

# **MEASURING HUMAN RIGHTS: PRINCIPLE, PRACTICE, AND POLICY**

**Dr. Todd Landman**

Deputy Director, Human Rights Centre  
Department of Government

University of Essex

Wivenhoe Park

Colchester, Essex CO4 3SQ

United Kingdom

Tel/Fax: +44-(0)1206-872129

Email: [todd@essex.ac.uk](mailto:todd@essex.ac.uk)

<http://www.essex.ac.uk>



## Abstract

*This paper demonstrates why human rights measurement is important, how human rights have been measured to date, and how such measures can be improved in the future. Through focussing primarily but not exclusively on the measurement of civil and political rights, the paper argues that human rights can be measured in principle, in practice, and as outcomes of government policy. Such measures include the coding of formal legal documents, events-based, standards-based, and survey-based data, as well as aggregate indicators that serve as indirect measures of rights protection. The paper concludes by stressing the need for continued provision of high quality information at the lowest level of aggregation, sharing information and developing an ethos of replication, long term investment in data collection efforts, and critical and reflective self-assessment of human rights practices.*

## INTRODUCTION

Human rights scholars, practitioners, and activists use a variety of measures and indicators to describe the advances and setbacks in the promotion and protection of human rights, to provide explanations for their overall global variation, and to find solutions to guarantee their improved protection in the future. The international community has established an ideal standard of human rights protection formally laid out in the international law of human rights, which extends from the anti-slavery measures in the 19th Century to the most recent statute establishing the International Criminal Court. By 2000, between 95 and 191 countries have become signatories to the main legal instruments comprising the international human rights regime, where the breadth and depth of formal participation has expanded since the 1948 UN Declaration (Bayefsky 2001; Landman 2001, 2002). In addition, countries have become parties to various regionally based systems for the promotion and protection of human rights, including the European, Inter-American, and African systems. Global evidence on human rights violations, however, suggests that 'there are more countries in the world today where fundamental rights and civil liberties are regularly violated than countries where they are effectively protected' (Robertson and Merrills 1996: 2).

Thus, despite the growth and proliferation of legal instruments for the protection of human rights, there is a continuing disparity between official proclamation and actual implementation of human rights protection. Since the 1980s, this disparity has been a fruitful area for systematic comparative research (Landman 2002). Such empirical research includes studies that examine the global variation in human rights protection (Mitchell and McCormick 1988; Henderson 1991, 1993; Poe and Tate 1994; Davenport 1995; Gartner and Regan 1996; Poe et. al 1999), the relationship between human rights treaty ratification and human rights protection (Suksi 1993; Keith 1999; Landman 2001; Hathaway 2002), refugee policy and human rights (Gibney and Stohl 1988; Gibney, et al. 1992), economic assistance and human rights (Stohl et. al 1984; Poe 1992; Poe and Sirirangsi 1993, 1994; Regan 1995), military assistance and human rights (Dixon and Moon 1986; Poe 1991; Poe and Meernik 1995), democracy and human rights (Davenport 1999; Zanger 2000), and direct foreign investment and human rights (Meyer 1996; 1999). Moreover, the attention to the persistent difference between 'rights in principle' and 'rights in practice' (Foweraker and Landman 1997; see also Davenport 1996) has motivated academics, policy makers, NGOs, and human rights practitioners to promote public and international policies that bring actual human rights practices more in line with the expectations laid out in the international human rights regime.

This paper demonstrates the need for and use of meaningful, valid, time-series measures of human rights protection. While its discussion is primarily focussed on the measurement of political and civil rights, it remains cognisant of the need for such measures for economic, social, and cultural rights by examining the lessons from measurement across all categories of rights. To this end, the paper is structured in four parts. The first part argues that in addition to the inherent value in documenting human rights violations, human rights measurement is important for classifying different types of violation, mapping violation over space and time, and conducting second-order analysis of violations. The second part examines the ethical, political,

and methodological problems surrounding human rights measurement and shows how some of these problems have been overcome. The third part shows how political and civil rights have been measured, and how discussions of their measurement are also useful for economic, social, and cultural rights. The final part summarises the various ways in which human rights can and have been measured, and discusses the implications of human rights measurement for the wider policy arena.

## 1. WHY MEASURE HUMAN RIGHTS?

Measuring human rights serves the following four functions: (1) *contextual description* and documentation of violations, (2) *classification* of different types of violations, (3) *mapping* and pattern recognition of violations over space and time, and (4) *second-order analysis* that provides explanations for violations and policy solutions for reducing them in the future. Contextual description provides the raw information upon which measures of human rights are based. Classification allows for the differentiation of rights violations across their civil, political, economic, social, and cultural dimensions. Mapping provides time-series and spatial information on the broad patterns of violations within and across different countries. Finally, second-order analysis allows for hypotheses about rights violations to be tested and inferences to be drawn that can be fed into the policy making process, whether it involves sanctions and conditionalities imposed on rights-violating states, prioritising domestic spending to improve rights conditions, or bringing about a change in institutions and practices.

Thus, the accumulation of information on human rights protection in the world and the results of systematic analysis can serve as the basis for the continued development of human rights policy, advocacy, and education (Rubin and Newburg 1980; Claude and Jabine 1992). Moreover, 'to forswear the use of available, although imperfect, data does not advance scholarship' (Strouse and Claude 1976: 52) nor does it allow for continued human rights activism that seeks to eliminate the worst forms of human behaviour. In the introduction to the 20<sup>th</sup> anniversary edition of *Prisoner Without a Name, Cell Without A Number*, Ilan Stavans argues that 'survive [human rights abuses] is to become a witness. And to become a witness, is to pay tribute to Memory' (Timerman 2002: xv). In following Stavans' remarks, documenting, measuring, and analysing human rights is one way of paying tribute to memory.

Despite the good intentions behind and valuable reasons for measuring human rights, important ethical, methodological, and political problems remain. Ethically, it can be dehumanising to use statistics to analyse violations of human rights (Jabine and Claude 1992) and it is often difficult to judge the relative weight of one type of violation over another, thereby committing some form of moral relativism. Methodologically, raw numbers of violations are continuous without an upper limit, which can make them intractable for comparative purposes (Spirer 1990), while the level of available information on violations can vary (Bollen 1992: 198). Politically, international government and non-governmental organizations (NGOs) refuse to rank the countries for fear of recrimination and loss of credibility. Indeed, the United Nations Development Programme (UNDP) came under strong political criticism for its 1991 *Human Development Report*, which used a measure of human rights that ranked all UN member states according to categories derived from the UN

Declaration (Barsh 1993; and Humana 1987, 1992). The next section addresses these various concerns as it examines how to measure human rights.

