

The Measure of Progress

How human rights should inform the
Sustainable Development Goals indicators

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CENTER FOR ECONOMIC AND SOCIAL RIGHTS

SOCIAL JUSTICE THROUGH HUMAN RIGHTS

1. INTRODUCTION

In September 2015, States formally adopted the 17 Sustainable Development Goals (SDGs) and their accompanying 169 targets, as enshrined in *The 2030 Agenda for Sustainable Development*.¹ These SDGs will replace the Millennium Development Goals (MDGs), which ran from 2000-2015 with mixed success; despite achievements particularly in reducing extreme poverty globally, they were criticized for leaving inequalities untouched. Currently, a process is underway to select a list of global indicators that will measure progress towards the new targets and, by extension, the goals. The Inter-Agency and Expert Group on SDG Indicators (hereafter IAEG-SDG) made up of representatives of National Statistical Offices (NSOs) is currently working towards the selection, with input from UN agencies, civil society and others. It is also expected that some countries will elaborate their own lists of national indicators to aid domestic SDG implementation and monitoring. This is appropriate given the agenda applies to all countries, which vary wildly in their geographies, populations, capacities and level of resources.

As progress will be judged through the lens of the indicators selected, the choice of indicators could cement or undercut the ambition of the entire post-2015 sustainable development agenda. As a result, Member States and civil society have been united in calling for the global indicators not to distort the intentions or focus of the goals and targets. According to The 2030 Agenda's Declaration, these "seek to realize the human rights of all". Many of the goals and targets are indeed closely aligned with human rights standards and principles, although explicit human rights language has largely been avoided. It is therefore imperative that the SDG indicators reflect human rights principles and operational standards, including those used to monitor their realization. As this is an Agenda whose central promise is to "Leave No One Behind" (in contrast to the MDGs which focused on aggregate progress), the indicators should **incentivize policy action** and focus attention on the people and communities who are most marginalized, deprived and discriminated against. They also have an important role to play in exposing the scale of injustice— including by counting those who are often invisible in official statistics; for instance people living in extreme poverty and marginalization, and for that matter the extremely wealthy, whose true wealth and power often goes uncounted with distorting effects on policy and public discourse.

In discussions around the SDG indicators and the 'data revolution' expected to accompany them, some actors—in particular NSOs— have expressed concern that certain elements of the agenda are 'not measurable'.² It is true

that various targets will push NSOs out of their traditional comfort zone, and will require very different indicators, datasets and methodologies than were used to measure the MDGs. However, for the vast majority of the SDG targets, there are existing initiatives and practices to build on, led by civil society (including human rights organizations and development organizations), the UN, technology platforms, academics and NSOs as well as other sectors of government.³

This briefing note highlights the criteria that should guide the selection of indicators, and proposes a number of approaches, methodologies and indicator sets that can help to ensure the SDG indicators framework is human rights-informed and human rights-sensitive. In doing so, it builds on the experience of CESR and the broader human rights community⁴ in monitoring human rights and designing and applying human rights indicators. This briefing note aims to inform the processes at both global and national levels, although the examples used will mainly pertain to the global indicator list.

2. HUMAN RIGHTS-BASED CRITERIA FOR INDICATOR SELECTION

In order to give effect to the human rights content and promise of the SDGs, it will be necessary to ensure the indicators chosen (at the global and national levels) reflect human rights principles and priorities. There has already been some debate on the criteria for selecting indicators.⁵ Two important general principles to highlight are **construct validity** and **data feasibility**. 'Construct validity' is the degree to which an indicator measures what it purports to measure. In the case of post-2015 indicators, to determine construct validity it is necessary to examine whether it accurately reflects the target (including different facets of the target and the target's overall ambition) and whether the indicator will help us to accurately and holistically judge whether the target has been met. As concerns around data 'availability' are sometimes used in a restrictive way, rather we should consider data 'feasibility', to explicitly encourage and incentivize the collection of new data in innovative ways. The post-2015 agenda must spur significant

Statistical Commission (UNSC) on the process of the development of an indicator framework for the goals and targets of the post-2015 development agenda" in which a number of NSOs gave very low rankings for 'feasibility' of measuring many SDG targets. https://sustainabledevelopment.un.org/content/documents/6754_Technical%20report%20of%20the%20UNSC%20Bureau%20%28final%29.pdf

3 See for example the wide variety of inputs to the IAEG-SDG consultation of August-September 2015, at: <http://unstats.un.org/sdgs/iaeg-sdgs/open-consultation.html>

4 See especially Office of the High Commissioner for Human Rights, *Human Rights Indicators: A Guide to Measurement and Implementation* (2012).

