

Impact Assessment of Non Governmental Organisations on Economic, Social and Cultural Rights

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Over recent years, two new trends have converged in the work carried out by Non Governmental Organisations (NGOs) for human rights. On the one hand, there has been a growing shift of activism towards Economic, Social and Cultural Rights (ESCR). And on the other, NGOs have increasingly acknowledged the importance of assessing their own impact as a matter of accountability. However, besides the crucial importance of the matter, impact assessment is still a new topic for most NGOs. This paper explores several methodological issues of impact assessment in human rights, and identifies some practices that Human Rights NGOs can adopt in order to assess their impact on ESCR.

“There is nothing more powerful than an idea whose time has come”

Victor Hugo

INTRODUCTION: TWO OBSERVATIONS

There is a common assumption in modern society: Non-Governmental Organisations (NGOs) are *good*. Sociological surveys in this field, with extremely rare exceptions, show that society believes that NGOs do *good things*. The *Edelman Trust Barometer* of 2009² reports that NGOs are the only institution trusted by more than 50%

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² <http://www.edelman.com/trust/2009/>

of “informed publics” (engaged audience groups). Interestingly, despite the relatively high levels of trust they receive, NGOs are not held most responsible for finding solutions to issues like the financial credit crisis, energy costs, global warming, and access to affordable health care. That responsibility falls to governments. This broad reliance on NGOs, perhaps, has made them feel comfortable enough to make their own decisions, develop their plans and carry out their actions with *reasonable freedom*.³ But how do we know if NGOs are really good? And, in any case, to what extent can we know that they are good? In just one question: what is the real impact of NGOs on people’s lives?

The relevance of this query is highlighted by a second observation: NGOs have scarce resources to tackle a potentially unlimited number of violations of human rights. Let’s take Amnesty International as an example. In August 2001, Amnesty adopted the new mission of working on Economic, Social and Cultural Rights (ESCR). It also decided that by 2006 it would start a new global campaign on issues related to ESCR. However, on September 11, 2001, just few weeks later, a dark period of retrogression on human rights began: the so-called War On Terror, Guantánamo, CIA’s ghost flights over Europe, wars and invasions in Afghanistan and Iraq, restrictions of the freedom to assembly or expression, and the justification and practice of torture all over the world forced Amnesty International to spend more time and resources on problems that to some extent were considered *under control*. In that scenario, the question was: How could Amnesty spend more resources on torture and new resources on ESCR at the same time?

³ As much *freedom* as their donors have allowed them to have, of course.

Over the last few decades, two trends have converged. On the one hand, both traditional human rights NGOs and development NGOs have approached each other “advocating for new rights”⁴: Economic, Social and Cultural Rights. There are several factors, both internal and external to NGOs, that have provoked this shift. The process, still ongoing, has not been easy and it has had quite differing implications for international, national and local NGOs, as well as for governmental agencies. That process has obviously not only affected human rights NGOs, but also other organisations that have adopted a rights-based approach to their development work. Some of the relevant features of that process will be explained in the first section of this article.

The second relevant trend has been the growing recognition by NGOs of the importance of self impact assessment.⁵ Without a doubt, nowadays NGOs have a crucial influence on the development of international law and on movements in global and local politics. However, there are a variety of reasons why most NGOs have finally recognised the relevance of impact assessment as a matter of accountability. Those main reasons, as well as the purposes of impact assessment in human rights terms, will be addressed in the second section.

Finally, the last section is devoted to the tools, methodology and limitations of the Human Rights Impact Assessment (HRIA). Determining and judging NGOs’ strategies and actions is always a difficult task. Nevertheless, it is absolutely crucial to assess the proper ways to get the *dimensions of change* in people’s lives. Although we must not deny the boundaries of any evaluation, we should also understand that an

⁴ (Nelson & Dorsey, 2008)

⁵ This recognition may have been to great extent the consequence of a possible *third observation*: the pressure exercised by donors and media over the community of NGOs to *demonstrate* that they have an impact (author’s interview with Marta Foresti, July28, 2009)

effective work on ESCR requires understanding what HRIA means when we talk about the right to health, right to housing or right to work.

This project suffers from time, space and resources constraints. At this stage, however, I hope that these snags do not undermine the main question: To what degree and how can we know if an NGO has an impact on people's lives, regarding, in particular, the protection and fulfilment of economic, social and cultural rights?

NGOs' MOVEMENTS TOWARDS ECONOMIC, SOCIAL AND CULTURAL RIGHTS

2.1. ESCR as a trend with differing implications for NGOs.

NGOs, and in particular, International NGOs, set the agenda for human rights⁶ which involves the foregrounding of those particular rights that (a) human rights organisations consider worthy of defence, and (b) those which they find possible to defend.⁷

Over last two decades NGOs have “discovered”⁸ a group of rights that seemingly are now worthy and also possible to defend with their advocacy: Economic, Social and Cultural Rights. In fact, during this time NGOs have experienced a shift towards ESCR from two perspectives that had remained too far apart from each other for too long a time: Civil and Political Rights (or just *Human Rights* at that time) and Development.

In 1987, Philip Alston, member of the newly created UN Committee on Economic, Social and Cultural Rights, wrote: “For a variety of historical, ideological, pragmatic, and other reasons, there remains a considerable reluctance on the part of many, if not most, human rights NGOs to become involved in this field” (the field of ESCR).⁹

⁶ (Mutua, 2007)

⁷ (Chandhoke, 2007)

⁸ (Glasius, 2005)

⁹ (Alston 1987: 371-372)

Thankfully, over recent years, a human rights-development convergence has taken place among NGOs. This convergence has been based, in Nelson and Dorsey's words, upon the acknowledgment of their own "frustrations".

For development agencies, the challenge and frustration are obvious: decades of concerted work have produced flashes of local success but a worsening global pattern of poverty, deepening inequalities, marginalization, and indignity. For many human rights activists, the failure to directly and meaningfully address the human rights dimensions of poverty became unjustifiable in the face of such suffering.¹⁰

However, according to Nelson and Dorsey, some other factors may explain this transition. The 1990s brought a rapid globalisation of trade and finance and the expanding powers of transnational corporations, the growth of new forms of international mobilisation among social movements, the reduction in official development assistance and shifts in its allocation toward geopolitical hot spots,¹¹ or the conflict-related humanitarian crisis. "These shifts in global systems produced new trends within the NGO operating environment, yet they affected development and human rights NGOs differently, and provoked a variety of strategic responses from individual actors",¹² as explained below.

Apart from these external elements, some internal factors also changed the approach of NGOs. Ideas developed by authors like Amartya Sen¹³ and Henry Shue,¹⁴ and several initiatives led by the Office of the UN High Commissioner for Human

¹⁰ (Nelson & Dorsey 2008: 4)

¹¹ Despite donor commitments to expanded aid, the World Bank's 2005 *Global Development Finance* report acknowledges that net official flows from donor countries declined from 1990 to 2004 from over \$50 billion to just over \$25 billion (from Nelson & Dorsey, 2008: 27)

¹² (Nelson & Dorsey 2008: 28)

¹³ (*Poverty and Famines*, 1981)

¹⁴ (*Basic Rights*, 1980)

Rights helped the emergence of NGO cooperation.¹⁵ The rapid growth of mostly local and small NGOs of the Global South in the late 1980s and early 1990s also had a crucial impact on the methods and outlooks of International NGOs both in development and in human rights.¹⁶

The new ESCR advocacy of traditional human rights NGOs allows them to address both the root causes of civil and political rights violations while targeting economic actors and the changes in the global economy. This advocacy also “entails a fundamentally new understanding of accountability for the failure to meet human rights standards”,¹⁷ as long as it has to keep monitoring states, while scrutinising international financial institutions, transnational corporations and trade regimes as well. For development NGOs the focus on ESCR constitutes a potential paradigm change, a reorientation that embraces the international legal and moral framework of human rights as a new kind of ethical and operational guide for development practice.¹⁸ Nelson and Dorsey observe that the advocacy on ESCR has diverged in three interrelated trends.¹⁹ On the one hand, traditional human rights organisations, exemplified in the international arena by Amnesty International and Human Rights Watch, have adopted new missions that go beyond their historic civil and political rights mandate to integrate ESCR in their actions and strategies. The second trend is the adoption of rights-based approaches to development by existing development groups, such as Oxfam or ActionAid. Finally, the growth of new movements and organisations that explicitly link human needs issues to social and economic rights standards. In this last group, Food Information and Action

¹⁵ (Glasius, 2005)

¹⁶ (Glasius, 2005; Nelson & Dorsey, 2008)

¹⁷ (Nelson & Dorsey, 2008: 41)

¹⁸ (Nelson & Dorsey, 2008: 43)

¹⁹ (Nelson & Dorsey, 2008)

Center (FIAN) and the Center for Economic and Social Rights (CESR) are worth mentioning.²⁰ Inspired by Amnesty International, since its creation in 1986, FIAN has focused on blatant violations of the right to food. FIAN consists of national sections and individual members of over 50 countries. Total membership of FIAN currently stands at around 3600.²¹ It undertakes urgent actions on individual case basis, sends fact-finding missions, campaigns for agrarian reform, lobbies the UN and other key actors, and promotes human rights education.²² The CESR, founded in 1993, defines itself as “the first organisation founded to focus exclusively on economic, social and cultural rights”.²³ CESR’s methodology adapts traditional reporting and assessment techniques using a multidisciplinary research approach to fit the field of ESCR. The Center is currently developing a methodological toolbox of indicators and benchmarks to monitor economic and social rights.²⁴

In 2000, Oxfam drafted a strategic plan titled *Towards Global Equity* for the period 2001-2006.²⁵ Oxfam focused on “the realization of economic and social rights within the wider human rights continuum.”²⁶ The strategy noted that “equity is central in the realization of these rights”, as it is about “making the rules fair for poor people and ensuring that justice prevails.”²⁷ To achieve equity, Oxfam decided to organise the rights enshrined in the Universal Declaration of Human Rights, as well as those

²⁰ This article focuses mainly on international groups. However, similar trends have been experienced at regional, national and local levels. Small NGOs, many of whom are based on the Global South, are now linked in an international network for ESCR, founded in 2003 (see www.escr-net.org)

²¹ <http://www.fian.org/about-us/who-we-are>

²² (Glasius, 2005)

