

Human Rights Indicators

Country data and methodology 2000

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Introduction

The *Human Rights Indicators. Country and Regional Data Base* has been developed primarily as a data base for use at the Danish Centre for Human Rights. The data base intends to contribute to strategy development and country assessment in the project work at DCHR.

The data and countries selected for this data base have therefore been chosen not with a view to global assessments of human rights, but rather to feasibility assessments within regions and countries where the Centre has projects or where project work is considered.

The purpose of this publication is to provide project managers, partners as well as external stakeholders in Denmark and in the countries where we work, with tools of assessments which allow international comparison in terms of processes of democratisation, compliance with fundamental human rights, and a broader range of related subjects such as development problems, crime levels, and intra-regional movements of people.

The document contains three parts: one illustrating human rights commitment, mostly at the regional level, a second indicating government compliance with civil and political rights, and a third providing data and observations from the regional data base. The latter also contains detailed information on human rights commitment of states.

The theoretical and methodological basis for the present development of indicators is available as part II of this volume.

Part 1: Human Rights Commitment

Indicators of Conduct

Four dimensions of Human Rights Commitment

Formal Commitment

Commitment to civil and political rights

Commitment to economic, social and cultural rights

Commitment to eradication of gender discrimination

The Human Rights Commitment Indicators include indicators of conduct. They focus attention on government formal and actual behaviour in relation to human rights.

“Formal Commitment” measures acceptance of human rights instruments including regional human rights conventions and incorporation of human rights in national constitutions. The formal commitment indicator has four components: Ratification of fundamental international and regional human rights instruments, ratification of other UN human rights conventions, reservations to international or regional conventions, and national Bills of Rights.

“Commitment to civil and political rights” measures whether governments violate eight human rights standards which can all be found in the key international and regional conventions. They are: 1. Extra-judicial killings /disappearances, 2. Torture and ill-treatment, 3. Detention without trial, 4. Unfair trial, 5. Participation in the political process, 6. Freedom of association, 7. Freedom of expression, and 8. Discrimination except gender discrimination which is measured separately.

“Commitment to Economic Social and Cultural Rights” measures the degree to which governments fulfil their obligations on economic, social rights and cultural rights. It does so in a very preliminary manner as human rights indicators of conduct for the ICESCR are not well established internationally. Two components have been included as regards this indicator, i.e., the proportion of government expenditure spent on health and education as a percentage of the gross domestic production, and the gross national income in combination with achievements of progress in the human development indicators health and education.

Concerning indicators of gender discrimination, it should be noted that gender discrimination prevails in any country examined. Indicators in this field must therefore measure degrees of discrimination and not whether it occurs or not. However, internationally accepted indicators in this field are poorly developed. The two components included in this index intend to flag the issue rather than define it precisely. This indicator measures government employment of women at all levels together with achievements of progress in the UNDP defined Gender Development Indicators.

A Regional Overview of Human Rights Commitment

	1 Formal Commitment	2 Commitment on CPR (actual viol.)	3 Commitment on ESCR	4 Commitment on Gender Discrimination
Southern African countries	1.6	4.2	5.4	3.7
Great Lakes countries	1.6	6.7	4.6	4.1
West African countries	1.5	5.1	5.1	3.4
Mediterranean countries	2.3	6.3	3.9	5.3
Balkan countries	0.2	5.4	3.8	4.3
Baltic countries	0.3	1.3	3.5	3.8
Eastern European countries	0.3	1.9	2.8	4.9
Russia and Western CIS	0.4	5.6	4.0	5.6
Caucasian countries	0.5	5.6	6.0	5.7
Central Asian countries	..	5.8	5.0	6.7
East and South East Asian countries	3.6	6.2	5.0	5.8
South Asian countries	3.4	5.0	4.8	4.6
Central American countries	1.3	4.2	4.0	3.8
USA	2.5	4.0	4.0	3.5
Denmark	2.0	1.0	3.0	4.5

Note: Dark Zones Indicate absence of commitment (range from 5.1-8.0), grey zones indicate intermediate commitment (range from 2.6-5.0), and light zones indicate strong commitment (range from 0-2.5). For Human Rights Commitment Data Base, see Annex 1.

Four Observations on Human Rights Commitment

- 1.** In terms of formal commitment, most regions are quite advanced. This does not preclude the need for supporting legal reform work, but at the level of understanding commitments of governments to ratify and incorporate human rights, there seems to be a relatively well developed basis. Human rights are also incorporated in national constitutional Bills of Rights on a quite consistent basis.
- 2.** More generally, concerning overall commitment, the ‘dark sheep’ regions containing countries with low commitment on two or more dimensions are the West African region, the Mediterranean region, the Russia and Western CIS region, the Caucasian, Central Asian, and East and South East Asian regions.
- 3.** Actual repression of civil and political rights is still prevailing. The details will be provided in the next pages for the individual countries. The following regions stand out as particularly repressive in terms of CPR violations: the Great Lakes, the Mediterranean, the Balkan, the Russian and the Western CIS, the Caucasian, the Central Asian and the East Asian and South East Asian regions. In most of the repressive regions, there are no major variations among the countries of the region. The pattern of repression is regionally defined.
- 4.** The most repressive regimes in our data base measured in terms of CPR violations are Kenya, and Cambodia (both scoring 8), and Sierra Leone, Burundi, China, Yugoslavia, Belarus, Turkmenistan, Uzbekistan, Egypt and Turkey (all scoring 7). The best scores in terms of CPR commitment are Slovenia (scoring 0), Lithuania and Denmark (scoring 1), and Latvia, Estonia and Poland (scoring 1.5).

Government Compliance with Civil and Political Rights

A Note on Interpreting Violations

Eight indicators have been selected for measurement of state compliance with civil and political rights. The selection of the indicators has been undertaken with a purpose of capturing major dimensions of compliance or repression based on recognised human rights standards, but also with a view to data availability.

Three different sources inform the indicator: the US State Department reporting (x), the Amnesty International Annual Reports (y) and the Human Rights Watch Annual Reports (z). Where these three sources explicitly state 'no violation', we have marked an '-', where the sources do not relate to the standard in question, we have marked an 'ni', where the sources positively indicate violation of the standard, we have marked either x, y, or z.

The dark zones in the tables denote that two or more sources explicitly claim that a pattern of violations by state forces prevails. The grey zones indicate either that single incidences of violations have occurred, or that there seems to be some doubt on whether violations take place in as much that one source claims violations while one other source does not refer to it.

White zones indicate non-violation or strong indications of doubt, in the sense that two sources do not comment on the standard in question while only one source argues for violations. Also, where sources explicitly conflict in the sense that one source indicates '-' for no violations and another indicates that violations do take place, the no violations claim prevails and white zoning is used. Sources tend to economise on their explicit statements of 'no violation', hence, where they do so, it is a statement of significance.

Generally, at least two independent sources must acknowledge sustained patterns of violations before dark zoning is used.

Four Observations on Violations

1. Violations of civil and political rights occur quite systematically in the countries presented below. Compliance with civil and political rights occur in East Europe and the Baltic, while encouraging cases can be found in Southern Africa (South Africa and Namibia) and in West Africa (Benin).
2. The civil rights (standards 1-4) seem to be more systematically violated than the political rights (5-7). This might be due to the fact that sources are more explicit on civil violations than on political ones. However, governments might also find it easier to relax political repression, because it is still possible to control political freedom through civil oppression. A second explanation is that it might be more difficult to control and prevent institutionalised forms of repression at all levels of the public sector due to institutional inertia and because of resource constraints.
3. Among the civil rights, violations in the form of torture and ill-treatment can be found in 60 of the 70 countries selected. Detention without charge or trial takes place on a non-compliant basis in 47 of the countries selected, while fair trial violations occur in 50 countries. Disappearances and extra-judicial killings are perpetrated in 41 countries. In these estimates of violations prevalence, we have not included the grey zones, i.e., the single incidences and the cases where doubt prevails. According to these estimates then, violations of these civil rights occur in 71% of the country cases with respect to extra-judicial killings and disappearances and in 86% of the country cases concerning torture and ill-treatment.
4. Generally, in the regions selected, the record of human rights fulfilment as far as civil rights are concerned is therefore not very good. In addition, there seems to be a need to improve state performance as far as Discrimination (no. 8) is concerned. In 42 out of the 62 country cases, governments are discriminating on the bases of race, ethnic group, regional or political position.

Violations - Southern African countries

US State Depart. 98 (x), AI 99 (y)¹, HRW 99 (z)

	1. extra judic. killings/disappearances	2. torture and ill-treatment	3. detention without charge or trial	4. unfair trial	5. participation in political process (denial of)	6. association (denial of freedom)	7. expression (denial of freedom)	8. discrimination
Angola ²	x, y	x, y	x ³ ni	x, y	x, ni	x, ni	x, y	x, y
Lesotho ⁴	x ⁵ , y	x, y	x, y	x ⁶ , y	-, -	-, y	-, y	-, ni
Malawi ⁷	x, ni	x, y	x, ni	x, ni	-, ni	-, ni	- ⁸ , y	-, ni
Mozambique	x, y, z	x, y, z	x, y, ni	x, y, ni	- ⁹ , y, z	- ¹⁰ , ni, ni	- ¹¹ , y, z ¹²	x, ni, ni ¹³
Namibia ¹⁴	x,	x,	-,	-,	-,	- ¹⁵ ,	x ¹⁶ ,	x,

¹AI does not report systematically on political rights.

²Human Rights Watch has focussed strongly on the civil war between the government (MPLA) and UNITA in its reporting on Angola, and reports only selectively on human rights. We have chosen not to use the source in this case.

³US State Department reports that detention without charge or trial is an ongoing problem and that the Ministry of Interior continued to systematically, arbitrarily, and secretly arrest and detain persons for all categories of crimes.

⁴HRW does not report on Lesotho.

⁵US State reports one case of extra-judicial killing.

⁶US State reports that opposition leaders claim that the magistrates are subject to government influence at times.

⁷HRW does not report on Malawi. Since Amnesty International does not report on Malawi in the annual report of 1999, the annual report 1998 has therefore been used.

⁸US State reports that there are some exceptions and limited self-censorship.

⁹US State reports that there were free and fair elections, though with irregularities relating to vote counting.

¹⁰US State reports that there are some limitations on registration of political parties and non-political organisations. (E.g. NGOs). A Decree was also issued regulating registration and activities of foreign NGOs. The registration process is not transparent, but organisations are usually not rejected.

¹¹US State reports that the Government usually respect the freedom of expression, but limitations are possible if the media does not respect the Constitution, human dignity, imperatives of foreign policy concerns and the policy of national defence.

¹²HRW reports that the police detains journalists when they are reporting on 'police cases'.

¹³HRW concentrates its reporting on Mozambique on the peace negotiations after the civil war, and less on the human rights.

¹⁴Amnesty International does not report on Namibia neither in the annual report 1999 nor in annual report 1998.

S. Africa (2)	x, y, z	x, y, z	-, -, -	-, -, -	-, -, -	-, -, -	- ¹⁷ , y ¹⁸ , -	-, -, z
Zambia	x, y, z	x, y, z	x, y, z	- ¹⁹ , ni, ni	x, ni, ni	x, y, z	x, y, z	x, y, ni
Zimbabwe²⁰	x, y,	x, y,	-, ni,	x, ni,	x, ni,	x, y,	x, y,	x, y,
Denmark²¹	-, ni	-, y,	-, ni	-, ni	-, ni	-, ni	-, ni	x, y,

HRW does not report on Namibia either.

¹⁵US State reports that the elections were fair and free, though with some irregularities.

¹⁶US State reports that the government generally respects the freedom of expression but that there are instances of government pressure on editors and on journalists.

¹⁷US State reports that the freedom of expression is generally accepted, but that limitations occur due to the apartheid era. There are also restrictions on the publishing of information on government affairs.

¹⁸AI reports that a civil rights lawyer who researched police and military organised crime received death threats and was harassed.

¹⁹US State reports that government usually respects the right to fair trial, but there have been instances where the parliament overturns the court ruling (last 3 cases in 1996). Also, the court suffers from a lack of resources and inefficiency.

²⁰HRW does not report on Zimbabwe.

²¹HRW did not report on Denmark. Amnesty did not report on Denmark in the annual report 1999, but did so in 1998.

Violations - Great Lakes countries
US State Depart. 98 (x), AI 99 (y)²², HRW 9 (z)

	1. extrajudic. killings/disappearances	2. torture and ill-treatment	3. detention without charge or trial	4. unfair trial	5. participation in political process (denial of)	6. association (denial of freedom)	7. expression (denial of freedom)	8. discrimination
Burundi	x, y, z	x, y, z	x, y, z	x, y, z	x, y, ni	x, ni, ni	x, ni, z	x, y, ni
Kenya	x, y, z	x, y, z	x, y, ni	x, ni, z	x ²³ , ni, z	x, y, z	x, y, z	x, y, z
Rwanda	x, y, z	x, y, z	x, y, z	x, y, z	x, ni, ni	x, ni, ni	x, y, ni	x, ni, z
Tanzania²⁴	x, -	x, y	x, y	x, y	x, y ²⁵	x, ni	x, y	x, y ²⁶
Uganda	x, y, z	x, y, z	x, y, z	x, ni, ni	x, ni, z	x, ni, z	-, y, z ²⁷	x, y, z

²²AI does not report systematically on the political rights.

²³US State reports that there has been a decrease in fraud and violence in connection with the Dec. 1997 elections.

²⁴HRW does not report on Tanzania.

²⁵AI reports that opposition supporters were imprisoned for shorter periods.

²⁶AI reports that soldiers harassed Moslems (single incidence).

²⁷AI reports that was one incident of interruption of a public political lecture.

Violations -West African countries
US State Dept. 98 (x), AI 99 (y)²⁸, HRW 99 (z)

	1. extrajudic. killings/disappearances	2. torture and ill-treatment	3. detention without charge or trial	4. unfair trial	5. participation in political process (denial of)	6. association (denial of freedom)	7. expression (denial of freedom)	8. discrimination
Benin ²⁹	x, y ³⁰	X ³¹ , ni	x, ni	-, ni	-, ni	-, y	-, y	x ³² , ni
Burkina Faso	x, y	x, y	x, y	x, y ³³	x, y ³⁴	-, ni	x, y	-, ni
Côte d'Ivoire	x, y	x, y	x, y	x, y	x, ni	x ³⁵ , ni	x, y	x, ni
Gambia	-, y ³⁶	x, y	x, y	x, y	x, ni	x, ni	x, y	-, ni
Ghana	x, ni	x, y	x, y	x, y	-, ni	-, ni	x, y	x, ni
Guinea	x, y	x, y	x, y	x, y	x, y	x, ni	x, y ³⁷	x, ni
Liberia	x, y, z	x, y, z	x, y, ni	x, ni, ni	- ³⁸ , ni, z	-, ni, ni	x, y, z	x, y, z
Mali	x, ni	- ³⁹ , y	x, y	x, y	- ⁴⁰ , ni	- ⁴¹ , ni	-, y	x, ni

²⁸Amnesty International did not report systematically on the elements referred to in 5-8. This, however, is not necessarily an indication of no violation of this right (cf footnote 2).

²⁹HRW does not report on Benin, Burkina Faso, Côte d'Ivoire, Gambia, Ghana, Guinea, Niger, Senegal and Togo.

³⁰Both US State and Amnesty report about two cases of extra-judicial killings.

³¹US State indicates that the prison conditions are improving, though still below international standards, and ill-treatment still takes place.

³²US State reports that Benin has a long history of regional rivalries.

³³AI reports one case of a unfair trial.

³⁴AI reports that there is a discrepancy between international monitoring bodies arguing that elections have been free and fair, and national observers who have claimed irregularities.

³⁵US State reports that there were no restrictions in the second half of the year.

³⁶AI reports three cases.

³⁷AI reports one case.

³⁸ US State reports that international bodies consider the election fair and free, but there was an atmosphere of intimidation.

³⁹US State reports no incidents of torture, but oppressive prison conditions.

⁴⁰US State reports that the international opinion is that generally elections have been free and fair, but that the opposition parties disagree.

⁴¹US State reports that with few exceptions freedom of association was respected.

Niger	x, y	-, y	x, y	x, ni	x, ni	x ⁴² , ni	x, y	x, ni
Nigeria	x, y, z	x, y, z	x, y, z	x, y, z	-, ni, z	-, ni, ni	x, y, z	-, ni, z
Senegal	x, y	x, y	x, y	x, ni	x, y ⁴³	x ⁴⁴ , y	-, y	-, y
Sierra Leone	x, y, z	x, y, z	x, y, z	x, y, z	-, y, z	-, ni, z	x, y, z	x, y, z
Togo	x, y	x, y	x, y	x, ni	x, y	x, ni	x, y	x, ni

⁴²US State reports that freedom of association was violated, but that there are ongoing improvements.

⁴³AI reports that the opposition parties disagree with the international opinion that the elections have been fair and free.

⁴⁴US State reports on two cases of violation of the right to participation in the political process.