5 See for example Sustainable Development Solutions Network, *Indicators and a Monitoring Framework for the Sustainable Development Goals* (2015) <http://unsdsn.org/wp-content/uploads/2015/05/150612-FINAL-SDSN-Indicator-Report1.pdf>

1 See *Transforming Our World: The 2030 Agenda for Sustainable Development* <https://sustainabledevelopment.un.org/post2015/transformingourworld>.

2 See the March 2015 "Technical report by the Bureau of the United Nations

improvements in statistical methods and data collection, drawing on a broad range of experts, so that statisticians and others can avail themselves of the full range of tools available and build on existing initiatives and data sources. It is therefore essential to ensure wide participation in the process of selecting SDG indicators, designing methodologies and collecting relevant data. We must not limit our vision to what we can measure now, but what we *want to* measure by 2030, to create a broad and holistic picture of SDG progress and human rights enjoyment.

Further to these general principles, most of the discussions so far have failed to include key human rights considerations that should be taken into account when identifying and applying selection criteria. The section below briefly highlights some of these requirements.

a. Ensure consistency with international law

Indicators should draw upon and reinforce existing human rights treaty obligations, especially given that the outcome document explicitly states that this Agenda “is founded in the Universal Declaration of Human Rights [and] international human rights treaties” and “is to be implemented in a manner that is consistent with the rights and obligations of states under international law”.⁶ This will help to ensure that post-2015 accountability processes and international human rights treaty commitments reinforce each other, and to boost the accountability of the SDGs, given that they are not legally binding.

b. Measure effort and conduct as well as outcomes

Most indicators for the SDGs will rightly focus on outcomes, expressing the desired ends of sustainable development (e.g. literacy rates related to the education goal, malnutrition rates for the food and hunger goal, disease prevalence rates or mortality rates for the health goal). Such outcomes are certainly important from a human rights perspective, and when interpreted against human rights norms, outcome indicators can also be used to measure the level of enjoyment of a right. However, outcomes alone cannot give a full understanding of a State’s compliance with their human rights obligations (which encompass conduct and result). A State’s policy efforts and resource allocations, and their relationship to human rights and development outcomes, must also be monitored for a more balanced and comprehensive assessment.⁷ As Kate Raworth writes, when considering indicators through a human rights lens we are really interested in “what implications can be drawn regarding the conduct and accountability of policymakers and state officials”.⁸ In

addition, many of the SDG targets are implicitly or explicitly concerned with States’ policy efforts, resource allocation or other issues that cannot be encompassed purely by quantifiable socio-economic outcome indicators.⁹

Therefore, a certain number of **indicators of policy effort** that quantify inputs and outputs (termed ‘**process indicators**’ under the Office of the High Commissioner for Human Rights’ framework¹⁰) are also needed, particularly where outcome indicators might be less robust or relevant, to aid in interpreting and explaining patterns and drivers of progress or regression in outcomes. They may be necessary to assess human rights and sustainable development priorities, such as participation and transparency in decision-making, or the accountability, inclusiveness and transparency of State institutions. In addition, these indicators are more likely to be programmatically relevant; that is, they can help illuminate what (changes in) policies and practices are necessary.

Indicators on service delivery can help measure whether States are enhancing the availability, accessibility and quality of relevant goods and services, as they are obliged to do under human rights standards. They tell us what goods and services exist, where they are available, how much they cost and who is using them. For example, indicators like the number of schools (disaggregated for the different levels) that are tuition-fee free, average distance to the nearest school, or qualified teacher-pupil ratio, can be used to measure whether the efforts and structures a state has put in place are contributing to the realization of the right to education for all and meeting the corresponding SDG target(s).

Measuring resource efforts and their impact on the enjoyment of human rights is an existing obligation of states under human rights treaties.¹¹ It will also be a crucial plank of monitoring progress on the new sustainable development agenda, especially given explicit commitments in SDG targets regarding domestic and international resource mobilization (1.a, 15.a, 17.1, 17.2, 17.3), and specifically fiscal policies (10.1, 17.1). The achievement of the SDGs will depend to a large degree on whether governments ensure sufficient, equitable and accountable financing for sustainable development, as is their human rights

6 *Transforming Our World: The 2030 Agenda for Sustainable Development*.

