at the situation before the intervention started (the base-line study) will refer to the structural indicators above. This cross-linking acts like a double check to see whether all aspects are being covered. The responses will, if the questions are similar, show the change that has been realised. If the programme is centred on economic social and cultural rights, in the “effectiveness” indicators, we have to divide among the 4A + Q aspects, in the sense that they will generate questions as to how available certain human rights facilities are, how accessible, affordable, and acceptable and whether their quality is sufficient.

In the questions of the outcome indicators we see an increasing use of the term “sufficiently”, indicating that using the indicator the response includes a kind of judgment for which the criteria are not yet set. It can be assumed that there are no set criteria for what is sufficient, and what is not sufficient. Also there is an inevitable role for interpretation. Here

it is important to clarify who gives the response, from which perspective (stakeholder or external evaluator), and with what prior experience, but also the possible balance of outside judgements and participatory opinions, both of which have their own assets. Only in that way, it is possible to come to the necessary balanced and well-argued final conclusions.

As the feelings of journalists are used as an indicator (important in the theory of change because of the occurrence of self-censorship), criteria how to measure this feeling should be set beforehand, in terms of feeling insecure, experiencing injustice themselves or by colleagues, and – if appropriate – experiencing international solidarity. Here the data at the outset should pose a few open questions, in order to be able to identify from those most involved, what makes the feeling of insecurity concrete.

Sustainability is a difficult concept in the outcome indicators. Often it is defined as “will the effects of the intervention remain effective over a number of years”, not identifying how many years, or how effective. Another definition is: “will the intervention’s effects continue without the intervention continuing?” meaning that the effects cannot be “undone” after the closure of the programme. Many human rights activists are of the opinion that human rights effects can never be “undone” in the long run, as they involve a grown awareness among the stakeholders that cannot be “undone”.

III. Outcome indicators	1. Data at the outset	2. Midterm review	3. Evaluation
a. Effectiveness <ul style="list-style-type: none"> <li>• Availability</li> <li>• Accessibility</li> <li>• Affordability</li> <li>• Acceptability</li> <li>• Quality</li> </ul>	III.1.a. To what extent is the freedom of expression a reality now? How is the situation of persecution of journalists now? How do they feel	III.2.a. To what extent has the freedom of expression improved (cf. structural indicators under I)? How has the situation changed since the start of	III.3.a. To what extent has the freedom of expression improved (cf. structural indicators under I)? How has the situation changed since the start of

	about their rights?	the programme (cf. III.1.a.)? How has the feeling of journalists changed? What change of plan might be necessary?	the programme (cf. III.1.a.)? How has the feeling of journalists changed?
b. Efficiency	III.1.b. Are the most efficient working methods available?	III.2.b. Is the intervention being carried out in the most cost- and time-effective way? What working methods may improve the efficiency?	III.3.b. Has the intervention been carried out in the most cost- and time-effective way?
c. Relevance <ul style="list-style-type: none"> <li>• Availability</li> <li>• Accessibility</li> <li>• Affordability</li> <li>• Acceptability</li> <li>• Quality</li> </ul>	III.1.c. To what extent is the intervention's goal expected to be relevant to the intended stakeholders?	III.2.c. Is the intervention in the process of achieving (part of) the relevant goals as prioritised?	III.3.c. Have the intervention's effects been sufficiently relevant for the stakeholders?
d. Sustainability <ul style="list-style-type: none"> <li>• Availability</li> <li>• Accessibility</li> <li>• Affordability</li> <li>• Acceptability</li> <li>• Quality</li> </ul>	III.1.d. To what extent and in which time span are the effects of the intervention expected to remain identifiable?	III.2.d. Are the effects up till the mid-term expected to be sustainable after closure of the intervention?	III.3.d. Have the intervention's effects proven to be sufficiently sustainable after the intervention's closure?

The subdivision of effectiveness in the 4A+Q aspects is more applicable to economic, social and cultural rights, so we will not use it here. Finally, all questions that refer to the aspects of effects and impact have to be scrutinized as to their being “SMART”.

## 5. Conclusions

In this article I have used common concepts from human rights thinking and human rights practice to find the aspects we need to measure progress in different types of human rights work. The three perspectives of human rights as objective, as means, and as yardstick led us to the conclusion that this line of thinking results in similar indicators for measuring. At the same time three angles of human rights work have made this line more concrete: the structure, the process and the outcome are the angles as suggested by the OHCHR. These angles more or less tally with the dimensions of ends, the means and the yardstick, but also with three levels: the national, the local and the intervention level.

At each level different subdivisions of have been made to get to grips with these too broad aspects. The legal structure has been subdivided into the international obligations (ratifications), the national legislation, its implementation, and mechanisms for redress in cases of injustice. The process has been subdivided along the lines of human rights conditions in the implementation and in different groups of stakeholders. The outcome has been subdivided into effectiveness, efficiency, relevance and sustainability, but also into aspects of availability, accessibility, affordability, acceptability, and quality.

Indicators formulated as questions into concrete progress or change, will in this way become concrete enough for gathering data and assessing whether the (expected) effect is positive or not, and whether there are unintended, positive or negative effects. The indicators at different levels and from different perspectives do relate to each other, not in a simple break-down manner but depending on the rights at stake and the substance of the intervention. This analysis will be different for each intervention.

## Glossary

Assessment	A neutral term (as to timeframe and decisiveness) pointing at the process of accounting results of a programme or policy
Attribution	Regarding something as belonging to or being caused by
Base-line study	Data on the main indicators of the situation prior to the intervention
Beneficiary	The individuals, groups, or organizations, whether targeted or not, that benefit, directly or indirectly, from the development intervention.
Benchmark or target	A point of reference for progress, against which change can be measured. It can also be considered as the point to which the expected or intended change will lead.
Contribution	Helping achieve or provide something; helping to cause or bring about.
Evaluation	Judgment of the results after closure of the programme
Goal	The ultimate intended result at the impact level of a planned intervention
Human rights based approach to development	A conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyse inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress.

Impact	Longer term effects resulting from the outcome, over a broader group of people affected or a bigger sector of society, and for a longer period of time.
Indicator	A quantitative or qualitative factor or variable that provides a simple and reliable means to measure achievement, to reflect the changes connected to an intervention, or to help assess the performance of a development actor
Mid-term review	Mid-term assessment on to what extent the intervention is achieving its goals.
Monitoring	Regular (monthly – 12-monthly) scanning whether a programme is sufficiently progressing
Objective	A neutral term for the intended overall result of a planned intervention
Outcome	Result, benefit or improvement that the target group experiences from the output of an intervention. Outcome is what the target group can achieve with the output.
Output	Immediate, concrete result of an activity or intervention. Output is a result that the programme has immediate responsibility for.
Problem analysis	Mostly in a participatory manner developed analysis of what the target group considers the root problem of a certain condition that they want to change.
Purpose	Intermediate objective at the outcome level which is intended to lead to the overarching goal



Result	A neutral term pointing to different kinds of results: output, outcome, effect, impact that follow the programme or policy
Stakeholder	Stakeholders are agencies, organisations, groups or individuals who have a direct or indirect interest in the development.
Target or benchmark	A point of reference for progress, against which change can be measured. It can also be considered as the point to which the expected or intended change will lead.
Target group	The specific individuals or organizations for whose benefit the development intervention is undertaken.
Theory of change	The argued path of smaller steps leading towards the intended objective or goal

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