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Developing bottom-up indicators for human rights

Nicole Stremlau

There is a growing effort to quantify and track trends in human rights. The reliance on large, international indicators, including global indexes and national human rights report cards, is increasing as part of international development assistance and human rights monitoring. This article explores the limitations of mainstream human rights indicators, particularly in the developing world, arguing that many of these approaches overlook local realities. An alternative strategy for designing bottom-up human rights indicators is offered drawing on the experience of constructing the Uhakiki Human Rights Index in Tanzania. The challenges of developing an appropriate and feasible methodology in complex environments is discussed, particularly given that with bottom-up indicators, what works in one situation might not necessarily be transferrable to another context.

Keywords

Human rights indicators; Africa; political rights; index; human rights trends

Introduction

Every year new governance, democratization, development or even happiness indicators, sometimes in the form of ‘global report cards’ or ‘indexes’, join the ranks of some of the more established ones.¹ Some quickly fade and are not regularly updated while others grow and thrive to become standard bearers for their field. In an era of big data, there is an increasing emphasis on tracking trends, whether trends of economic development, conflict, freedom or human rights. This is both part of the quantification of international development aid and the efforts to justify continued investments, as well as a way to encourage compliance with certain norms or standards.² It is often assumed that such data is relatively ubiquitous, accurate and easy to come by. In many countries, there are still frequent challenges to this, particularly when it comes to sensitive issues like civil and political rights.³ Governments often fail to keep accurate records and even if such records do exist, they are reluctant to provide access, particularly on human rights issues such as extrajudicial killings or the arrest of journalists. This leads those who do seek to track trends, and attempt to make arguments as to whether a particular political or legal situation in a country is improving or deteriorating, to rely on large international data sets, or global indicators, that are typically produced by international NGOs, or organisations such as the World Bank or United Nations. The appeal of indicators in today’s world is apparent; they can help to simplify and make sense of the increasing amount of data that is available and, as many of the indicators are ‘global’, they can help to orient people and organisations to unfamiliar contexts.

This article emerges from the view that many of these prevailing approaches fail to account adequately for local contexts, are overwhelmingly self-referential and, as argued by Kevin Davis, Benedict Kingsbury and Sally Merry, are technologies of power, reproducing western-dominated frames and definitions and defining the relationship between rich and poor countries.⁴ The effort here is to set out a new approach and methodology for developing more local human rights indicators to identify trends in civil and political rights in developing

countries through an approach that is more sensitive to local contexts and definitions. By drawing on several alternative methods for understanding opinions and perceptions, often in complex social and political situations, this article proposes a bottom-up human rights perceptions index and introduces a series of methods that can be used to develop such an index. This as an art, not a science, and any set of indicators will have limitations. But the intention is to develop alternative ways of temporally assessing human rights trends in a specific context.

The article proceeds by first situating the growing explosion of indicators, particularly in the development, democratisation and conflict fields, and offers some reasons why and how they are increasingly being used (examples include Freedom House, the Mo Ibrahim Index and the Media Sustainability Index, to name a few). It then provides a critique of the mainstream methodologies for indexes, which range from aggregated data to ‘expert perceptions’, along with some observations about the politics of such indexes, some of which draws on the author’s experience as a contributor to the Freedom House Freedom of the Press Index for the last ten years, covering Ethiopia, Eritrea, Somalia and Somaliland.

A different methodology is then proposed, one that adopts a bottom-up approach for understanding civil and political rights such as freedom of expression at the national level and from a local community perspective. Drawing on methods such as Peace Polls and Everyday Peace Indicators,⁵ new ways of analysing trends are suggested. This approach focuses on everyday manifestations of rights, including free speech and media in local communities, and it highlights indicators that are often overlooked by large scale comparative indexes. The article reflects on how this has been developed in practice, with initial lessons learned from piloting the Uhakiki Human Rights Perceptions Index in Tanzania, which focuses on civil and political rights. This initiative is led by the Legal and Human Rights

Centre (LHRC) in Dar es Salaam, to which the author has contributed. The article concludes by exploring some of the limitations and criticisms with such an index.