²³ <http://www.cesr.org/article.php?id=53>

²⁴ (Felner, 2008)

²⁵ OXFAM, *Towards Global Equity* (2000)

²⁶ OXFAM, *Towards Global Equity* (2000)

²⁷ OXFAM, *Towards Global Equity* (2000)

delineated by the International Labour Organisation, into five basic categories of rights: right to a sustainable livelihood, right to basic social services generally provided by governments, right to life and security, right to be heard, and right to an identity. These rights formed the foundation of their strategic plan 2001-2006.²⁸

Oxfam's first strategic plan was subjected to an external assessment, *Promises to keep*, issued in February 2006.²⁹ Based on that assessment, Oxfam has adopted the subsequent strategic plan for the period 2007-2012, *Demanding Justice*. In Oxfam's view, this new plan "puts a greater emphasis on the need to address growing inequality and to empower people living in poverty, particularly women, as a prerequisite to achieving Oxfam's five rights-based aims".³⁰ Another key development organisation, ActionAid, has also adopted a human rights-based approach in its strategic plan 2005-2010, appropriately titled *Rights to End Poverty*. The organisation states that "[i]f we are to fulfil our mission to eradicate poverty and injustice from the face of the earth, we must adapt to changing global realities, build on our successes and embrace change to improve our effectiveness and impact".³¹

Regarding human rights organisations, while the majority of them have now recognised work on ESCR as a legitimate (and even nuclear) part of their mandate, there continues to be a lack of clarity, and indeed controversy, as to what that means in practice.³² In 2004, Kenneth Roth, executive director of Human Rights Watch, argued in *Human Rights Quarterly* that international human rights organisations are best at "naming and shaming", and that they can effectively do so only when there is relative

²⁸ (Aaronson & Zimmerman, 2006)

²⁹ <http://www.oxfam.org/en/about/accountability/promises>

³⁰ <http://www.oxfam.org/en/about/accountability/strategic-plan>

³¹ <http://www.actionaid.org/main.aspx?PageID=6>

³² (Glasius, 2005: 86)

clarity about violation, violator and remedy.³³ Therefore, “they should restrict their work on economic and social rights to cases where governments are guilty of arbitrary or discriminatory conduct”.³⁴

Roth’s words opened a long and contentious debate among human rights activists and scholars about the role that human rights NGOs, particularly International NGOs, may play in the “mobilisation of shame”,³⁵ which is defined as “the circumstance that all governments like to be known as civilized and as observing the international human rights standards which they themselves have helped to devise.”³⁶

Leonard Rubenstein in the same edition of that journal replied that international human rights organisations must not rely on naming and shaming alone, but also devise additional strategies. First, they should engage in “affirmative strategies” for the design of systems and services to fulfil economic and social rights”. Second, they should advocate for the resources essential to fulfil ESCR. Third, their monitoring activities should be premised on specific obligations states have, rather than being restricted to conduct that is arbitrary or discriminatory, to assure attention is paid to some of the most serious violations of ESCR.³⁷

The central response to Roth’s point is that the argument of the methodology (“naming and shaming”) may apply in some circumstances, but may need to be altered in others, using other tools, such as capacity and institution building or budget analysis, when conditions change, whether for work on civil and political rights or on economic,

³³ (Roth, 2004)

³⁴ (Glasius, 2005: 87)

³⁵ (Baehr, 1999; Drinan, 2001)

³⁶ (Baehr, 1999: 126)

³⁷ (Rubenstein, 2004: 849)

social and cultural rights.³⁸ The (still) new approach to ESCR of human rights organisations requires the rethinking of the traditional strategies in order to go “beyond the violating state,”³⁹ “beyond the adversarial dyad.”⁴⁰

2.2. Development and Human Rights: rights based approaches to development and poverty as a human rights issue.

Today, development is more and more understood as sustainable human development, addressing the human being in relation to both resource management and participation.⁴¹ One of the most influential contributors to this approach is Amartya Sen. In *Development as Freedom*,⁴² Sen explores the ways in which freedom is both a constituent of development as well as a means to foster development. The author also claims that poverty must be seen fundamentally as deprivation of basic capabilities rather than merely as low incomes. The United Nations Development Programme defines “human development as the process of enlarging the range of people’s choices – increasing their opportunities for education, health care, income and employment, and covering the full range of human choices from a sound physical environment to economic and political freedoms.”⁴³ The *Human Development Report 2000* takes up the need to relate human rights more closely to development, noting that “human development is essential for realizing human rights, and human rights are essential for

³⁸ (Rubenstein, 2004; Robinson, 2004; Yamin, 2005; Chandhoke, 2007)

³⁹ (Nelson & Dorsey, 2008)

⁴⁰ (Yamin, 2005).

⁴¹ (Hamm, 2001: 1010)

⁴² Amartya Sen, *Development as Freedom* (1999)

⁴³ (1992: 2)

full human development.”⁴⁴ The Report also combines the understanding of human development as the enhancement of capabilities with the concept of basic freedoms.

While a human rights approach to development refers to all human rights, and thus emphasises the interrelation and interdependence of human rights, it pays special attention to economic and social rights as the authentic concern of development policy. Beyond the paradigm, however, as Brigitte Hamm points out,⁴⁵ the success of development policies in respect to development goals is much debated. In her opinion, a human rights approach to development does not in itself guarantee more success, but brings important changes and options for sustainable success for development and human rights. In addition to human rights as content, Hamm distinguishes three important implications of human rights. First, it is based on a broad (although relative) consensus over the content of human rights. Second, it implies a change in perspective because of the ensuing legal obligation. Third, it influences agents and changes the policy dialogue between donors and recipients, integrating concepts like “non-discrimination,” “accountability,” “participation” and “empowerment.”⁴⁶

As mentioned above, most development NGOs have adopted a human rights based approach to some extent. However, so far there has been little work done to evaluate the true value of the rights based approach to development. Bearing in mind the questions and doubts raised by some donors, in December 2007 the UK Interagency Group on Human Rights Based Approaches came up with a report, after a two-year

⁴⁴ (2000: 2)

⁴⁵ (2001)

⁴⁶ (Hamm, 2001)

evaluation and learning process, to examine the impact of rights-based and non-rights-based (RBAs and non-RBAs) approaches to development.⁴⁷

The study took three sample countries: Bangladesh, Malawi and Peru. Seven case studies were considered, covering seven RBA and seven non-RBA approaches, representing a number of different sectors and issues. Six NGOs, including Save the Children and CARE among others, with their local partners, were involved. The aim was to cover a wide geographical, social, political and cultural spread to assess whether successes in particular circumstances were also replicated across a wide range of RBA and non-RBA work.

The report concluded as a key message that “non-rights-based and rights-based projects all demonstrate positive impacts. However, rights-based projects show a greater range and depth of positive impacts, and these are more likely to be sustained over time.”⁴⁸ For the UK Interagency Group, the added value of RBA means that:

- RBAs are successful in encouraging people’s political agency.
- RBAs are increasing all actors’ willingness and ability to fulfil their obligations and be more accountable to each other.
- RBAs encourage greater autonomy and ownership of development processes, by citizens and state.
- RBAs can provide the means through which decentralisation can be realised.
- RBAs add value to efforts to reduce social exclusion and create more inclusive societies.
- RBAs build sustaining and enabling environments and influence policy agendas so that successful models can be brought to scale.
- RBAs increase the chances that people will be able to withstand shocks, and they encourage positive risk management.
- RBAs add value to the quality of assets attained, and the ways in which vulnerability is reduced.

⁴⁷ (UK Interagency Group on Human Rights Based Approaches, 2007)

⁴⁸ (2007: 9)

The report of the UK Interagency Group, although using the framework of the Millennium Development Goals (MDGs), also recognises that:

Achievement of the MDGs and targets will not, by itself, be enough to ensure sustained positive change which benefits all people, including those who are most marginalised. Nor do the goals themselves, or achievement of sustained change for poverty reduction, entirely ensure that the principles of justice, equity and dignity for all will be fulfilled.⁴⁹

It has been argued that since their adoption by the UN General Assembly in September 2000⁵⁰ the MDGs have become “the single most important focus on international efforts to promote human development and dramatically reduce poverty.”⁵¹ However, some other commentators have been less enthusiastic. For Nelson and Dorsey, “compared to human rights-driven policy, it is hard not to see the MDGs as a watered-down replacement in which goals replace rights and generosity replaces obligations.”⁵² As a way forward, Philip Alston proposes a movement towards a human-rights approach in support of the MDGs, based on the overt recognition of the relevance of human rights obligations, the recognition of the legal framework, the encouragement of the community participation, and the promotion of accountability mechanisms, the latter being the main *conditio sine qua non*.⁵³

Besides the adoption of a rights based approach by development NGOs, human rights organisations have also started tackling poverty as a human rights issue. In 2001, the UN Committee on Economic, Social and Cultural Rights adopted a

⁴⁹ (2007: 22)

⁵⁰ General Assembly, United Nations Millennium Declaration, 8 September 2000, UN doc. A/RES/55/2

⁵¹ (Alston, 2005: 755-756)

⁵² (2008: 116)

⁵³ Alston, (2005). The same position is defended by Schmidt-Traub (2009)

multidimensional understanding of poverty, which clearly reminds the approach sustained by Amartya Sen:

In the light of the International Bill of Rights, poverty may be defined as a human condition characterized by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights.⁵⁴

Amnesty International (AI) provides the best example of how a traditional human rights NGO can assume some commitments on poverty while keeping its loyalty to the human rights discourse and practice. In August 2001, AI adopted a new mission statement that constitutes the origin of Amnesty's work on ESCR. Prior to this decision, in 1991 AI began educating the public about ESCR, although it may be considered that this step created a confusing distinction between "promotional" work and active campaigning, which was still reserved to civil and political rights.⁵⁵

In 2005, AI recognised the existence of "prisoners of poverty" and in August 2007 the organisation embraced work on the full spectrum of human rights, further clarifying the decision adopted in 2001.⁵⁶ As Curt Goering, deputy executive director of Amnesty International USA, stated:

Perhaps the most important factor in the argument to expand AI's work was that there was a strong moral and conceptual belief in most, if not virtually all, quarters of AI around the world, that ESCR needed to be recognized as basic rights to which every human being is entitled just as they are entitled to civil and

⁵⁴ Committee on Economic, Social and Cultural Rights, Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights, 10 May 2001, UN doc. E/C.12/2001/10, para. 8.