Violations - Mediterranean countries

US State Depart. 98 (x), AI 99 (y), HRW 99 (z)

	1. extrajudic. killings/disappearances	2. torture and ill-treatment	3. detention without charge or trial	4. unfair trial	5. participation in political process (denial of)	6. association (denial of freedom)	7. expression (denial of freedom)	8. discrimination
Algeria	x, y, z	x, y, z	x, y, z	x, y, ni	x, ni, ni	x, ni, ni	x, y, z	x, ni, z
Egypt	x, y, z	x, y, z	x, y, ni	x, y, z	x, ni, ni	x, ni, z	x, ni, z	x, y, z
Morocco⁴⁵	-, y ⁴⁶	x, y	x, ni	x, y	x, ni	x, ni	x, y	x, y
Tunisia	x, y, ni	x, y, z	x, y, ni	x, y, z	x, ni, z	x, ni, ni	x, y, z	-, ni, ni
Turkey	x, y, z	x, y, z	x, ni, z	x, y ⁴⁷ , z	-, ni, z	x, ni, z	x, y, z	x, y, z

⁴⁵HRW does not report on Morocco.

⁴⁶Amnesty reports two cases of deaths under suspicious circumstances and several deaths in places of detention which may have resulted from torture and ill-treatment.

⁴⁷Amnesty reports one case of unfair trial.

Violations - Balkan countries

US state Dep. Human rights report 98 (x), AI 99 (y), HRW 99 (z)

	1. extrajudic. killings/disappearances	2. torture and ill-treatment	3. detention without charge or trial	4. unfair trial	5. participation in political process (denial of)	6. association (denial of freedom)	7. expression (denial of freedom)	8. discrimination
Albania	x, y, z	x, y, z	x, -, -	x, y, z	-, -, -	-, -, -	x, -, z	x, -, z
Bosnia-Herzegovina	x, y, ni	x, y, z	x, y, z	x, y, z	-, ni, z	x, ni, ni	x, ni, z	x, y, z
Bulgaria	x, y, ni	x, y, z	x, -, z ⁴⁸	x, y, z	-, ni, ni	-, ni, ni	-, y, z	x, y, z
Croatia	x, y, z ⁴⁹	x, y, -	x, -, ni	x, y, z	-, ni, ni	x ⁵⁰ , ni, z	x, y, z	x, y, z
Macedonia	x ⁵¹ , -, z	x, y, z	x, -, z	-, y, z	-, ni, -	-, ni, ni	-, ni, z	x, y, z
Romania	x ⁵² , y, ni	x, y, z	-, y, ni	-, y, ni	-, ni, ni	-, ni, ni	x, ni, z	x, y, z
Yugoslavia⁵³	x, y, z	x ⁵⁴ , y, z	x, y ⁵⁵ , z	x, y, z	x, ni, z	x, ni, ni	x, y, z	x, y, z

⁴⁸HRW reports one case.

⁴⁹HRW reports one case.

⁵⁰US State reports a decrease in the number of reports on denial of freedom of association.

⁵¹US State reports two cases of extra-judicial killings.

⁵²US State reports several cases of police beatings leading to deaths.

⁵³US State terms Yugoslavia as Serbia-Montenegro.

⁵⁴US State reports on torture and ill-treatment cases especially in Kosovo and in Sandzak.

⁵⁵AI reports that at least four students were detained without charge.

Violations - Baltic countries

US State Dept. 98 (x), AI 99 AR (y)⁵⁶, HRW 99 AR (z)

	1. extrajudic. killings/disappearances	2. torture and ill-treatment	3. detention without charge or trial	4. unfair trial	5. participation in political process (denial of)	6. association (denial of freedom)	7. expression (denial of freedom)	8. discrimination
Estonia	-, ni	x, y	-, ni	-, ni	-, ni	-, ni	-, ni	x, ni
Latvia	-, ni	-, ni	-, ni	x, ni	-, ni	x, ni	-, ni	x, ni
Lithuania	-, ni	x, ni	x, ni	-, ni	-, ni	-, ni	-, ni	-, ni

Violations - Eastern European countries

US State Dept. 98 (x), AI 99 AR (y), HRW 99 AR (z)

	1. extrajudic. killings/disappearances	2. torture and ill-treatment	3. detention without charge or trial	4. unfair trial	5. participation in political process (denial of)	6. association (denial of freedom)	7. expression (denial of freedom)	8. discrimination
Czech Republic	ni, ni, ni	-, y, z	-, ni, ni	-, ni, z	-, ni, ni	-, ni, ni	-, y, ni	x, y, z
Hungary	-, ni, ni	x, y, z,	-, ni, ni	-, ni, ni	-, ni, ni	-,ni, ni	-, ni, ni	x, ni, z
Poland⁵⁷	x	X ⁵⁸	-	-	-	-	-	x ⁵⁹
Slovakia	-, ni, ni	x, y, ni	-, ni, ni	x, ni, ni	-, y, z	-, ni, ni	x, ni, z	x, ni, z
Slovenia⁶⁰	-,	-,	-,	-,	-,	-,	-,	-,

⁵⁶AI and HRW do not report on Poland.

⁵⁷AI and HRW do not report on Poland.

⁵⁸Police abuses have occurred on several occasions.

⁵⁹Violence against ethnic minorities appears continuously.

⁶⁰Neither Amnesty nor HRW report on Slovenia.

Violations - Russia and Western CIS

US State Dept. 98 (x), AI 99 AR (y), HRW 99 AR (z)

	1. extrajudic. killings/disappearances	2. torture and ill-treatment	3. detention without charge or trial	4. unfair trial	5. participation in political process (denial of)	6. association (denial of freedom)	7. expression (denial of freedom)	8. discrimination
Belarus	ni, ni, ni	x, y, ni	x, y, z	x, y, z	x, y, ni	x, ni, z	x, y, z	x, y, ni
Moldova⁶¹	-, ni	x, y	x, y	x, y	x, ni	-, ni	x, ni	x, y
Russia	x, y, z	x, y, z	x, ni, z	x, ni, z	-, ni, z	-, ni, ni	x, y, z	x, y, z
Ukraine	ni, y	x, y	x, ni	x, ni	-, ni	x, ni	x, ni	x, ni

Violations - Caucasian countries

US State Dept. 98 (x), AI 99 AR (y)⁶², HRW 99 AR (z)

	1. extrajudic. killings/disappearances	2. torture and ill-treatment	3. detention without charge or trial	4. unfair trial	5. participation in political process (denial of)	6. association (denial of freedom)	7. expression (denial of freedom)	8. discrimination
Armenia	x, ni, z	x, y, z	x, ni, z	x, y, ni	x, ni, z	ni, ni, ni	-, ni, ni	x, y, z
Azerbaijan	ni, ni, ni	x, y, z	x, y, z	x, ni, -	x, ni, z	x, ni, ni	x, ni, z	x, y, -
Georgia	x, y, z	x, y, z	x, y, z	x, y, z	-, ni, ni	x, ni, ni	x, ni, z	x, y, z

⁶¹HRW does not report on Moldova.

⁶²AI and HRW do not report on Poland.

Violations - Central Asian countries

US State Depart. 98 (x), AI 99 AR (y)⁶³, HRW 99 AR (z)

	1. extrajudic. killings/disappearances	2. torture and ill-treatment	3. detention without charge or trial	4. unfair trial	5. participation in political process (denial of)	6. association (denial of freedom)	7. expression (denial of freedom)	8. discrimination
Kazakhstan	x, ni, ni	x, y, z	x, y, z	x, ni, z	x, y, z	x, ni, ni	x, y, z	x, ni, ni
Kyrgyzstan	ni, ni, z	ni, ni, z	x, y, z	x, ni, ni	x, ni, ni	x ⁶⁴ , y, ni	x, y, z	x, ni, z
Tajikistan	x, ni, z	x, y, z	x, ni, ni	x, y, z	x, ni, z	x, ni, z	x, y, z	x, ni, ni
Turkmenistan	x, ni, z	x, y, z	x, y, z	x, ni, z	x, y, z	x, ni, ni	x, y, z	x, -, z
Uzbekistan	x, ni, ni	x, y, z	x, y, z	x, y, z	x, y, ni	x, y, ni	x, y, z	x, y, z

⁶³Amnesty International did not report systematically on the elements referred to in 5-8. This, however, is not necessarily an indication of no violation.

⁶⁴US State reports that on the governmental level the right is usually respected, but officials, including those on the local level, sometimes use regulations to constrain this right.

Violations - East & South East Asian countries

US State Depart. 98 (x), AI 99 AR (y)⁶⁵, HRW 99 AR (z)

	1. extrajudic. killings/disappearances	2. torture and ill-treatment	3. detention without charge or trial	4. unfair trial	5. participation in political process (denial of)	6. association (denial of freedom)	7. expression (denial of freedom)	8. discrimination
Cambodia	x, y, z	x, y, z	x, y, z	x, y, z	x, y, z	x, y, z	x, y, z	x, y, z
China ⁶⁶	x, ni, ni	x, y, z	x, y, z	x, y, z	x, y, z	x, y, z	x, y, z	x, y, z
Indonesia	x, y, z	x, y, z	x, y, z	ni, y, ni	x ⁶⁷ , y ⁶⁸ , z ⁶⁹	x, ni, ni	x ⁷⁰ , y, z ⁷¹	x, y, z
Thailand	x, y, z	x, y, z	-, y, z	x, y, ni	-, ni, ni	-, ni- ni	-, y, -	x, y, z
Vietnam	- ⁷² , ni, ni	ni, ni, ni	x, y, z	x, y, z	x, ni, z	x, ni, z	x, y, z	x, y, z

⁶⁵Amnesty International did not report systematically on the elements referred to in 5-8. This, however, is not necessarily an indication of no violation.

⁶⁶The Chinese government used an international symposium on HR during October 1999 to argue against universal standards.

⁶⁷US State reports that citizens for the first time report success in their right to change the government.

⁶⁸In November 1998 new laws to protect future free and fair elections and formation of parties were passed in preparation for the elections (presidential and parliamentary) in 1999.

⁶⁹HRW states that after Soeharto's fall in the middle of the year there has been virtually full freedom.

⁷⁰There were improvements in the latter part of the year.

⁷¹HRW states that after Soeharto's fall in the middle of the year, there has been greater freedom of expression.

⁷²US State claims that limited information about this issue was available.

Violations - South Asian countries
US State Depart. 98 (x), AI 99 AR (y)⁷³, HRW 99 AR (z)

	1. extrajudic. killings/disappearances	2. torture and ill-treatment	3. detention without charge or trial	4. unfair trial	5. participation in political process (denial of)	6. association (denial of freedom)	7. expression (denial of freedom)	8. discrimination
Bangladesh⁷⁴	x, ni	x, y	x, y	x, ni	-, ni	x, ni	-, ni	x, ni
India	x, y, z	x, y, z,	x, y, z	x, ni, ni	-, ni, ni	-,ni, ni	x,y,ni	x,y,z
Nepal⁷⁵	x, y	x, y	x, y	x, ni	-, ni	x, ni	x, ni	x, ni
Pakistan	x, y, z	x, y, z	x, ni, z	x, ni, z	x, ni, ni	x, ni, ni	x, y, z	x, y, z

⁷³Amnesty International did not report systematically on the elements referred to in 5-8. This, however, is not necessarily an indication of no violation.

⁷⁴HRW does not report on Bangladesh.

⁷⁵HRW does not report on Nepal

Violations - Central American countries

US State Depart. 98 (x), AI 99 AR (y)⁷⁶, HRW 99 AR (z)

	1. extrajudic. killings/disappearances	2. torture and ill-treatment	3. detention without charge or trial	4. unfair trial	5. participation in political process (denial of)	6. association (denial of freedom)	7. expression (denial of freedom)	8. discrimination
Cuba	-, y, z	x, y, z	x, y, z	x, y, z	x, ni, ni	x, ni, ni	x, y, z	x, y, z
Guatemala	x, y, z	x, y, z	x, ni, ni	x, y, z	-, ni, ni	-, ni, ni	-, ni, ni	-, ni, ni
Nicaragua⁷⁷	x, y,	x, y	x, ni	x, ni	-, ni	-, ni	-, ni	x, ni

⁷⁶Amnesty International did not report systematically on the elements referred to in 5-8. This, however, is not necessarily an indication of no violation.

⁷⁷HR W does not report on Nicaragua. AI's latest report is from 1997, which has been used.

REGIONAL DATA BASE

Regime Types

A Note on the Regional Data Base and on Regime Types

The regional data base includes data on regimes, on corruption and crime, on development indicators, and on regional migration. These data have been collected with the purpose of providing a foundation for regional strategy elaboration. The human rights situation is evaluated generally in individual country assessments, yet the pattern of human rights violations is to some extent, but not always, regionally defined. Regional assessment may therefore complement country assessment in a useful way.

Regime classification operates with four categories: authoritarian regimes, uncertain regimes, transitional democratic regimes, and consolidated democratic regimes. These categories are employed mainly for the purposes of project assessment work. The classification has not been established in order to provide criteria for global country assessment.

Two main principles have been employed in the regime classification: The first principle relates to classification of regimes according to a notion of democratisation. Authoritarian regimes are undemocratic. Transitional democratic regimes are regimes which have embarked on a process of democratisation. In between these two categories, there are regimes which have embarked on measures of democratising institutions and of safe-guarding rights, but which still are characterised by former patterns of authoritarianism. These regimes are classified as uncertain. Consolidated democratic regimes are regimes, which have achieved consolidation of democratic institutions and practices.

The second principle relates to an understanding of what democratisation contains. Procedures and institutions for power exertion are important for democratisation processes, but a dimension of equal importance is that preconditions of broader participation are respected, i.e., non-repression and non-discrimination, including freedoms of speech, of assembly or of association. Participation and substantive freedom will rarely develop in regimes where human rights are repressed.

Democratisation is therefore understood formally as well as substantively. As an indicator of substantive freedom, we employ our measure of government conduct in relation to civil and political rights. The CPR violations index measures in an approximate way the substantive dimension of democratisation.

Four observations on the regional data and on regimes

1. Among the 42 countries examined in this context, authoritarian, uncertain and transitional democratic regimes prevailed. There were 16 authoritarian regimes, 11 uncertain ones, 11 transitional democratic regimes and 4 consolidated democratic regimes.

2. For 27 countries for which indicators on corruption were available, the average index point was 2.9 (where 10 indicates no corruption and 1 a very high level of corruption according to Transparency International scale). Variation around the average was not high. A general feature of the countries recorded is therefore a high level of corruption.

3. For the 24 countries for which UNDP poverty recordings were made, the average level of deprivation was at 40.8 indicating that more than 40% of the population in these countries were deprived in terms of literacy and basic living standards. Concerning this indicator, high variation prevailed, however, from 12.2% to 65.5%.

4. Concerning military expenditure as a percentage of GDP, data were available for 22 countries. The average percentage of military expenditure for these countries reached 2.7% with a significant level of variation.

Regional data base - Southern African countries

Sheet 1. Regime type and human rights commitment

	Angola	Lesotho	Malawi	Mozambique	Namibia	South Africa	Zambia	Zimbabwe	Denmark
Political freedom 1999-00 a)	6 low	4 intermediate	3 intermediate	3 intermediate	2 high	2 high	5 intermediate	6 low	1 high
CPR violations b)	6.5 low	3 intermediate	2.5 intermediate	5.5 intermediate	2 high	2 high	6 low	6 low	1 high
coups , war or civil strife since 1994 c)	yes	yes	no	yes	no	no	no	yes	no
regime-type d)	authoritarian	uncertain	transitional democratic	uncertain	consolidated democratic	consolidated democratic	authoritarian	authoritarian	consolidated democratic

a) Political rights according to the assessment of Freedom House 1999-00: www.freedomhouse.org/ratings. The maximum positive score is 1 and the minimum is 7. Scores from 1-2.5 are associated with high freedom, from 2.6 to 5.5 with intermediate freedom, and from 5.6 to 7 with low political freedom. The checklist questions for the assessment of political rights - or rather freedoms - include 1. Is the head of state elected through free and fair elections 2. Are the legislative representatives elected through free and fair elections 3. Are there fair electoral laws. 4. Are the voters able to endow their freely elected representatives with real power. 5. Do the people have the right to organise in different political parties or other competitive groupings. 6. Is there a significant opposition vote, de facto opposition power, and a realistic possibility for opposition 7. Are the people free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies 8. Do cultural, ethnic, religious and other minority groups have reasonable self-determination, self-government, autonomy or participation?

b) CPR violations refer to the commitment of governments towards civil and political rights. It measures government conduct in relation to 8 CPR standards, i.e., extrajudicial killings and disappearances, torture and ill-treatment, detention without charge or trial, fair trial, denial of participation in the political process, denial of freedom of association, denial of freedom of expression, and discrimination based on race, ethnic, regional or language origin, or on political grounds. The most positive commitment is indicated by a score of 0 and the most negative commitment is indicated by a score of 8. Three sources are used in determining government conduct in relation to these standards: US State Department Reports, cf.

www.state.gov/www/global/human_rights/1998_hrp_report/98hrp_report_toc.html. Amnesty International Annual Report 1999, see www.amnesty.org/ailib/aireport/ar99/. Human Rights Watch Annual Report 1999, see www.hrw.org/worldreport99/.

c) Coups, war or civil strife of a character which spill over into major destabilisations of the regime.

d) A distinction is made between Authoritarian, Uncertain, Transitional democratic, and consolidated democratic regimes: *Authoritarian regimes* are regimes scoring the average of 5.1 or above on the scales of a) and b). With an average of 2.6-5.0 on the same scale the regime is characterised as either *Uncertain* if coups, war or civil strife have occurred since 1994 or as *Transitional democratic* in the cases where no coups, wars or civil strife have prevailed since 1994. *Consolidated democratic regimes* are regimes with an average score of 0-2.5 on the scales of political rights and human rights commitment.