The proposal for more bottom-up human rights indicators comes at a critical junction in academia and research in the global south. Longstanding calls to dewesternise or decolonise academia have become reinvigorated and are being led by universities, particularly in countries such as South Africa. This approach encourages interrogating whether the normative frameworks and indicators that are so prevalent and used by international and national human rights organisations active in developing countries reinforce dominant, and predominantly, western approaches. While firmly rooted in established norms of human rights, the call for more locally-rooted and bottom-up indicators seeks to provide an alternative perspective grounded in the practice of human rights in very different contexts. At the same time, however, the turn to ‘the local’ has been increasingly interrogated. In 2017, a special section of *Social Anthropology* examined the growing pressure of ‘bottom up’ and ‘grassroots’ development initiatives.⁶ The trend to emphasize the ‘local’, particularly by those working in the conflict and peacebuilding, or international development, sector has emerged as a way to signal that interventions are (in theory) more consultative and less prescriptive by outsiders. The extent to which this is actually implemented is, however, debatable and tends towards token initiatives or the selective adoption of voices or traditions to suggest ‘the local’ rather than embracing the more messy and uneven realities of many societies.⁷ This article recognizes this challenge but also acknowledges that, within the quest to identify trends or indicators, even more local ones, some of this nuance is bound to be obfuscated due to the nature of the data and methodology.

Politics and the production of human rights indicators

Since the 1970s there have been indexes for civil and political rights, with prominent examples including the annual Freedom in the World report by Freedom House,⁸ the Political Terror Scale⁹ and the Bertelsmann Transformation Index,¹⁰ to name a few. Their methods differ significantly and they range from relying on ‘expert’ perceptions of human rights in a country where individuals are asked to assess the degree to which certain rights are respected (typically by the government) and often taking into account political events such as elections or conflict, to indexes that aggregate and draw connections between the data collected by other organisations, such as the Ibrahim Index of African Governance,¹¹ which, for its rule of law section, relies on data from more than ten sources, such as the World Bank, World Economic Forum, Global Integrity and United Nations. Other indexes adopt a methodology where they review and code qualitative reports from advocacy and human rights organisations, essentially turning them into quantifiable data such as the Cingranelli-Richards Human Rights Database¹² that has primarily relied on the US Department of State’s Country Reports on Human Rights but also drew on Amnesty International’s Annual Report for some human rights indicators. More broadly, there are well-known indicators to track corruption, such as Transparency International’s Corruption Perceptions Index¹³ (also built on expert perceptions), the World Bank’s Worldwide Governance Indicators¹⁴ and the UN’s Human Development Index,¹⁵ to name a few. The appeal of indexes is that they are perceived to be objective, technical, complex and scientific. Nevertheless, many are not and those that are more statistically advanced are often aggregates of a number of sources and, as a consequence, only as rigorous as the data from which they are comprised.¹⁶ Given that many of the indexes are primarily self-referential by combining and analysing data from each other, it also means that they infrequently diverge or offer differing perspectives, or evaluations, of a situation.¹⁷ In a sense, they offer normative consensus shrouded in the language of objectivity and quantitative evaluation.

Just as there is no agreed upon method for indexes, what constitutes an ‘indicator’ is similarly wide-ranging. It often depends on who or what organisation is being asked and what their background might be, or in which field the organisation works, such as law, governance, economics or development. One definition that is broad and reflects governance and human rights perspectives argues that:

An indicator is a named collection of rank-ordered data that purports to represent the past or projected performance of different units. The data are generated through a process that simplifies raw data about a complex social phenomenon. The data, in this simplified and processed form, are capable of being used to compare particular units of analysis (such as countries, institutions, or corporations), synchronically or over time, and to evaluate their performance by reference to one or more standards.¹⁸

A more legalistic definition of indicators is offered from the Office of the High Commissioner for Human Rights, according to which indicators are:

specific information on the state of an event, activity or an outcome that can be related to human rights norms and standards; that address and reflect the human rights concerns and principles; and that are used to assess and monitor promotion and protection of human rights.¹⁹

Treaty bodies have been at the forefront of developing and encouraging the use of indicators to track the adherence, or move towards, ‘international standards’. These types of indicators focus on measuring specific rules ‘on the books’, as opposed to those that refer to events and how rights are manifested ‘on the ground’.²⁰ In the former context, indicators use laws as the benchmark: they assess whether a state’s national laws are in line with treaty obligations, rather than the actual implementation of the laws or the context in which a law might be applied. Such indicators are easier to develop and employ as it is primarily a matter of

assessing whether a country has passed a law. In the latter, the emphasis is on how people experience rights or the outcomes of recognizing and applying these rights, which is far more subjective. While it is common for treaty bodies to request information from national governments to assess compliance, the approach emphasizing implementation appears to be more commonplace for bodies that focus on economic and social rights (the Convention on the Rights of the Child, for example, regularly collects this data), rather than on civil or political rights, which are inevitably more political and for which the data are typically harder to come by.