7 CESR, *The OPERA Framework: Assessing compliance with the obligation to fulfill economic, social and cultural rights*, (2012).

8 Raworth, K., “Measuring Human Rights” (2001) *Ethics and International Affairs* 111, 124.

9 See for example target 5.c “adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels” or 16.6 “develop effective, accountable and transparent institutions at all levels”.

10 Office of the High Commissioner for Human Rights, *Human Rights Indicators: A Guide to Measurement and Implementation* (2012).

11 For example, under Article 2 of the International Covenant on Economic, Social and Cultural Rights, States have an obligation to dedicate the “maximum available resources” to the full and progressive realization of economic, social and cultural rights.

duty.¹² Properly measuring to what degree they are doing so will therefore be essential, to monitor not only the achievement of the goals and targets themselves, but also the means by which they are being implemented and financed.¹³ Although some important methodologies and datasets already exist (see example on progressive taxation below), this effort will require a significant boost in data capacities and the availability and accessibility of open, reliable data on fiscal and financial information between and within countries – including on intra-household distribution of resources, local and national budgets, and beneficial ownership of capital assets.

Structural indicators such as ratification of human rights treaties, the existence or adoption of certain laws (e.g. Access to Information laws), policy frameworks (e.g. Violence Against Women strategies) or institutions (e.g. National Human Rights Institutions or NHRIs) will also be relevant for many targets. These indicators are generally yes/no questions, and the relevant information is often already compiled by UN agencies such as OHCHR. Given that the number of global indicators will be limited, such structural indicators may not warrant prioritization in many cases, but they could be considered for inclusion in national indicator sets. The UN should consider hosting a supplementary core commitments ‘dashboard’ of such indicators that can provide additional context and information for SDG accountability processes.¹⁴

c. Reflect the lived realities of rights holders

It is ultimately the people and communities most affected by poverty, deprivation and environmental degradation who have the most legitimacy and lived expertise to speak on the issues affecting their lives and rights. Thus, it is important that the indicators selected are, at least to a degree, connected to the realities of rights holders and reflect their perspectives. People living in poverty and other marginalized groups have the most immediate insights on their own experiences with sustainable development policies. For this reason, it would be beneficial for policy makers and other stakeholders to **work with people living in poverty to devise indicators that reflect what they value as measures of progress**. Further, data collected by communities and organizations that work closely with these populations should be included in the monitoring and accountability framework.¹⁵

¹² See CESR and Christian Aid, *A Post-2015 Fiscal Revolution*, Human Rights Policy Brief (2014).

¹³ See CESR and Christian Aid, *Illustrative Indicators for a Post-2015 Fiscal Revolution*, Working Paper, (March 2015) http://www.cesr.org/downloads/CA_CESR_indicators_UNstats.pdf

¹⁴ OHCHR *Proposed indicators and metadata for SDGs 10 and 16*, Discussion paper May 2015, p. 3.

¹⁵ See e.g. DataShift, *Harnessing Citizen Generated Data for a Transformative Post-2015 Agenda*, May 2015 <http://civicus.org/images/CGD%20and%20a%20transformative%20post-2015%20agenda%20-%20final.pdf>

A note on the number of indicators

The calls (including from States) to ensure that the list of global indicators preserves the ambition and balance of the goals and targets are somewhat undercut by the simultaneous push to limit the number of indicators to a maximum of one per target. Diplomats and official statisticians from countries with various levels of resources have claimed that any more would be an unfeasible burden for national statistical systems. There is a difficult balance to strike here. Many countries, in particular Least Developed Countries, face real limitations in data collection, storage and analysis; some were not able to properly measure the MDGs, while monitoring the SDGs will be an even more demanding task. However, ambition and innovation in indicator and data selection are imperative if the SDG commitments are not to remain purely rhetorical. It also needs to be recognized that having ‘orphan’ targets without indicators will reduce the scope, balance and ambition of the agenda considerably. Even having one indicator per target will be profoundly limiting, given that many targets have multiple elements to them (e.g. 10.4 on fiscal, wage and social protection policies or 16.4 which encompasses arms flows, illicit financial flows, stolen assets and all forms of organized crime). Therefore, it will be essential to supply substantial technical and financial support to NSOs in all countries to scale up their ability to collect data on more indicators (as promised in SDG target 17.18) – and to other stakeholders, including civil society organizations and national human rights institutions, to boost their ability to collect and analyze data. This will be one of the most important investments in achieving the SDGs, and donor countries (and others providing assistance, such as UN agencies) should commit to finance this vital work.