Sheet 2. Profile of human rights commitment

	Angola	Lesotho	Malawi	Mocambique	Namibia	South Africa	Zambia	Zimbabwe	Denmark
Formal HR commitment	1	4	2	2	0.5	2	0.5	1	1
Commitment to CPR	6.5	3	2.5	5.5	2	2	6	6	1
Commitment to ESCR	8	6.5	3.5	6	1	4	6	8	3
Commitment to gender discrimination	8	3	5	3	2	4	3	4.5	4.5

Source: Human Rights Commitment Index - Annex 1

Sheet 3. Corruption, Crime, Imprisonment

	Angola	Lesotho	Malawi	Mocambique	Namibia	South Africa	Zambia	Zimbabwe	Denmark
Corruption	2.5*	na	4.1	3.5	5.3	5	3.5	4.1	9
Intentional homicides**	na	70.4	na	na	na	na	na	9.4	4.9
Recorded rapes**	na	900	na	na	na	na	300	3100	500
Prisoners**	na	247	na	na	na	462	440	na	289.5

Corruption perception index developed by Transparency International. The countries marked with * date back to data from 1997, see Robinson, Mark.1998. *Corruption and Development*. London, Frank Cass. The non-marked data are from www.transparency.de/documents/cpi/index.html.

**See UNDP *Human Development Report 1999*, pp. 222-223. Intentional homicides and prisoners are measured per 100,000 inhabitants 1994. Recorded rapes are measured in actual numbers 1994. Prisoners are measured in the number of prisoners 1994 per 100.000 inhabitants.

Sheet 4. Development Indicators

	Angola	Lesotho	Malawi	Mocambique	Namibia	South Africa	Zambia	Zimbabwe	Denmark
Real GDP/capita	1430	1860	710	740	5010	7380	960	2350	23690
Human Poverty Index	na	23	42.2	49.5	25	19.1	38.4	29	12.2
Adult literacy rate	45	82.3	57.7	40.5	79.8	54.7	75.1	90.9	99
Life expectancy at birth	46.5	56	39.3	45.2	52.4	84	40.1	44.1	75.7
Urban population	32.3	25.6	14.2	36.5	38	49.77	43.6	33.2	85.4
Official Development aid/capit	45.5	52.8	40	9.2	119.7	13.8	77	32.6	0
Military expenditure as % of GDP	na	na	0.8	3.4	2.3	2.1	1.1	2.7	1.8

All figures from UNDP. *Human Development Report 1999*.

Real GDP per capita in 1997 prices, see pp. 134-35. Human Poverty Index, see p. 146-149. It measures the share of population who suffers from deprivations in survival, literacy, and living standards (measured as access to safe water, access to health services, and the percentage of moderately to severe underweight children). Adult literacy rate in 1997 in percent of total grown up population and life expectancy at birth recorded in 1997, see also pp. 134-35. Urban population as percent of total population 1997, see pp. 198-99. Official development aid in US dollars per capita 1997, see pp. 193-94. Military expenditure 1996 as percent of GDP, see pp. 188-191.

Sheet 5. Regional Refugees and Asylum Seekers as of end 1998

Host/ From	Angola	Lesotho	Malawi	Mocam- bique	Namibia	South Africa	Zambia	Zim- babwe
Angola	10000				2000		140000	
Lesotho		0						
Malawi								
Mocam- bique								
Namibia								
South Africa						29000		
Zambia							17000	
Zim- babwe								
Total regional	0	0	na	na	2000	0	140000	na

World Refugee Survey 1999, see table 2.

Regional data base - Great Lakes countries

Sheet 1. Regime type and human rights commitment.

	Burundi	Kenya	Rwanda	Tanzania	Uganda	Denmark
Political freedom 1999-00 a)	6 low	6 low	7 low	4 intermediate	5 intermediate	1 high
CPR violations b)	7 low	8 low	6 low	6 low	6.5 low	1 high
Coups , war or civil strife since 1994 c)	yes	no	Yes	no	no	no
Regime type d)	authoritarian	authoritarian	Authoritarian	transitional democratic	authoritarian	consolidated democratic

a) Political rights according to the assessment of Freedom House 1999-00: www.freedomhouse.org/ratings. The maximum positive score is 1 and the minimum is 7. Scores from 1-2.5 are associated with high freedom, from 2.6 to 5.5 with intermediate freedom, and from 5.6 to 7 with low political freedom. The checklist questions for the assessment of political rights - or rather freedoms - include 1. Is the head of state elected through free and fair elections 2. Are the legislative representatives elected through free and fair elections 3. Are there fair electoral laws. 4. Are the voters able to endow their freely elected representatives with real power. 5. Do the people have the right to organise in different political parties or other competitive groupings. 6. Is there a significant opposition vote, de facto opposition power, and a realistic possibility for opposition 7. Are the people free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies 8. Do cultural, ethnic, religious and other minority groups have reasonable self-determination, self-government, autonomy or participation?

b) CPR violations refer to the commitment of governments towards civil and political rights. It measures government conduct in relation to 8 CPR standards, i.e., extrajudicial killings and disappearances, torture and ill-treatment, detention without charge or trial, fair trial, denial of participation in the political process, denial of freedom of association, denial of freedom of expression, and discrimination based on race, ethnic, regional or language origin, or on political grounds. The most positive commitment is indicated by a score of 0 and the most negative commitment is indicated by a score of 8. Three sources are used in determining government conduct in relation to these standards: US State Department Reports, cf.

www.state.gov/www/global/human_rights/1998_hrp_report/98hrp_report_toc.html. Amnesty International Annual Report 1999, see www.amnesty.org/ailib/aireport/ar99/. Human Rights Watch Annual Report 1999, see www.hrw.org/worldreport99/.

c) Coups, war or civil strife of a character which spill over into major destabilisations of the regime.

d) A distinction is made between Authoritarian, Uncertain, Transitional democratic, and consolidated democratic regimes: *Authoritarian regimes* are regimes scoring the average of 5.1 or above on the scales of a) and b). With an average of 2.6-5.0 on the same scale the regime is characterised as either *Uncertain* if coups, war or civil strife have occurred since 1994 or as *Transitional democratic* in the cases where no coups, wars or civil strife have prevailed since 1994. *Democratic consolidated regimes* are regimes with an average score of 0-2.5 on the scales of political rights and human rights commitment.

Sheet 2. Profile of human rights commitment

	Burundi	Kenya	Rwanda	Tanzania	Uganda	Denmark
Formal HR Commit-ment	2	1	2.5	2	0.5	2
Commitment to CPR	7	8	6	6	6.5	1
Commitment to ESCR	5	4	n.a.	5.5	4	3
Commitment to gender discrimination	6	5.5	2	3.5	3.5	4.5

Source: Human Rights Commitment Index

Sheet 3. Corruption, Crime, Imprisonment

	Burundi	Kenya	Rwanda	Tanzania	Uganda	Denmark
Corruption	na	2	Na	1.9	2.2	9
Intentional homicides**	na	na	Na	na	na	4.9
Recorded rapes**	na	na	700	na	na	500
Prisoners**	na	na	87	na	108	289.5

Corruption perception index developed by Transparency International. The countries marked with * date back to data from 1997, see Robinson, Mark.1998. *Corruption and Development*. London, Frank Cass. The non-marked data are from [www. Transparency.de/documents/cpi/index.html](http://www.Transparency.de/documents/cpi/index.html).

**See UNDP *Human Development Report 1999*, pp. 222-223. Intentional homicides and prisoners are measured per 100,000 inhabitants 1994. Recorded rapes are measured in actual numbers 1994. Prisoners are measured in the number of prisoners 1994 per 100.000 inhabitants.

Sheet 4. Development Indicators

	Burundi	Kenya	Rwanda	Tanzania	Uganda	Denmark
Real GDP/-capita	630	1190	660	580	1160	23690
Human Poverty Index	46.1	28.2	Na	29.8	40.6	12.2
Adult literacy rate	44.6	79.3	63	71.6	64	99
Life expectancy at birth	42.4	52	40.5	47.9	39.6	75.7
Urban population	8.1	30.4	5.8	25.7	13.2	85.4
Official Development aid/capit	21.2	18.8	82.8	36.6	49.7	0
Military expenditure as % of GDP	4.9	na	Na	na	3.8	1.8

All figures from UNDP. *Human Development Report 1999*.

Real GDP per capita in 1997 prices, see pp. 134-35. Adult literacy rate in 1997 in percent of total grown up population and life expectancy at birth recorded in 1997, see also pp. 134-35. Urban population as percent of total population 1997, see pp. 198-99. Official development aid in US dollars per capita 1997, see pp. 193-94.

Sheet 5. Regional Refugees and Asylum Seekers as of end 1998

Host/From	Burundi	Kenya	Rwanda	Tanzania	Uganda	Denmark
Burundi			1000	260000		
D. R. of Congo			35000	60000	6000	
Kenya						
Rwanda				5000	7000	
Tanzania						
Uganda						
Other	5000	192000		4000	172000	6100
Total regional	5000	192000	36000	329000	185000	6100

World Refugee Survey 1999, see table 2.

Regional data base - West African countries

Sheet 1. Regime type and human rights commitment

	Benin	Burkina Faso	Côte d'Ivoire	Gambia	Ghana	Guinea	Liberia	Mali	Niger	Nigeria	Senegal	Sierra Leone	Togo	Denmark
Political freedom 1999-00 a)	2 high	4 intermediate	6 low	7 low	3 intermediate	6 low	4 intermediate	3 intermediate	5 intermediate	4 intermediate	4 intermediate	3 intermediate	5 intermediate	1 high
CPR violations b)	2 high	5.5 intermediate	6.5 intermediate	5 intermediate	5 intermediate	6.5 low	5 intermediate	3 intermediate	4.5 intermediate	5 intermediate	4.5 intermediate	7 low	6.5 low	1 high
coups , war or civil strife since 1994 c)	no	no	no	yes	no	no	yes	yes	yes	no	yes	yes	no	no
regime - type d)	Democratic consolidated	uncertain	authoritarian	authoritarian	transitional democratic	authoritarian	uncertain	uncertain	uncertain	transitional Democratic	uncertain	uncertain	authoritarian	consolidated democratic

a) Political rights according to the assessment of Freedom House 1999-00: www.freedomhouse.org/ratings The maximum positive score is 1 and the minimum is 7. Scores from 1-2.5 are associated with high freedom, from 2.6 to 5.5 with intermediate freedom, and from 5.6 to 7 with low political freedom. The checklist questions for the assessment of political rights - or rather freedoms - include 1. Is the head of state elected through free and fair elections 2. Are the legislative representatives elected through free and fair elections 3. Are there fair electoral laws. 4. Are the voters able to endow their freely elected representatives with real power. 5. Do the people have the right to organise in different political parties or other competitive groupings. 6. Is there a significant opposition vote, de facto opposition power, and a realistic possibility for opposition 7. Are the people free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies 8. Do cultural, ethnic, religious and other minority groups have reasonable self-determination, self-government, autonomy or participation?

b) CPR violations refer to the commitment of governments towards civil and political rights. It measures government conduct in relation to 8 CPR standards, i.e., extrajudicial killings and disappearances, torture and ill-treatment, detention without charge or trial, fair trial, denial of participation in the political process, denial of freedom of association, denial of freedom of expression, and discrimination based on race, ethnic, regional or language origin, or on political grounds. The most positive commitment is indicated by a score of 0 and the most negative commitment is indicated by a score of 8. Three sources are used in determining government conduct in relation to these standards: US State Department Reports, cf. www.state.gov/www/global/human_rights/1998_hrp_report/98hrp_report_toc.html. Amnesty International Annual Report 1999, see www.amnesty.org/ailib/aireport/ar99/. Human Rights Watch Annual Report 1999, see www.hrw.org/worldreport99/.

c) Coups, war or civil strife of a character which spill over into major destabilisations of the regime.

d) A distinction is made between Authoritarian, Uncertain, Transitional democratic, and consolidated democratic regimes: *Authoritarian regimes* are regimes scoring the average of 5.1 or above on the scales of a) and b). With an average of 2.6-5.0 on the same scale the regime is characterised as either *Uncertain* if coups, war or civil strife have occurred since 1994 or as *Transitional democratic* in the cases where no coups, wars or civil strife have prevailed since 1994. *Democratic consolidated regimes* are regimes with an average score of 0-2.5 on the scales of political rights and human rights commitment.

Sheet 2. Profile of human rights commitment

	Benin	Burkina Faso	Côte d'Ivoire	Gambia	Ghana	Guinea	Liberia	Mali	Niger	Nigeria	Senegal	Sierra Leone	Togo	Denmark
Formal HR Commitment	0.5	0	3	1.5	2.5	0	2.5	1	0.5	2.5	1.5	2.5	na	1
Actual Violations	2	5.5	6.5	5	5	6.5	5	3	4.5	5	4.5	7	6.5	1
Commitment to ESCR	4.5	5	6.5	5.5	5	5	na	3.5	5	7	4	na	4.5	3
Commitment to gender discrimination	4.5	2.5	5.5	1	3.5	3	5	1	2.5	5	3	4	3.5	4.5

Source: Human Rights Commitment Index

Sheet 3. Corruption, Crime, Imprisonment

	Benin	Burkina Faso	Côte d'Ivoire	Gambia	Ghana	Guinea	Liberia	Mali	Niger	Nigeria	Senegal	Sierra Leone	Togo	Denmark
Corruption	na	na	2.6	na	3.3	na	na	na	na	1.6	na	na	na	9
Intentional homicides**	na	na	na	na	na	na	na	na	na	1.9	na	na	na	4.9
Recorded rapes**	na	na	na	na	na	na	na	na	na	2400	na	na	na	500
Prisoners**	na	na	na	na	65.8	na	na	na	na	na	na	na	na	289.5

Corruption perception index developed by Transparency International. The countries marked with * date back to data from 1997, see Robinson, Mark.1998. *Corruption and Development*. London, Frank Cass. The non-marked data are from www.transparency.de/documents/cpi/index.html.

**See UNDP *Human Development Report 1999*, pp. 222-223. Intentional homicides and prisoners are measured per 100,000 inhabitants 1994. Recorded rapes are measured in actual numbers 1994. Prisoners are measured in the number of prisoners 1994 per 100,000 inhabitants.

Sheet 4. Development Indicators

	Benin	Burkina Faso	Côte d'Ivoire	Gambia	Ghana	Guinea	Liberia	Mali	Niger	Nigeria	Senegal	Sierra Leone	Togo	Denmark
Real GDP/-capita	1270	1010	1840	1470	1640	1880	na	740	850	920	1730	410	1490	23690
Human Poverty Index	50.9	59.3	46.8	49.9	36.2	50.5	na	52.8	65.5	38.2	49.6	57.7	38.4	12.2
Adult literacy rate	33.9	20.7	42.6	33.1	66.4	37.9	na	35.5	14.3	59.5	34.6	33.3	53.2	99
Life expectancy at birth	53.4	44.4	46.7	47	60	46.5	na	53.3	48.5	50.1	52.3	37.2	48.8	75.7
Urban population	39.9	16.9	44.7	30.4	36.8	42.9	na	28.1	19.1	41.3	45	34.6	31.7	85.4
Official Development aid/capita	46.1	40.7	37	41.6	32.2	64.5	na	52.3	86.5	25.3	56.9	31.8	34.1	0
Military expenditure as % of GDP	na	na	na	1.4	0.6	na	na	na	na	0.7	na	1.8	na	1.8

All figures from UNDP. *Human Development Report 1999*.

Real GDP per capita in 1997 prices, see pp. 134-35. Adult literacy rate in 1997 in percent of total grown up population and life expectancy at birth recorded in 1997, see also pp. 134-35.

Urban population as percent of total population 1997, see pp. 198-99. Official development aid in US dollars per capita 1997, see pp. 195-96.

Sheet 5. Regional Refugees and Asylum Seekers as of end 1998

Host/ From	Benin	Burkina Faso	Côte d'Ivoire	Gambia	Ghana	Guinea	Liberia	Mali	Niger	Nigeria	Senegal	Sierra Leone	Togo	Denmark
Benin														
Burkina Faso														
Côte d'Ivoire														
Gambia														
Ghana													11000	
Guinea														
Liberia			125000		13000	160000				2000		10000		
Mali									3000					
Niger														
Nigeria														
Senegal				5000										
Sierra Leone			2000	7000		350000	120000			1000				
Togo	2000				1000									
Denmark														
Other	1000		1000	1000	1000	4000		5000		2000	30000			
Total regional	3000	-	128000	13000	15000	514000	120000	5000	3000	5000	30000	10000	11000	6100

World Refugee Survey 1999, see table 2

Regional data base -Balkan countries

Sheet 1. Regime type and human rights commitment.