⁵⁵ (Goering, 2007; Nelson & Dorsey, 2008)

⁵⁶ Since the 2007 International Council Meeting (Decision 4), "Amnesty International's *vision* is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. In pursuit of this vision, Amnesty International's *mission* is to undertake research and action focused on preventing and ending grave abuses of these rights." (<http://www.amnesty.org/en/who-we-are/accountability/statute-of-amnesty-international>)

political rights, and they needed to be fought for and defended equally as vigorously.⁵⁷

Finally in May 2009, after some years (more than initially expected) of debates, trainings and capacity building, Amnesty International launched its new global campaign: *Demand Dignity*.⁵⁸ The vision of this campaign is “to stop and prevent human rights abuses that drive and deepen poverty”, and it integrates both ESCR and civil and political rights, and is based on three global goals: *accountability*, *access* to rights and *active participation* as a key to empowerment.⁵⁹

The Demand Dignity campaign has become a mainstream issue in AI’s new strategic plan for 2010-2016, adopted in August 2009. The final goal of the plan is “to empower rights-holders whose rights are challenged and to strengthen the human rights movement.”⁶⁰ Actually, *empowerment* is a key word shared both by the strategy of the Demand Dignity global campaign and by the strategic plan of AI. In this way, the new plan calls on Amnesty to reframe, for better relevance and stronger accountability, its concern for those whose rights are threatened. It also seeks for AI to re-position itself with respect to its collaboration with others who share its human rights objectives in order to have a greater human rights impact and global reach.⁶¹

“Coupled with rights-based approaches to development, a common front is emerging for applying human rights standards to economic and social policy and poverty issues”; however, “further research is needed to test the impact of ESCR over

⁵⁷ (2007: 207)

⁵⁸ <http://demanddignity.amnesty.org/>

⁵⁹ Amnesty International, Campaign for Dignity – Strategy and Projects, December 2007, AI index: ACT 35/001/2007 (internal document)

⁶⁰ Amnesty International, Circular 45 to the 29th International Council Meeting, ISP 2010-2016 as agreed at the ICM 2009, August 2009, AI Index: ORG 52/004/2009 (internal document)

⁶¹ Amnesty International, Circular 23 to the 29th International Council Meeting, Empowerment of Rights-Holders at Risk, June 2009, AI Index: ORG 51/009/2009 (internal document)

the coming decade by monitoring the strategies and impact of advocacy”.⁶² The following sections will try to address this challenging issue in order to understand the *why*, the *what for* and the *how* of the Human Rights Impact Assessment (HRIA) and its main implications for the advocacy of ESCR.

⁶² (Nelson & Dorsey, 2008: 70 and 180).

REASON AND PURPOSE BEHIND NGO HUMAN RIGHTS IMPACT ASSESSMENT

3.1. What is necessary for the success of NGOs? Problems in determining and judging NGO strategies.

Generally, NGOs are held in high esteem by scholars and analysts worldwide. It has been said that NGOs *provoke* and *energise*, spreading the message of human rights and mobilising people to realise that message. “Decentralized and diverse, they proceed with a speed, decisiveness and range of concerns impossible to imagine in relation to most of the work of bureaucratic and politically constrained intergovernmental organisations.”⁶³ NGOs are supposed to be “the conscience of the citizenry, the defender of the interests of civilian populations against impermissible encroachment by officialdom.”⁶⁴ They also “validate the perspectives and identities of those oppressed by particular relations and structures of power.”⁶⁵ However, relatively little is known about the necessary conditions to achieve success in their missions. Peter Baehr considers that providing reliable information is the most important precondition to be fulfilled for any NGO to have an impact.⁶⁶ Information is probably even more important than the views and comments expressed by them. Nevertheless, he considers reliability as a precondition, but not a guarantee of success. That also depends on other factors, such as the degree of access to government officials and the help of the media.⁶⁷

⁶³ (Steiner, Alston & Goodman, 2007: 1421)

⁶⁴ (Mutua, 2007: 594)

⁶⁵ (Stammers, 1999: 988)

⁶⁶ (1999)

⁶⁷ Similarly, Forsythe (2000)

In literature we may find many single-case studies of successful transnational campaigns, but we know much less about failed campaigns.⁶⁸ Some scholars have come up with several propositions to explain why and under what conditions NGOs' networks and transnational campaigns make a difference in domestic and world politics, and have some impact on policies and finally the improvement of people's lives. In 1998, Margaret Keck and Kathryn Sikkink published *Activists Beyond Borders*, where they developed the *boomerang pattern* or *boomerang effect* to show how domestic and transnational social movements and networks unite to bring pressure "from above" and "from below" on authoritarian governments to accomplish human rights change.⁶⁹ The authors considered that "when channels between the state and its domestic actors are blocked", the boomerang effect may occur.⁷⁰ In this situation "domestic NGOs bypass their state and directly search out international allies to try to bring pressure on their states from outside."⁷¹ They stressed that the linkages are important for both sides: "For the less powerful third world actors, networks provide access, leverage, and information (and often money) they could not expect to have on their own; for northern groups, they make credible the assertion that they are struggling with, and not only for, their southern partners".⁷² One year later, Thomas Risse, Stephen C. Ropp and Kathryn Sikkink, in *The Power of Human Rights*, built the *spiral model* upon the notion of the boomerang effect.⁷³ In their empirical work, these authors express that the idea of the spiral model consists of several "boomerang throws" with diverging effects on the human rights

⁶⁸ (Risse, 2002)

⁶⁹ Keck and Sikkink (1998)

⁷⁰ (1998: 12)

⁷¹ *Id.*

⁷² (1998: 12-13)

⁷³ Thomas Risse, Stephen C. Ropp and Kathryn Sikkink, in *The Power of Human Rights* (1999)

situation in the target country.⁷⁴ Indeed, the spiral process would lead to a progression in human rights terms that would move, ideally, from repression to denial, then to tactical concessions, to then prescriptive status, and finally a rule-consistent behaviour. Risse and Ropp claim that the socialisation processes captured by the spiral model are “truly universal and generalizable across regions and domestic structures.”⁷⁵

In a nutshell, considering the studies carried out by Keck, Risse, Ropp and Sikkink, it has been said that there are three relevant factors that account for the impact of transnational networks made by NGOs:⁷⁶ In first place, the “characteristics of the networks themselves”, particularly their density, material resources and organisational capacities, but also ideational resources such as moral authority and legitimate knowledge; secondly the “target characteristics”, such as vulnerability to transnational pressures and uncertainty about cause-effect relationships; and finally, the “communication processes, such as the re-framing of issues or shaming in order to mobilise people around new principled ideas and norms”.⁷⁷

Usually, the logic of the transnational networking in the human rights field seems to look at a brotherhood enterprise among peers, regardless of the geographical barriers. Nevertheless, the “asymmetrical and lopsided nature of most network interactions” is incontestable.⁷⁸ In this regard, Makau Mutua has affirmed that a NGO from the Global South and a NGO from the Global North interrelate in a sort of “dependent relationship,” which forces the former to pursue the interests of the latter.⁷⁹

⁷⁴ (1999: 18)

⁷⁵ (1999: 238)

⁷⁶ (Risse, 2002)

⁷⁷ (Risse, 2002: 267-268)

⁷⁸ (Keck & Sikkink, 1998: 207)

⁷⁹ (2007)

Bearing this relationship in mind, in 2005 Clifford Bob wrote *The Marketing of Rebellion*, in which he wonders how and why local challengers become global *causes célèbres* while scores of others remain isolated and obscure.⁸⁰ In other words he asks what inspires the transnational civil society to spring up around particular movements in the South? Resorting to a comparative case study (the Ogoni and the Zapatista movements in Nigeria and Mexico, respectively), Bob concludes that a “transnational support market” is created through the mutuality of interest between the Northern and the Southern movements. In most cases, he says, value and need considerations heavily favour NGOs from the North, as “their support has great significance for hard-pressed movements, yet NGOs, despite their principled missions and political goals, have little reason to back any particular challenger.”⁸¹

Bob considers that given the usual structure of this “transnational support market”, most challengers or movements from the South face serious difficulties attracting support from distant Northern NGOs. That is precisely why, in order to improve their chances of success, they follow two broad marketing strategies: raising NGO awareness about themselves on the one hand, and, on the other hand, framing their causes to match key NGO characteristics.⁸² Bob also distinguishes five critical attributes in both parties, the groups from the South and the overseas backers: substantive goals, customary tactics, ethical precepts, cultural attitudes, and organisational needs. Throughout this “selling” and “framing” dynamic, the greater the match between transnational actor and local movement on these five attributes, the

⁸⁰ (2005: 2)

⁸¹ (2005: 20)

⁸² (2005: 22)

greater the likelihood of adoption. At the end of his book, Bob concludes categorically that:

Global civil society is an arena of sharp competition where myriad weak groups fight for recognition and aid. It is a sphere in which hard-nosed calculation of costs and benefits constantly competes with sympathy and emotion. And it is a place where the real needs of local people are one factor, not necessarily the most important, in sparking international activism⁸³

Finally, Shareen Hertel (2006),⁸⁴ resorting to another comparative study (child labour in Bangladesh and women labour in Mexico), introduced two alternative methods of campaign emergence, distinct from the boomerang-spiral mechanism and Bob's marketing outlook: the "outside-in" and the "dual-target" forms. In the first model, *outside-in*, activists in country A aim to change conditions in country B. They target key actors (the state itself, or corporations) in country B and then build alliances with actors in countries A, B and C to pressure their target(s) in country B for change. On the other hand, in the *dual-target* model, activists in country A launch a campaign, focusing on actors both at home and abroad, pressing for change in both arenas simultaneously. Due to their shared interests, actors in country A collaborate with actors in country B to influence how standards are interpreted and implemented in both countries.