To a large degree the methodology of an index, or indicators, is determined by the data available. Indicators that attempt to be global and cover most, if not all, countries are often constrained by existing data sets, typically what is reported by international organisations or national governments. Few organisations have the capacity, reach, or financial resources to conduct annual research in all countries, or a wide range of regions, and those that do, such as United Nations organisations or the World Bank, are often restricted to their specific mandates, which are politically driven and restrict the types of data they can collect and the scope of analysis they may do. Furthermore, the data that may be collected can be difficult to compare, while aggregated indexes such as the Ibrahim Governance Index attempts to address this through detailing the ways in which they weigh data or address gaps at a country level, governments have very different capacities when it comes to national statistics. What may not be seen as sensitive or political for Norway, for example, can be highly so for Nigeria and many governments, if they are willing to release sensitive data (about political imprisonments or journalist arrests) either may not hold accurate records or may intentionally alter the data. In this context, a major challenge that has motivated this article's call for more bottom-up indicators is the debateable extent to which many of the mainstream indexes ask the most relevant questions for developing countries and actually

reflect an accurate account of a situation on the ground. Human rights indicators and indexes are almost exclusively devised in rich capital cities in the global north with questions that are supposed to apply to a wide range of countries.²¹ But the process of making many of these indicators and indexes is somewhat arbitrary, and often subtly political, with significant discretion available to the compiler in choosing what to include in selecting weightings, smoothing over data unavailability or validating perception surveys from experts. The tolerable level of arbitrariness may vary for different stakeholders or countries.

In many cases the data that can be collected for indexes and indicators reflect the art of what is possible, or reasonable, rather than ideal. Many organisations are working hard to determine the most fair, balanced and objective way of tracking trends in human rights that is feasible but, nevertheless, there are major limitations to the prevailing approaches. Three questions inform the present critique: who the indicators are for (demand); who is making them (supply); and what they include or exclude (scope).

Administering rights: Who indicators are for

In many cases, particularly for human rights, indicators are donor-driven. There is a growing emphasis on evidence-based funding by international organisations and western donor agencies, such as the United States Agency for International Development (USAID) or the UK's Department for International Development (DfID).²² Aid to the governance, or legal sector, which human rights work typically falls under, is often hard to track and outcomes can be difficult to quantify. After substantial interventions in a particular sector, such as media development assistance, donors and implementing organisations (often international or local NGOs) may want to know, for example, whether their investment has strengthened freedom of expression, increased media independence, or diminished attacks on the press. While

media assistance is often difficult to assess, implementing organisations are well-aware that future funding relies on their ability to demonstrate quantifiable results within their sector.²³

Indicators may also be used to determine whether countries or organisations are meeting specific higher-level goals that are of interest to a particular organisation or agenda. For example, the UN and the Office of the High Commission for Human Rights (OHCHR) are increasingly focusing on the ‘tracking’ of human rights when they discuss ‘tracking progress in achieving human rights goals’ under the Development Post-2015 Agenda.²⁴ This has its roots in the Millennium Development Goals (MDGs) as the UN has continued to emphasize how to track the gains or identify backsliding countries.²⁵ The objectives and targets were well-publicised and governments publicly committed to plans to meet the targets that were incorporated into national agendas and donor projects. This focus, however, was also one of the drawbacks and the MDGs were criticized for undermining the objectives that they sought to support, including human rights.²⁶ The pressure to meet targets, and the challenges that national governments and other actors face in doing so, has led to results being manipulated and arguments that the indicators do not reflect the larger development ecology that they are intended to assess. William Easterly, for example, has emphasised that the very structure of the MDGs appears to disadvantage Africa by portraying it as failing to meet all MDG targets and clouding some important success stories. As he argues,

a series of arbitrary choices made in defining ‘success’ or ‘failure’ as achieving numerical targets for the MDGs made attainment of the MDGs less likely in Africa than in other regions even when its progress was in line with or above historical or contemporary experience of other regions.²⁷

Further, Amir Attaran has argued that simply getting effective data for the MDGs has been too challenging from many countries. In particular there has been a lack of baseline data, thus

making it difficult to know whether the desired trend of improvement is occurring, forcing researchers to make assumptions or extrapolations.²⁸

Indicators and indexes may also be developed primarily to serve the interests and agenda of the organisation that is creating and administering them. An annual index, for example, can garner significant media attention and put the organisation, and the issues it is raising, in the news. Such coverage, however, often depends on how sensational the findings of the index are. This means more coverage when countries are dramatically declining and more coverage for headlines that suggest human rights are in a dire situation. This publicity can, however, be a strategy for opening up dialogue with governments about issues of reform and responsibilities. Indicators and indexes that are primarily used for advocacy purposes have to be relatively simplified and easily interpretable (in this context the indicators Freedom House uses of 'free', 'partly free' and 'unfree', with their associated colour codes and maps, are examples of such an approach).²⁹