	Albania	Bosnia-Herzegovina	Bulgaria	Croatia	Macedonia	Romania	Yugoslavia	Denmark
politic. freedom 1999-00 a)	3.5 intermediate	5.3 intermediate	3.3 Intermediate	4 intermediate	3 - intermediate	2 high	5 intermediate	1 high
CPR violations b)	5 intermediate	6 low	5.5 intermediate	6 low	4.5 intermediate	4 intermediate	7 low	1 high
coups , war or civil strife since 1994 c)	no	yes	no	yes	no	no	yes	no
regime-type d)	transitional democratic	authoritarian	transitional democratic	uncertain	transitional democratic	transitional democratic	authoritarian	consolidated democratic

a) Political rights according to the assessment of Freedom House 1999-00: www.freedomhouse.org/ratings The maximum positive score is 1 and the minimum is 7. Scores from 1-2.5 are associated with high freedom, from 2.6 to 5.5 with intermediate freedom, and from 5.6 to 7 with low political freedom. The checklist questions for the assessment of political rights - or rather freedoms - include 1. Is the head of state elected through free and fair elections 2. Are the legislative representatives elected through free and fair elections 3. Are there fair electoral laws. 4. Are the voters able to endow their freely elected representatives with real power. 5. Do the people have the right to organise in different political parties or other competitive groupings. 6. Is there a significant opposition vote, de factor opposition power, and a realistic possibility for opposition 7. Are the people free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies 8. Do cultural, ethnic, religious and other minority groups have reasonable self-determination, self-government, autonomy or participation?

b) CPR violations refer to the commitment of governments towards civil and political rights. It measures government conduct in relation to 8 CPR standards, i.e., extrajudicial killings and disappearances, torture and ill-treatment, detention without charge or trial, fair trial, denial of participation in the political process, denial of freedom of association, denial of freedom of expression, and discrimination based on race, ethnic, regional or language origin, or on political grounds. The most positive commitment is indicated by a score of 0 and the most negative commitment is indicated by a score of 8. Three sources are used in determining government conduct in relation to these standards: US State Department Reports, cf.

www.state.gov/www/global/human_rights/1998_hrp_report/98hrp_report_toc.html. Amnesty International Annual Report 1999, see www.amnesty.org/ailib/aireport/ar99/. Human Rights Watch Annual Report 1999, see www.hrw.org/worldreport99/.

c) Coups, war or civil strife of a character which spill over into major destabilisations of the regime.

d) A distinction is made between Authoritarian, Uncertain, Transitional democratic, and consolidated democratic regimes: *Authoritarian regimes* are regimes scoring the average of 5.1 or above on the scales of a) and b). With an average of 2.6-5.0 on the same scale the regime is characterised as either *Uncertain* if coups, war or civil strife have occurred since 1994 or as *Transitional democratic* in the cases where no coups, wars or civil strife have prevailed since 1994. *Democratic consolidated regimes* are regimes with an average score of 0-2.5 on the scales of political rights and human rights commitment.

Sheet 2. Profile of human rights commitment

	Albania	Bosnia-Herzegovina	Bulgaria	Croatia	Marce-donia	Romania	Yugo-slavia	Denmark
Formal HR commitment	0.5	0	0	0	0	0.5	0.5	2
Commitment to CPR	5	6	5.5	6	4.5	4	7	1
Commitment to ESCR	4.5	na	4	3	3	4.5	na	3
Commitment to gender discrimination	4	7	5	3	1	5	5	4.5

Source: Human Rights Commitment Index

Sheet 3. Corruption, Crime, Imprisonment

	Albania	Bosnia-Herzegovina	Bulgaria	Croatia	Marce-donia	Romania	Yugo-slavia	Denmark
Corruption	2.3	na	3.3	2.7	3.3	3.3	2	10
Intentional homicides**	na	na	10.5	7.5	6	5.8	na	4.9
Recorded rapes**	na	na	na	100	100	1400	na	500
Prisoners**	na	na	54.5	29.2	86.4	112	Na	289.5

Corruption perception index developed by Transparency International. The countries marked with * date back to data from 1997, see Robinson, Mark.1998. *Corruption and Development*. London, Frank Cass. The non-marked data are from [www. Transparency.de/documents/cpi/index.html](http://www.Transparency.de/documents/cpi/index.html).

**See UNDP *Human Development Report 1999*, pp. 222-223. Intentional homicides and prisoners are measured per 100,000 inhabitants 1994. Recorded rapes are measured in actual numbers 1994. Prisoners are measured in the number of prisoners 1994 per 100.000 inhabitants.

Sheet 4. Development Indicators

	Albania	Bosnia-Herzegovina	Bulgaria	Croatia	Macedonia	Romania	Yugoslavia	Denmark
Real GDP/-capita	2120	na	4010	4895	3210	4310	na	23690
Human Poverty Index	na	na	na	na	na	na	na	12.2
Adult literacy rate	na	na	98.2	97.7	na	97.8	na	99
Life expectancy at birth	72.8	na	71.1	72.6	73.1	69.9	na	75.7
Urban population	37.9	na	69	56.5	60.7	56.8	na	85.4
Official Development aid/capit	47.5	na	23.9	9.2	77.8	8.5	na	0
Military expenditure as % of GDP	1.5	na	1.8	14.5	Na	3.5	na	1.8

All figures from UNDP. *Human Development Report 1999*.

Real GDP per capita in 1997 prices, see pp. 134-35. Human Poverty Index, see p. 146-149. It measures the share of population who suffers from deprivations in survival, literacy, and living standards (measured as access to safe water, access to health services, and the percentage of moderately to severe underweight children). Adult literacy rate in 1997 in percent of total grown up population and life expectancy at birth recorded in 1997, see also pp. 134-35. Urban population as percent of total population 1997, see pp. 198-99. Official development aid in US dollars per capita 1997, see pp. 193-94. Military expenditure 1996 as percent of GDP, see pp. 188-191.

Sheet 5. Regional Refugees and Asylum Seekers as of end 1998

Host/ From	Albania	Bosnia- Herze- govina	Bulgaria	Croatia	Macedonia	Romania	Yugoslavia
Albania							
Bosnia- Herze- govina				27200	1300		201000
Bulgaria			2800				
Croatia		30000					279000
Macedonia							
Romania						900	
Yugoslavia	25000	10000		100	6000		
Total regional	25000	40000	0	27300	7300	0	480000

World Refugee Survey 1999, table 2

Regional data base -Russia and Western CIS

Sheet 1. Regime type and human rights commitment.

	Belarus	Moldova	Russia	Ukraine	Denmark
political freedom 1999-00 a)	6 low	2 high	4 intermediate	3 intermediate	1 high
CPR violations b)	7 low	5 intermediate	6 low	4 intermediate	1 high
coups , war or civil strife since 1994 c)	no	no	yes	no	no
regime type d)	authoritarian	transitional democratic	uncertain	transitional democratic	democratic consolidated

a) Political rights according to the assessment of Freedom House 1999-00: www.freedomhouse.org/ratings. The maximum positive score is 1 and the minimum is 7. Scores from 1-2.5 are associated with high freedom, from 2.6 to 5.5 with intermediate freedom, and from 5.6 to 7 with low political freedom. The checklist questions for the assessment of political rights - or rather freedoms - include 1. Is the head of state elected through free and fair elections 2. Are the legislative representatives elected through free and fair elections 3. Are there fair electoral laws. 4. Are the voters able to endow their freely elected representatives with real power. 5. Do the people have the right to organise in different political parties or other competitive groupings. 6. Is there a significant opposition vote, de factor opposition power, and a realistic possibility for opposition 7. Are the people free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, and economic oligarchies 8. Do cultural, ethnic, religious and other minority groups have reasonable self-determination, self-government, autonomy or participation?

b) CPR violations refer to the commitment of governments towards civil and political rights. It measures government conduct in relation to 8 CPR standards, i.e., extrajudicial killings and disappearances, torture and ill-treatment, detention without charge or trial, fair trial, denial of participation in the political process, denial of freedom of association, denial of freedom of expression, and discrimination based on race, ethnic, regional or language origin, or on political grounds. The most positive commitment is indicated by a score of 0 and the most negative commitment is indicated by a score of 8. Three sources are used in determining government conduct in relation to these standards: US State Department Reports, cf.

www.state.gov/www/global/human_rights/1998_hrp_report/98hrp_report_toc.html. Amnesty International Annual Report 1999, see www.amnesty.org/ailib/aireport/ar99/. Human Rights Watch Annual Report 1999, see www.hrw.org/worldreport99/.

c) Coups, war or civil strife of a character which spill over into major destabilisations of the regime.

d) A distinction is made between Authoritarian, Uncertain, Transitional democratic, and consolidated democratic regimes: *Authoritarian regimes* are regimes scoring the average of 5.1 or above on the scales of a) and b). With an average of 2.6-5.0 on the same scale the regime is characterised as either *Uncertain* if coups, war or civil strife have occurred since 1994 or as *Transitional democratic* in the cases where no coups, wars or civil strife have prevailed since 1994. *Democratic consolidated regimes* are regimes with an average score of 0-2.5 on the scales of political rights and human rights commitment.

Sheet 2. Profile of human rights commitment

	Belarus	Moldova	Russia	Ukraine	Denmark
Formal HR Commitment	0.5	0.5	0	0.5	2
Commitment to CPR	7	5	6	4	1
Social Commitment	4	3	5	4	3
Commitment to gender discrimination	6	4	6.5	6	1

Source: Human Rights Commitment Index

Sheet 3. Corruption, Crime, Imprisonment

	Belarus	Moldova	Russia	Ukraine	Denmark
Corruption	3.4	2.6	2.4	2.6	9
Intentional homicides**	9.2	8.6	21.8	8.9	4.9
Recorded rapes**	700	300	14000	1700	500
Prisoners**	206.6	121.2	1538.9	108.2	289.5

Corruption perception index developed by Transparency International. The countries marked with * date back to data from 1997, see Robinson, Mark.1998. *Corruption and Development*. London, Frank Cass. The non-marked data are from www.Transparency.de/documents/cpi/index.html.

**See UNDP *Human Development Report 1999*, pp. 222-223. Intentional homicides and prisoners are measured per 100,000 inhabitants 1994. Recorded rapes are measured in actual numbers 1994. Prisoners are measured in the number of prisoners 1994 per 100,000 inhabitants.

Sheet 4. Development Indicators

	Belarus	Moldova	Russia	Ukraine	Denmark
Real GDP/-capita	4850	1500	4370	2190	23690
Human Poverty Index	na	na	na	na	12.2
Adult literacy rate	99	98.3	99	99	99
Life expectancy at birth	68	67.5	66.6	68.8	75.7
Urban population	72.5	53.1	76.6	71.1	85.4
Official Development aid/capita	4.2	14.5	4.8	3.4	0
Military expenditure as % of GDP	1.2	0.8	3.7	4.5	1.8

All figures from UNDP. *Human Development Report 1999*

Real GDP per capita in 1997 prices, see pp. 134-35. Adult literacy rate in 1997 in percent of total grown up population and Life expectancy at birth recorded in 1997, see also pp. 134-35. Urban population as percent of total population 1997, see pp. 198-99. Official development aid in US dollars per capita 1997, see pp. 195-96.

Sheet 5. Regional Refugees and Asylum Seekers as of end 1998

Host/ From	Belarus	Moldova	Russia	Ukraine	Denmark
Belarus					
Moldova					
Russia					
Ukraine					
Other	16500		161900	5600	
Total regional	16500		161900	8600	6100

World Refugee Survey 1999, see table 2

Regional data base - Caucasian countries

Sheet 1. Regime type and human rights commitment.

	Armenia	Azerbaijan	Georgia	Denmark
political freedom 1999-00 a)	5.4 intermediate	6 low	3 intermediate	1 high
CPR violations b)	6 low	5 intermediate	6 low	1 high
coups , war or civil strife since 1994 c)	yes	yes	no	no
regime type d)	authoritarian	authoritarian	transitional democratic	democratic consolidated

a) Political rights according to the assessment of Freedom House 1999-00: www.freedomhouse.org/ratings. The maximum positive score is 1 and the minimum is 7. Scores from 1-2.5 are associated with high freedom, from 2.6 to 5.5 with intermediate freedom, and from 5.6 to 7 with low political freedom. The checklist questions for the assessment of political rights - or rather freedoms - include 1. Is the head of state elected through free and fair elections 2. Are the legislative representatives elected through free and fair elections 3. Are there fair electoral laws. 4. Are the voters able to endow their freely elected representatives with real power. 5. Do the people have the right to organise in different political parties or other competitive groupings. 6. Is there a significant opposition vote, de factor opposition power, and a realistic possibility for opposition 7. Are the people free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies 8. Do cultural, ethnic, religious and other minority groups have reasonable self-determination, self-government, autonomy or participation?

b) CPR violations refer to the commitment of governments towards civil and political rights. It measures government conduct in relation to 8 CPR standards, i.e., extrajudicial killings and disappearances, torture and ill-treatment, detention without charge or trial, fair trial, denial of participation in the political process, denial of freedom of association, denial of freedom of expression, and discrimination based on race, ethnic, regional or language origin, or on political grounds. The most positive commitment is indicated by a score of 0 and the most negative commitment is indicated by a score of 8. Three sources are used in determining government conduct in relation to these standards: US State Department Reports, cf.

www.state.gov/www/global/human_rights/1998_hrp_report/98hrp_report_toc.html. Amnesty International Annual Report 1999, see www.amnesty.org/ailib/aireport/ar99/. Human Rights Watch Annual Report 1999, see www.hrw.org/worldreport99/.

c) Coups, war or civil strife of a character which spill over into major destabilisations of the regime.

d) A distinction is made between Authoritarian, Uncertain, Transitional democratic, and consolidated democratic regimes: *Authoritarian regimes* are regimes scoring the average of 5.1 or above on the scales of a) and b). With an average of 2.6-5.0 on the same scale the regime is characterised as either *Uncertain* if coups, war or civil strife have occurred since 1994 or as *Transitional democratic* in the cases where no coups, wars or civil strife have prevailed since 1994. *Democratic consolidated regimes* are regimes with an average score of 0-2.5 on the scales of political rights and human rights commitment.

Sheet 2. Profile of human rights commitment

	Armenia	Azerbaijan	Georgia	Denmark
Formal HR Commitment	0	1	0.5	2
Commitment to CPR	6	5	6	1
Commitment to ESCR	5.5	6.5	6	3
Commitment to gender discrimination	6	5	6	1

Source: Human Rights Commitment Index

Sheet 3. Corruption, Crime, Imprisonment

	Armenia	Azerbaijan	Georgia	Denmark
Corruption	2.5	1.7	2.3	9
Intentional homicides**	5.8	8	12.8	4.9
Recorded rapes**	na	100	na	500
Prisoners**	111.7	na	143.5	289.5

Corruption perception index developed by Transparency International. The countries marked with * date back to data from 1997, see Robinson, Mark.1998. *Corruption and Development*. London, Frank Cass. The non-marked data are from www.Transparency.de/documents/cpi/index.html.

**See UNDP *Human Development Report 1999*, pp. 222-223. Intentional homicides and prisoners are measured per 100,000 inhabitants 1994. Recorded rapes are measured in actual numbers 1994. Prisoners are measured in the number of prisoners 1994 per 100.000 inhabitants.

Sheet 4. Development Indicators

	Armenia	Azerbaijan	Georgia	Denmark
Real GDP/capita	2360	1550	1960	23690
Human Poverty Index	na	na	na	12.2
Adult literacy rate	98.8	96.3	99	99
Life expectancy at birth	70.5	69.9	72.7	75.7
Urban population	69.1	56.3	59.3	85.4
Official Development aid/capita	46.5	25.1	45	0
Military expenditure as % of GDP	na	na	1.3	1.8

All figures from UNDP. *Human Development Report 1999*

Real GDP per capita in 1997 prices, see pp. 134-35. Adult literacy rate in 1997 in percent of total grown up population and Life expectancy at birth recorded in 1997, see also pp. 134-35. Urban population as percent of total population 1997, see pp. 198-99. Official development aid in US dollars per capita 1997, see pp. 195-96.