Nelson and Dorsey, proposing the movement "beyond the violating state," maintain that advocacy for economic, social and cultural rights in transnational networks differs from the boomerang model, since it requires a more complex and varied relationship between NGOs and poor-country governments, in which International NGOs often must support strategically and cooperate with national

⁸³ (2005: 195)

⁸⁴ Shareen Hertel, in *Unexpected Power: Conflict and Change among Transnational Activists* (2006)

authorities.⁸⁵ All these approaches focus much more on how NGOs intend to change policies and practices than on how they succeed in that mission.⁸⁶ The criteria and factors highlighted by authors such as Keck, Risse, Ropp, Sikkink, Bob or Hertel may be interesting to analyse the feasibility of success in the attempt of raising international concern for a particular cause. Unfortunately, there is not always a direct link between global concern about an issue and a real impact on people's lives.⁸⁷ Oscar Vilhena and Scott DuPree⁸⁸ have stated that flexibility, diversity and volunteerism constitute both strengths and weaknesses of NGOs. The presence of a plurality of actors and the difficulty of reconstructing the causal dynamics underlying public decisions complicate the task of "attributing success".⁸⁹ It is generally difficult to determine and judge which NGO strategy is the best in a given context. Information available to make comparative judgments of cost-effectiveness is incomplete and imperfect, and rendering judgments about the long-term impact of alternative projects is highly speculative.⁹⁰

The difficulty in determining and judging NGO strategies is quite complex regarding supranational litigation on economic, social and cultural rights. Over the last two decades, human rights advocates have sought to advance the enjoyment of ESCR by establishing the justiciability of these rights before domestic and supranational human rights tribunals. International NGOs have been particularly devoted to this task,

⁸⁵ (2008: 174-175). See, for example, Amnesty International's opinion about the Political Constitution of Bolivia, adopted under the government of Evo Morales last February 2009: "the most significant advancement of economic, social and cultural rights the country has seen in many decades" (<http://www.amnesty.org/en/news-and-updates/feature-stories/bolivias-constitution-civil-conflict-social-progress-20081121>).

⁸⁶ (Hertel, 2006: 112)

⁸⁷ A good example is the campaign about the situation of human rights in China on the occasion of Olympics in 2008. Many organisations from all over the world were involved in it to some extent, but unfortunately it did not change much about the lives of Chinese people.

⁸⁸ (2004)

⁸⁹ (della Porta & Diani, 1999)

⁹⁰ (Pogge, 2007)

for instance in their advocacy for an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, finally adopted by the UN General Assembly on 10 December 2008.⁹¹ However, some experts claim that “the human rights movement has failed to consider thoroughly whether expanding the ability of courts to render decisions on ESCR *per se* is always the best way to increase respect for these rights and promote social justice on the ground.”⁹² Focused on the Inter-American context, the most developed regional system on ESCR so far, James Cavallaro and Emily Schaffer have criticised the Inter-American Court and Commission’s self-conception “as promoters of visionary jurisprudence.”⁹³ They have also recommended international human rights lawyers to accept “the limits inherent in litigation in the Inter-American system and (to) seek alternative means of maximizing their impact in advancing the agenda of social justice.”⁹⁴ These authors also call on litigators to consider strategies such as employing expansive construction of civil and political rights to embrace ESCR elements in filing petitions that involve violations of both civil and political rights and ESCR.

Cavallaro and Schaffer observe that, in some cases at least, court-based approaches unfairly allow some victims to “queue jump” over some other victims that do not have access to the same judicial systems. They raise fundamental doubts as to the effectiveness of litigation, in addition to its potential to demobilise social movements and to strengthen the state (or the international organisation) while fostering dependence on attorneys.⁹⁵ A similar concern has been pointed out by Alicia Yamin, for whom

⁹¹ <http://www.opicescr-coalition.org/>

⁹² (Cavallaro & Brewer, 2008: 85)

⁹³ (Cavallaro & Schaffer, 2004: 221)

⁹⁴ (2004: 221)

⁹⁵ (2004: 236)

“litigation necessarily resolves relatively narrow issues; underlying structural factors are generally left unaddressed.”⁹⁶ Tara Melish, on the contrary, in an in-depth analysis published in the *New York University Journal of International Law & Politics* in 2006, tried to dismantle one by one all the points made by Cavallaro and Schaffer and concluded that their “*less-as-more* thesis” leads neither to more implementation at the local level nor to higher levels of legitimacy or credibility in supranational litigation.

This is not the place to examine in full detail the arguments for either side. Probably, once again eclectic positions should be put in practice. Along these lines, Victor Abramovich, current member of the Inter-American Commission on Human Rights, acknowledges that “judicial avenues, far from being the centre of strategy for claiming economic, social and cultural rights, serve to back up other political actions employed to advance the demands for rights in a collective dispute.”⁹⁷ In any case, these debates confirm that, beyond conceptual discussions about the justiciability of economic, social and cultural rights, there is another issue much more focused on the strategy of court-based approach to these rights. In short, the question would be: even if we manage to *prove* that ESCR are (to some extent, at least) justiciable, does this claim in court have a real impact on rights-holders’ lives?

Our analysis now turns to the question which initiated this section: What are the necessary conditions for the success of NGOs? There is no one satisfactory answer to this question, and Human Rights Impact Assessment (HRIA) is unlikely to provide one. However, there are important reasons why NGOs should integrate HRIA into their work. Impact assessment helps human rights organisations avoid ineffective actions and

⁹⁶ (2005: 1220)

⁹⁷ (2005: 205)

develop new plans in order to do a better work. Furthermore, impact assessment is a matter of accountability.

3.2. NGO impact assessment as a matter of accountability.

Until quite recently NGOs have been able to claim their good intentions as a sufficient basis for accountability, but increasingly such claims are being questioned. This is in part a response to NGOs growing visibility as key actors in the governance of social and economic affairs, as well as a response to challenges they have mounted against the accountability and legitimacy of governments and the corporate sector.⁹⁸

The London-based think tank One World Trust has carried out *Global Accountability Reports* annually since 2003, comparing the transparency and member control of International NGOs (INGOs) with that of transnational corporations and intergovernmental organisations.⁹⁹ Interestingly, One World Trust has found that although INGOs have better structures in place for preventing minority control, they are generally less transparent than both intergovernmental organisations and transnational corporations.¹⁰⁰ Accountability has previously been interpreted as the “means by which individuals and organisations report to a recognised authority, or authorities, and are held responsible for their actions”.¹⁰¹ However, this understanding is limited, as it only affords those with formal authority over an organisation the right to hold it to account. Accountability has yet another dimension that expands the right to accountability from exclusively those that have authority over an organisation to anyone who has been

⁹⁸ (Lloyd, 2005: 2)

⁹⁹ http://www.oneworldtrust.org/index.php?option=com_content&view=article&id=73&Itemid=60

¹⁰⁰ (Lloyd, 2005)

¹⁰¹ (Edwards & Hulme, 1995: 9)

affected by the organisation's policies and actions. This is the stakeholder view.¹⁰² The concept does not substitute the one that looks at donors, media or even organisation membership, but complements it in an ongoing process. Accountability also has an instrumental value as well: NGOs' accountability to their "constituents" (*beneficiaries* or *rights-holders at risk*) is very important in their effectiveness as empowerment agents, as it determines the distribution of power between the NGO itself and its constituency.¹⁰³ Bearing in mind the stakeholder view, NGO accountability may now be defined as "the process by which an NGO holds itself openly responsible for what it believes, what it does and what it does not do in a way which shows it involving all concerned parties and actively responding to what it learns".¹⁰⁴

Over the last few years, self-regulation has become an emerging trend among NGOs. There are currently several initiatives that reflect the interest of NGOs to hold themselves publically accountable.¹⁰⁵ One such initiative is the 2006 INGO Accountability Charter, and ActionAid, Amnesty International, Greenpeace, Oxfam, Save the Children, Survival and Transparency International are some of its founding signatories.¹⁰⁶ The Charter declares that INGOs "should be held responsible for (their) actions and achievements . . . by ensuring that (their) programmes achieve outcomes that are consistent with (their) mission; and by reporting on these outcomes in an open and accurate manner."¹⁰⁷ This statement clearly highlights the idea that impact assessment is a matter of accountability. Ideally impact assessment acts as a tool for

¹⁰² (Lloyd, 2005)

¹⁰³ (Kilby, 2006)

¹⁰⁴ (Slim, 2002: 11)

¹⁰⁵ (Warren & Lloyd, 2009). Find out more at the database of civil society self-regulatory initiatives of One World Trust: <http://www.oneworldtrust.org/csoproject/>

¹⁰⁶ <http://www.ingoaccountabilitycharter.org/>

¹⁰⁷ 2006 INGO Accountability Charter.

creating accountability to those people in whose name and interest organisations advocate for social change.¹⁰⁸ The Accountability Charter signatories are required to submit an annual report outlining their organisation's goals, activities and achievements. This mechanism constitutes an interesting step forward for the self impact assessment and accountability of INGOs. However, so far these reports have been full of generic assertions that often do not provide much detail about their real impact in changing people's lives. Signatory INGOs should address this problem while increasing the diffusion of the Charter to make it better known to the general public.

3.3. A human rights based approach to impact assessment.

The term “*impact assessment*” is used to describe “the process of identifying the future consequences of a current or proposed action.”¹⁰⁹ Blankenberg (1995) has defined impact as the:

“long-term and sustainable changes introduced by a given intervention in the lives of beneficiaries. Impact can be related either to the specific objectives of an intervention or to unanticipated changes caused by an intervention; such unanticipated changes may also occur in the lives of people not belonging to the beneficiary group. Impact can be either positive or negative, the latter being equally important to be aware of.”¹¹⁰

Impact assessments, therefore, generally fall into one of four different categories that result from the combination of their different forms (direct and indirect) and their timing (*ex ante* and *ex post*).¹¹¹ There are several forms of impact assessment:

¹⁰⁸ (Raine, 2006: 8)

¹⁰⁹ (Hunt & MacNaughton, 2006: 8)

¹¹⁰ (from INTRAC, 2001)

¹¹¹ (Landman, 2006: 127-129)

environmental impact assessment, health impact assessment, social impact assessment.¹¹² All these types of assessment provide some departing guidelines for HRIA. For instance, some tools of the environmental impact assessment may be used as a reference in order to understand the conditions that affect the fulfilment of rights like health and water.¹¹³ The links between health and human rights impact assessment have been clearly highlighted in the analysis of comprehensive national health plans.¹¹⁴ Lastly, the respect for human rights is now considered a fundamental principle of social impact assessment.¹¹⁵ The field of development has already a long-standing practice in assessing its own impact. Over the last decade, both governmental agencies and NGOs in this area have developed internal monitoring studies on their own advocacy.¹¹⁶

In relative terms, this is a new challenge for human rights organisations, so they should learn as much as possible from the work carried out by groups in development, as many of their practices are applicable to human rights groups in the assessment of their own impact. This is the case, for instance, with the notion of *Dimensions of Change*, initially used by Save the Children and some other development groups and now assumed by Amnesty International in its own tested framework for measurement.¹¹⁷

¹¹² To find out more, visit the website of the International Association for Impact Assessment: <http://www.iaia.org/default.aspx>

¹¹³ However, see also Amnesty International's comments about the shortcomings in human rights terms of the Environmental Impact Assessments in Nigeria (*Nigeria: Petroleum, pollution and poverty in the Niger Delta*, June 2009, AI index: AFR 44/017/2009, p. 58)

¹¹⁴ (Backman *et al.*, 2008)

¹¹⁵ (Vanclay, 2003: 3-4)

¹¹⁶ (Raine, 2006: 9-12). As two examples, ActionAid came up with its *Monitoring and Evaluating Advocacy: A Scoping Study* in 2001, and Save the Children issued in 2003 *Closing the Circle: From measuring policy change to assessing policies in practice –An overview of advocacy impact assessment and Global Impact Monitoring: Save the Children UK's Experience of Impact Assessment* in 2004.