## 2. HOW TO MEASURE HUMAN RIGHTS

Measuring human rights is based on several assumptions. First, despite the absence of strong philosophical foundations for the existence of human rights (see Mendus 1995), the accumulation of international law of human rights provides ideal standards for those rights that ought to be protected.<sup>1</sup> Second, violations have been and continue to be committed by state and non-state actors. Third, individuals and groups that suffer abuse of their rights can provide information and testimony, while human rights practitioners can provide standardised mechanisms for such reporting. Numerous accounts of human rights abuse have been provided to formal bodies, such as the International Military Tribunal in Nuremberg (Persico 1994), the International Criminal Tribunals for the Former Yugoslavia and Rwanda, and the twenty-one truth and reconciliation commissions (TRCs) in Africa and Latin America (Hayner 2002), while governmental, inter-governmental, and non-governmental organizations collect information on human rights violations. Fourth, patterns of violation mean that human rights are 'more or less' protected in nation states, and that this 'more or less' can be measured in some fashion.

Taken together, these assumptions suggest that human rights can be measured 'in principle' (i.e. as they are laid out in national and international legal documents) and 'in practice' (i.e. as they are enjoyed by individuals and groups in nation states), and as outcomes of government policies that have a direct bearing on human rights protection. As will be shown below, measurement of human rights can take the form of coding country participation in regional and international human rights regimes, coding national constitutions according to their rights provisions, qualitative reporting of rights violations, survey data on perceptions of rights conditions, quantitative summaries of rights violations, abstract scales of rights based on normative standards, and individual and aggregate measures that map the outcomes of government policies that have consequences for the enjoyment of rights.

### 2.1. Rights in Principle

International and domestic law enshrines norms and principles of human rights, which can be coded using protocols that reward a country for having certain rights provisions in place. An important precedent was set by Maarseveen and Tang (1978), who coded constitutions for 157 countries across a multitude of institutional and rights dimensions for the period 1788-1975. Chapter 6 of their study compares the degree to which national constitutions contain those rights mentioned in the UN Declaration for Human Rights by examining their frequency distributions across different historical epochs before and after 1948. Figure 1 shows the results of their comparisons for civil and political rights, while Figure 2 shows them for economic and social rights. Their study is broadly descriptive in nature, but its data allow for global patterns and processes of change in the formal protection of rights to be mapped, while secondary and more advanced statistical analysis could be conducted.

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<sup>1</sup> Based on a tabulation of international human rights instruments, Davidson (1993: 193-196) and Green (2001: 1068-1070) show that there are now sixty-three rights that ought to be protected, including civil, political, economic, social, cultural, and solidarity rights.

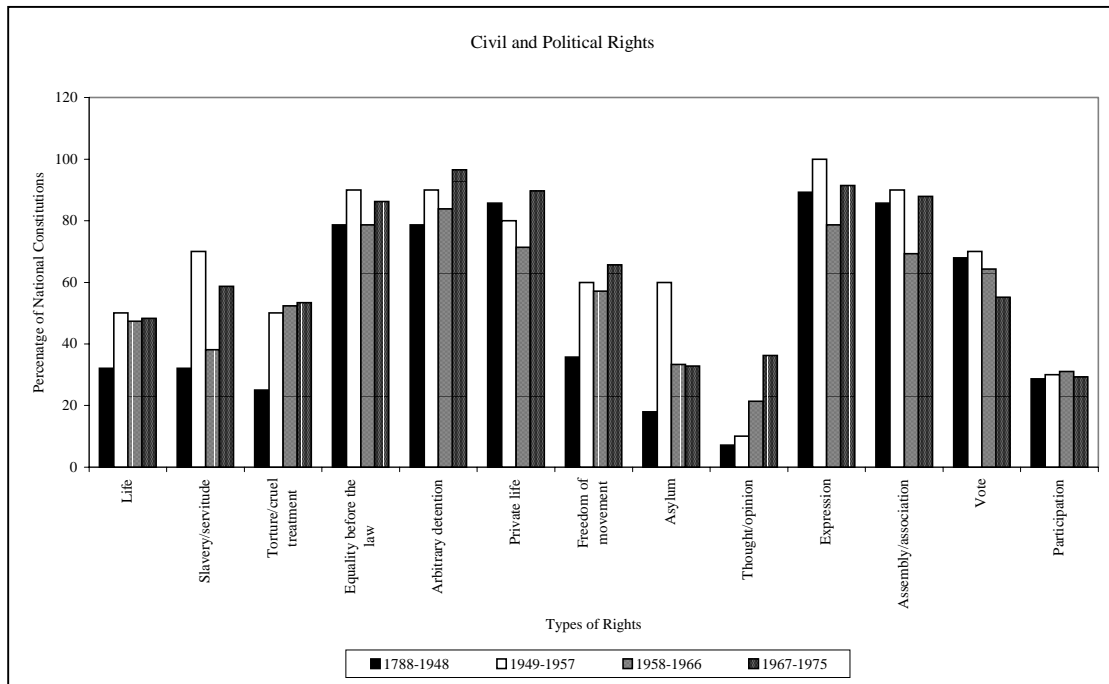


Figure 1. National constitutional provisions for rights in principle: civil and political rights (Maarseveen and Tang 1978: 189-211)

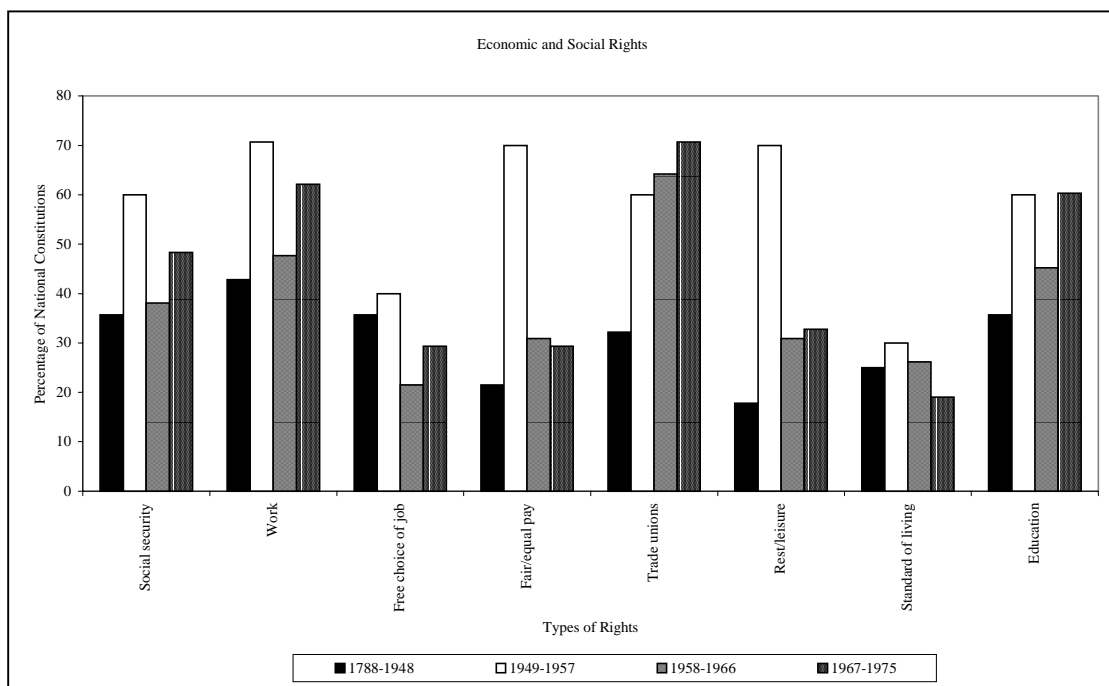


Figure 2. National constitutional provisions for rights in principle: economic and social rights (Maarseveen and Tang 1978: 189-211)

