

# METHODOLOGY: INDEX VALUES FOR RIGHT TO DEFEND RIGHTS

## A SHORT INTRODUCTION

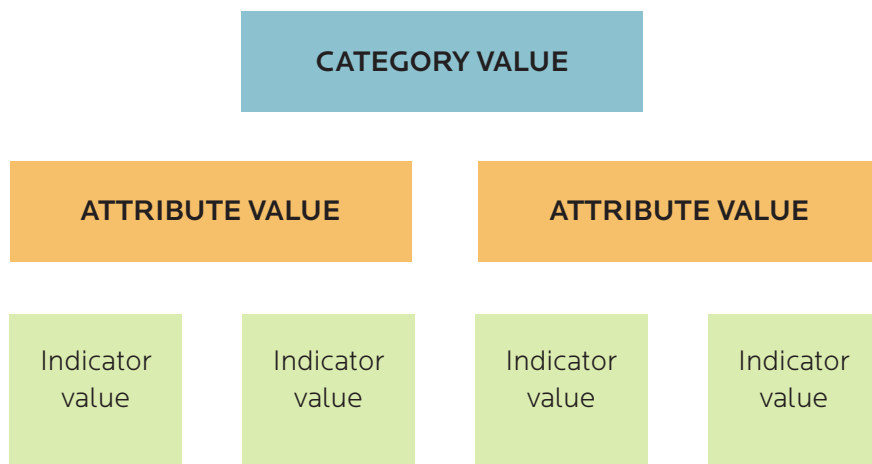
The Right to Defend Rights tool is based on a set of 73 indicators which are measured by two questionnaires, namely a National Questionnaire with 135 questions and a Group Questionnaire with 69 questions. If a question can be assigned a comparative numerical value, it is included in an index calculation. The index-calculation helps to assess and illustrate countries' progress with regards to recognizing and implementing the rights and freedoms necessary for an enabling environment for those who defend rights. These calculations can serve as measures to compare the realisation of rights across groups, across countries or over time.

The indicator framework of the Right to Defend Rights tool is organized into 5 categories, namely:

1. General framework for the protection and promotion of human rights and fundamental freedoms
2. Freedom of Opinion and Expression
3. Freedom of Association and Assembly
4. Right to Participation in Public Affairs
5. Liberty and Security of Person

These categories are divided into subcategories (called attributes), which aggregate a number of indicators. For the purpose of the index calculation, each category receives a value. The index values of the categories are the weighted average of the values of its attributes, which are then based on the values of the respective indicators (Figure 1).

Figure 1: The index hierarchy



## 1. CALCULATING THE QUESTION SCORE

The indicators in the framework are assessed based on a number of questions. Some indicators have only one question while others are associated with more than one. In general indicators containing more than one question consist of a main question (“unconditioned questions”) and some follow-up questions (“conditioned questions”), there can be e.g. related to data disaggregation.<sup>1</sup>

Altogether, 63 of the questions from the national questionnaire and 22 questions from the group questionnaire are included in the index. Questions that are not included in the index calculations can be found in the appendix at the end of this note together with an explanation/reason.

### The main considerations for including or excluding a question from the index:

- Most unconditioned questions have straightforward response options such as “yes/no”; “yes/partially/no”, “high/moderate/low” and they are included in the index calculation with only a few exceptions (see the Appendix for the complete list).
- Questions that are conditioned on another question and are for example providing number of cases per year, or data disaggregation, are not included in the calculations.
- Questions where the answer is a number or a percentage are also excluded.

This is because the tool operates on the principle that one case of human rights violation is one case too many. At the same time, numbers/percentage questions are often hard to compare between countries without bringing in the country context. For example, the indicator “Proportion of positions in national and local institutions, including (a) the legislatures; (b) the public service; and (c) the judiciary, compared to national distributions, by sex, age, persons with disabilities and population groups (SDG 16.7.1)” assesses, among other things, the proportion of women or people under 45 years in the legislature. Although this is a relevant indicator to assess the level of participation of specific groups in public affairs, these numbers are not easy to compare between countries without the specific context and it is difficult to attribute them value.