¹¹⁷ (Save the Children, 2003; Theis, 2003; Amnesty International, 2008)

Nevertheless, a human rights approach to impact assessment must be based upon some principles. Paul Hunt and Gillian MacNaughton¹¹⁸ have distinguished seven general principles for rights-based impact assessments: 1) Explicit human rights normative framework. 2) Progressive realisation of ESCR, according to article 2(1) of the 1966 International Covenant on ESCR and other relevant treaties. 3) Equality and non-discrimination. For example, the principle of non-discrimination requires NGOs to consider the likely impacts on different groups to ensure that a policy does not adversely affect an especially vulnerable group. To do such analysis will require disaggregated data on potential or actual impacts. 4) Participation. As Brigitte Hamm points out, “a human rights approach implies that participation is a right and not an instrument to increase the acceptance of programs and projects that are “brought” to the people. The essential difference is that participation includes control planning, process, outcome and evaluation.”¹¹⁹ 5) Information. All stakeholders must be fully informed in order to meaningfully participate in the process of impact assessment. This principle is derived from the freedom of everyone to seek and receive information, as contained in articles 19 of the Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights. 6) Accountability of duty-bearers. 7) Interdependence of rights: the fact that the enjoyment of some rights is dependent on or contributes to the enjoyment of others.

¹¹⁸ Paul Hunt and Gillian MacNaughton (2006). These authors have focused on human rights impact assessments (in particular, on the right to health) undertaken by governments as an integral part of the policy-making process. However, I consider that these principles are applicable to Human Rights NGOs as well.

¹¹⁹ (2001: 1019)

LIMITATIONS AND METHODOLOGY OF THE HUMAN RIGHTS IMPACT ASSESSMENT: THE *DIMENSIONS OF CHANGE*

4.1. Making HRIA operational: obstacles and limitations.

There are several obstacles that NGOs generally face when they have to work with impact assessment.¹²⁰ These include: balancing donors' demands with organisational needs; adopting private-sector tools to civil society; capturing the importance of leadership change; overcoming the cultural gap when measurement seems foreign to the culture of the organisation; managing scarce resources; overcoming the prevalence of non-systematic impact assessments, because of the abundance of individual testimonies from beneficiaries or rights-holders that often provide a sense of progress which may be or may be not consistent with the whole pattern; and finally addressing the language barriers, for non-English speaker NGOs, as long as literature in this field is mostly written in that language.

In addition to these general obstacles, Fernande Raine also points out a list of specific difficulties faced by human rights organisations: balancing transparency and security for employees and partners; allowing for flexible responses (because unexpected changes and outcomes are a regular occurrence, making linear planning models insufficient); acknowledging the collaborative nature of advocacy, given the variety of factors that influence any substantial change in people's lives; empowering others to take credit;¹²¹ acknowledging the long-term nature of the impact in most

¹²⁰ (Raine, 2006: 13-15)

¹²¹ In many cases, government officials would feel personally and politically compromised if it were acknowledged that pressure from human rights community played a role in changing policies. In this case, no matter how certain the human rights organisation might be about its own effect, claiming it might limit its access to that channel of influence in the future.

cases; accommodating the culture of values-based volunteerism (emotionally motivated support groups might be less interested in more technical issues related to impact assessment); and appreciating the contextual nature of human rights work.

As David Cingranelli and David Richards have pointed out,¹²² the systematic study of the effect of NGOs on human rights practices can answer some questions about agenda and standard settings, as well as refine hypothesis about the effectiveness of NGOs. However, it is crucial to understand that this sort of study does not provide scientific evidence of the overall effectiveness of human rights groups in the progressive improvement in human rights records. Cingranelli and Richards have also argued that it is possible to isolate the effects of NGOs, but in order to do so one would need to collect information about the mandate or mission, strategies, and other organisation attributes of each type of human rights organisation operating in a country.¹²³ However, we must also be aware that:

Human rights NGOs cannot be studied as isolated organizations. They deliberately try to impact on societies –and are themselves affected by social norms. They seek to change government policies or halt their human rights abuses –and are themselves subject to political pressures. They form parts of transnational advocacy networks, increasingly linked electronically to other NGOs. The context cannot thus be conveniently limited to single states.¹²⁴

In this sense, NGOs must first be aware of their own place in the broader context of “problem-solvers” in order to understand how well they are doing at achieving their goals. Therefore, “collaborative problem-mapping” is an important exercise in enabling individual organisations to understand their role in achieving broader societal change.¹²⁵

¹²² (2001)

¹²³ (2001: 226-227)

¹²⁴ (Welch, 2001: 278)

¹²⁵ (Raine, 2006: 18)

When carrying out their own impact assessments, NGOs must move from *attribution* to *contribution*.¹²⁶ This is precisely the approach expressly adopted by ActionAid (2001), Save the Children (2003) and Amnesty International (2008). But this is probably a general pattern within the NGO community. For example, after years of funding several prominent human rights NGOs, the Ministry of Foreign Affairs of the Netherlands sought to evaluate the degree to which these NGOs had achieved their broad aims and the aims of their specific programmes. Todd Landman and Meghna Abraham ran this study (2004), in which these NGOs were included: Anti-Slavery International, Article 19, the International Federation of Human Rights (FIDH), the International Commission of Jurists, International Helsinki Federation for Human Rights, the International Service for Human Rights, Minority Rights Group International, the World Organisation Against Torture (OMCT), and Penal Reform International. Landman and Abraham concluded that, despite a successful demonstration of a link between their advocacy activities and real outcomes, all the organisations in the evaluation were conscious that their activities alone did not contribute solely to the outcomes, but that combined with many other factors, they acknowledged their role in bringing about positive change.¹²⁷

Once an organisation has realised how to tackle the challenge of assessing its own role in the task of advancing human rights, it can embark on the journey towards impact assessment. Fernande Raine proposes a three-stage structure.¹²⁸ First, there is the evaluation of the organisation's mission, support network and operations. Second, one must look to the definitions, indicators and benchmarks to capture the performance.

¹²⁶ (Landman, 2006; Andreassen & Sano, 2007)

¹²⁷ (2004: 3)

¹²⁸ (2006)

The third stage involves the creation of a mechanism for reporting and feedback with a participatory approach. The participatory approach, though, must not only be present in this last stage. On the contrary, it should inspire the whole process of assessment.

4.2. Making HRIA operational: methodology.

Evaluation of the mission, support network and operations.

NGOs interested in self-evaluation must first define their mission statements. Evaluation systems that are not closely tied to clear mission statements and an understanding of what impact the organisation aims to have are “doomed to failure”.¹²⁹ The strategic planning plays a very important role in this regard. Having clearly defined the scope of the mission, the challenge is to evaluate the activities of the organisation by using a criterion of whether or not (and how effectively) they contribute to achieving the defined goal.¹³⁰

NGOs work within a highly competitive market for funding from a variety of donors and carry out their operations across a variety of different currencies.¹³¹ Networks of support are also very important. Understanding how well the organisation is supported and what determines the degree of support it receives must be part of any analysis of its effectiveness and impact. Any organisation that depends on a narrow number of donors and does not have a broad base of citizen support risks losing touch

¹²⁹ (Sawhill & Williamson, 2001)

¹³⁰ (Raine, 2006: 22)

¹³¹ (Landman & Abraham, 2004)

with rights-holders. It also risks falling short in its responsibility to raise awareness among the local population of the problem it is trying to address.¹³²

Finally, the organisation must take a close look at its internal structure and resources, to determine whether it has enough financial and human resources to accomplish the objectives it has defined. The analysis of capacity should focus on the organisation's ability to combine its capital, its human resources and its knowledge in a way that maximises its own impact.¹³³

Definition of indicators and benchmarks: measurement of ESCR.

The second stage of the process is the definition of indicators that capture the nature of the progress the organisation hopes to achieve. These indicators must be sensitive to the four specific levels that lead to impact: activities, outputs (the product of the activities), outcomes (the result of the work) and impact (the effect of the work in terms of significant change in the lives of peoples and communities).¹³⁴

Indicators of performance must be tailored to the missions and goals of the organisation; neither generic scorecard nor any universal set of indicators will work in all cases for all NGOs.¹³⁵ What has to be accounted for in the last instance is not the performance of activities but the impact of these activities in bringing about human rights change. In this regard, definitions of the goal or goals of a project require

¹³² (Raine, 2006: 22)

¹³³ (Raine, 2006: 22-23)

¹³⁴ Raine (2006: 23) distinguishes *output*, *outcome* and *impact* indicators with the example of violence against women: *output* indicators speak about the number of women counseled by a given organisation; *outcome* indicators refer to the number of women freed from abusive situations due to consultation; and finally, *impact* indicators show the (increase or decrease of the) number of women suffering domestic violence in region.