Using an 'institutional procedural index', Foweraker and Landman (1997: 51-52) code rights in principle for Brazil, Chile, Mexico, and Spain using the various national constitutions and constitutional amendments during the years of political liberalization and democratic transition (see Figure 3). In both these studies, the authors are concerned with the formally declared commitment to rights protection as it appears in national constitutions. More recently, Poe and Keith (2002) have coded national constitutions to measure their ability to suspend rights protection during

states of emergency. At the global level, Keith (1999), Landman (2001), and Hathaway (2002) code the regional and international human rights regimes by scoring countries for signing and ratifying major human rights instruments. Rather than code individual rights provisions, these authors code the degree to which countries are parties to human rights treaties over time. Figure 4 shows the number of countries that have ratified the main international human rights instruments for the period 1976-2000.<sup>2</sup>

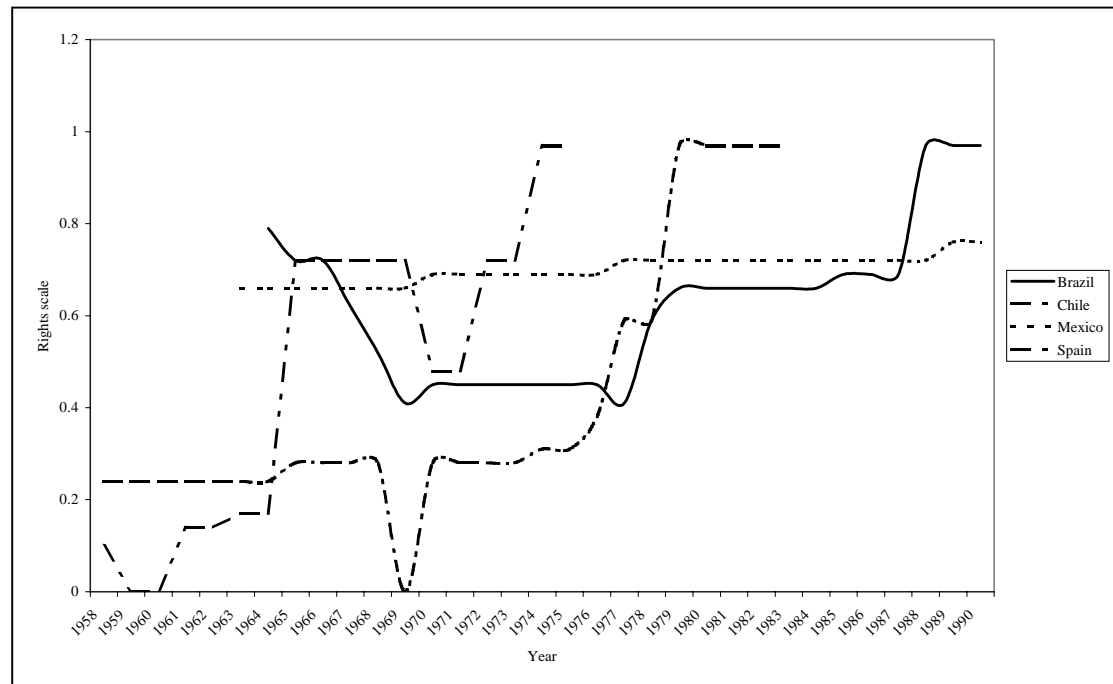


Figure 3. Rights in principle in Brazil (1964-1990), Chile (1973-1990), Mexico 1963-1990), and Spain (1958-1983) (Foweraker and Landman 1997).

<sup>2</sup> These instruments include the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the First and Second Optional Protocols to the ICCPR, International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment (CAT), and the Convention on the Rights of the Child (CRC) (see Buergenthal 1995).

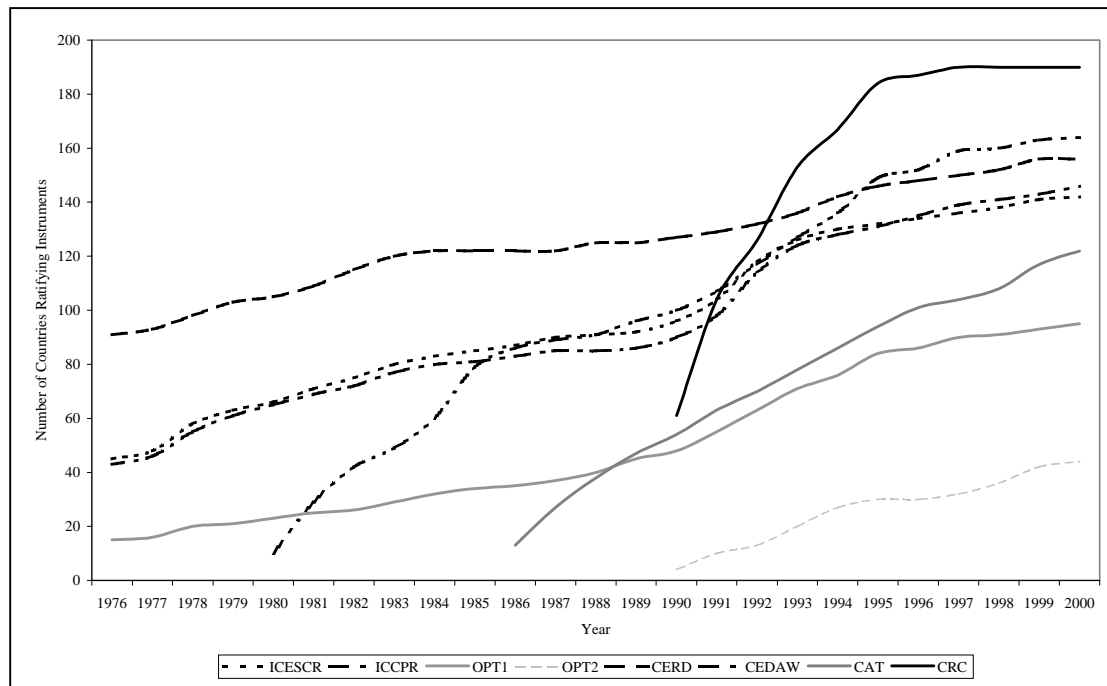


Figure 4. Mapping treaty ratification (Landman 2001).