### Calculating the value of a question’s response option:

For the questions included in the index, all response options have been given a numeric value depending on how they are presented in the questionnaire. The first response option will have the value 1 and second will have value 2 and so on. For some questions the first response option is better than the latter and for others it is the other way around.

A “better” response option means that there is a higher level of human rights compliance or enjoyment of the right than a “worse” response option – which then has a lower level of compliance or enjoyment of the right. The higher the level of human rights compliance, the higher the score of the response option in the index (see example on Table 1).

To make the response options of the different questions comparable, the scores have been “normalized”, so that they run between 0 and 100 (also referred to as feature scaling), where 0 is considered the lowest level of human rights compliance and 100 is considered the highest level of human rights compliance.

$$z_i = \frac{x_i - \min(x)}{\max(x) - \min(x)} * 100$$

$z_i$  = Normalized score for question  $i$

$x_i$  = Observed score for question  $i$

$x$  = Response options within each question

Questions on an ordinal scale are treated as an interval scale, where it is assumed, that the distance between the different response options is proportionally the same.

Question	Response options and points
In the last three years, have there been any cases of threats against human rights defenders?	Yes (worst value) = 0 points No (best value) = 100 points
Is there a national action plan in force with specific measures to further the rights and freedoms referred to in the UN Declaration of Human Rights Defenders?	Yes (best value) = 100 points To some extent = 50 points No (worst value) = 0 points

### Response option regarding availability of data:

If a question is skipped or answered with a “don’t know”/“no data available”, the score will be 0, and hence will contribute negatively to the attribute/category score. The reason for this is that data availability is an important step towards accountability and a crucial one on which to base for policies and actions. When data is not available for an indicator, it reflects negatively on the country’s performance vis-à-vis its obligation to effectively monitor progress in the enjoyment of the rights and thus implement its human rights obligations. Thus, this response option impacts negatively on the country score.

## 2. INDICATOR, ATTRIBUTE AND CATEGORY

The majority of the indicators included in the index only consist of one question. For the indicators that consist of more than one question, or questions with more response categories, each response within an indicator is weighted equally. In general, the attribute value will be the simple mean (average) of the underlying indicator values, meaning that all indicators are weighted equally.

The only exception to the equal weighting of indicators is the Indicator “Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention, and torture of journalists, associated media personnel, trade unionists and human rights advocates (over the last three years)”. This Indicator is considered crucial to the right to defend rights, and each component of this indicator can be understood as one indicator in itself. Therefore, each component within the indicator (1. killing, 2. kidnapping, 3. enforced disappearance, 4. arbitrary detention, and 5. torture) is weighted as if it was a single indicator. This means that this indicator has five times the weight compared with the rest of the indicators within the attribute. The weights for each indicator within each attribute can be found in the appendix at the end of this note.

Four out of the five categories consist of two attributes. In three of these categories the weight on each attribute is equal. For that last one “General framework for the protection and promotion of human rights and fundamental freedoms” the weight on the first attribute “General measures of implementation” is greater than on the second one “Human Rights Education”. The reason for this is that “General measures of implementation” covers a broader range of human rights issues within the category, where as “Human Rights Education” is a much more narrowly focused attribute. The last category, “Right to Participation in Public Affairs”, only consists of one attribute, “Participation in the conduct of public affairs/equal and universal suffrage / access to public service”, and the attribute values and category values will therefore be the same.