¹³⁵ (Sawhill & Williamson, 2001)

examination of the coherence of the interrelationship between the goal and the objectives, whether the goal and the objectives express a perspective of change, and the objectives can be achieved within the projected period.¹³⁶

Impact assessments have to include both qualitative and quantitative measures, but the choice of indicators will be determined by the goals and objectives of the project. Gauthier de Beco affirms that data on ESCR are more readily available than that on civil and political rights.¹³⁷ However, he also acknowledges that the entire spectrum of ESCR is too broad to be explored fully. Furthermore, much of the data on these rights (particularly data collected by states themselves) is not intended for measuring human rights and therefore cannot be used directly for that purpose. The research carried out by Landman and Abraham in 2004 suggests that “in the absence of discrete time-series data, qualitative forms of human rights impact assessment are still possible, where the aims and objectives of programmes are linked to key indicators that demonstrate the tangible benefits of a set of activities for a selected group of beneficiaries”.¹³⁸

The changes NGOs pursue belong mainly to the macro level. Evaluating the human rights impact of human rights organisations on target governments and non-state actors requires relatively objective information about the human rights practices of those agents over an extended period of time.¹³⁹ To understand the extent to which they contribute to those changes, NGOs must become accustomed to working with indicators and benchmarks to monitor the compliance of duty-bearers with human rights standards. This is particularly relevant when we speak about ESCR.

¹³⁶ (Andreassen & Sano, 2007: 277 and 280)

¹³⁷ (2007)

¹³⁸ (Landman, 2006: 136)

¹³⁹ (Cingranelli & Richards, 2001: 227)

Over the last fifteen years, we have experienced an improved conceptualisation of ESCR that has been the deliberate result of numerous actors' contributions: the UN Committee on Economic, Social and Cultural Rights, UN Special Rapporteurs, NGOs and scholars.¹⁴⁰ At the same time, there has also been a growing recognition of the value of using indicators for human rights monitoring. An indicator is defined as “a piece of information used in measuring the extent to which a legal right is fulfilled or enjoyed in a given situation.”¹⁴¹ Nowadays, there is a revived interest in investigating, conceptualising and developing ideal indicators for ESCR. In this movement “from concepts to indicators,”¹⁴² bearing in mind the features of these rights, it is important to capture and distinguish between two key factors: the “willingness” (or commitment) and the “capacity” of the duty-bearers to protect and promote ESCR.¹⁴³ When this notion has been translated into global comparative studies, the *effort* by a government in respecting ESCR has been expressed as a function of both its economic ability to provide these rights, and its willingness to use available resources for that purpose.¹⁴⁴ In any case, despite all the progress made at conceptual level, the various sets of proposed indicators have only rarely been used in the assessment of specific countries. It is argued that, so far, there are more conferences and articles about human rights indicators than actual use of these indicators in monitoring the compliance of a specific state on economic, social and cultural rights.¹⁴⁵

¹⁴⁰ (Welling, 2008: 936)

¹⁴¹ (Green, 2001: 1065)

¹⁴² (Landman, 2006: 76)

¹⁴³ (Tomasevski, 2001: 532)

¹⁴⁴ (Cingranelli & Richards, 2007: 221-222)

¹⁴⁵ (Felner, 2008: 111-112)

Human rights measurement must adopt two complementary perspectives: the *enjoyment approach* and the *obligations approach*. This means that human rights indicators should provide information not only about whether or not people enjoy the objects of their rights, but also about whether duty-bearers are in compliance with their responsibilities. Therefore, international indicators on ESCR should reflect the principled priority a human rights framework places on the legality of the duty-bearer's behaviour, the impact of legal and administrative processes, and the situation of the marginalised and least well-off.¹⁴⁶ However, most proposals are focused on creating indicators for assessing the enjoyment of rights, while few are specifically designed to assess obligations.¹⁴⁷ Todd Landman also regrets that “the human rights community still needs to develop measures for the violation” of ESCR.¹⁴⁸ In general, for all indicators it is essential to seek disaggregated data on the human rights situation of vulnerable and marginalised population groups *vis-à-vis* the rest of the population. In 1990, the UN Special Rapporteur on the realisation of ESCR at that time, Danilo Türk, affirmed that indicators can provide a quantifiable measurement device of direct relevance to the array of ESCR, a means of measuring the progressive realisation of these rights over time, and a method for determining difficulties or problems encountered by states in fulfilling these rights. In addition, he stated that “indicators can assist with the development of the core content of this category of rights and offer yardsticks whereby countries can compare their progress with other states”.¹⁴⁹ Ten years later, in its Human Development Report of 2000, the United Nations Development Program expressed that

¹⁴⁶ (Welling, 2008: 949)

¹⁴⁷ (Raworth, 2001: 119)

¹⁴⁸ (2006: 91). The proposal to develop a “violations approach” was taken up by the drafters of the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights adopted in January 1997 (Chapman, 2007: 155-156).

¹⁴⁹ (Chapman, 2007: 159)

“indicators are a powerful tool in the struggle for human rights. They make it possible for people and organisations –from grass-roots activists and civil society to governments and the United Nations– to identify important actors and hold them accountable for their actions.”¹⁵⁰ The UNDP definitely indicated that, among other purposes, indicators can be used for identifying which actors are having an impact on the realisation of rights.

Paul Hunt, Special Rapporteur on the right to the highest attainable standard of physical and mental health between 2002 and 2008, has developed an approach to indicators that, although specifically moulded around the right to health, can be applied to other economic and social rights as well.¹⁵¹ Paul Hunt distinguishes between three types of indicators: *structural* indicators, *process* indicators, and *outcome* indicators.¹⁵² “*Structural indicators* address whether or not key structures and mechanisms that are necessary for, or conducive to, the realization of (ESCR), are in place”.¹⁵³ Specifically, structural indicators evaluate whether a country has established the institutions, constitutional provisions, laws, and policies that are required. “*Process indicators*, measure programmes, activities and interventions”; “they measure, as it were, State effort”.¹⁵⁴ Along with outcome indicators, process indicators “monitor the variable dimension of human rights that arise from the concept of progressive realisation. Their key feature is that they can be used to assess change over time”. Specifically, process indicators assess the degree to which activities necessary to attain specific rights-related objectives are being implemented, as well as the progress of these activities over

¹⁵⁰ (UNDP, 2000: 89)

¹⁵¹ (Chapman, 2007: 161)

¹⁵² (2003 and 2006)

¹⁵³ (Paul Hunt, Annual Report of the Special Rapporteur on the Right to Health, 2006, para. 54)

¹⁵⁴ (Idem, para. 55)

time.¹⁵⁵ “*Outcome indicators* measure the impact of programmes, activities and interventions on health status and related issues”.¹⁵⁶ They assess the status of a population’s enjoyment of a right.¹⁵⁷ Like process indicators, outcome indicators are variable and therefore require statistical data.¹⁵⁸

Gauthier de Beco considers that particularly for ESCR a “cost-effective strategy for developing human rights indicators” must adapt existing measuring instruments for use in the field of human rights.¹⁵⁹ Phillip Alston underscored the idea that Millennium Development Goals may be used by human rights advocates as an assessment tool for ESCR.¹⁶⁰ Similarly, during his time as UN Special Rapporteur on the right to health between 2002 and 2008, Paul Hunt saw Millennium Development Goals as “outcome indicators.”¹⁶¹ Würth and Seidensticker have seen them as the most prominent examples of “performance benchmarks.”¹⁶² As mentioned above, Philip Alston¹⁶³ proposes a movement towards a human-rights approach in support of the MDGs, based on the overt recognition of the relevance of human rights obligations and their legal framework, the encouragement of community participation and the promotion of accountability mechanisms. If Millennium Development Goals are interpreted from a

¹⁵⁵ (Chapman, 2007: 162)

¹⁵⁶ (Paul Hunt, Annual Report of the Special Rapporteur on the Right to Health, 2006, para. 56)

¹⁵⁷ (Chapman, 2007: 162)

¹⁵⁸ The configuration *structural-process-outcome* has been adopted by the OHCHR in its conceptual and methodological framework on indicators and human rights measurement presented in June 2008. Equally, it has also inspired the guidelines of the Inter-American Commission for preparation of progress indicators in ESCR issued in October 2007. It is noteworthy that in its new Reporting Guidelines, adopted in January 2009, the UN Committee on ESCR asked states parties to use the framework of the OHCHR in the submission of their reports. This innovation constitutes a quite relevant step forward in the institutionalisation of indicators and benchmarks for the monitoring of ESCR.

¹⁵⁹ (2007: 275)

¹⁶⁰ (2005)

¹⁶¹ (2003 and 2006)

¹⁶² (2005: 23)

¹⁶³ (2005)

human rights standpoint, they may constitute interesting standards for the monitoring of states' compliance with human rights obligations.

Monitoring of ESCR must also be based on some other sort of indicators whose origins can again be found in the field of Development. Social Watch, a Uruguay-based NGO and research network, already has a long-standing tradition in the field of monitoring development from a human rights perspective. Over recent years, Social Watch has developed the *Basic Capabilities Index* (BCI):

The BCI indicators express different areas addressed by internationally agreed development goals (education, children's health and reproductive health). By not using income as an indicator, the BCI is consistent with a definition of poverty based on capabilities and (the denial of) human rights. At the same time, the index is comparatively easy to compute at sub-national and municipal levels.¹⁶⁴

The avoidance of using income as an indicator is precisely the main difference between the BCI and the Human Development Index of the UNDP, which combines income figures with health and education related indicators. The usefulness of the BCI lies in the fact that it has proven to be closely correlated to measurements of other human capabilities related to the social development of countries. This index, based on data compiled from UNICEF, UNESCO, World Bank, OECD, WHO or UNDP, among others, assigns a score to each country, making it possible to compare it with other countries and to assess its evolution over time.