Coding rights in principle, either at the national or international level is important since it translates legal qualitative information into quantitative information that can be used to track the formal commitment of countries to rights protection against which their actual practices can be compared. Foweraker and Landman (1997: 62-65) use regression techniques to gauge the relative 'gap' between rights in principle and rights in practice in Brazil, Chile, Mexico, and Spain (see also Duvall and Shamir 1980: 162-163; Arat 1991). Their analysis demonstrates that during the process of political liberalization, authoritarian states can deny rights that they proclaim are protected (a negative gap), protect rights they proclaim are protected (a zero gap), or protect rights that they proclaim are not protected (a positive gap).<sup>3</sup> Poe and Keith (2002) use their state of emergency variable to examine the relationship between the law and practice of human rights while controlling for the independent effects of democracy, wealth, and warfare. Using the notions of principle and practice for global analysis shows that regimes frequently make formal commitments to human rights treaties, but continue to violate human rights. This difference is captured by weak positive or even negative correlation and regression co-efficients between ratification and rights variables (Keith 1999; Landman 2001; Hathaway 2002; see also Krasner 1999: 122). Carrying out such analyses, however, requires measurement of rights in practice to which the discussion now turns.

## 2.2 Rights in Practice

Rights in practice are those rights actually enjoyed and exercised by groups and individuals regardless of the formal commitment made by a government. While there

<sup>3</sup> Interestingly, such a gap merely identifies the degree to which a regime complies with its formal commitments and nothing about the regime type itself. For example, 'a totalitarian polity with no rights protection and much repression, and a democratic polity with full rights protection and complete liberty may both have a zero GAP' (Foweraker and Landman 1997: 63). Zanger (2000) tests the relationship between regime type and human rights protection, and finds that even the first year of a democratic transition reduces the degree to which personal integrity rights are violated.

ought to be a correspondence between formal rights commitments found in national constitutions and international human rights instruments and those enjoyed on the ground, it is often the case that individuals and groups do not enjoy the full protection of their rights (a negative gap in the terminology used above). Ideally, there ought to be in place a legal appeals procedure, mechanisms for seeking domestic and international remedies, and a subsequent 'correction' in national practices to uphold the rights to which regimes have made formal commitments.<sup>4</sup> In the absence of such systems or in the face of weak systems, the role of many human rights practitioners is to provide meaningful and accurate information on the degree to which human rights are being violated. Indeed, greater concerns over human rights since World War II has led to an explosion in the number of domestic and international human rights NGOs collecting information on violations.<sup>5</sup> Such NGOs have been given greater status in international governmental organizations, and their activities include setting standards, providing information, lobbying, and giving direct assistance to those suffering abuse of their rights (Forsythe 2000: 163-190; Welch 2001: 1-6).

The increase in the salience of human rights as an issue combined with organizations dedicated to documenting human rights violations means that there is greater availability of comprehensive information on actual practices of states and the conditions under which individuals live. But this information necessarily will be lumpy and incomplete, since reporting of human rights violations is fraught with difficulties, including fear within victims, power of the offenders, comprehensive evidence, quality of communications technology, among others. Bollen (1992: 198) has argued that there are six levels of information on human rights violations, which are depicted in Figure 5. The most ideal level is that of *all* characteristics (either reported or unreported), followed by recorded violations, known and accessible violations, locally reported violations (nation-state), internationally reported violations, and the most biased coverage of violations, which may include those reported in US sources.

Work in this area seeks to obtain lower levels of information in much greater detail. For example, the *Torture Reporting Handbook* (Giffard 2000) and *Reporting Killings as Human Rights Violations* (Thompson and Giffard 2002) are manuals that define specific rights, outline the legal protections against their violation, and provide ways in which testimony and evidence from victims can be collected.<sup>6</sup> The Human Rights Information and Documentation System (HURIDOCs), founded in 1982, provides standards for human rights violations reporting, and now represents a vast network of human rights groups (Dueck 1992: 127).<sup>7</sup> While such increased information at all

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<sup>4</sup> There is a certain functionalist logic at work here, which suggests that a gap between principle and practice is somehow acted upon and the national system responds to re-equilibrate the relationship between citizens and the state. Interestingly, human rights scholars have argued that social mobilization at the national level and activities carried out by actors embedded in so-called 'transnational advocacy networks' are the forces for such re-equilibration (see Foweraker and Landman 1997, 1999; Risse, Ropp and Sikkink 1999).

<sup>5</sup> While it is nearly impossible to count the number of domestic human rights NGOs around the world, Smith et al (1998) estimate that there are about 250 such organizations active across borders. See also the Union of International Associations at [www.uia.org](http://www.uia.org).

<sup>6</sup> Both these manuals are published by the Human Rights Centre at the University of Essex. For an on-line copy of the *Torture Reporting Handbook*, go to [www.essex.ac.uk/torturehandbook](http://www.essex.ac.uk/torturehandbook).

<sup>7</sup> For up to date information on the activities of and groups involved with HURIDOCs, see [www.huridocs.org](http://www.huridocs.org).

levels is helpful for systematic human rights research, there remains a trade-off or tension between micro levels of information gathering and the ability to make systematic comparative inferences about human rights. In order for equivalent measures to 'travel' for comparative analysis, there will necessarily be some loss of information, while the comparability of measures allows for stronger generalizations about human rights violations to be drawn.<sup>8</sup>

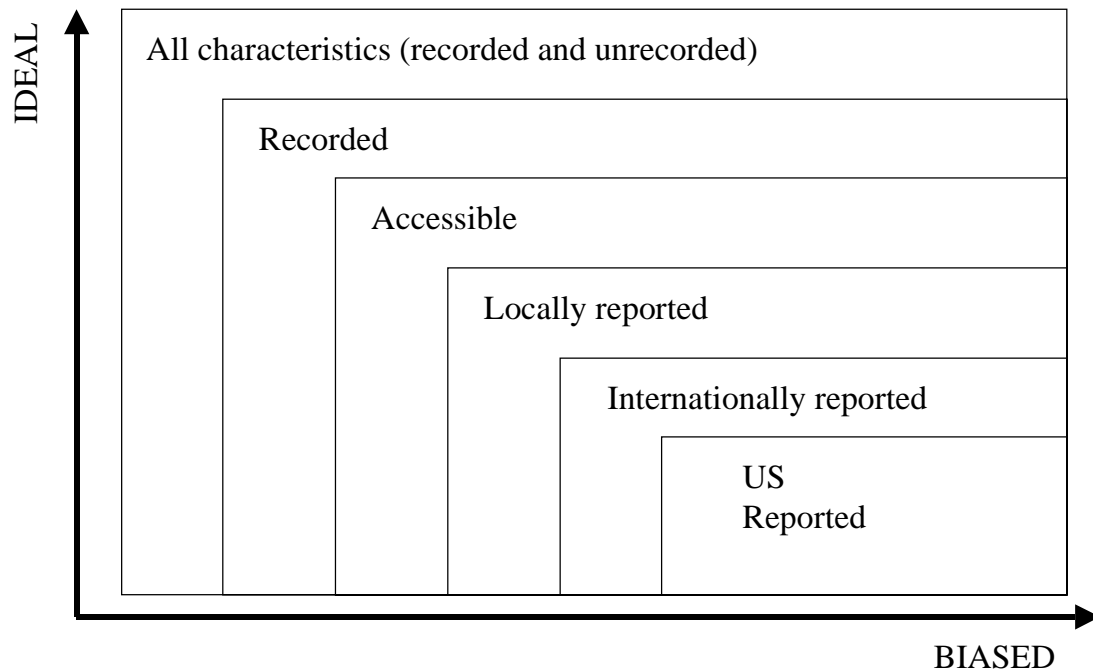


Figure 5. Bollen's level of human rights information and reporting

These issues about levels of information and the commensurability for comparative analysis delineate the three types of data available for measuring human rights in practice: (1) events-based, (2) standards-based, and (3) survey-based. Events-based data chart the reported acts of violation committed against groups and individuals. Events-based data answer the important questions of what happened, when did it happen, and who was involved, and then report descriptive and numerical summaries of the events. Standards-based data establish how often and to what degree violations occur, and then translate such judgements into quantitative scales that are designed to achieve commensurability. Survey-based data use random samples of country populations to ask a series of standard questions on the perception of rights protection.