Many indicators are, however, ideological (particularly subjective indicators such as opportunities for free expression, rather than more objective ones such as the number of elections held) and reflect a change in the ways that the administration of human rights takes place.³⁰ Rather than pressuring or compelling governments to respect human rights laws on the basis of an analysis of rights in practice that might account for the specific history, political agenda and economic reality of a country, the trend towards indicators on the part of funding agencies emphasises the rankings and assessments that are embedded within the particular indicators. Countries or organisations that receive funds must often make the case that they can help improve a specific indicator, moving a country along a linear path towards a particular conception of a human right.³¹

A complementary example of another sector where rankings and indexes have had a clear impact in distorting the goals and institutions involved is the proliferation of annual

rankings of universities and colleges. Rankings such as the US News and World Report, QS, and Times Higher Education have had a profound impact on what university administrations prioritise, what is deemed important and where resources are directed. As a consequence, institutions, particularly those in emerging economies, are attempting to reform and advance within the logic and framework of the rankings themselves, rather than the institutional priorities and context of the country in which they operate.³² For example, priority and incentives can be placed on publishing in western journals rather than regional forums, single authored publications rather than collaborative research, and a focus on the quantity of outputs over quality. In the effort to generate comparative data, assessment rests on the indicator itself with its particular emphasis and standards as determined by the evaluating organisation.

Power and production: Who is making the indicators

When interpreting and analysing any indicator, particularly those related to human rights, it is important to reflect on who is making them and what kind of power they yield. Far from neutral, indicators are often tools for organisations or governments to shape policies, influence debate and elevate certain groups or states above others. Receiving a high ranking on a particular index can give new authority and credibility to the group or government, while a lower ranking can have the reverse effect. In this context, indicators can embed and affirm, or challenge, certain power dynamics and relationships. Organisations such as the United Nations, a great producer of indicators, are accountable to the agreements and directives of its member states who finance the organisations. For certain UN organisations, rankings can be highly political and sensitive. While the United Nations often tracks trends, when it comes to more subjective trends like ‘freedom of expression’ it tends to do so in vaguer terms than other organisations, focusing on ‘regional’ trends (such as in the Arab

region or Africa) obscuring the specific situation in particular countries and avoiding the risk of alienating a member state;³³ when it does come to expressing national indicators, the tendency is to focus on monitoring the extent or status of the ratification of international human rights treaties, as reflected in the Human Rights Indicators by the Office of the High Commissioner for Human Rights.³⁴

Other indicators are more political, such as the Freedom House Freedom in the World or Press Freedom Indicators. Freedom House, which receives significant funding from the US government and some conservative donors, tends to take a distinctively ideological approach rooted in specific notions of democracy, freedom and civil liberties. The emphasis is on individual freedom and the relationship with the state, which advances a certain idea and definition of democracy, one that some critics have argued is rooted in Christian and western countries.³⁵ Freedom House has responded that its indicators are derived from the Universal Declaration of Human Rights and undergo rigorous peer review.³⁶ The response by countries ranked as ‘unfree’ or even ‘partly free’ is typically harsh and dismissive, as Hungary’s Foreign Affairs and Trade Minister, Peter Szijjarto, argued in response to a report saying that democracy in Hungary is deteriorating: “The contents of the report are nonsense, as well as the fact that people sitting in offices thousands of kilometres away from Budapest are talking about conditions in Hungary.”³⁷ However, many countries do pay attention to the findings and local activist groups may use them to justify certain campaigns or increased pressure for reforms.

Critics have also argued that Freedom House does not review the United States or other western countries with the same standards, reflecting the interests of the majority funder, the US government.³⁸ While researchers have stressed that there appears to be little ‘conspiracy’ on the part of the US government to control the organisation,³⁹ there is a significant convergence of views with the US foreign policy community. This can partly be

attributed to leading politicians, such as former Secretary of Defence, Donald Rumsfeld and his deputy, Paul Wolfowitz, taking up posts or advisory roles at the institution as well as the flow of staff between institutions. In this case, even if the Index is not directly funded by the US State Department, as they claim to receive ‘no government funding’,⁴⁰ other parts of the organisation do receive US government funding and, with limited staff, individuals often work across projects with their various funders, undoubtedly leading to a cross fertilisation of ideas and agendas.