Contrary to frequent claims that poverty is diminishing fast in the world,¹⁶⁵ the BCI of 2009 computed by Social Watch shows that the deficient coverage of the basic needs required to escape poverty persists; actually, it is increasing, in spite of

¹⁶⁴ <http://www.socialwatch.org/node/11386>

¹⁶⁵ The World Bank claimed in August 2008 that extreme poverty reduced by half in the last 25 years and that therefore the Millennium Development Goals for 2015 can be met.

impressive economic growth in most developing countries, and even without the not-yet-registered impact of the world economic crisis, most countries in the world are at risk of not achieving their poverty reduction commitments.¹⁶⁶

Going further in assessing states' compliance with obligations on ESCR, particularly in relation to the progressive realisation of these rights, requires encouraging the interaction between applied budget work and human rights work. There have been significant developments in this area by NGOs and human rights resource centres in recent years, for example in the use of applied budget analysis. The International Budget Partnership, an initiative of the Center on Budget and Policy Priorities, has carried out interesting case studies on budget execution, procurement, impact measurement or audit and legislative oversight processes since 2002.¹⁶⁷ Working jointly with the Mexican group Fundar (Centro de Análisis e Investigación) and the International Human Rights Internship Program, it has also prepared a guide to using budget analysis to advance human rights titled *Dignity Counts*.¹⁶⁸

As previously stated, *empowerment* is one of keywords and shared objectives of most development and human rights organisations nowadays. Empowerment has been defined as “the expansion of assets and capabilities of poor people to participate in, negotiate with, influence, control, and hold accountable institutions that affect their lives.”¹⁶⁹ Empowerment of individuals and communities is influenced by a change in the capacity of these actors to take purposeful actions, that is, to exercise *agency*, and a

¹⁶⁶ (2009)

¹⁶⁷ To find out more, visit: <http://www.internationalbudget.org/index.htm>

¹⁶⁸ (2004)

¹⁶⁹ (Narayan, 2007: 5)

change in the social, political, and institutional context that defines the broader *opportunity structure* in which these actors pursue their interests.¹⁷⁰

While empowerment has become very relevant for both development and human rights NGOs, attempts to systematically monitor and evaluate programs that use empowerment approaches for poverty reduction lag behind. Several issues and problems in the measurement of empowerment have been highlighted by some experts: universal and context-specific dichotomy, individual and collective dimensions, psychological self-perceptions, problems of causality, quantitative and/or qualitative indicators, and empowerment as a process as well as a status, among others.¹⁷¹ Most of them, though, look very similar to those mentioned above, in the introduction of the limitations of HRIA. These issues are not impossible barriers, but challenges and relative limitations NGOs must be aware of while doing their own impact assessment.

Empowerment is one of the dimensions, with education and participation in economic activity, used by Social Watch to measure the progression or retrogression in gender equality in its *Gender Equity Index* (GEI). Based on information taken principally from the Human Development Index of the UNDP, the GEI analyses the gap between rates of men and women in technical positions, management and government positions, parliamentary assemblies and ministerial positions.¹⁷² This information is probably more relevant for the ranking of state's performance in the reduction of the gender gap than in assessing NGOs' action. The GEI may suffer from a shortage of indicators to observe the progress or retrogression experienced in other spheres, such as the domestic or cultural levels. Nevertheless, this initiative carried out by Social Watch,

¹⁷⁰ (Petesch *et al.*, 2007: 41)

¹⁷¹ (Narayan, 2007; Malhotra & Schuler, 2007)

¹⁷² (Social Watch, 2009)

although focused just on gender issues, constitutes a very interesting starting point for NGOs that want to know to what extent their statements for empowerment of rights-holders are consistent with the actual impact of their work.

Creation of mechanisms for reporting and feedback: participatory assessment.

Fernande Raine regrets that the most neglected element in literature on performance measurement and organisational effectiveness is the important role that can be played by learning communities.¹⁷³ As said earlier, human rights NGOs have some things to learn from development groups as regards the assessment of their own impact. But in general no NGO needs to embark solitarily in this endeavour. NGOs ought to exchange experiences and maintain a regular communication with each other. The problem of attribution and contribution is in itself a good reason for more collaborative assessments.

It is said that HRIA relates to project assessment *ex ante* as well as *ex post*,¹⁷⁴ but actually impact assessment must be seen as a process, not a final act.¹⁷⁵ It is a process that begins with the strategic and action planning, must go on with the whole range of advocacy activities during the established period of time, and finally reaches the evaluation as a learning tool looking at the future. Throughout this process, stakeholders must be fully involved. And this involvement must influence the internal structure and the governance system of the organisation as well. Therefore, NGOs must rethink their decision-making, and must be willing to learn from and plan and evaluate with rights-holders at risk.

¹⁷³ (2006: 24)

¹⁷⁴ (NORAD, 2001; Landman, 2006; Andreassen & Sano, 2007)

¹⁷⁵ (INTRAC, 2001)

At this time, Amnesty International is very much occupied with this task. AI is currently in the middle of the transition from an old to a new strategic plan. At the same time, AI is also modifying its democracy and governance system, as it has assumed that the empowerment of accountability to rights-holders requires “opening up our realities to the realities of others.” As a background discussion paper states:

It means that only when people as rights-holders at risk are directly influencing our work will AI be more fully accountable to them. It means our accountability systems cannot be geared only towards our members and donors, but must extend to rights-holders themselves so that we are informing them and informed by them. Only then can we claim to be a truly legitimate human rights movement.¹⁷⁶

Seeking out rights-holders’ voices and outlooks is a crucial step to establishing a more respectful, equal and solutions-oriented (not just problem-focused) relationship with them. Participatory assessment is a guide to better grasp NGOs’ contribution to the positive change in people’s lives.

4.3. The *Dimensions of Change*.

In order to understand the dimension of a change, one must bear in mind that a human rights project can have little effect in the short-term, although it may have important long-term impact. Awareness-raising campaigns that give few immediate gains may have positive effects in the long run. At the same time, indicators documenting short-term impact may not tell us much about the sustainability of a project. Accordingly, the problem of sustainability may not be seen as pressing in the short-term but critical time perspective. Assumptions about sustainability require

¹⁷⁶ Amnesty International, Circular 23 to the 29th International Council Meeting, Empowerment of Rights-Holders at Risk, June 2009, AI Index: ORG 51/009/2009 (internal document), p. 12.

knowledge and insights about political, socio-cultural, legal and institutional contexts.¹⁷⁷ However, too often, if NGOs lack something, it is time. NGOs cannot wait for long periods in order to know whether what they are doing or what they have done so far has been really successful. Stakeholders need an effective action from them as soon as possible, as usually their own lives are at risk.

While the realisation of the long-term goal can be seen as a process, the objectives have to be realised in the course of the project, and they can therefore be assessed on a shorter term basis. Consequently, operational plans must be flexible enough to react properly to the ongoing assessment. If it is observed that the objectives are not fulfilled in the expected time and manner, the organisation must be capable enough to modify its strategies and tactics to tackle the project in a different way.

David Forsythe affirms that a pervasive difficulty in analysing NGO influence is based on the concept of success itself.¹⁷⁸ In dealing with the sometimes elusive notion of success or achievement, Forsythe proposes to distinguish among the following: success in getting an item or subject on the agenda for discussion, success in achieving serious discussion, success in getting procedural or institutional change, and success in achieving substantive policy change that clearly ameliorated or eliminated the problem.

Instead of this success-layer logic, some NGOs have adopted a slightly different approach: the *Dimensions of Change*. This framework has been adopted by various development NGOs, such as the Catholic Institute of International Relations (now, Progressio), the Institute of Development Research and Save the Children. This is also the framework recently chosen by Amnesty International.

¹⁷⁷ (Andreassen & Sano, 2007: 281-282)

¹⁷⁸ (2000: 173-174; also Freeman, 2002: 144)

The concrete dimensions of change depend upon the features of each organisation. For instance, Save the Children distinguishes between (2004): changes in the lives of children and young people, in terms of fulfilment of *rights*; changes in policies and practices affecting children's and young people's rights: *accountability* of duty bearers; changes in children's and young people's *participation* and active citizenship; changes in equity and *non-discrimination* of children and young people; and finally, changes in civil societies' and communities' capacity to support children's rights: *empowerment*. Amnesty International's standpoint is slightly different. Much of AI's work focuses on influencing the actions of those who have the power to act in a way that affects the lives of rights-holders or by changing the legal or social environment affecting their lives. Hence, AI's framework adopts these four dimensions:¹⁷⁹ in *people's lives* (coherently with the intention to put individuals at the heart of AI's work as not-passive beneficiaries but *agents* of their own change process); changes in public *policies*; changes in *accountability*; and changes in *activism* and *mobilisation* for human rights. These dimensions are interconnected and not mutually exclusive. It is assumed that change delivered within each of these areas can also generate knock-on effects in the other areas: a change in one dimension leading to changes in others. A project or programme of work may focus on just one dimension or all at the same time.

Based on the work done by Chapman and Wameyo in the ActionAid Scoping Study,¹⁸⁰ Amnesty International has set up an indicative table of indicators of progress that will have to be adapted depending upon the campaign or action intended to assess. Like the dimensions, these indicators are interrelated. For example, an increase in public

¹⁷⁹ (2008)

¹⁸⁰ (2001)

profile of an issue (a progress indicator) directed at changing a particular policy (the policy dimension) may also strengthen civil society organisations' advocacy capacity (progress indicator) under the activism and mobilisation dimension.¹⁸¹

TABLE. Indicators of progress under AI's "Dimensions of Change" (2008).