Sheet 5. Regional Refugees and Asylum Seekers as of end 1998

Host/From	Armenia	Azerbaijan	Georgia	Denmark
Armenia		180000		
Azerbaijan	218000			
Georgia	10000	10000		
Other	1000	45300	300	
Total regional	229000	235300	300	6100

World Refugee Survey 1999, see table 2

Annex 1. Human Rights Commitment Data Base

	CPR Violations	Formal Commitment	Social Commitment	Gender Commitment
<i>Southern African countries</i>				
Angola	6.5	1.0	8.0	8.0
Lesotho	3.0	4.0	6.5	3.0
Malawi	2.5	2.0	3.5	5.0
Mozambique	5.5	2.0	6.0	3.0
Namibia	2.0	5.0	1.0	2.0
South Africa	2.0	2.0	4.0	4.0
Zambia	6.0	5.0	6.0	3.0
Zimbabwe	6.0	1.0	8.0	4.5
	4.2	1.6	5.4	3.7
<i>Great Lakes countries</i>				
Burundi	7.0	2.0	5.0	6.0
Kenya	8.0	1.0	4.0	5.5
Rwanda	6.0	2.5	..	2.0
Tanzania	6.0	2.0	5.5	3.5
Uganda	6.5	5.0	4.0	3.5
	6.7	1.6	4.6	4.1
<i>West African countries</i>				
Benin	2.0	0.5	4.5	4.5
Burkina Faso	5.5	0.0	5.0	2.5
Côte d'Ivoire	6.5	3.0	6.5	5.5
Gambia	5.0	1.5	5.5	1.0
Ghana	5.0	2.5	5.0	3.5
Guinea	6.5	0.0	5.0	3.0
Liberia	5.0	2.5	..	5.0
Mali	3.0	1.0	3.5	1.0
Niger	4.5	0.5	5.0	2.5
Nigeria	5.0	2.5	7.0	5.0
Senegal	4.5	1.5	4.0	3.0
Sierra Leone	7.0	2.5	..	4.0
Togo	6.5	..	4.5	3.5
	5.1	1.5	5.1	3.4
<i>Mediterranean countries</i>				
Algeria	6.0	5.0	2.5	5.5
Egypt	7.0	2.5	6.0	5.5
Morocco	5.5	1.5	2.5	5.0
Tunisia	6.0	2.5	2.5	5.5
Turkey	7.0	4.5	6.0	5.0
	6.3	2.3	3.9	5.3

	CPR Violations	Formal Commitment	Social Commitment	Gender Commitment
<i>Balkan countries</i>				
Albania	5.0	0.5	4.5	4.0
Bosnia - H.	6.0	0.0	..	7.0
Bulgaria	5.5	0.0	4.0	5.0
Croatia	6.0	0.0	3.0	3.0
Macedonia	4.5	0.0	3.0	1.0
Romania	4.0	0.5	4.5	5.0
Yugoslavia	7.0	0.5	..	5.0
	5.4	0.2	3.8	4.3
<i>Baltic countries</i>				
Estonia	1.5	0.5	3.0	4.0
Latvia	1.5	5.0	3.5	2.5
Lithuania	1.0	0.0	4.0	5.0
	1.3	3.0	3.5	3.8
<i>Eastern European countries</i>				
Czech Republic	2.0	1.5	3.5	6.0
Hungary	2.0	0.0	3.0	4.0
Poland	1.5	0.0	3.5	5.5
Slovakia	4.0	0.0	1.5	4.5
Slovenia	0.0	0.0	2.5	4.5
	1.9	0.3	2.8	4.9
<i>Russia and Western CIS</i>				
Belarus	7.0	0.5	4.0	6.0
Moldova	5.0	0.5	3.0	4.0
Russia	6.0	0.0	5.0	6.5
Ukraine	4.0	0.5	4.0	6.0
	5.6	0.4	4.0	5.6
<i>Caucasian countries</i>				
Armenia	6.0	0.0	5.5	6.0
Azerbaijan	5.0	1.0	6.5	5.0
Georgia	6.0	0.5	6.0	6.0
	5.6	0.5	6.0	5.7
<i>Central Asian countries</i>				
Kazakhstan	5.0	3.0	4.5	8.0
Kyrgyzstan	4.0	..	4.0	7.0
Tajikistan	6.0	..	4.5	4.5
Turkmenistan	7.0	..	7.5	8.0
Uzbekistan	7.0	..	4.5	6.0
	5.8	na	4.9	6.7

	CPR Violations	Formal Commitment	Social Commitment	Gender Commitment
<i>East & South East Asian countries</i>				
Cambodia	8.0	2.5	4.0	5.0
China	7.0	3.5	5.5	5.5
Indonesia	5.0	5.5	5.5	7.0
Thailand	5.0	3.0	5.5	6.5
Vietnam	6.0	3.5	4.5	5.0
	6.2	3.6	5.0	5.8
<i>South Asian countries</i>				
Bangladesh	4.0	5.0	5.0	5.0
Nepal	5.0	2.5	4.0	4.5
India	5.0	2.0	5.5	4.0
Pakistan	6.0	4.0	4.5	4.5
	5.0	3.4	4.8	4.6
<i>Central American countries</i>				
Cuba	6.0	3.0	2.5	4.0
Guatemala	3.0	1.0	5.5	4.0
Nicaragua	3.5	0.0	4.5	3.5
	4.2	1.3	4.2	3.8
Denmark	1.0	2.0	3.0	4.5
USA	4.0	2.5	4.0	3.5

Part 2: A Methodological and Technical Outline

Human Rights Appraisal and Performance Indicators

1. Introduction

The purpose of this study is to provide indicator sets, which can be used in human rights assessments or evaluative studies. The study represents a first stage of work where country assessment and evaluation methodologies are in focus. Later stages will follow up this work with indicators and methods concerning indicators of human rights standards and concerning monitoring, effect or impact evaluation methodologies. The latter stages will therefore provide discussion for assessment and evaluation at project levels.

The study is designed mainly for the purposes of work in the Project Department of the Danish Centre of Human Rights. Its application in a wider field may therefore be limited. Other organisations have been involved in similar kind of exercises, often with a more general scope of work than human rights performance (e.g., Danida 1998, Poate 1997) or with the objective of devising indicator sets which can be used generally in human rights country work (e.g., Gupta et al 1993). While the present effort takes its departure in the needs of the project work of the DCHR, but seeks to draw on the other studies where relevant.

Three particular needs of the DCHR Project department are important for the elaboration of this work:

- A need to elaborate further on its strategy and country selection parameters. *Why do we work in country X and not in Country Y? Can we use indicators of the human rights situation to facilitate and clarify choices, and how?*
- A need to take a closer look at the objectives and strategies of human rights projects. *What objectives are feasible and warranted in the human rights field and how do we define such objectives by indicator sets?*
- A need to monitor and analyse goal achievement and impact, i.e., a need for undertaking systematic monitoring and evaluations. *To what degree do indicators already established in the projects of the Centre facilitate an assessment of effects, outcomes or impact?*

According to Danida, “indicators are quantitative or qualitative statements that can be used to describe situations that exist and to measure changes or trends over a period of time” (Danida 1998, List of Key Concepts). In this definition, indicators are seen as both qualitative and quantitative descriptions of situations and as elements that are employed to define a particular process. We adopt this definition in this work as well, but with the emphasis that although indicators can be based on qualitative statements such as “most of the target group indicated that police violence had abated”, there is mostly an element of quantification and measurement involved in the definition of the indicator as evident from the phrase “most of” or in the notion of “abated”. As indicators, qualitative statements are mostly used in a quantitative framework in order to satisfy SMART criteria (specific, measurable, attainable, relevant and traceable). In the statement above, it must be clear what is meant by “most of” (the criteria of measurable) and it must be defined what is meant by “abated violence” (the criteria of specific).

What do we need indicators for at the Danish Centre? The objective of DCHR work is to strengthen awareness and respect for human rights, to contribute to the prevention of violations of human rights, to contribute to the participation of individuals and groups in decision-making, and to contribute to the development of societies in which respect for and accountability to human rights are increased. In its project work, the Centre seeks to contribute to capacity building in government institutions and among NGOs, to enhance the protection of vulnerable groups, to contribute to growing respect for international human rights standards, and to develop a dialogue around human rights which respect values and context. The target groups of the DCHR strategy are Parliaments, Public administration and judicial institutions, Research institutions, Educational institutions, the NGO-field, International organisations, and Firms (DCHR Strategy 1998).

In line with these objectives, the indicators provided in this study should therefore be seen as tools for a first level appraisal and performance assessment. The indicators may provide a structure and useful hypotheses for such studies, but dependent on the particular contexts and needs, it should be realised that the provision of a set of indicators cannot be expected to provide all the flesh needed to a particular performance or appraisal study.

2. A Brief Overview of Previous Attempts of Establishing Indicator Sets

During the 1990s, a number of studies have been released with the purpose of assessing the human rights situation at the country level. Most studies have aimed at assessments of result rather than of conduct (UNDP 1991, Humana 1992, Gupta et al. 1993, Desai 1994, Freedom House e.g. 1997). These analyses are therefore more concerned with assessments of realised freedoms than with a scrutiny of government commitment to fulfil human rights obligations. While an assessment of substantive freedoms might be relevant in analysing how individual or group beneficiaries enjoy human rights, it must be borne in mind that such enjoyment of freedom is not necessarily linked to prevailing implementation of human rights policies, but possibly to historical circumstance. For analytical purposes, however, seeking an assessment of government conduct in the field of human rights, it might be of more interest to focus more directly on government conduct. For this reason, the attempt here is on the development of a human rights commitment index, i.e., development of indicators, which address policy rather than conditions.

These studies, mostly from the early 1990s, have also been much more concerned with civil and political human rights than with economic, social and cultural rights. This bias reflects the status of human rights thinking during most of the 1990s, but it is a bias, which cannot be sustained into the new millennium where human rights thinking is based on broader and more universal stakeholderhood.

Due to the current lack of universal indicators on economic and social rights, it is therefore only possible to flag economic, social and cultural rights rather than to accord them full appreciation. In the next chapter, we shall seek to describe the nature of the indicator established in this field.

Universally applied indicators on policy action to combat gender discrimination are also warranted. Gender discrimination occurs in every country analysed in this report, yet it was not possible to find a well established consolidated data base which would measure government conduct in a rights based context. The gender dimension remains, however, important as one measure of assessing commitment in human rights, but it must be stressed that the indicators adopted in this survey should be considered of a preliminary nature.

According to Tomasevski (1995, 390), the main objective of country assessments is to assess *commitment and capacity*. Commitment can be interpreted to refer to the willingness of governments to respect, protect, and fulfil human rights obligations. However, a clearer definition of what is meant by respect, respect and fulfilment is warranted and the discussion of indicators may serve to clarify this. The capacity-objective refers to the capacity of government institutions to implement the human rights policy adopted. The assessment of capacity may thus relate to institutional capacity as well as to resource constraints including manpower. In the elaboration below, we elaborate mainly on the commitment side of such assessments, while institutional capacity assessment might be addressed more adequately in approaches, which are not necessarily based on indicators.

In the presentations below, an effort is made to review part of those international efforts in the field of human rights indicators, which have appeared during the 1990s.

2.1 An Overview of International Efforts during the 1990s

Much of the debate over human rights indicators took place in the first half of the 1990s while a second round of international efforts seems to be taking form presently at the turn of the century. The early debate resulted from a number of attempts to measure *human freedom* and to rank states in accordance with such measurements. These attempts to measure freedom originated in the works of human rights researchers like Charles Humana or in political research institutions like Freedom House whose works received a new attention in the wake of political liberalisation after 1989. The debate was prompted not only by the particular works of Humana and Raymond Gastil of Freedom House, but also by the fact that international organisations like the UNDP and the World Bank started to use and develop these particular indices in the Human Development Report of 1991 and the World Development Report of 1991 respectively. Thus, over the years of 1991 and 1992, the debate on indicators moved from academic journals to sensitive international policy debates which resulted, among other things, in the adoption of a General Assembly Resolution of 1991 directing the UNDP to further consider its work on human development prior to the publication of the UNDP report of 1992 (Barsh 1993, 89-90)⁷⁸.

A number of human rights and freedom indices have therefore been elaborated during the early 1990s. The Charles Humana *World Human Rights Guide* of which the latest version from 1992 (Humana 1992) takes departure in the Bill of Rights and is therefore based solely on human rights premises. Humana posed 40 questions, most derived from either the UDHR (24 questions) or from the ICCPR (13 questions), while the ICESCR only gave rise to a few questions (3 questions) relating to protection of children against exploitation, to the right to form and join trade unions, and the right to take part in cultural life (Humana 1992, xi-xiv). Particular emphasis (weight of 3) was given to seven questions⁷⁹ considered to constitute the most severe human rights violations. One of the great advances of the Humana Index was that it was based in a straight-forward and explicit way on human rights doctrine. However, the last Index was compiled in 1992. It is therefore impossible to use it for other, but historical purposes.

The Freedom House Index concerned political as well as civil freedoms. A checklist of eight questions was used for the political freedoms and a checklist of thirteen questions was used for the civil freedoms. The seven point freedom score was the average of these two separate indices - an average, which was employed to classify countries into respectively 'free', 'partly free' or 'not free'. The Freedom House Index is not based solely on human rights. It is a measure of democratisation conceptualised in a somewhat procedural fashion as much as a measure of civil and political human rights respect and fulfilment. Thus, checklist questions like: "Is there a significant opposition vote, de facto opposition power, and a realistic possibility for the opposition to increase its support or gain power through elections?" relate only generally to human rights articles (ICCPR art. 25, art 21 UDHR) inasmuch as they

⁷⁸The strong objections to the indices provided by UNDP and the World Bank during 1991 meant that country rankings were discontinued in the subsequent reports of the organisations. See also Barsh (1993) and Gupta et al. (1993).

⁷⁹ 1) Serfdom, slavery, forced or child labour; 2) Extrajudicial killings or disappearances, 3) Torture or coercion by the state; 4) Compulsory work permits or conscription of labour; 5) Capital punishment by the state; 6) Court sentences of corporal punishment; and 7) indefinite detention without charge.

include a notion of political participation, while the emphasis on opposition power refers much more closely to prevailing procedural notions of democratisation.

The Freedom House Index provides updated indicators and it is easy to use in a rapid assessment of the political situation in most countries of the world. However, the transparency of methodology is not satisfactory⁸⁰ for such as global survey and the concept of political freedom espoused follows well-known tracks of American political science of focussing attention on procedural democracy and of putting a strong emphasis on the voting process and on political parties. A more substantial concept of democratisation is needed than the one employed by Freedom House, i.e., a concept which includes a broader perspective on participation than the one provided through party politics. Secondly, it can be argued that the Freedom House assessment of civil liberties poses important questions over a wide range of important issues, but the questions are of such general nature that there must be strong difficulties of interpretation. For instance, how will the survey address the question of an independent judiciary in a country like Zimbabwe where the judiciary was deemed independent at the level of the high court, but corrupt and politically dependent at the level of lower courts by observers among civil groups?

The strength of the Freedom House assessment is, however, its global and comparative scope, its wide-ranging assessment of civil liberties, and its elaborate assessment of the upper layers of the political process. The bias towards emphasising procedural democracy should thus be balanced by providing additional data, but the problem is that detailed and comparative data on the nature of civil society and local participation do not exist.

One way in which such a broader and more substantial concept of democratisation could be worked out would be to combine a procedural understanding of political processes with assessments of the commitment of governments to human rights respect, protection and fulfilment. A combination of the Freedom House *political assessment* and the present Human Rights Commitment Indicators is therefore seen to enable a less elite based and more substantial notion of democratisation than the ones usually forwarded especially since the latter indicators include assessments of repression.

Critical articles of the efforts of both Freedom House and Charles Humana were formulated in two excellent articles in *Human Rights Quarterly* during 1993. Gupta et al. were concerned with refining the index of Humana by improving the weights attached to different rights (Gupta et al. 1993).

Barsh criticises strongly (and with good reason) the subjectivity and lack of transparency of the Freedom House assessment of countries, while Humana is also criticised for the lack of consistency and reliability of country ratings (Barsh 1993, 104-05). The problem of the existing indices, Barsh argues, is that they were designed to detect 'repression', i.e., to answer the question, 'which states are the most repressive?' Criteria were thus selected to get at this

⁸⁰The survey methodology explanation is inadequate in three respects: 1. The origin of survey sources is inadequately defined. They are only described as "international sources of information, including both foreign and domestic news reports, NGO publications, think tank academic analyses, and individual and professional contacts" What is of particular interest is of course the degree to which indigenous sources prevail in providing information. 2. The composition of the survey team (how many in each country, what regional and professional background?) 3. The assessment criteria (what problems of interpretation have been encountered?). See www.freedomhouse.org/ratings.

notion of repressiveness rather than positive concepts of freedom. Barsh suggests that the existing indices are ill-suited to study the kinds of policy choices which are still in the process of development and democratisation.

These points seem quite important to discuss. Barsh argues on the one hand that it is impossible to measure freedom and on the other hand that it is irrelevant to measure repression because repressive regimes will not be committed to make sensible policy choices (1993, 115-116). However, these arguments are also somewhat rash. Firstly, an effort is actually made by Freedom House to measure precisely 'civil freedom' and not 'repression' in the sense that questions are raised on civil freedoms without identifying possible sources of oppression, i.e., the primary cause of freedom deprivation might be in either the state or in society or both.

Secondly, the argument that authoritarian regimes are not keen to enforce at least some measures of human rights seems too categorical. Experience from human rights support programmes throughout the 1990s would provide counter-evidence in this respect. Violations of e.g. civil human rights occur in many states, while the states in question are also taking a more liberal attitude concerning political rights of participation and of freedom of association and speech. Diversity of processes of democratisation and of human rights enforcement seems to be one of the important lessons of political change during the 1990s.