Countries such as China have responded to this type of annual review by establishing an alternative version, similar to the recent development of university indexes by Chinese institutions (such as Academic Ranking of World Universities produced by Shanghai Jiao Tong University). On March 6, 2017 the Chinese government issued a report on the human rights situation in the United States, three days after the US State Department released their annual report on human rights around the world. The Chinese report argued that ‘[w]ielding “the baton of human rights”, [the US report] pointed fingers and cast blame on the human rights situation in many countries while paying no attention to its own terrible human rights problems’.⁴¹ This reflects broader efforts by countries such as China to shift the standards of evaluation of human rights, first by using similar discourse, formats and assessments of those that are assessing them and secondly by increasingly seeking to shape global human rights governance. For example, the Chinese government argued, during a side event organised by the government at the 34th session of the UN Human Rights Council in Geneva, that the ‘interpretation of human rights ideas cannot be taken out of their cultural contexts’.⁴²

The scope of indicators

What indexes and indicators choose to include, particularly when it comes to human rights, is as interesting as what is excluded. In an effort to simplify and redefine nuanced social

experiences into standardised and, most often comparable, units, there is a tendency to favour superficiality and simplicity. Local contexts including all of the particularities and cultural differences they may have, are obscured and overlaid by norms that focus on the way things ought to be and the benchmarks set by specific high-ranking countries that often turned into models or standard-bearers. In this context, it is important to probe the theoretical presumptions that the makers of the indicators hold and what might be overlooked. In the case of Freedom House, as discussed in the previous section, the focus is very much on the relationship between the citizen and the state. There is an emphasis on formal laws and institutions, rather than the informal, which, in the case of many African countries, can be equally, if not more important.

Somalia is just one example where such a framework tends to overlook key issues of how law and speech actually function. Often seen as a country where nothing works or as a ‘lawless’ territory, media, and free speech more broadly, vary significantly across Somalia where a wide range of authorities might regulate speech, varying from the self-declared independent state, and relatively peaceful region of Somaliland, to areas controlled by the Islamist group Al Shabaab, or the small and weak territories held by the internationally recognized Federal Government . Customary law, or *xeer* law, Sharia law, and in some cases the formal court system, are used to address various freedom of expression issues, from defamation cases to protecting media and communications infrastructure.⁴³ Human rights indicators and indexes that evaluate legal environments typically overlook the role of such legal systems, focusing instead on national legislation and the role of courts. But in a region where the government has little authority and courts barely function, customary law assumes greater importance. Similarly, in regions where mass media may be limited, looking to newspapers, radio or television as an indicator of the degree to which free speech is tolerated (and by whom, again in a region where the state has limited capacity) may overlook the

importance of oral forms of communication such as poetry or song. Indicators that are developed with one society in mind (often rich, western countries) tend to emphasise formal rules and regulations and may not have the scope of what is required when examining other societies that may be more characterised by informal rules and regulations.

Another example of how particular definitions and norms can be embedded in indicators is the case of the World Bank's Doing Business Indicator. While this is not a human rights indicator, it illustrates the way certain presumptions about the relationship between law and economic development have informed the development of the indicators, illustrating the importance of recognizing that what is excluded can be as important as what is included.⁴⁴ Through this indicator, the World Bank is explicit about what it considers to be effective and acceptable rules for property rights and resolving disputes. These are rules that lower the costs of mediating such disputes and are seen to increase the predictability of doing business.⁴⁵ Embedded in the indicators is an assumption that limited or no regulation for business is best.⁴⁶ The major mechanism for assessing this and compiling the index is through the collection of perceptions from elite lawyers about doing business within the countries being assessed; this is similar to Transparency International's Corruption Perceptions Index. While the use of perceptions is a common method, albeit with the documented limitation that it is prone to bias,⁴⁷ who the experts are is critical to identifying the strengths and limitations of the assessment. Undoubtedly elite lawyers will have a particular experience and perception of what it is like to navigate regulations and establish businesses in a country like Tanzania, and this is likely to differ significantly from those who actually own and manage small businesses that very likely operate either partially or fully in the informal economy- a reality that is likely to be obscure to elite lawyers. The assessment of formal regulations would also likely diverge from other types of legal authorities who might mediate disputes 'informally', such as elders or religious leaders. For many starting a business, significant time may be

spent working with these other authorities and may actually be a more common way of doing business. Thus, what the indicator ‘sees’, or identifies as relevant, is just one dimension of what the actual environment may be like, particularly in a country where the state has limited reach, where various authorities mediate disputes, and where the informal economy is prominent.

Data accessibility, normative descriptions and technical approaches to comparative indexes force and embed particular definitions of human rights, privileging certain values and perspectives over others. The next section turns to examining how a more bottom-up approach can lead to the construction and production of more inclusive human rights indicators.