Dimension of Change	Indicators of Progress	Who (Unit of Analysis)
People's rights are respected, protected and fulfilled	<ul style="list-style-type: none"> • Number of people at risk. • Level of freedom from violations. • Level of empowerment (individual action, awareness of self as citizen with rights and responsibilities, etc.). 	<ul style="list-style-type: none"> • Individuals at risk. • Individual rights holders.
Activism and Mobilisation <ul style="list-style-type: none"> • Actors demanding accountability and claiming their rights. • Actors active in influencing decision-making. 	<ul style="list-style-type: none"> • Changes in actors' mobilisation and advocacy (skills, capacity, diversity, etc.). • Change in collaboration, trust and unity in working practices. • Synergy of strategic aims between actors. • Level of participation into decision processes. • Number of organisations supporting human rights issues. 	<ul style="list-style-type: none"> • NGOs. • Civil society organisations. • Social movements. • Popular organisations. • Others.
Accountability <ul style="list-style-type: none"> • Policy / legislation is implemented. • Due diligence is exercised. 	<ul style="list-style-type: none"> • Level of institutional commitment to policy implementation (discussions, responses, budget allocation, etc.). • Level of acceptance / recognition of civil society organisations (i.e. freedom of expression, association and assembly). • Level of transparency of institutional processes. • Extent of platforms for participation of civil society organisations in decision making processes. 	<ul style="list-style-type: none"> • National governments (executive, ministries, legislature, parliament, military, police, judiciary, etc.). • Provincial and local governments. • Inter-Governmental Organisations. • Transnational Corporations. • Other non-state actors. • NGOs. • Others.
Policy <ul style="list-style-type: none"> • Policy / legislation is changed. • New policy / legislation is introduced. • International treaty is ratified. 	<ul style="list-style-type: none"> • Level of public profile. • Change in discourse. • Change in public opinion. • Level of dialogue between relevant constituencies. 	<ul style="list-style-type: none"> • National governments (executive, ministries, legislature, parliament, military, police, judiciary, etc.). • Provincial and local governments. • Inter-Governmental

¹⁸¹ (AI, 2008)

		<p>Organisations.</p> <ul style="list-style-type: none"> • Transnational Corporations. • Other non-state actors. • NGOs. Others.
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The framework of the *Dimensions of Change* has been used by Amnesty in the assessment of three case studies since 2007: *police accountability in the favelas of Rio de Janeiro in Brazil, domestic violence legislation in Albania*¹⁸² and the *2007 UN death penalty moratorium*.¹⁸³ The methodology used was the *stakeholder impact assessment*. Stakeholder engagement is based on the gathering of the *subjective* data of stakeholder perspectives. To be rigorous this requires the inclusion of the widest possible range of stakeholders so that reliable meaning can be drawn through consideration of multiple subjectivities.¹⁸⁴ Multiple subjectivities would permit to note both differences and similarities in perceptions across time and space.

Regarding the cases of Brazil and Albania, the organisation acknowledged that “we could not predict how the stakeholders would react as this would be one of the first times that AI would present itself as a learning organization as compared to an investigative or campaigning organization”. Amnesty used a *snowball sampling* method, according to which initial contact was made with a small group of people who were asked to suggest others to be spoken with and so on. AI also set a list of limitations as long as inquiries were principally based on interviews. The findings and lessons learnt were shared and discussed through a series of workshops both at the 2007

¹⁸² Amnesty International, AI and Impact Assessment –Testing Stakeholders’ Engagement- Case Studies: Albania and Brazil, June 2008, AI Index: ORG 30/005/2008 (internal document)

¹⁸³ Amnesty International, Learning from Success: AI’s Contribution to the UN’s Death Penalty Moratorium, November 2009, AI Index: ACT ACT 50/010/2009 (internal document)

¹⁸⁴ (Catley *et al.*, 2007)

International Council Meeting (world assembly) and at the International Secretariat in London.

Regarding its contribution to the death penalty moratorium adopted by the UN General Assembly in December 2007, AI conducted face-to-face interviews with representatives from UN missions; individuals from NGOs were interviewed by phone. Most of the interlocutors pointed out that Amnesty should intensify its international lobbying, acting earlier, targeting broader audiences and being more flexible while working in partnership.

Amnesty International considers proven that the *Dimensions of Change* provide a framework for aggregating each project's findings about observable world changes. Furthermore, Amnesty learnt some lessons from these three case studies, as it understood that they provided a wealth of information about more general working practices of the organisation related to communication and media, added value and branding, engagement of individuals as *part of the solution*, the need to search for solutions besides *naming and shaming*, or long-term sustainability of the advocacy.

4.4. What does HRIA imply for ESCR? Looking ahead.

Up to now, I have gone through the reasons of the Human Rights Impact Assessment, as well as the limitations and some methodological issues in dealing with it. As explained, development NGOs have advanced much more than human rights organisations in the assessment of their own work. In that sense, HRIA is still in *statu nascendi*, and so far most analysis have looked at aspects related to civil and political rights, precisely because this is the branch of rights human rights advocates have focused on until quite recently.

However, looking ahead and based on elements and findings pointed out in the sections above, I hereby want to indicate some implications that in my opinion should be present when fulfilling NGOs' impact assessment on economic, social and cultural rights:

- First of all, human rights NGOs that work on ESCR must be aware that there is no automatic correlation between the use of human rights terms and legal instruments and the improvement of people's lives. Therefore, these organisations, before anything else, must set out how they can *make a difference* and, therefore, why they decide to assume the challenge of working for social justice.
- NGOs have to acknowledge that they share the same scenario with some other characters. As a consequence, a *combined analysis* of impact assessment is important in order to overcome the problems of *attribution* and *contribution*.
- *Poverty is a multidimensional phenomenon* directly linked to abuses of civil, cultural, economic, political and social rights. Therefore, those organisations that advocate against poverty from a human rights perspective must integrate both branches of rights in their own impact assessments.
- Human rights organisations should take advantage of the work done by development NGOs in this field. Human rights advocates can learn many lessons from them. However, it is crucial to bear in mind that *a human rights based approach to impact assessment* is required. This approach would integrate the practice in the development assessment with some human rights principles, in particular regarding *accountability* of duty-bearers.
- NGOs working on ESCR must get used to using *indicators and benchmarks* in the decision-making, planning and evaluation of the advocacy. The choice of indicators

and the adoption of benchmarks must pay particular attention to the international standards regarding the *core content* and *progressive realisation* of rights, as well as the notion of *maximum available resources*. The principle of *non-discrimination* requires ensuring that a policy does not adversely affect an especially vulnerable group. To do such analysis will require disaggregated data. Furthermore, indicators must not only look at the *enjoyment* perspective of rights from the rights-holders viewpoint, but also at the *obligations* of duty-bearers. Some data already used by development groups and agencies (MDGs, Human Development Index of the UNDP, and so on) may be applicable, but they must be sifted by human rights parameters. The use of indicators and benchmarks facilitates the monitoring of states' performance through *budget analysis*.

- Human Rights Impact Assessment must address the different *dimensions of change*, which will depend upon the organisation's mission, strategies and goals. In any case, *empowerment* must play a relevant role in the analysis. The measurement of empowerment is still a challenge both for development and for human rights NGOs.
- Human Rights Impact Assessment inspires all NGO activities. It affects the way NGOs adopt their decisions, deal with stakeholders, carry out their campaigns, lobby governments and other actors, communicate with media and public, and proceed to the evaluation. A *participatory approach* integrating *stakeholders* is required throughout the whole process.
- The *stakeholder impact assessment* may constitute a very useful methodology. This procedure makes the *NGO a learning agent*, as well as a campaigner or lobbyist; it is also very directly linked with the idea of *empowerment* and may also help to

measure it. Who other than the rights-holders themselves are best placed to know whether the empowerment has been successful?

CONCLUDING REMARKS

The progressive approximation of development and human rights NGOs has opened up a “new rights advocacy”¹⁸⁵ on ESCR. This process of common understanding does not imply (and should not imply, either) that there is no more difference in terms of approaches and strategies between development and human rights NGOs. The missions and goals of these types of organisations (and within them, as well) are different. And that is precisely how they must be. The diversification is one of the strengths of the civil society, and the increased number of networks and coalitions does not mean that NGOs have become copies of each other.

But NGOs have the responsibility of making a difference. Each organisation should explain its own reason for existence, its purposes and the means through which it will aim to realise them. As we have seen, determining and judging NGOs’ campaigns is very tough. A number of scholars have made an attempt to seek the conditions that make NGOs succeed. Some of them have developed insightful theories. However, not one of all these theories, although useful to some extent, have provided a satisfactory explanation.

Indeed, there is no one satisfactory answer. Human Rights Impact Assessment is not going to provide it either. However, a systematic application of the HRIA can help to avoid actions and campaigns that have no chance to have a real impact on people’s lives, and it can also teach some lessons to avoid future mistakes. Furthermore, HRIA is a matter of NGO accountability towards stakeholders, understood in a broad sense, as “the process by which an NGO holds itself openly responsible for what it believes, what

¹⁸⁵ (Nelson & Dorsey, 2008)

it does and what it does not do in a way which shows it involving all concerned parties and actively responding to what it learns.”¹⁸⁶

Human rights NGOs must look at the experience of development groups in order to assess their own impact. Amnesty International has done it recently when it adopted the *Dimensions of Change* approach, with which Save the Children and other organisations have worked for some years. However, a human rights approach to impact assessment must fit in some essential human rights principles, regarding in particular the accountability of duty-bearers.

There are important obstacles in the assessment of human rights NGOs’ impact, such as the problem of attribution and in measuring sustainability of projects, because of the time constraints. The scale of impact, and indicators for measuring scales, are also big challenges. However, although NGOs must be aware of all these limitations, they can also develop some methodologies to reduce them as much as possible in order to measure to what extent they have contributed to change people’s lives.

In this article, I have followed Fernande Raine’s¹⁸⁷ three-stage structure for assessing NGOs’ impact: firstly, evaluation of the mission, support network and operations; secondly, definition of indicators and benchmarks; and thirdly, reporting and feedback. Throughout the whole process, I have argued that stakeholders must not only be informed but also invited to take part in from the adoption of strategic decisions until the *ex post* evaluation itself. So far, the majority of NGOs (and scholars) that have done some kind of impact assessment have focused on civil and political rights. However, as human rights NGOs go ahead with their work on ESCR they must learn how to assess their own advocacy. In the end of this article, I have presented a list of

¹⁸⁶ (Slim, 2002)

¹⁸⁷ (2006)

issues that in my opinion NGOs must bear in mind: namely, the purpose of making a difference, the need of a combined analysis, the understanding of poverty as a multidimensional phenomenon, the relevance of accountability in the monitoring of duty-bearers' performance, some criteria to choose and establish indicators and benchmarks, the usefulness of the notion of *Dimensions of Change*, the meaning of the participatory approach, and the significance of the stakeholder impact assessment.

Over recent years, NGOs have acknowledged the importance of assessing their own impact, and some scholars have also started working on these matters (see Landman & Abraham, 2004, for example). The Dutch organisation Aim for Human Rights has also created a Human Rights Impact Resource Centre which provides centralised access to a broad range of information and expertise on HRIA.¹⁸⁸ However, as Nelson and Dorsey have pointed out, further research is needed to test the impact of ESCR by monitoring the strategies and impact of advocacy.¹⁸⁹

Human Rights are that *powerful idea whose time has come*, in Victor Hugo's terms. They are an opportunity for millions of people to commit themselves to make a truly habitable world out of this planet. Let's accept this challenge. And let's do it well.

¹⁸⁸ <http://www.humanrightsimpact.org/>

¹⁸⁹ (2008)

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