Thirdly, the idea that human rights indicators should also seek to capture repression seems very important; it is for this very reason that we have included violations of civil and political rights in the proposed index below. Taking departure in commitment and conduct, the point is, however, that repression should be measured not in terms of prevailing freedoms of inhabitants to act in accordance with certain standards, but rather in terms of state action in relation to the particular standards. Although a measurement of prevailing freedoms is of interest in the political science field, one human rights priority must be to identify whether states actually respect and seek to fulfil the rights to which they have committed themselves. This would also mean that rights should remain at the centre of the efforts of measurement in contrast to the freedom indices which tend to go beyond a rights focus to a democratisation focus. Thus, our index measures, among other things, the inclination of the state to oppress specific rights or to deprive inhabitants of their rights.

Efforts of establishing general indices of freedom and of human rights have reappeared during the late 1990s. The London School of Economics has attempted to measure both political freedom (Desai 1994) and human governance⁸¹ as part of global governance programme. Whereas the governance index is still quite problematic (Sano forthcoming 2000), Desai's index focuses on freedom rather than on rights, but the definition of political freedom that he employs is certainly of interest, "Thus political freedom can be defined as the condition of individual existence in a collectivity where every individual concerned enjoys certain particular freedoms either personally or collectively. These freedoms make the individual capable of communicating with other individuals and of participating in daily political life of the community, and this can involve trying to change the government of the day or some laws or regulations without fear. These freedoms have to be legally available as well as actually exercised" (1994, 6). Thus, political freedom in this understanding is associated with capabilities of participation and of communication. There are thus clear overlaps from such

⁸¹See UNDP 1999, 39.

conceptualisations to Amartya Sen's notion of development as an effort to develop 'capabilities' or freedoms.⁸² Such notions are also developed in UNDP's efforts of indexing human development in the annual Human Development Reports.

Currently, a new round of international indicator discussion seems to have been initiated. The UNDP has elaborated on human rights indicators in its most recent Human Development report 2000, while also the International Association for Official Statistics held a conference on development and human rights indicators during September 2000⁸³. A Common Country Assessment framework with human rights indicators has moreover been prepared by the United Nations Development Assistance Framework (UNDAF)⁸⁴.

Both the UNDP attempts to define human rights indicators and the common country assessment framework elaborated by UNDAF represent progress and demonstrate emerging consensus on the need for a coherent framework of assessment that includes economic, social and cultural rights as well as civil and political ones. There is thus a movement within parts of the UN administration, which consistently pushes for a merger between the development oriented thinking and the human rights thinking. This must be deemed a major progress; nevertheless, challenges still prevail.

In the *Human Development Report 2000*, the principal dimensions of human rights indicators have been proposed, i.e., a framework of defining the relevant aspects of a human rights indicator. The dimensions are,

1. Respect
2. Protect
3. Fulfil
4. Non-discrimination
5. Adequate progress
6. Participation
7. Effective remedy⁸⁵

These dimensions represent various aspects of government obligations towards human rights⁸⁶: A government must *respect* the human rights to which it has acceded, i.e., it must refrain from violating the rights itself. This aspect of non-violation relates both to acts of commission, for instance torture or ill-treatment, as well as acts of omission, for instance ensuring that minimum health rights are respected. Governments must also *protect* the rights

⁸²See Sen 1999.

⁸³The papers of the conference are available on the net address www.iaos2000.admin.ch

⁸⁴The CCA framework can be found under www.cca-undaf.org

⁸⁵See UNDP 2000, 102.

⁸⁶Human rights scholars might argue that the first three dimensions would adequately cover most aspects of human rights indicators. For instance, the issue of non-discrimination may both be covered by the dimension of respect and fulfil. However, in a context of defining indicators there might be good reason to pay particular attention to central notions of discrimination, to the issue of participation with its obvious connections to dimensions of governance, and to the dimension of effective remedy which might not otherwise be considered sufficiently under the dimension of fulfilment.

of citizens, i.e., ensure that third parties do not violate the rights of groups or individuals. Governments must *fulfil* rights, i.e., promote awareness and pertinent legislation as well as provide resources of manpower, institutions or finance necessary for the sustenance of rights.

Governments must ensure *non-discrimination* in the respect, protection and fulfilment of rights. Non-discrimination is thus a clause already inherent in the previous notion, but in an indicator context it seems nevertheless relevant to draw attention to this aspect inasmuch as data so far are unavailable as far as regional, ethnic or minority group fulfilment of rights are concerned.

As far as *participation* is concerned, this seems a useful dimension which would serve to reinforce the integration of aspects of governance with human rights.

The dimension of *effective remedy* seems also pertinent in a rights context. It relates to legal remedies as well as to establishing other channels of information and recourse in the assertion of rights.

Finally, it is also argued that governments must ensure *adequate progress*. We divert somewhat from the UNDP proposal as regards this dimension because we think that adequate progress is already measured under the dimension of respect (for instance as regards minimum core economic, social and cultural rights) and under the dimension of fulfil where assessments of adequate progress are vital. Thus, this dimension does not assist in adding important additional indicators to the assessment framework.

Thus table 1 exemplifies the modified notion of indicator dimensions using the right to health as an example with the UNDP proposed indicators and some additional indicators included. The most important issue presently is not the proposed indicators, but the elaboration of a common approach of the UN system. While, as noted above, progress has been achieved, considerable difference nevertheless exists between the various UN agencies. It is for instance not possible to see the proposed dimensions of the UNDP framework included in the recently established common country assessment framework and the latter suffers from severe limitations as regards indicators of civil and political rights⁸⁷.

Two reasons explain why the UN still lags behind in its efforts to create a common framework. The first is that the UN through its human development reports has developed substantial experience and capacity in the economic and social field. However, it is also clear that substantial caution exists within the UN⁸⁸ and to a certain degree among researchers and practitioners as regards the elaboration of indices which tend to compress rights into an indicator in an unmediated fashion according to a notion than “any statistic is a good statistic” (Thede 2000, 13). However, while opposition to rash indicator development was expressed from some of the researchers, also practitioners within and outside UN seemed cautious

⁸⁷Civil and political indicators of the proposed framework relate principally to the conduct of government as regards legal recognition of various rights whereas government respect for the rights are not measured. That indicators of civil and political rights were unsatisfactory seemed also to be the view held by the representatives of the Office of the High Commissioner during the above mentioned conference on statistics, development and human rights.

⁸⁸The UN caution was apparent at the above-mentioned conference on Statistics, Development and Human Rights in Montreux during September 2000.

because of a reluctance, as it seemed, of developing indicators which would measure human rights violations and which would rank countries as done during the early 1990s. Such caution seemed to reside with the UNDAF group, which had developed the Common Country Assessment framework. Thus opposition to and caution towards a common international framework of indicators derive partly from researchers who are anxious that an international need for quantification and measurement may undermine human rights in the sense that their complexity is distorted by the need for the narrow definitions that lend themselves to quantifications. On the other hand, the caution also derives UN agencies sensitive to the reluctance of member governments of having their human rights record exposed.

Table 1. Realizing the right to health in Ecuador - assessing the state's obligations.

A modified interpretation of UNDP proposed indicator framework

Indicator dimensions	Available or desirable indicators
<p>Respecting rights <i>Does the state interfere with "people's ability to realise their rights?" Does the state ensure that minimum core health rights are respected? "Is there avoidable regression in the existing levels of health or access to health?"</i></p>	<p>- "annual volume of chemical pollution by state operations". -percentage of population without access to primary health care. - "only 17% of the health budget was allocated to primary health care, and just 7% to preventive care".</p>
<p>Protecting rights <i>"Do people suffer systematic, harmful effects on their health from actions by private actors? What measures does the state take to protect them?"</i></p>	<p>- "in the late 1980s, private oil companies were dumping almost 4.4 million gallons of toxic waste into the Amazon daily". -of "1920 complaints relating to sex crimes against women and girls" in the largest city, "only 2% resulted in convictions".</p>
<p>Fulfilling rights (promote, provide) <i>Are people educated about and aware of their rights? "Has the state taken adequate measures to tackle the roots of national health problems" and is there adequate progress in relation to the benchmarks set?</i></p>	<p>-national health policy including state efforts of promoting knowledge and information about health protection. -state budgetary allocation on national health policy. -state educational policy on education of health personnel.</p>
<p>Non-discrimination <i>"Is there discrimination - in the state's efforts -or in outcomes "of access to health or conditions of health care?"</i></p>	<p>- "84% of urban population had access to health services-compared with only 10% of rural people and 80% of the health personnel were in urban areas". - "health care access desegregated by ethnicity, income level and education level".</p>
<p>Participation <i>"Are there mechanisms aimed at ensuring communities influence on and participation in policies concerning their health?"</i></p>	<p>- "percentage of the health budget allocated locally; percentage of health programmes designed with popular consultation".</p>
<p>Effective remedy <i>"Has the state provided effective remedies for violations of the right to health?"</i></p>	<p>-the existence of institutions with complaints handling competence "after 25 years of massive damage to the health of Amazonian communities by state and private oil companies, only a handful of claims have been filed - and none successfully".</p>

Source: After UNDP 2000, p. 102. Note: Phrases in quotation marks are the ones employed by the UNDP. Phrases outside the quotation marks are our modifications.

Generally, the current process of UN efforts is encouraging in the sense that the necessary integration of human rights and development fields is being addressed.⁸⁹ However, an additional comment seems warranted to add to the ones formulated above. It seems necessary to distinguish more clearly than is presently being done between indicators of result and indicators of conduct. So far, UN efforts have tended to focus on indicators of result in the economic and social field. However, when the emphasis on indicator development is not developmental, but rights based, the focus of interest moves from indicators of result to indicators of conduct. State efforts in the human rights field should come into focus. It is for these reasons that an attempt has been made to establish the human rights commitment index.

⁸⁹See also Sano 2000.

3. Human Rights Commitment

In devising this index, we have benefited from a number of discussions in the DCHR project department and among stakeholders in Danish assistance policy in the human rights field. A number of choices has been made on the basis of these discussions and on the basis of the exposé presented above.

3.1 Making choices

In the course of processing the present document, the following choices have been made:

1. What is needed currently in the human rights field is rather the measurement of conduct than of result as explained in the beginning of the paper.
2. We focus mainly on dimensions of respect and fulfilment. Thus, the dimension of protection is excluded because state conduct in relation to private actors' human rights violations is difficult to document with a sufficient level of precision.
3. The current index serves as an instrument of country assessment and will be followed up by one on indicators of human rights standards. The subdivision of indicators (dimensions) proposed by the UNDP and quoted above are mostly relevant when specific indicators of human rights standards are elaborated.
4. We have chosen to focus on four dimensions of commitment which throw light on both formal accession to and incorporation of human rights and which illustrate conduct in relation to civil and political rights, to economic, social and cultural rights, and to non-discrimination in the gender field.
5. We defer from a general ranking, but endorse comparison. Therefore, we have not developed a single human rights commitment index because of the complexity of weighing rights and because of the inadequacy of available data on gender discrimination and on respect and fulfilment for economic, social and cultural rights, but we nevertheless rate the performance of governments in relation to each specific dimension on a comparative scale. Rating is undertaken partly as a necessary and transparent tool of assessment and because we think it is both possible and warranted to create a measure of government performance in the human rights field. No indicator, however, can provide the full information concerning human rights performance. Text and qualitative assessment must be combined with any use of indicators.

3.2 The Human Rights Commitment Indicators

The indicators measure the commitment of governments to respect and fulfil human rights, and in order to capture the distinct dimensions of how this is expressed, we have chosen to distinguish between two forms of commitment, 'formal' and 'real'. It is important to state that the outset is not that one is better or more important than the other, but that they merely reflect different stages, which are mutually inter-linked in the sense that establishing the legal foundation is not just an important step in itself, but also paves the way for increased respect and fulfilment measured through concrete government action in relation to the standards. Conversely, if the concrete action by the state or its agents can be described as being in conformity with the requirements of the human rights standards, it also makes ratification and implementation of the instruments easier and more likely.

Formal commitment of governments is measured in the ratification of international human

rights law and regional instruments, in constitutions and in reservations and regional instruments, in short the various instruments which make up the legal framework of human rights in a given context. In this case, commitment to respect and fulfil is seen as the willingness of states to submitting themselves to be bound by legal instruments and to establish the norms and standards in the domestic legal context, as well as to accept the main institutions relating to individual complaints.

Real commitment of governments is measured by indexing actual violations by governments in the field of civil-political rights and by indexing levels of government conduct in the social sector, i.e., a proximate way of measuring commitment to economic, social, and cultural rights. Finally, government conduct in dealing with gender discrimination is measured partly by public sector employment of women, partly by adult female literacy rate. Gender discrimination is given a separate prominence partly because it relates to the human rights situation of half of the population, partly because the assessment of civil and political rights has shown that all states are discriminating in gender terms; the challenge is thus not to measure whether violations occur in this field or not, but to obtain some measure of the degree of violations.

Four factors are therefore part of the assessment of commitment:

1. An index measuring formal commitment to international and regional human rights standards by governments
2. An index of civil and political human rights violations by governments
3. An index approximating commitment to fulfilment of economic, social and cultural rights
4. An index measuring in a preliminary way commitment to gender equality by governments

3.2.1 Formal commitment

The first index used for analysing commitment is *formal government commitment* as reflected in the ratification of international and regional instruments, in the reservations taken by governments to international or regional conventions ratified, and in the incorporation of human rights standards in national Bill of Rights.

The justification for this is, primarily, that in relation to human rights protection there is a widely developed legal framework, which is available to acceptance by states. The international dialogue emphasizes the need for ratification of the general as well as the specialised global and regional conventions as a first step in relation to the realisation of human rights. In this manner, adherence to these instruments has become an important political signal relating to a state's commitment to human rights. The same applies to the individual access of complaint implicit in the First Optional protocol to ICCPR and in the three regional conventions, which indicates the willingness of the state to accept criticism from members of the public and to be scrutinised before international fora, i.e. to waive the principle of non-interference in domestic affairs. With respect to reservations, these are a less obvious but all the more significant test on how real the formal commitment actually is, i.e. the extent to which the state in question really intends to live up to its obligation, or will use the "back door" implicit in a general reservation to minimize its obligation. Finally, the

domestic constitutional Bill of Rights is a significant indicator on human rights commitment, because it first of all reveals the commitment to “translate” the international obligations to the domestic context, and secondly because it provides individuals with the legal foundation for addressing human rights claims within the domestic legal system. All in all, this indicator therefore illustrates the extent to which a state, at least formally and in principle, is committed to a legally binding framework of human rights.

The score is based on four groups of select indicators, namely:

- A) *Ratification⁹⁰ of fundamental international and regional instruments;*
- B) *Ratification of other UN human rights conventions;*
- C) *Reservations (substantial) to international or regional conventions ratified;*
- D) *National Bill of Rights.*

It should be noted that all the indicators are formulated on an interval scale where a low score indicates a high level of formal commitment, while a high score indicates that the state exhibits a low level of commitment to human rights standards.

Under the first heading, A) *fundamental global/regional instruments*, scores are allocated in the following manner:

- No ratification of the International. Covenant on Economic, Social and Cultural Rights = 2 points
- No ratification of the International. Covenant on Civil and Political Rights = 2 points
- No ratification of the First Optional Protocol to ICCPR = 1 or 2 point(s)
- No ratification of the regional general human rights convention (Africa, America or Europe) = 1 point or NA

Maximum score here is thus 6 and minimum score 0.

In relation to A), the two Covenants individually and in conjunction give a picture of the general scope of rights and freedoms. In addition they are recognised as cornerstones of the fundamental framework of human rights protection globally, in the sense that they represent the legally binding elaboration of the Universal Declaration of 1948. Lack of ratification of either one therefore indicates a serious lack of commitment to formal respect of their provisions, i.e. to the broad catalogue of civil, political, economic, social and cultural rights and freedoms.

In addition to the two Covenants, the First Optional Protocol to the ICCPR has been included, because it reveals the openness of the state to receive individual complaints concerning its respect for or violation of the rights of the Convention. It should be viewed in conjunction with the three regional instruments, all of which are characterised by having a mandatory access of complaints from individuals, which sets them apart also from the Covenants and the

⁹⁰Ratification or accession; signature alone is not sufficient

other international instruments. In relation to those states which do not belong under any of the regional systems, in particular the Asian and Central European states, the ratification of the First Optional Protocol to ICCPR becomes particularly important, because this is the only opportunity for providing individual access of complaint to a general human rights treaty. Also, the comparative picture would be distorted if states who do not have the opportunity for adhering to any of the regional instruments incurred a score for lack of ratification hereof, since the purpose is to reflect on government commitment.

In short, a distinction is therefore made between those states belonging to a regional forum (Organisation of African Unity, Organisation of American States or Council of Europe) with the possibility of ratification, and those states where there is no regional forum and therefore no possibility of adhering to a regional treaty. In relation to the first, i.e. states which are members of one of the three regional fora, but who nevertheless choose not to ratify the human rights treaty, the score of low commitment is 1. Accordingly, no score is calculated for non-member states.