Designing bottom-up indicators

In the context of limitations of mainstream methodologies for developing human rights indicators described so far, the Uhakiki project sought to develop a unique approach that would be rooted in the Tanzanian context and reflect civil and political rights across the country, not just in the major cities. There were, of course, constraints, and the construction and actual implementation of indicators is often the art of what is possible rather than the ideal. Organisations have limited budgets for data collection and the available data on civil and political rights in Tanzania, which is primarily collected by state institutions, or international organisations, is highly limited and irregular.⁴⁸ While the sections above on the construction of international indicators highlighted the limitations of data collected by organisations that often embark on global or comparative indexes, the Tanzanian government has a weak statistics office and there have been widespread claims around the politicisation of data collected by government departments, particularly on controversial issues involving human rights defenders, imprisonment and media.⁴⁹ Demonstrating its reluctance both to

release such data and tolerate other organisations that generate statistics, in 2015 the government of President Jakaya Kikwete signed a Statistics Act into law that introduced strict regulations over who is allowed to generate statistics or collect such data and that makes it illegal to distribute statistics that ‘may result in the distortion of facts’.⁵⁰ Furthermore, the Act includes a hefty fine and / or at least one year’s imprisonment for any person who even ‘publishes or communicates’ statistical information that was collected in contravention of the Act.⁵¹ While the Statistics Act represents a major reversal of a commitment to transparency and open data, it also fails to recognise the inherent politics and bias embedded in statistical data.

Accounting for the constraints of the limited and politicised data available from the Tanzania National Bureau of Statistics⁵² as well as an organisational budget at the LHRC that did not allow for the possibility of an annual representative survey, particularly when sustainability to allow for the tracking of trends on an annual basis was considered, a perceptions-based approach that would draw on the vast network of the LHRC’s human rights monitors was seen to be the most effective and feasible. With hundreds of human rights monitors and paralegals regularly reporting as part of their network, this was a unique opportunity to leverage well-informed and engaged experts from around the country. Following on the sampling and perceptions methodology used by Freedom House, the IREX Media Sustainability Index and Transparency International, among others, two human rights monitors / paralegals were selected from each of Tanzania’s 32 regions to complete the survey on an annual basis. This is also a natural approach given the quality of the LHRC experts and the type of perceptions questionnaires devised- some of the questions were fairly detailed and would not necessarily be the type of data that surveys can easily record. A perceptions index also allows data to be compared across regions and temporally.

Given the discussion above about the limitations of most indexes and indicators, it is important to mention briefly some the significant limitations of perceptions indexes, in this context, that were considered before deciding on the approach adopted. With perceptions indexes there are almost always varying views among experts. Not all experts will have the same perspectives, definitions or indeed ‘perceptions’ of issues. They will also inevitably have inbuilt biases and certain values. The UN Development Programme acknowledges this, noting that corruption indicators are often ‘more of an art form than a precisely defined empirical process’.⁵³ In the case of the human rights monitors that form the LHRC network, this is inevitably skewed towards the definition of human rights that the organisation itself promotes, a definition that is rooted in international norms and the agendas of its funders, particularly bi-lateral western governments. The founders of the organisation, academics at the University of Dar es Salaam, were ‘disillusioned by the State and its policies’ and ‘wanted to avoid the risks involved in challenging the State and hence decided to set up an independent non-governmental human rights centre’⁵⁴. Its focus is on holding ‘duty bearers’ (government actors) to account and on encouraging ‘good governance’.⁵⁵ The LHRC experts have undergone significant training from the organisation about how to define human rights and how to recognise and identify violations according to the LHRC’s definition. Similarly, as an advocacy organisation that seeks to hold duty-bearers to account, as with many human rights organisations, the focus is on ‘violations’ as part of a broader effort to encourage improvement in the government’s respect for rights, suggesting that there may be a tendency for the human rights situation to be described in more severe or declining terms. This makes training the experts, and ensuring that there is sufficient criteria and explanatory material, a key aspect of preparing an assessment to ensure that statements will be assessed according to the same standards.

While the Uhakiki Index has been structured around a perceptions approach, its bottom-up strategy is unique and emerged through adopting and adapting several different research methods for understanding opinions and perspectives about social and political issues, three of which are described in depth here: Everyday Peace Indicators, Peace Polls and Deliberative Polling. These methods are interwoven across the Index but they have each tended to shape one key aspect of the methodology. The approach around Everyday Peace Indicators has been instrumental in informing the process of defining the questions that are asked of the experts; Peace Polls influenced the process of making the questionnaire and creating consensus and credibility of the index; and Deliberative Polling shaped the process of responding to the questionnaire and validating the responses through consultation.