These different types of data map overall human rights practices within a country in different ways. The HURIDOCs project, handbooks such as those on torture (Giffard 2000) and unlawful killings (Thompson and Giffard 2002), and the work of nationally based human rights commissions collect events-based data, which can provide time-series and continuous indicators on human rights violations. Scales such as the 'political terror scale' (e.g. Poe and Tate 1994), the 'index of political freedom' (Freedom House), the torture scale (Hathaway 2002), 'the minorities at risk' project (Gurr 1993), and the 'state failure project' (Esty et al. 1998) use available information on human rights practices of states to generate global indices. Finally, survey-based

<sup>8</sup> For a treatment of this trade-off between levels of abstraction and the scope of countries under comparison, see Landman (2000, 2002, 2003).

data on rights can be found in such studies as the *Eurobarometer* series, *Latinobarometer* series, and the *World Values Survey* (Inglehart 1977, 1990, 1997, 1998). In addition, governments themselves have begun conducting mass public opinion surveys on individual perceptions of human rights. For example, the Home Office in the United Kingdom commissioned a citizenship survey, which contains a series of questions on the Human Rights Act of 1998 and general questions about rights and duties of UK citizens.<sup>9</sup>

Figure 6 is an example of events-based data for state practices under the Pinochet regime in Chile from 1979 to 1986. The information for the data came from the Chilean Human Rights Commission (see Reiter et al. 1992: 118-119) and the figure depicts the number of reported instances of harassment and intimidation on the one hand, and torture and mistreatment on the other. Figure 7 shows the abstract measures of civil and political rights, personal integrity rights, and torture the world between 1976 and 2000. Freedom House has a standard checklist it uses to code civil and political rights based on press reports and country sources about state practices and then derives a scale that ranges from 1 (full protection) to 7 (full violation).<sup>10</sup> The personal integrity rights measures are abstract scales that range from 1 (full protection) to 5 (full violation) for state practice that include torture, political imprisonment, unlawful killing, and disappearance. Information for these scales comes from the US State Department and Amnesty International country reports (Poe and Tate 1994). In similar fashion, Hathaway (2002) measures torture on a 1 to 5 scale using information from the US State Department. Finally, Figure 8 shows the frequency response on the 'support for human rights' question contained in the World Values Survey, which interviewed random samples of individuals from forty-three societies between 1981 and 1990. On this particular question, which was posed in the 1990 survey, there were responses from eight countries. Taken together, Figure 6-8 show the different types of data available for measuring rights in practice.

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<sup>9</sup> The results of the Home Office survey will be available on [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk).

<sup>10</sup> The checklist for political liberties includes: Chief authority recently elected by a meaningful process; legislature recently elected by a meaningful process; fair election laws, campaigning opportunity, polling and tabulation; fair reflection of voter preference in the distribution of power; multiple political parties; recent shifts in power through elections; significant opposition vote; free of military or foreign control; major groups or groups allowed reasonable self-determination; decentralized political power; informal consensus, de facto opposition power. The checklist for civil liberties includes: media and literature are free of political censorship; open public discussion; freedom of assembly and demonstration; freedom of political or quasi-political organization; non-discriminatory rule of law in politically relevant cases; free from unjustified political terror or imprisonment; free trade unions, peasant organizations, or equivalent; free businesses or co-operatives; free professional or other private organizations; free religious institutions; personal social rights; socio-economic rights. See. Gastil (1987, 1990); Freedom House (1990); and [www.freedomhouse.org/research/freeworld/2000/methodology.htm](http://www.freedomhouse.org/research/freeworld/2000/methodology.htm).

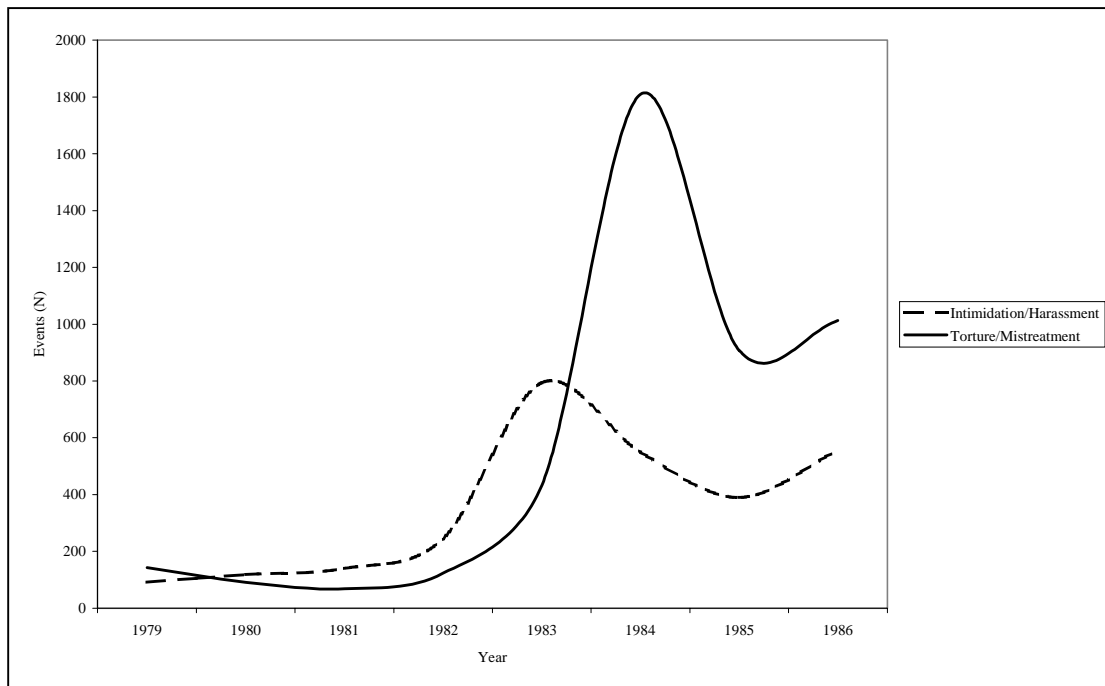


Figure 6. Events data from the Pinochet years (1979-1986): intimidation and harassment; torture and mistreatment (Reiter et al. 1992: 116-120)