If State parties are under domain of regional treaty, the maximum score for non-ratification of the Optional Protocol is 1, but if State parties have no possibility of a regional treaty (Asia, Pacific and others), the score for lack of ratification of the Optional Protocol is doubled to 2.

In this manner the total maximum score for these two sub-indicators in conjunction is 2, regardless of whether any regional treaty applies or not. At the same time, it stresses that the willingness to submit to individual complaints is an important indicator of government commitment.

In contrast to section B, as mentioned below, the instruments included in this category would probably not be altered, since their basic and fundamental nature seems unchallenged and unaltered by other instruments. The only exception to this would be the coming into being of a regional Arab world and/or Asia Pacific human rights convention similar to the other regional instruments which in due time would also belong in this category. In such a case the difference in emphasis on the ratification of the First Optional Protocol for various states would then also have to be adjusted, without changing the overall maximum score.

Under the second heading, *B) other UN Conventions*, scores are allocated with departure in six UN instruments in the field of human rights, which address specific issues as well as protection of vulnerable groups. The justification for the choice of these six instruments in particular, is that in relation to their contents as well as their globally recognised nature are considered the most prominent of the UN instruments.

The instruments are: Convention on the Prevention and Punishment of the Crime of Genocide (1948); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); International Convention on the Elimination of All Forms of Racial Discrimination (1965); Convention on the Elimination of All Forms of Discrimination against Women (1979); Convention on the Rights of the Child (1989); and Convention Relating to the Status of Refugees (1951).

The conventions are given equal weight, but less than that of the Covenants and the regional instruments, since it is not the individual treaty which is relevant but the overall number of ratifications. This is done for two reasons: first of all in order to ensure that these conventions

by their number alone do not distort the balance of this indicator, since a score of 6 (one for each) would be too high compared to the respective weight of the other sub-indicators or of the violations. Secondly, there may be particular reasons why a state has or has not ratified any given instrument, such as its perception of the relevance hereof to the concrete situation. What matters is that a state showing its willingness to ratify a larger number of these instruments is giving evidence of its formal commitment (reality may still be different) to the principles herein, and to living up to its obligations of reporting and/or being monitored in its performance by an international body.

Each of the conventions not ratified represents a score of 0.5. However, in order to having to deal with 'full' figures only, the score has been adapted accordingly:

- Ratification of all 6 instruments = 0 points
- Ratification of 5-4 instruments (i.e. 1-2 not ratified) = 1 points
- Ratification of 3-2 of these conventions (i.e. 3-4 not ratified) = 2 point
- Ratification of 1 or 0 of these conventions = 3 points

Maximum score here is thus 3, and minimum score is 0.

It should be noted that this particular sub-indicator is not necessarily static, and that for instance one or two decades ago, the score would have been different in the sense that very few countries would have been expected to ratify a majority of the instruments. Also, at some stage more instruments could be included if relevant, as long as the necessary adjustments to the respective number of ratifications leading to different scores are made.

Under the third heading, *C) reservations*, are included reservations to the international or regional conventions included in indicators A and B as ratified by each state. This sub-indicator supplements the two previous ones, since the overall survey of international treaty obligations in the field of human rights needs to include the extent to which these obligations are wholly or partly set aside or annulled through reservations, providing effective "claw-back" functions.

In general, reservations differ in nature, in the sense that some of them relate to acceptance of the jurisdiction of various bodies or to individual sections of minor importance of an interpretative nature, i.e. are not necessarily indicators of government commitment to the treaty in questions. Other reservations, however, are of such a broad and general nature that they fundamentally override the general spirit of the convention beyond a single article, and only if one or several of such reservations to the special or general treaties are in force, they give rise to a score of 1. In order to determine whether this is the case, the text of the reservation will be subject to a process of interpretation in order to determine its scope. What matters is that the reservation is not merely viewed as a technical or temporary restriction on the fulfilment of one specific article or sub-clause. Nor is a reservation merely denying the jurisdiction of the International Court of Justice sufficient to release the score of 1. Instead, the reservation must be general in nature, either covering several articles or be of such a nature that the general nature of whole or part of the treaty is contradicted.

In contrast to the previous sections, where the Covenants and the regional instruments were

given higher weight than the other conventions viewed individually, the reservations to them are here weighed similarly. Also, it is not the number of reservations which counts, in the sense that the indicator does not differentiate between a situation where a state has made several reservations to one or more treaties and those cases where there is just one major reservation.

- Maximum score for this indicator is thus 1, and minimum score is 0.

Under the fourth heading, *D) National Bill of Rights*, the focus moves from the international to the national level of formal protection of human rights standards, as they are protected at the highest level of domestic law.

This indicator is particularly relevant in relation to an evaluation of the State's formal commitment to human rights, since it reflects an area where the State has a direct influence and exercise of choice in the process, compared to the international scene where a given government may have little or no influence over the formulation of international treaties. The protection of the human rights catalogue in this sub-indicator must be at the highest domestic level, in most cases contained in the constitution.

The total absence of a Bill of Rights, or of any provision importing the international instruments (such as the Universal Declaration or those conventions ratified by the State), is interpreted as a very low level of state commitment to human rights. If the Bill includes only civil and political rights and has no or only a very reduced mentioning of economic, social and cultural rights, or where those are found in a section on non-binding government policies or priorities only, it reflects some degree of commitment only. Similar to the preceding indicator relating to reservations, and perhaps even more so, this is an indicator which is not always easy to establish, as it requires some exercise of discretion because of the diverse nature of the material one attempts to analyse here. Finally, when the national Bill of Rights protects the full scope of the rights, it is taken as an indication of the highest degree of formal commitment at the domestic level.

The scoring of this indicator is:

- No national Bill of Rights or explicit incorporation of international human rights instruments in constitutions = 6 points;
- A national Bill of Rights, but a limited catalogue only (i.e. only civil and political rights, only economic, social and cultural rights, or a number of key rights in each or either category missing) = 3 points;
- A national Bill of Rights with a full catalogue of both civil, political and economic, social and cultural rights = 0 points

Maximum score here is 6 points, and minimum score is 0 points.

The cumulative maximum score of all four indicators A) - D)

The total cumulative score for these four sub-indicators, which unite in the indicator formal

commitment, is 16. This is then divided by 2, so that the maximum score relation to formal commitment is 8. This solution has been chosen as a compromise between the two contesting objectives of capturing the complexity of the information included in a single indicator on the one hand, and the need to facilitate a comparison with the other three main categories of indicators (of violations, social rights and gender, all with a maximum score of 8) on the other.

The highest formal maximum commitment on all five groups will therefore yield a score of 0 points, the average of which remains 0. In contrast, a minimal formal commitment will provide a score of $16 : 2 = 8$ points. An intermediate level, for instance where the regional and one of the general as well as a few of the specific conventions have been ratified and where the national Bill of Rights does not have a complete catalogue of human rights, may result in a score of 4 or 5 (8 or 10 divided by 2) etc.

Comparing the significance of the various indicators, failure to ratify one of the major human rights covenants or 3 of the specialised international conventions count for as much as two violations, while a substantial reservation compares to one violation. In contrast, a total lack of a domestic Bill of Rights will count for as much as six violations, since it demonstrates a significant lack of commitment on behalf of the government in securing a domestic legal framework for human rights protection and promotion.

3.2.2 Violations of civil and political rights

Concerning *civil and political rights violations*, we have established a set of indicators which summarises 8 different types of violations, reflecting the extent to which the states are willing and/or able to respect the rights not just formally, as illustrated in indicator A), but also in practice.

This indicator is perhaps the one which in human rights circles is the most familiar, in the sense that national and international institutions and organisations such as Amnesty International for many years have based their work on it, monitoring and reporting on the prevalence of incidents of torture and disappearances in various countries.

The standards outlined below are founded in the fundamental notion of human rights as regulating the exercise of State power over individuals. Due to the nature of the power relation between the State and its agents on the one hand and members of society on the other hand, the former may infringe upon the integrity, freedoms and rights of the individual, in a manner going beyond those forms of interference in the individuals' private spheres which is considered acceptable according to the human rights principles in force in the society in question - and this, then, constitutes a violation of human rights. Since it is the state which has the obligation to respect, protect and ensure human rights, it also means that correspondingly it is responsible for any omission hereof, committed by all its representatives, i.e. its legislative, judicial and executive bodies. In relation to the methodology applied, it means that a distinction must be made between those violations committed by the State and its agents and those committed by other parties, such as an armed opposition movement, rebel groups or private individuals, where it is only the occurrence of the first category which releases a score.

This indicator is not, in contrast to the indicator of formal commitment, limited to the extent

to which human rights are protected through the adoption of domestic or international legal texts, but reflects the lack of ability/commitment on behalf of the State to addressing and preventing the violations by its own forces. In this manner a high, medium or low score on this indicator shows the extent to which the State respects and fulfills human rights in society. All of the standards chosen share common basic qualities, in the sense that, firstly, they are globally recognised in the sense that they can all be found in the ICCPR (supplemented by the six specialised UN Conventions), and in the three regional conventions, in addition to the Universal Declaration. Secondly, they have formed the basis of the work of international NGO's for a number of years, and even though some of them are more extensively reported on than others⁹¹, reliable comparative sources on their violation in countries all over the world is available in an updated form. They therefore comply with the criteria of being measurable as well as globally appropriate.

These criteria would still fit a number of standards. The main emphasis has been on covering a broad scope of civil as well as political rights; the eight standards in conjunction cover the broad and full scope of civil and political rights and freedoms in a comprehensive yet manageable form.

As mentioned above, all the standards listed below are taken from the 1948 Universal Declaration and the 1966 International Covenant on Civil and Political Rights. In addition, other global or regional hard law documents (e.g. other UN human rights conventions or the European, American or African regional general human rights conventions), or in particular cases soft law documents (e.g. general recommendations), may form the basis for the analysis.

- Each of the eight columns has the value of 1, i.e. if all eight types of violations are found in one state the total score is 8. If there is no score, for instance if no information is available, the score is 0. Due to the objectives of the indicators of capturing government conduct in relation to a notion of repression, the CPR violations are weighed by a factor of 2 in the overall index.

The standards are as follows:

1. *Extra-judicial killings / disappearances*
right to life; right to personal liberty and personal security (UD art. 3, ICCPR art. 6 and 9.1).
2. *Torture and ill-treatment*
freedom from torture and cruel inhuman and degrading punishment or treatment; the right to humane conditions of detention (UD art. 5, ICCPR art. 7 and 10).
3. *Detention without trial*
freedom from unlawful detention; prisoners of conscience (UD art. 9, ICCPR art. 9 and 15).
4. *Unfair trial*

⁹¹The tendency has been that while the first four indicators are regularly reported on by both Amnesty International and Human Rights Watch, this is less the case in relation to the last four, whereas Freedom House reports on these instead.

The right to a fair trial (incl. public, independent and competent judiciary etc.); freedom from ex post facto laws (UD art. 10 and 11, ICCPR art. 14 and 15)

5. *Participation in the political process (denial of freedom)*
The right to participate in government (directly and indirectly) (UD art. 21, ICCPR art. 25).
6. *Association (denial of freedom)*
Freedom of association (UD art. 20, ICCPR art. 22).
7. *Expression (denial of freedom)*
Freedom of expression (UD art. 19, ICCPR art.19).
8. *Discrimination*
Freedom from discrimination on the basis of race, colour, language, religion, political or other observation, national or social origin, fortune, birth or other status; equality before the law (UD art. 2, ICCPR art. 14 and 26).

The eight indicators have been formulated with a view to presenting as accurate a picture of the States' commitment to civil and political rights as possible.

Similar to the indicators on formal commitment they have been formulated so that their occurrence in a particular society releases a score of 1. In this manner a high score indicates low Government commitment, while a low score conversely indicates a high level of government commitment.

The principles have been formulated broadly enough to each cover a plurality of concrete incidents, which are reported on in a comparative manner by the various sources. At the same time they have also been drawn up with a view to ensuring that they are grounded in actual minimum human rights standards, which apply to all states irrespective of their stage of development.

In relation to methodology, one of the difficulties in relation to this indicator concerns the question of availability of sources. These should ideally be totally objective and non-biased, stemming from an objective source, be based on first-hand information, regularly updated, equally available for all countries and for all eight indicators, and conforming to the standards we have selected as essential.

In our search we have identified three primary sources which on most accounts fulfil these criteria. One is the country analyses by US State Department, i.e. a governmental source (www.state.gov/www/global/human_rights/hrp_reports_mainhp.html). The other two are the country reports by international NGO's, i.e., Amnesty International (www.amnesty.org/ailib/index.html) and Human Rights Watch (www.hrw.org/wr2k/). All of them are included on the basis of information available in their latest annual reports.

Another valid source is the regular reporting and monitoring carried out under thematic mandates from the UN Commission on Human Rights, which have the advantage of a (presumed) high degree of independence, in addition to the fact that most of the indicators are covered. However, because this source is thematic rather than country specific, it does not represent the same degree of systematic coverage as the other sources, and has therefore only

been included as a secondary source.⁹²

In general, the various sources have different advantages and drawbacks; the risk of bias in relation to a government source is obvious, but an NGO may as well have its own agenda, and there is no way around the fact that all three sources have their basis in the Western part of the world, and therefore may favour a universalistic approach where civil and political rights are given a high priority, and where consideration for cultural or developmental issues may not be sufficiently present to other regions (see discussion relating to some Asian countries above). Finally, they may report on different issues according to their priorities, so that their reports do not discuss certain violations at all, obviously making it difficult to conclude if they exist or not. Also, even if reporting on a given issue is carried out by all of the main sources, their evaluations may for various reasons differ (see indicator tables showing differences in reporting by AI, HRW and State Department). The most likely situation for this to occur is in relation to substantive and sudden changes in the political regime of a country, for instance in case of a military coup, leading to a rapid increase of a broad scale of human rights violations. Such changes may be registered by the organisations, but may only be incorporated into their reports the following year, whereas some of the other sources include them, resulting in a different score. If discrepancies occur as a result hereof, the various sources should be consulted, and the source most recently updated should be considered the most valid.

In view of the issues relating to balance and reliability outlined below, we have chosen a methodology where three sources within each violation are compared, i.e.: US State Department, Amnesty International and Human Rights Watch. If there are two or more of the sources that indicate a violation, one point will be given. In cases where violations relate to only one incidence or the source explicitly acknowledges that violations are exceptional or not part of a pattern⁹³, we have defined the violation as a border-case, i.e., we have allocated half a point to the violation in question. In the graphic description of violations, such incidences are marked with grey, where prevailing and confirmed violations are marked dark and no violations are marked white.

In cases where only one source indicates a violation and two others provide no information, the case is marked white (=0 violation) unless the wording of the single source is sufficiently strong to indicate confirmed and prevailing cases of violations⁹⁴. In the latter cases, the

⁹²This source include reports from: the Working Group on enforced or involuntary disappearances and Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions (relevant to indicator 1); Special Rapporteur of the Commission on Human Rights on the question of torture (indicator 2); the Working Group on arbitrary detention (indicator 3); the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers (indicator 4); the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the right to freedom of opinion and expression (indicator 7); and the reports of the Special Rapporteurs of the Commission on Human Rights on violence against women and on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (indicator 8). In addition there are the country-specific mandates under the Human Rights Commission, where some of the countries of this study, i.e. Rwanda, Burundi, Cambodia and Former Yugoslavia have Special Rapporteurs/Representatives appointed to monitor the human rights situation in the country. All of these documents can be found through the website of the Office of the High Commissioner for Human Rights (www.unhchr.ch), looking under 'Documents', latest session of the Commission on Human Rights or the General Assembly.

⁹³For instance in the case of Burkina Faso in relation to 'unfair trials', Amnesty International reports on one case of unfair trial.

⁹⁴In relation to Angola concerning detention without charge or trial, neither Amnesty nor Human Rights Watch report on this issue, but the US State Department formulation that 'Detention without charge or trial is an

standard in question is marked with half a point and graphically described as grey. In cases, where one source acknowledges that violations take place and only one other source provides no information (while the third source is not commenting on the country in question, at all), the violation is marked with half a point or grey unless the wording of the source acknowledging that violations take place is sufficiently weak to indicate that violations are not part of a prevailing pattern.

In cases, where one source explicitly argues that violations do not take place and another source confirms violations, the explicit claim of no violation prevails, especially as sources economise in these statements of no violations. The particular human rights standard is therefore marked with 0 or white.

In summary, three types of scores are employed in scaling each of the eight individual CPR standards: 1 point or dark colours for confirmed patterns of violations, 0.5 point or grey colours for incidences of violations and for unconfirmed violations, and 0 points or white colours for confirmed non-violation.

Some problematic issues, arising from the application of the methodology in practice, must be addressed. A country where human rights violations occur but are not reported upon, will undeservedly score very low. However, these examples are few and rare, particularly because of the plurality of sources used, and in those cases an explanatory note may also be attached.