Everyday Peace Indicators

The Everyday Peace Indicators project⁵⁶ focuses on understanding the framing, narratives and challenges of conflict at a local level, among communities, that can then inform the macro interventions that are often led by states or international actors.⁵⁷ Deployed in countries such as South Sudan, Uganda, South Africa and Zimbabwe, the approach of the Everyday Peace Indicators is to generate community level indicators of peace that are then deployed through a survey questionnaire. These indicators are seen as having a ‘richness and texture’ that is not present in many of the indicators defined by international organisations and deployed on a global scale.⁵⁸ While understanding trends in conflict at the local level is one aspect of the methodology, a second objective is to bring the local perspectives into dialogue with more top down or meta-perspectives allowing for robust and comparative data. Examples of the types of alternative and locally defined indicators identified by this approach include: ‘storeowners painting their storefronts;’ ‘a decline in sectarian graffiti;’ and the ‘health and adoption of stray dogs’.⁵⁹ These are signals that might be particular to a specific

community but they were derived by that particular community as the most salient indications that peace or conflict may be increasing or decreasing.

The Everyday Peace Indicators approach informed the design process of the Uhakiki Index by engaging LHRC monitors in the process of crafting the questions through identifying what indicators might be around each of the rights. The LHRC monitors were asked to define the questions and statements that best represent the way rights are manifested in their particular community. There was remarkable consensus and this allowed for a more locally-rooted approach to each of the rights. For example, taking the case of Right to Life, a major concern in Tanzania is around witchcraft (which is not typically considered in right to life human rights questions) but rather than simply focusing on questions such as the number of elderly people killed after being accused of witchcraft, or the number of albinos injured, the study focused on questions around what symbols signified that community members might feel safe. One indicator focused on the protection of people with albinism within their community, asking whether traditional and local leaders intervene against people who injure or kill people with albinism, or whether albino children feel safe walking to school. Questions also proposed by the LHRC monitors offered a focus on both informal and formal interventions for dispute resolution and justice that might not always be captured by more formal indicators that emphasize, for example, almost exclusively state justice such as court cases or imprisonment.

Peace Polls

The effort to build a bottom-up approach in the Uhakiki index has been further reinforced by the methods used in Peace Polls.⁶⁰ As part of a strategy to overcome the limitations of standardised public opinion polling, researchers have experimented with methods to have local actors prepare survey questions. In the case of Peace Polls, a methodology used to

determine public opinions as part of a peace processes, the parties to a conflict first have to draft, deliberate and then agree on all the questions that will be asked. This involves substantial consultation and the process of preparing the questions themselves offers significant insight into peace processes. Peace Polls have the further requirements that all the communities that are involved and affected by the conflict participate in the survey and the results of the survey must be made public, ensuring that the entire process is transparent.

As mentioned, LHRC human rights monitors and paralegals were involved in designing and writing the questionnaire and, as part of the process to refine and validate the questionnaire, members of government (who were also likely to be the fiercest critics of the index) were consulted. These government representatives were provided with a copy of the questionnaire, briefed on the structure and objectives of the Uhakiki Index and offered the opportunity to suggest changes or additions to the research instrument. This has been an important step to improve stakeholder buy-in of the process and reduce, or mitigate, potential criticisms from those who may feel they are a subject of the findings. It also leads to a more bottom-up process as ‘duty-bearers’ or those who are seen as responsible for protecting human rights, and are often the recipients of criticism about human rights violations, are given an opportunity to evaluate and comment on the questions.

Deliberative Polling

One of the challenges with any index is ensuring the experts have a consistent understanding of the issues and a similar grounding as to how they should be assessed. Deliberative Polling offers some tools for addressing this challenge through building political deliberation and discussion of the issues and survey questions into the process.⁶¹ The idea is that if citizens (or in this case the expert human rights monitors) are thoroughly informed of the issues on which they are being polled, their responses will be different than if they did not participate in the

deliberation. Consultations and discussions about the issues allow for a more real assessment of views and perceptions. In the case of deliberative polls, the approach uses a representative sample that is polled twice: both before and after the consultations. The poll particularly reflects on the changes of opinion or the shifts that occur between the first two polls to understand and extrapolate better how the public might view a specific issue if they were better informed and engaged by the issues.⁶² While this approach has been refined and is most often used by the Stanford Center for Deliberative Democracy, there is a precedent with Consensus Conferences that emerged in Denmark in the 1980s as a way for government to engage citizens in policymaking. This approach followed a similar format to that of Deliberative Polling by engaging members of the public who do not have particular expertise in the issue being discussed, informing and briefing this sample on the background and policy implications of the issue over several days, and then, towards the end of the conference inviting the citizens to offer their perspectives and recommendations to the policymakers.⁶³