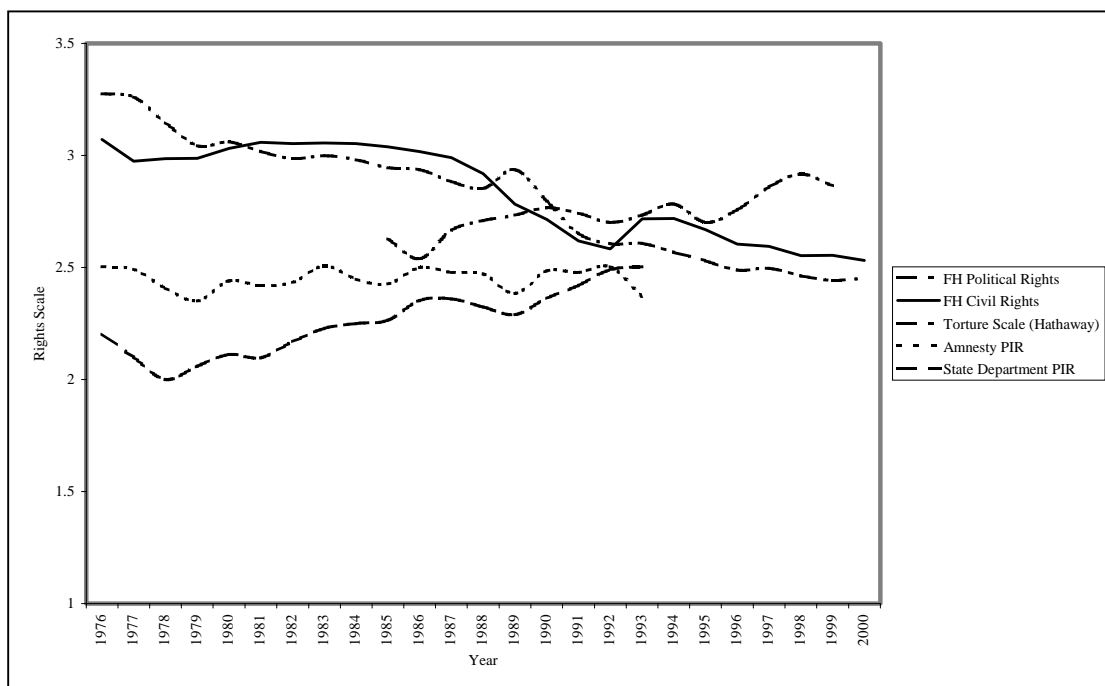


Figure 7. Standards-based measures for the world 1976-2000.

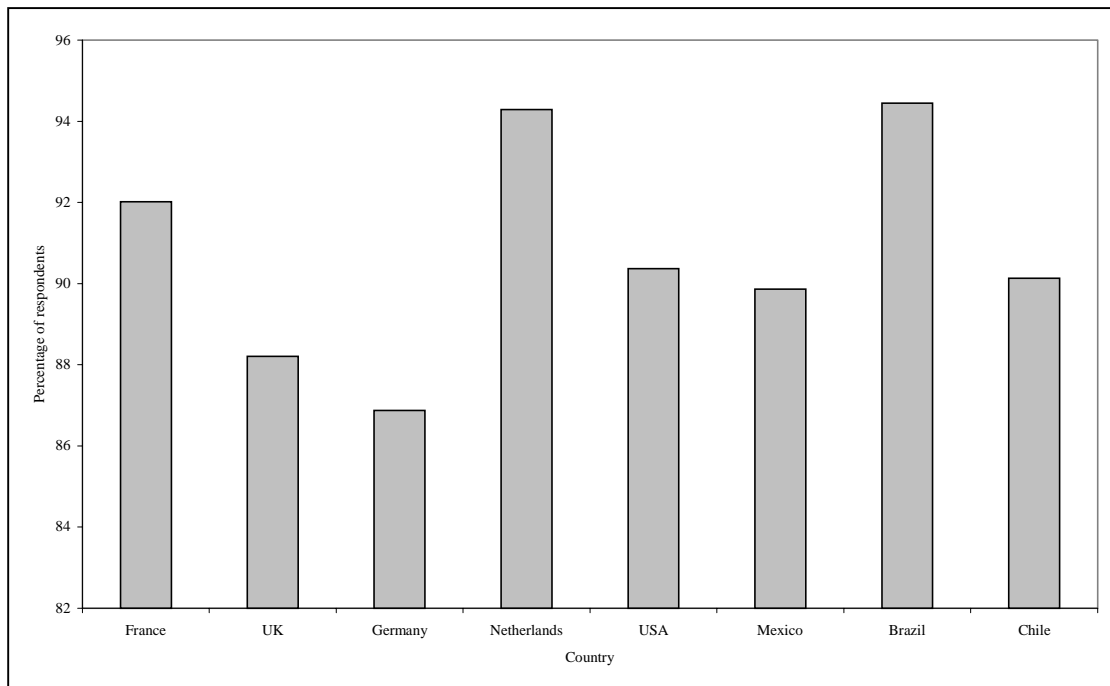


Figure 8. *World Values Survey* (1994) question on support for the idea of human rights in 1990 across eight countries ( $1002 \leq N \leq 2095$ ).

Although this paper is primarily concerned with the measurement of civil and political rights, it is possible to extend the methodological discussion to include the measurement of economic, social, and cultural rights. Despite the common plea for all human rights to be indivisible (as reinforced, for example, by the 1993 Vienna Declaration and Programme for Action), many human rights scholars continue to argue that civil and political rights are negative rights (i.e. what the state should not do), while economic, social, and (most) cultural rights are positive rights (i.e. what the state should do) (see Davidson 1993; Jones 1995). This division between positive and negative rights has influenced the methodological discussion concerning their measurement. Following this division explicitly or implicitly, scholars have argued that it is hard to measure economic, social, and cultural rights since their progressive realisation relies on the fiscal capacity of the state for which no comparable measures are possible (see Foweraker and Landman 1997; Keith 1999). But if the denial of economic, social, and cultural rights is the product of particular government practices, then it seems equally possible to use qualitative information to summarize such practices into ordinal scales similar to those used for civil and political rights. Overt, institutionalised, or implicit discrimination against individuals or groups that prevents their access to education or adequate health constitutes a practice that violates a right. In theory, such a violation can be reported and coded using events-based, standards-based, and/or survey-based data. The minorities at risk project codes the degree to which 224 different minority and communal groups experience discrimination using such ordinal scales (see Gurr 1993, and also Foweraker and Krznaric 2001).