It could be argued that, from a legalistic point of view, abuse of power and State-directed simple violence against citizens may only be regarded as a violation if some kind of legal obligation is in place - if that is not the case, it is a no-less-serious form of institutionalised violence, but different from the violation of a particular provision or even a founded principle. However, as a consequence of this interpretation we must also then accept that it poses the question whether states who have not ratified any of the international instruments, not have a Bill of Rights in their Constitution, also should not be “punished” for not respecting the principles, because they have never committed themselves to upholding them in the first place. The commitment indicators indicates that the problem is not a general one, since an absolute majority of states have ratified one or several of the international instruments, either at the global or the regional level. Even if this is not the case, the states in question (for instance Cuba) in most cases then have a national Bill of Rights, which wholly or partly covers the scope of rights expressed through the eight standards. The most serious challenge is presented by some of the countries in Southeast and East Asia, such as Bangladesh and Indonesia, which do not belong to a regional human rights treaty, have not ratified the Covenant on Civil and Political Rights, and also have Constitutions which do not include the full scope of rights. In relation to those countries one can maintain that there exists no statutory legal obligation to respect those rights, an argument which is related to the discussion on the extent to which human rights can be considered universal. Here countries in that region in particular have maintained a position denying it in favour of cultural relativism and the principle of national sovereignty.

In this study we have chosen as a general rule to follow a non-legalistic approach, viewing

ongoing problem and that there is scarcity of trained personnel and resources’ is sufficiently strong to warrant grey zoning rather than white which is otherwise used when two sources are silent while only one source reports violations.

this indicator not as an expression of adherence to formal provisions, but as an expression of actual state practice. In this way, the existence of laws and practices routinely denying freedom of expression to NGOs and a critical press, may not technically speaking be considered a human rights violation - but in any case it is an indication of the openness of the government to embracing criticism and divergences of opinion in society, and in this way becomes an important indicator on state behaviour in a number of areas, particularly when supplemented by the other three main indicators relating to formal commitment, social and gender aspects. This, then, would in the strict sense necessitate that we do not use this indicator as a form of universal judgement in itself, as tempting and logical as that may be, but view it in the full context of all the indicators combined. To the extent that information relating to the States' approach to the eight principles is available, we have therefore based our score on this, i.e. independently of whether it is a legally established right and a violation hereof in the context of that particular country. However, in those cases where the formal commitment analysis indicates that no legal basis is in place for one, several or all of the principles/violations, we have made a note of it, so that an evaluation may be made in the individual case.

3.2.3 Measuring Commitment to Respect and Fulfil Economic, Social and Cultural Rights

In terms of globally available data-bases, there are major problems concerning indicators of economic, social and cultural rights. Key indicators need yet to be developed concerning e.g., the right to education (Hunt 1998) and the right to health or the right to an adequate standard of living. Such indicators must at least relate to the minimum core content of these rights and also to non-discrimination with respect to these rights. Thus, the General Comment No. 13 of the Committee emphasises inter alia that state parties to the Covenant are obliged "to provide primary education for all" as an immediate duty. In addition, the General Comment No. 14 re-emphasises the core obligation of state parties to ensure the satisfaction of primary health care including the right of access to health facilities, goods and services on a non-discriminatory basis, especially for the vulnerable and marginalized groups.⁹⁵

So far, global indicators in this field have been promoted within the development quarters rather than within the human rights sphere. Until this year, it was quite illustrative of the lack of convergence of thinking in this area that several years after the UN Social Summit in Copenhagen of 1995, discussions on indicators in social sector development were conducted without any reference to Economic, Social and Cultural Rights⁹⁶. The UNDP Human Development Report 2000 which has just been published has made a first step to integrate the human development perspective with a human rights perspective - and in this context, to call for new sets of indicators that would reflect both progress in poverty alleviation and in discriminatory practices concerning health, education and employment (UNDP 2000, 108). However, so far, data bases are not available to satisfy the need for data which illustrate e.g., progress in reduction of regional inequity concerning health and education.

⁹⁵see UN Committee on ICESCR. 1999 and 2000.

⁹⁶See for instance the follow-up seminars arranged by Danida as follow-ups to the Social Summit. E.g., Danida, Ministry of Foreign Affairs. *Conditions for Social Progress: A World Economy for the Benefit of All. 1996 Copenhagen Seminar For Social Progress*. See also the seminar papers not yet published from the meeting on Defining, Measuring, and Monitoring Social Progress and Social Regress arranged by Danida during 1999.

The UNDAF Common Country Assessment Indicators has developed a good number of indicators in the economic and social field, but these are indicators of result rather than of conduct. They are “traditional” development indicators which have been used to measure poverty. However, applying development indicators in a straightforward manner in order to illustrate human rights commitment will imply that African and other poor countries will be represented systematically at the lower end of the scale because of the close links between poverty and development indicators, while the objective in the human rights commitment indicators is to reflect how governments seek to deal with its human rights obligations irrespective of development levels⁹⁷.

The predominance of development indicators and the corresponding underdevelopment of universally accepted human rights indicators in the economic and social field mean that vicious circles are easily developed concerning the representation on economic and social rights: because data are not available, economic and social rights are not included in general country assessments with the result that policy elaboration in this field does not take place. Currently, however, positive initiatives have been taken by the Committee on Economic, Social and Cultural Rights in efforts to elaborate General Comments on respectively article 13 (the right to education) and article 12 (the right to health). These efforts seem to be conducive in stimulating, too, discussions about indicators in relation to these rights although agreement on indicators has not yet been achieved. Thus, in the draft General Comment on the right to the highest attainable standard of health indicators were suggested among which indicators of conduct including the one applied here, i.e., *the percentage of the gross national product spent on health*. In drafting the final comment, however, these proposals of indicators were taken out of the General Comment⁹⁸. It would seem, however, that co-operation is needed between UN bodies such as the UNDP and the human rights monitoring committees in order to arrive at generally accepted indicators.

Economic and social indicators must therefore be of a preliminary nature and this goes also for the issue of indicating gender discrimination, which we shall deal with in the next section.

What we have tried to do for both of these issues is to combine two sub-indicators to illustrate government commitment to respectively economic, social and cultural rights and concerning gender equality. One indicator will illustrate the element of *progressive realisation* while the other will illustrate *current government commitment* to the specific human rights standards. The idea is thus to combine a perspective of change with a synchronic perspective. While the former favours developing countries somewhat in the sense that it is easier to progress rapidly from low levels, the latter favours the developed world relatively in the sense that it is easier to demonstrate commitment in the social sector in an economy of affluence.

Thus, for measuring commitment to economic, social and cultural rights, we combine *change in human development indicators measuring health and education*⁹⁹ between 1994 and 1998

⁹⁷See www.cca-undaf.org, pp. 19 passim.

⁹⁸See Committee on Economic, Social and Cultural Rights. *Draft General Comment no. 14 version of 23 March 2000*. We are indebted to Judith Asher who participated in the final discussions of the Committee on the Comment for information concerning the fate of the indicators.

⁹⁹We would have preferred to measure change in the full human development index between 1994 and 1998

with present average public expenditure on health and education as a percentage of the GDP or GNP.

The UNDP human development index measures country attainment of defined standards within life expectancy, literacy, and incomes measured as GDP per capita. The human development index therefore measures health, educational and living standards - all core elements of the Covenant of Economic, Social and Cultural Rights. Comparing progress in human development between 1994 and 1998 as far as the indicators of health and education are concerned will therefore show to what degree governments have managed to achieve progress on these standards with 1994 as the point of departure. This year has been chosen as departure point for three reasons: firstly, regime change in east Europe and Africa were effective from that year in most of the relevant countries in this context. Index figures will thus reflect policy commitment within the prevailing regimes rather than reflecting regime change. Secondly, 1994 represent the first year after the Vienna world conference on human rights when a new vigour and commitment to human rights was achieved internationally, at least at the level of rhetoric. Thirdly, measuring change over a period of six years ideally will correspond to the interval of reporting to the Committee on Economic, Social and Cultural Rights. Hence, indicators of progressive realisation must measure change over such a period.

This indicator then measures with 1994=100, the percentage progress or regress achieved in general health and education since then¹⁰⁰. For all the 72 countries indexed, the average level of progress 1994-1998 (the latest year available) is close to 5%. This is then set as the average score of 4 at our index scale of 0-8. The scale is defined accordingly with divisions being defined according to the frequency distribution,

From -7.0 to -3.9%	=	8 points
From -3.5 to -2.5%	=	7 points
From -2.4 to -1.5 %	=	6 points
From 1.6 to 3.5%	=	5 points
From 3.6 to 5.4%	=	4 points
From 5.5 to 6.9%	=	3 points
From 7.0 to 9.9%	=	2 points
From 10.0 to 19.9%	=	1 point
From 20.0 to 70.0%	=	0 points

Concerning current commitment on economic, social and cultural rights, an attempt was first made to measure public social expenditure against military expenditure in order to highlight competing priorities of government policies. While such coefficient might certainly capture

which measures both health, education and living standard indicators. However, concerning the calculation of living standards, the UNDP changed its method significantly during 1999 with the result that poor countries like Niger jumped in the living standards index from 0.11 to 0.33 between two years when the average per capita incomes actually fell. For middle level human development countries, the index of living standards declined between 1998 and 1999 due to the changed method without any corresponding decline in actual incomes per capita.

¹⁰⁰ We concede that changes in health and education policies may be slow to materialise as argued by UNDP 2000 (p. 108). However, we still prefer to measure change from 1994 than using the data introduced by UNDP Human Development Report 1999 of measuring change 1975-1998. For the countries in which we are interested in the south and the east, regime change is very substantial over the latter period.

commitment in a very illustrative way, it was found that it might discriminate against countries that need to maintain a certain level of military expenditure for one reason or another. Moreover, for a number of countries data on military expenditure were not available.

As an alternative, the 20% principle might have been applied, i.e., the objective defined during the Social Summit in Copenhagen that 20% of government expenditure be allocated to health and education. Once again it was realised that international statistics do not necessarily correspond to objectives laid down in international summits: an updated data base on combined health and education expenditure measured against total public expenditure was not available¹⁰¹. For quite a number of countries, statistics of expenditure is not available for either the health component or the education component of social expenditure. Rather than taking the sum of these social expenditures as supposed in the 20%-principle, there is therefore a need to calculate the average expenditure in order to compensate for data availability of one of the components. Discussing during the Social Summit+Five in Geneva during 2000 also revealed that the 20-20 principle originally proposed in Copenhagen during the first Social Summit is not considered an appropriate indicator by a number of NGOs and state parties.

For these reasons, it was decided to use as indicator *the average coefficient of health and education expenditure measured against the GDP/GNP respectively for 1996 and 1995* respectively (the most recent years of data availability). This tallies with one indicator recommendation of the WHO, i.e., that at least 5% of the GNP is spent on health.¹⁰² For all the 72 countries examined, the average expenditure on health and education as a percentage of the GDP/GNP ranges from 0.6% to 7.9% with an average percentage score of 3.8% and a median value of 3.2%. The majority of country cases are therefore located in the lower range of the scale. For the broad group of countries, which are primarily targeted in our work, i.e., non-OECD countries, there is not a strong correlation between development indicators and expenditure in the social sector. Thus, countries like South Africa, Namibia, Kenya and Cuba exhibit high social expenditure together with Croatia, Slovenia, Estonia and Moldova, while countries like most of the West African countries, some southern African countries, some East Asian and South Asian countries are revealing very low social expenditure. Differences in expenditure were not sufficient to warrant the full application of the scale from 0-8. Based on analysis of the frequency distribution, the following divisions were used with the average expenditure of nearly 4% defined in the middle of the scale at points.

From 0 to 1.9%	= 8 points
From 2 to 2.4%	= 7 points
From 2.5 to 3.4%	= 5 points
From 3.5 to 4.5%	= 4 points
From 4.6 to 6.4%	= 2 points
From 6.5 to 6.9%	= 1 point
From 7.0 to 7.9%	= 0 point

¹⁰¹UNDP Human Development Report of 1999 records public expenditure in education against the average of total public expenditure 1993-96, but not the added figures of health and education expenditure. Health expenditure is recorded in the statistics as a percentage of total GDP. Moreover, there might be differences of interpretation concerning 'public expenditure'.

¹⁰²See Hunt 1996, 128, see also OECD 1998, 69).

The score of average public health and education expenditure is combined with the score on progress achieved in the human development indicators in an average figure to provide the final score on human rights commitment as far as economic, social and cultural rights are concerned.

3.2.4 Commitment to Eradicate Gender Discrimination

The Fourth World Conference on Women Platform for Action concerning human rights of women notes that the gap between the existence of rights and their effective enjoyment derives from a lack of commitment by governments to promoting and protecting those rights and the failure of governments to inform women and men alike about them¹⁰³. There is also a strong call for mainstreaming gender rights in the appraisal assessing the implementation of the Beijing Platform for Action (UN 2000), yet uniform indicators of measuring progress in eradicating gender discrimination are still to be worked out. The Commission on the Status of Women reports that the failure to implement the Beijing Platform of Action was impeded by absence of specific targets and of monitoring mechanism (Commission on Status of Women 2000,p. 22).

As in the case of measuring economic, social and cultural rights, the straightforward application of development indicators will penalise poorer countries. The UNDP has constructed a gender empowerment index, which provides indicators of result or of development. For the purposes of commitment assessment, the gender empowerment measure of the UNDP will be inadequate because it will measure poverty rather than conduct.

UNDP has also constructed a gender development index, which provides a more satisfactory entrance to understanding progress in combating gender discrimination. The GDI measures the same values as the human development index, i.e., life expectancy at birth, educational attainment and income per capita, but does so by desegregating the data according to gender differences in attainment of health, education and income standards. *Comparing the gender development index between 1994 and 1998 will therefore indicate progress achieved in gender differences which may be attributed to government policies in the gender domain or to policy induced change of values around gender.* The level of change occurring between 1994 and 1998 may reflect once again as in the case of economic, social and cultural rights, policy initiatives occurring before 1994 as changes in these fields are slow to occur. However, for the same reasons as indicated above, we find that 1994 is an appropriate starting point. Concerning the component of income per capita under the GDI, it suffers from the same methodological change as introduced by UNDP for the human development index. However, under gender change it is possible to retain this component as the GDI measures gender differentiation rather than absolute values of each component.

The average change in the GDI between 1994 and 1998 reaches as high as 14.4%. This means that the human development indicators of life expectancy, educational attainment, and income per capita adjusted for the disparity of performance for respectively males and females has progressed at a quite high level. However, it should be borne in mind that the scope of progress of reducing income disparities between men and women is quite high¹⁰⁴.

Given this average, the scale of 0-8 score has been used accordingly based on the frequency distribution of percentage progress or regress,

¹⁰³See www.un.org/womenwatch/daw/beijin/platform/human.htm.

¹⁰⁴Thus, the GDP per capita in Gambia reaches 1085 dollars for women during 1998 (measured in fixed prices) while it reaches 1828 for males. For a middle human development country like Uzbekistan, it reaches 1613 dollars for women, while 2499 for men. For a high human development country as Hungary, it reaches 6624 dollars for women and 28508 for men. See UNDP 2000, 161.

From -9.0 % to 4.0% =	8 points
From -3.9 % to 1 .5% =	7 points
From -1.4 % to 4.9 % =	6 points
From 5.0 % to 12.9%=	5 points
From 13.0 % to 19.9% =	4 points
From 20.0% to 29.9%=	3 points
From 30.0% to 39.9%=	2 points
From 40.0% to 49.9%=	1 point
From 50.0%+ =	0 point

Concerning indicators of current government commitment towards eradicating gender discrimination, one indicator has been applied. This is *the employment rate of women at all levels of government 1998*¹⁰⁵. Before employing this indicator, efforts were made to investigate whether indicators were becoming available as a result of the Beijing+Five process. In preparation of the process a questionnaire had been sent to the UN member governments on behalf of the Secretary General. The Division for the Advancement of Women (DAW) now reports that 146 governments have provided reports on their initiatives concerning 12 identified critical areas of concern, i.e., Women in poverty, Education and training of women, Women and health, Violence against women, Women and armed conflict, Women and the economy, Women in power and decision-making, Institutional mechanisms for the advancement of women, Human rights of women, Women and the media, Women and the environment, and the Girl and the child.

However, only a few of these reports are available. They are being analysed presently in the DAW and could possibly furnish an important resource for the elaboration of common indicators of progress and of current government commitment.

The present lack of appropriate monitoring mechanisms has, however, forced us to adopt the preliminary approach of just using the government employment of women as the sole indicator measuring current government commitment to eradication of gender discrimination.

The average rate of employment for the 72 countries is 9%, which is therefore defined as the middle range in our scale of 0-8 points. The scale measuring current commitment is therefore defined in the following manner according to the frequency of distribution of women employment rates at all levels of government,

From 1.0 to 2.5% =	8 points
From 2.6 to 4.0% =	7 points
From 4.1 to 5.5% =	6 points
From 5.6 to 7,9% =	5 points
From 8.0 to 11.4% =	4 points
From 11.5 to 13.9% =	3 points
From 14.0 to 17.9% =	2 points
From 18.0 to 24.9% =	1 point
25.0% + =	0 point

¹⁰⁵ See UNDP 2000, 264-66.

The range of progress in the 72 countries varies from 1.1-33%. The score achieved on this indicator is combined with the score achieved in measuring progress of the GDI in a simple average.

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