An overview of the weights of attributes within the categories is shown in table 2:

Table 2: Weight of attributes within Categories

Category	Attribute	Attribute weight within Category
C1: General framework for the protection and promotion of human rights and fundamental freedoms	A1.1: General measures of implementation	75%
	A1.2: Human Rights Education	25%
C2: Freedom of Opinion and Expression	A2.1: Freedom to hold opinions and to impart information and ideas	50%
	A2.2: Access to information	50%
C3: Freedom of Association and Assembly	A3.1: Freedom to hold Peaceful Assemblies	50%
	A3.2: Freedom to form, join, operate, and participate in associations	50%
C4: Right to Participation in Public Affairs	A4.1: Participation in the conduct of public affairs/equal and universal suffrage /access to public service	100%
C5: Liberty and Security of Person	A5.1: Security of Person from Abuse	50%
	A5.2: Arrest and Detention/Effective Access to Court and Remedy	50%

### 3. LIMITATIONS

A number of limitations are associated with this kind of index calculation assessment:

1. The index calculations only display the broad lines, identifying some gaps in implementation of states' human rights obligation to protect the right to defend rights. However, the full extent of compliance or non-compliance would always need to be qualified with additional analysis and specific case data.
2. For some countries there might be a lack of data within a number of the indicators used for the index calculation. As for now we assign this lack of data the same value as a violation, but this might lead to inaccurate outcomes with a downward bias in the index scores.
3. For the main part of the calculations, we use equal weights (simple mean) on the different elements within the index-framework (response options within a question,

indicator and attribute), since we have assessed that the different element contributes equally. In that way some questions/indicators will have a higher impact on a category-score than others. It can be questioned if some response options, indicators, or attributes deserves a different weight. However, to do that would introduce a subjective assessment, including that one right or elements of the right were more important than others. Due to the indivisibility of human rights, this type of assessment is deemed not appropriate in a global index of this nature.

## APPENDIX

### QUESTIONS EXCLUDED/INCLUDED FROM THE INDEX CALCULATION

1. All questions that are conditioned on other questions has been excluded – that is all questions that are related to a yearly development and numbers disaggregated down on specific groups. No exceptions to this choice.
2. All main questions (that is all question which are not conditioned on a earlier question) in the group questionnaire are included in the index calculation
3. Most un-conditioned questions from the national questionnaire are included in the index calculation except from:
  - a. **Q1.1.2:** Does your country have a monist or dualist legal system? **Reason:** One is not better than the other.
  - b. **Q1.1.10:** In the last five years, has the state received concluding observations or recommendations concerning human rights defenders and the rights referred to in the UDHRD from any of the following human rights mechanisms?  
**Reason:** Hard to valuate
  - c. **Q2.1.6:** What percentage of civil society organisations have felt free over the past three years to express themselves on the following human rights issues?  
**Reason:** Too hard to compare between groups and countries
  - d. **Q4.1.10:** What is the proportion of members of legislature who are? (Women, under 45, persons with disability) **Reason:** Too hard to compare between groups and countries
  - e. **Q4.1.11:** What is the proportion of employees in general public service who are? (Women, under 45, persons with disability) **Reason:** Too hard to compare between groups and countries
  - f. **Q4.1.12:** What is the proportion of judges and registrars who are? (Women, under 45, persons with disability) **Reason:** Too hard to compare between groups and countries
  - g. **Q4.1.13:** What is the proportion of the general population who are? (Women, under 45, persons with disability) **Reason:** Too hard to compare between groups and countries
  - h. **Q5.2.10:** In the last three years, have there been any requests submitted by human rights defenders for legal aid in criminal proceedings? **Reason:** Hard to valuate
  - i. **Q5.2.12:** In each of the last three years, how many persons in total were held in prison as of 31 December? **Reason:** Hard to valuate
  - j. **Q5.2.13:** In each of the last three years, how many of the total number of persons held in prison on 31 December were held without a sentence from a competent authority? **Reason:** Hard to compare between countries
  - k. **Q5.2.14:** In each of the last three years, how many of those held in prison without a sentence on 31 December were held for more than 12 months?  
**Reason:** Hard to compare between countries