Finally, it is important to note that these three types of data (events-based, standards-based, and survey-based) are fraught with their own methodological problems. As outlined above, events-based data are prone to either under-reporting of events that did occur or over-reporting of events that did not occur, creating problems of selection bias and misrepresentative data. It is impossible to document every last human rights violation. Standards-base data establish comparability by raising the level of

abstraction, but lose significant detail in so doing. While they present a general picture of the human rights situation and are useful for drawing comparative inferences, they necessarily sacrifice the kind of specificity for pursuing direct legal action against perpetrators. Finally, survey data, especially those used across different political contexts are prone to cultural biases, where the meaning of standardised questions on rights protection are differently understood in different countries. In this way, the debate about the universality of human rights affects the method of measuring rights through surveys, since it is not obvious that human rights are understood to mean the same thing across the world.<sup>11</sup> It is important therefore that those measuring human rights in practice *recognise the limits of their data*.

### 2.3. Government Policies and Outcomes

In addition to rights in principle and rights in practice, it is possible to provide more indirect measures of human rights using aggregate statistics on the outcomes of government policies. In her contribution to a 2001 conference on human rights impact assessment, Parr (2002) makes the useful distinction between human rights conduct and developmental outcomes that may have a bearing on human rights. She stresses the fact that certain dimensions of conduct and outcomes are simply not prone to quantifiable measurement (see Radstaake and Bronkhurst 2002: 31-32). In the language of this paper, her distinction fits well with the difference between rights in practice (conduct) and government policy (outcomes). In contrast, however, this paper argues that practices and outcomes are more readily quantifiable than Parr (2002) assumes. The discussion in the preceding section demonstrated that human rights scholars have long been measuring rights in practice, albeit with a greater emphasis on civil and political rights. Qualitative information on the degree to which certain categories of rights have been violated is either summarised quantitatively (events data), translated into comparable quantitative ordinal scales (standards-based data), or acquired through individual level data collection techniques (survey-based data).

Traditionally, development studies and development economics have often relied on quantitative indicators of the outcomes of government policies, including gross domestic product, gross domestic product per capita, income inequality, expenditure on health, education, and welfare, among many others.<sup>12</sup> Indeed, the UNDP's human development index (HDI) combines per capita income (standard of living) with literacy rates (knowledge), and life expectancy at birth (longevity) (UNDP 1999: 127-137). While not providing a direct measure of rights protection *per se*, such measures can elucidate the degree to which governments support activities that have an impact

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<sup>11</sup> Anthropologists, sociologists, and political scientists who adopt culturalist perspectives have long grappled with these issues. On the one hand, the sceptics argue that there are limits to cross-cultural and transnational understandings of human rights and any attempt to measure them using a survey instrument will necessarily fail (see MacIntyre 1971). On the other hand, there are those who argue that cross-cultural measurement of human rights is possible since there are 'homeomorphic equivalents' of rights that can be probed using social scientific methods (see Renteln 1990). Indeed, in political science, comparative scholars have long been measuring popular attitudes toward government, political institutions, and the degree to which citizens can participate effectively in governmental processes (see Almond and Verba 1963, 1989; Inglehart 1977, 1990, 1997, 1998). In many cases, they identify 'functional equivalents' across different governmental institutions in order to allow for cross-cultural comparison (see Dogan and Pelassy 1990; Landman 2000, 2003).

<sup>12</sup> The World Bank has over 500 separate indicators for the whole world for the period 1960 to the present, go to [www.worldbank.org](http://www.worldbank.org) for information to its on-line world development indicators (WDI) database.

on human rights. Just as ordinal scales can trace state practices that violate economic, social, and cultural rights, aggregate statistics can be used to measure civil and political rights. For example, it is possible to measure funding for judiciaries, investment in police and prison reform, incarceration rates, number of registered voters, voter turnout, and the number of civil society organizations. For economic and social rights, it is possible to measure union membership, average wages, percentage of the workforce in work, enrolment rates, and hospital beds. For cultural rights, it is possible to measure the social and spatial mobility of ethnic and cultural minority populations, as well as spending on bi-lingual education. In short, aggregate measures of provision can depict the degree to which governments are committed to putting in place the kinds of resources needed to have a 'rights-protective regime' in place (Donnelly 1999).

#### 4. SUMMARY AND IMPLICATIONS

This final section reviews the degree to which work has been carried out in providing human rights measures across their different dimensions and considers four main implications for continued work in this area. This paper has argued that the measurement of human rights is vital for continued vigilance on human rights abuses, relies on careful documentation of such abuses, and can operationalise different categories of human rights for systematic analysis. It has shown that human rights can be measured in principle, in practice, and as outcomes of policy. Table 1 summarises three modes of measurement with one column for each and with separate rows for definitions of each mode, general descriptions of relevant indicators, and specific descriptions of indicators broken down across the different categories of human rights. Various efforts to date have produced measures for the different cells in the table, where some cells have received more attention owing to differences in intellectual interests, availability of information, and tractability of measurement problems.

##### 4.1. Principle, Practice and Policy

Rights in principle can be measured by translating qualitative legal information into quantitative information and to date, such efforts have coded the non-participation, signature, and full ratification of countries across the major international human rights treaties (Keith 1999; Bayefsky 2001, Landman 2001; Hathaway 2002), as well as coded national constitutions for rights provisions (Maarseveen and Tang 1978; Foweraker and Landman 1997; Poe and Keith 2002). At the international level, work still needs to be done on the relative weight of each treaty, the role for reservations held by individual countries (Hathaway 2002), and the conditions under which countries exercise their rights to derogation. At the national level, continued work is needed on the coding and assessment of constitutions for their rights provisions and the conditions under which rights can be suspended. Moreover, in the post-9/11 world, continued work is needed on the degree to which states have enhanced their national security doctrines to the detriment of basic rights protections. For example, the United States, Germany, and the United Kingdom have all passed new legislation which gives greater power and authority to national security institutions while undermining human rights.<sup>13</sup>

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<sup>13</sup> For an analysis of the trade-off between security and rights in the United Kingdom, see Weir et al. (2002).

Rights in practice, and especially civil and political rights, have received the most attention to date, with numerous abstract scales of rights protection generated from qualitative rights reporting. The index of freedom produced by Freedom House has the most comprehensive coverage over time and across space, but has been subject to widespread criticism for its continued opacity and ideological biases.<sup>14</sup> The measures of personal integrity rights violations (Poe and Tate 1994, Gibney and Dalton 1996; Poe, Tate, and Keith 1999) have over the years shown reasonably high inter-coder reliability, and the five-point scale that they use has been adopted to cover other areas including torture (Hathaway 2002), women's rights (Poe, Wendel-Blunt, and Ho 1997), and workers' rights (Cingranelli and Tsai 2002). Despite the validity of these measures, their relative crudeness does little to differentiate rights protection across the advanced industrial countries, while mapping the more salient differences in rights protection between the global North and South.

Measures of political rights necessarily overlap with measures of democracy, which are too numerous to mention here, but the most widely used measures include Vanhanen's (1984, 1990, 1997) index of democratization and the Polity IV set of institutional measures of democracy and autocracy (Jaggers and Gurr 1995; see also Foweraker and Krznaric 2001). There is the further problem that rights scales are being used for measures of democracy and democracy scales for measures of human rights (see Landman 1999; Foweraker and Krznaric 2001), thereby conflating and confusing two concepts that overlap only partially. Finally, while the minorities at risk project measures discrimination against minorities, little work to date has appeared on measuring discrimination in health and education.