The strategy used in Deliberative Polling that emphasises the process of reflecting on the initial assessment informed the approach of the Uhakiki Index to hold a two-day ‘ratings review meeting’ where the expert human rights monitors gather and reflect on their initial scores. The monitors are responsible for both reviewing and recalibrating their own scores as well as those of colleagues. This process is highly beneficial for broadening knowledge about human rights at the community level, drawing out more accurate comparisons and enabling more informed assessments. It also emerges from the experience of previous assessments in Tanzania, for example, the African Media Barometer (AMB), which was led by the Friedrich Ebert Stiftung organisation and the Media Institute of Southern Africa.⁶⁴ The AMB involved 12 experts who would assess whether the country, as a whole, meets the indicator. The responses were wildly divergent, even on seemingly objective statements or indicators, such as whether Tanzania has ‘adequate competition legislation / regulation or seeks to prevent

media concentration and monopolies'. Ranging from 1-5, where 1 is 'country does not meet the indicator' to 5 where 'country meets all aspects of the indicator', four people assessed a 1, three a 2, one a 3, one a 4 and three a 5.⁶⁵ A ratings review meeting (in the spirit of Deliberative Polling) ensures that such divergent perspectives are given a forum and space to be discussed, to develop more informed experts, and enable assessments to be re-evaluated and recalibrated.

By drawing on these very different methodologies the Uhakiki Index offers one approach towards a more bottom-up perspective on human rights while providing for the types of data that would allow for tracking trends both temporally and between different regions. It also attempts to move away from more normative framing of human rights and begins with definitions and indicators that resonate with particular and divergent communities. This contributes to broader efforts at 'decolonizing' or 'dewesternizing' parts of academia and research that this article referred to in the introduction.

There are of course limitations to this approach. Relevant questions and local indicators are unlikely to remain stagnant over the years (as opposed to comparing 'law on the books') posing challenges for temporal consistency. Similarly, such indicators are typically a litmus of a very local community, and while a community may have a situation that is indicative of a region, it is not a representative survey and will still be an extrapolation. As with any index, despite assumptions, it is not a scientific process and requires a realistic approach towards what the uses of the index might be, what purpose it would serve, and what debates an index might be attempting to frame. This helps to delineate a reasonable scope and approach while managing expectations of users. For example, when indicators promise to be 'global' or 'representative', but just seek the views of elites in capital cities, this can erode trust in the field (particularly on the part of those being assessed that might fall towards the bottom of a ranking) that the indicator or even the right is somehow unjustly skewed, as

noted earlier in this article in comments by Hungary's Foreign Affairs and Trade Minister, Peter Szijjarto.

Conclusion

The making of human rights indicators is a political art rather than solely a scientific and empirical project. Returning to the characterisation of indicators as 'technologies of power' or global governance, Davis et al. noted that indicators are often highly contested when they are first created and promoted; media and governments, in particular, may be critical about how certain issues are assessed and the objectivity or perceived 'science' behind them. However, as time progresses, and typically after a few years, the indicator is presented as 'fact' with limited discussion about how it is made or what data it comprises.⁶⁶ Rather than emphasising methodological flaws or shortcomings, the focus turns to the claims the organisations that put forward the indicators are making.

There are often strong incentives for advocacy organisations to suggest that there is a decline in standards of what they may be assessing. Negative news such as 'press freedom under threat' or 'deterioration in voting standards' receives headlines, raises the profile of the organisation, and attracts funding from other organisations or international governments with an interest in reversing that trend. While a move towards bottom-up indicators will not reverse the tendency for simplified headline grabbing findings, it will help support the development of more meaningful ways of assessing, evaluating and understanding trends. Similar to large scale indicators, there will be challenges to this methodology, but if the questions embedded in bottom-up indicators are more locally relevant and embrace alternative perspectives, this can also have an important influence on shifting debates about how rights are understood and analysed in different societies.

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⁶ See special section on 'Diverging Conceptualisations of the Local', in *Social Anthropology* 25, no. 4 (2017).

⁷ Birgit Brauchler, and Philipp Naucke, 'Peacebuilding and Conceptualisations of the Local', *Social Anthropology* 25, no. 4 (2017): 422–36.

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- ¹⁴ The World Bank, ‘Worldwide Governance Indicators’, <http://info.worldbank.org/governance/wgi/#home> (accessed September 29, 2018).
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