## INDICATORS/QUESTIONS INCLUDED IN INDEX CALCULATIONS INCL. WEIGHTS

Table 3: Weight and type of Indicator within Attribute

Attribute	Indicator	Type of indicator	Indicator weight in attribute
A1.1: General measures of implementation 75%	I1: Ratification and incorporation by the State of international human rights treaties with provisions of relevance to the protection of human rights defenders.	Structural	7%
	I2: Existence of national legislation or policy that recognises the role of human rights defenders in accordance with the UNDHRD	Structural	7%
	I3: Existence of independent national human rights institutions in compliance with the Paris Principles	Structural	7%
	I4: State reports to relevant international human rights mechanisms within the last five years include developments in law, policy, and practice to guarantee the rights and freedoms referred to in the UNDHRD	Process	7%
	I5: Existence of national action plan(s) developed by the state with specific measures to further the underlying rights in the UNDHRD	Process	7%
	I6: Degree of state implementation of recommendations, decisions and judgements from UN human rights mechanisms and regional courts concerning human rights defenders and/or the rights referred to in the UNDRD five years concerning human rights defenders	Process	7%
	I8: Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention, and torture of journalists, associated media personnel, trade unionists and human rights advocates (over the last three years)	Outcome	36%
	I9: Reported cases of use of legislation to criminalize the legitimate activities of human rights defenders (over the last three years)	Outcome	7%
	I10: Reported cases of threats, restrictions, and retaliations against national human rights institutions for protecting and promoting human rights and fundamental freedoms in keeping with their mandated activities (over the last three years)	Outcome	7%
	I11: Reported cases of threats to individual human rights defenders (over the last three years)	Outcome	7%



A1.2: Human Rights Education 25%	I12: Extent to which human rights education is mainstreamed in national education policies (adapted from SDG 4.7.1)	Structure	20%
	I13: Explicit reference to fundamental rights and freedoms in the training curriculum for public officials	Process	20%
	I14: Extent to which human rights education is mainstreamed in national education curricula (adapted from SDG 4.7.1)	Process	20%
	I14b: Extent to which human rights education is mainstreamed in national teacher education curriculum (adapted from SDG 4.7.1)	Process	20%
	I15: Proportion of public officials who have received training on the underlying rights in the UNDHRD (over the last three years)	Process	20%
A2.1: Freedom to hold opinions and to impart information and ideas 50%	I16: Existence of provisions in the constitution for the protection of freedom of opinion and expression	Structure	14%
	I16b: Existence of provisions in national implementing legislation for the protection of freedom of opinion and expression	Structure	14%
	I20: Existence of provisions in the constitution and in national legislation that protect the right to have access to, communicate and cooperate with international bodies on human rights	Structure	14%
	I19: Reported cases of media censorship (online and offline) carried out by the state for reporting on human rights issues (over the last three years)	Outcome	14%
	I63: Reported cases of restrictions or disproportionate sanctions for the expression of thoughts and opinion.	Outcome	14%
	I27: Reported cases of blockage or filtering of websites that contain information that are critical of the government or discusses human rights issues (over the last three years)	Outcome	14%
	I22: Reported cases of intimidation and reprisals against human rights defenders for communicating with international bodies (over the last three years)	Outcome	14%

A2.2: Access to information 50%	I23: Existence of constitutional, statutory and/or other legal guarantee for public access to information (adapted from SDG 16.10.2)	Structure	20%
	I24: Existence of provisions in national legislation and policies which promote equal access to the internet and digital information technology	Structure	20%
	I25: The text of the UDHRD and core international human rights treaties are accessible in the official languages of the State	Structure	20%
	I26: Existence of a dedicated institution to oversee the implementation of access to Information legal guarantees	Process	20%
	I26b: Existence of specific units in public bodies to handle access to information (ATI) requests from the public	Process	20%
A3.1: Freedom to hold Peaceful Assemblies 50%	I28: Existence of provisions in the constitution for the protection of the right to freedom of peaceful assembly	Structure	14%
	I28b: Existence of provisions in national implementing legislation for the protection of the right to freedom of peaceful assembly	Structure	14%
	I29: Existence of provisions in national legislation on the duties and powers of law enforcement officials and private security service providers in the context of assemblies, including related to the use of force	Structure	14%
	I31: Proportion of law enforcement officers who have received training on policing of assemblies based on human rights standards	Process	14%
	I32: Reported attacks or other harmful acts against human rights defenders by state and non-state actors after participation in an assembly (over the last three years)	Outcome	14%
	I33: Reported cases of the state blocking or limiting internet connectivity, or blocking or limiting access to online accounts or fora in relation to peaceful assemblies (over the last three years)	Outcome	14%
	I34: Reported cases of infringements of the right to freedom of peaceful assembly (over the last three years)	Outcome	14%