Measuring the outcomes of policy has mostly focused on aggregate indicators of socio-economic performance, while more lateral thinking is needed on how such indicators can be used to demonstrate outcomes that have an impact on civil and political rights. The Union of International Associations provides quite detailed information and aggregate statistics on international and national non-governmental organizations, which could arguably depict the density of national and international civil society as well as the degree to which states protect the right to assembly and association (see Boli and Thomas 1999).<sup>15</sup> In addition, they provide aggregate statistics on country membership in international governmental organizations (IGOs), which recent comparative research demonstrates has a dampening effect on involvement in international conflict (see Russett, O'Neal and Davis 1998; Russett and O'Neal 2001).<sup>16</sup>

A final example demonstrates how many of the measures outlined in this paper have been combined to examine whether international human rights treaties make a difference. Hathaway (2002) combines the concepts and analytical categories from

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<sup>14</sup> Despite its two checklists for civil and political rights, there is still some mystery as to how information collected using the checklists is ultimately converted into the 1-7 scales. Moreover, throughout the period of coverage (1972-present), Freedom House either underestimates rights abuses in certain parts of the world or overestimates them in others, and it tends to reward countries for economic freedom (see Landman 1999).

<sup>15</sup> Data on INGOs, IGOs, and NGOs are available from [www.uia.org](http://www.uia.org).

<sup>16</sup> Research currently being conducted by this author shows that membership in IGOs is highly correlated with human rights treaty ratification and overall levels in the protection of civil and political rights.

international law, international relations and comparative politics. She uses measures of human rights in principle (international human rights law coded by country participation), human rights in practice (standardised measures of genocide and torture), and human rights outcomes (women's representation in national parliaments). She then conducts bivariate and multivariate statistical analysis and finds mixed results on the empirical relationships between country participation in human rights treaties and country performance on her different measures of rights in practice. While the overall causal relationship between rights in principle and rights in practice remains problematic and in need of further research, Hathaway's (2002) study represents a significant advance in the statistical analysis of human rights protection.

#### 4.2. Implications and the Way Forward

The issues raised in this paper are important for the future of human rights protection, advocacy, and education, and it is hoped that their discussion points the way forward for work in this area. While great advances in the measurement and analysis of human rights have been made, there are four important implications for future work that are drawn from the preceding discussion. First, all human rights measurement relies primarily on a base of information. There is thus a continued need for the generation of high quality information at the lowest level of aggregation, suggesting an important role for NGOs, IGOs, academics, and government commissions devoted to documenting and measuring human rights. Second, there is a great need to share all available information. While the advent of the Internet has greatly increased the ability to share information on human rights, there is still a massive digital divide between the North and South. Closing the divide through investment in the necessary infrastructure and educational systems can increase our ability to share information. The need for sharing information must be complemented by an ethos of replication, where the production of new human rights measures should be discussed openly and made available as soon as possible. Third, there is obviously the need for continued funding of data collection efforts and that human rights measurement entails a long term investment on the part of the international and national actors. Further development of domestic and international groups documenting and measuring human rights is vital.

Finally, there is a need for critical and reflective self-assessment of human rights practices at home. Richard Falk (2000: 60) argues that in addition to Bobbio's (1996) 'three stages' in the evolution of human rights norms<sup>17</sup>, a 'fourth stage' of internalization of human rights norms is crucial. Human rights measurement is not only an outward looking process conducted by the advanced industrial nations of the North, but also an inward-looking exercise for all nations aspiring to improve the degree to which rights are protected. To that end, the Democratic Audit, a research unit within the Human Rights Centre at the University of Essex, has developed assessment criteria based on international human right law that allow for detailed monitoring and evaluation of rights practices in the UK. The Democratic Audit has produced three audits of democracy in the UK (Klug et al. 1996; Weir and Beetham 1998; Weir et al 2002) and has applied its assessment framework in comparative

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<sup>17</sup> These stages include (1) reflections on the human condition in Roman times (2) development of rights doctrines during the American and French Revolutions, and (3) the translation of national norms of rights to the international sphere, as seen in the development of international human rights norms since the 1948 UN Declaration.

perspective in Bangladesh, El Salvador, Italy, Kenya, Malawi, New Zealand, Peru, and South Korea (Beetham et al. 2002).<sup>18</sup> While not providing comparable measures of democracy and human rights akin to those abstract scales discussed in this paper, the Democratic Audit criteria are for self-application and selection using a nationally based team of academics, NGOs, state, and non-state actors. Assessment teams focus on those aspects they feel are in most need of attention, while the assessment process itself becomes a tool for advocating best practice.

Taken together, these implications suggest that international and national actors in the field of human rights have much to contribute in the way of documenting and measuring human rights. Measurement is an imprecise science, but one that is nonetheless useful for mapping human rights developments in the world, examining the plausible explanations for the continued global variation in their protection, and in providing policy solutions for improving that protection in the future.

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<sup>18</sup> A summary of the third audit of the UK can be found at [http://www2.essex.ac.uk/human\\_rights\\_centre/news/democracy\\_under\\_blair.htm](http://www2.essex.ac.uk/human_rights_centre/news/democracy_under_blair.htm). The results of the comparative assessments are available from the International Institute from Democracy and Electoral Assistance (IDEA) at [www.idea.int](http://www.idea.int).

Table 1. Measuring Human Rights: Principle, Practice, and Policy

	Principle	Practice	Policy Outcomes
Definition	Normative standards of rights as found in international and national legal documents	Rights conditions as enjoyed by individuals and groups on the ground	Provision of goods and services with an impact on human rights, and quantifiable outcomes of government policy
General indicators	Coded provisions for rights protection in national constitutions  Coded country participation in regional and international human rights regimes	Events-based reporting of violations  Standards-based evaluations of state practices  Survey-based data on perceptions	Aggregate statistics, government legislation on specific areas
Specific indicators			
	Civil No torture, no arbitrary detention, fair trial, private correspondence, <i>habeas corpus</i>	To what degree are these rights being violated?	Funding of judiciaries Investment in police and prison reform
	Political Association, assembly, vote.	To what degree are individuals prevented from exercising these rights?	Number of registered voters Voter turnout Number of civil society organizations (INGOs and NGOs)
	Economic Right to work, to form unions, engage in collective bargaining	To what degree are these activities taking place?	Union membership Average wages Income inequality
	Social Rights to health and education	To what degree are individuals and groups being prevented from accessing health and education systems?	Provision of social welfare, education, and healthcare, e.g. spending levels, hospital beds, literacy rates, fertility and mortality rates
	Cultural Linguistic/religious/ethnic rights	To what degree is there linguistic/religious/and or ethnic discrimination?	Social and spatial mobility of minorities Spending on bilingual education

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