A3.2: Freedom to form, join, operate, and participate in associations 50%	I35: Existence of provisions in the constitution for the protection of the right to freedom of association	Structure	14%
	I35b: Existence of provisions in national implementing legislation for the protection of the right to freedom of association	Structure	14%
	I36: Existence of administrative procedures for registration of associations or for the obtainment of legal personality which are accessible, not discriminatory, and do not impose undue and burdensome requirements or unjustified restrictions.	Process	14%
	I38: Reported cases of unlawful interference by the State in the operation of associations working on human rights issues (over the last three year)	Outcome	14%
	I39: Reported cases of requests for registration that were denied (over the last three years)	Outcome	14%
	I40: Existence of provisions in national legislation that protect the right of individuals and groups to seek, receive and utilise financial resources for the express purpose of promoting and striving for the protection and realisation of human rights and fundamental freedoms	Structure	14%
	I42: Reported cases of infringements to the right to seek, receive or utilise financial resources for the protection and realisation of human rights and fundamental freedoms (over the last three years)	Outcome	14%
A4.1: Participation in the conduct of public affairs/ equal and universal suffrage /access to public service 100%	I43: Existence of provisions in the constitution for the protection of the right to participate in public affairs	Structure	17%
	I43b: Existence of provisions in in national implementing legislation for the protection of the right to participate in public affairs	Structure	17%
	I44: Existence of provisions in national legislation and regulations requiring meaningful consultation with groups and communities whose rights are affected by legislative or administrative measures	Structure	17%
	I45: Existence of mandatory human rights due diligence legislation requiring meaningful consultation on human rights impact and risks with stakeholders, including human rights defenders, from communities affected by business operations	Structure	17%
	I46: Existence of accessible and institutionalised mechanisms for public input into the development of laws, policies and regulations including those affecting human rights defenders	Process	17%
I50: Reported cases of acts aimed at restricting the right of human rights defenders to participate in public affairs (over the last three years)	Outcome	17%	

A5.1: Security of Person from Abuse 50%	I51: Existence of provisions in national legislation and regulations on the conduct of law enforcement officials in compliance with human rights standards	Structure	20%
	I52: Proportion of formal investigations into the misconduct of law enforcement officials against human rights defenders resulting in disciplinary action, prosecution, and convictions (over the last three years)	Process	20%
	I53: Existence of an effective program or mechanism of protection for human rights defenders at imminent risk	Process	20%
	I54: Proportion of interim and precautionary measures provided by international or regional human rights mechanisms implemented by the state (over the last three years)	Process	20%
	I55: Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention, and torture of human rights defenders under protection measures (over the last three years)	Outcome	20%
A5.2: Arrest and Detention/Effective Access to Court and Remedy 50%	I56: Existence of provisions in the constitution against arbitrary arrest and detention in compliance with human rights standards	Structure	17%
	I56b: Existence of provisions in national implementing legislation against arbitrary arrest and detention in compliance with human rights standards	Structure	17%
	I57: Existence of provisions in the constitution for the protection of the right to a fair trial	Structure	17%
	I57b: Existence of provisions in national implementing legislation for protection of the right to a fair trial	Structure	17%
	I58: Proportion of judges, prosecutors, and lawyers who received training in human rights-related standards for the administration of justice (in the last three years)	Process	17%
	I62: Reported cases of infringements against the right to a fair trial for human rights defenders (over the last three years)	Outcome	17%

## ENDNOTES

- 1 An Example of is the indicator “Reported cases of acts aimed at restricting the right of human rights defenders to participate in public affairs (over the last three years)”, where the main question is “In the last three years, have there been any cases of acts which have restricted the right of human rights defenders to participate in public affairs?” and the follow-up question is “If so, how many cases of have there been?”.