Perception-based indicators are an important way to capture such perspectives. Indeed, on issues such as violence against women (target 5.2), discrimination (5.1 and 10.3) or corruption (16.5), it is manifestly insufficient to rely on reported incidents and therefore it will be crucial to ask people about their perceptions and experiences.

d. Avoid perverse incentives

Indicators should be cautiously examined from a human rights perspective to ensure they do not create obvious perverse incentives for policies or actions that may be contrary to human rights. Some MDG indicators were criticized in this regard.¹⁶ The indicator for MDG Target 7.D measured the proportion of the urban population living in slums, which reportedly led to slum clearances and forced evictions in certain countries. In other cases, badly-chosen

[transformative%20post-2015%20agenda%20-%20final.pdf](http://www.worldbank.org/content/dam/Worldbank/document/Gender/Synthesis%20paper%20PoN_Final.pdf)

¹⁶ See especially Fukuda-Parr, S., Yamin, A.E., and Greenstein, J., *Synthesis Paper – The Power of Numbers: A Critical Review of MDG Targets for Human Development and Human Rights*, 2013. http://www.worldbank.org/content/dam/Worldbank/document/Gender/Synthesis%20paper%20PoN_Final.pdf

indicators will not necessarily spur direct violations, but may misdirect policy choices in less human rights-sensitive ways. For example, the focus on counting water and sanitation infrastructure in MDG target 7.c may have obscured the pressing problem of poor water quality, while indicator 5.1 – the maternal mortality ratio (MMR) – is an unreliable indicator and lacks programmatic relevance (it does not tell us what the government needs to be doing, and high MMRs can be caused by very different factors) compared to the process indicator of access to emergency obstetric care.¹⁷

3. REFLECTING HUMAN RIGHTS PRINCIPLES AND PROVISIONS IN PROPOSED SDG INDICATORS

Building on the criteria outlined above, this section proposes how key principles and provisions of international human rights standards can be better reflected in SDG indicators on particular issues, thus aligning the metrics of SDG progress with the existing duties of states to realize the full range of human rights. Of course, human rights standards are relevant across a large range of SDG indicators, this section highlights some key areas which are particularly pertinent and where discussion about indicators has been particularly marked by confusion, disagreements and misconceptions.

a. Measuring inequalities and discrimination

Tackling all forms of inequality and discrimination is a fundamental human rights priority, and is enshrined as a cornerstone of all the core international human rights treaties, many of which deal specifically with the elimination of discrimination on grounds such as gender, race and disability. One of the most welcome aspects of the SDGs is their unequivocal commitment to addressing inequality, both in the stand-alone SDG 10 on reducing inequality within and between countries, as well as SDG 5 which focuses on gender equality. The imperative to 'leave no one behind' has also been recognized as a cross-cutting goal of the post-2015 agenda. Therefore it will be essential to find the most effective ways to measure the targets under Goals 5 and 10, and to measure the extent to which different groups are benefitting from progress under all other targets. Indeed, all indicators should be reviewed asking whether they will focus attention on the ultimate goal of tackling disparities and inequalities in the relevant target area. This task should be informed by the principles and provisions of human rights standards regarding the pursuit of substantive equality and the elimination of discrimination.

Disaggregated data

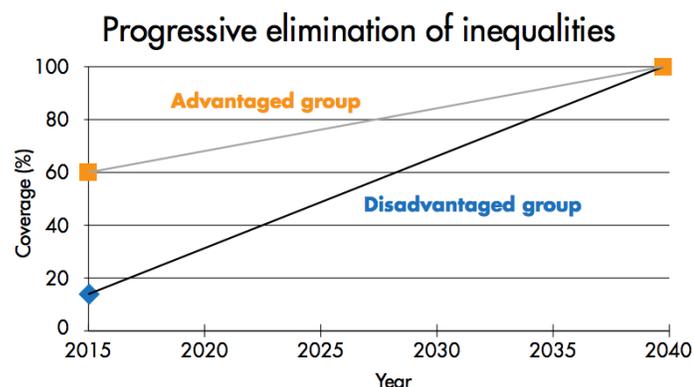
For all indicators, it will be essential to use disaggregated data to see the gaps in outcomes between different social or economic groups or sectors of the population. This should include both horizontal inequalities (such as those between men and women or between people with disabilities and the rest of the population), and vertical inequalities in terms of income/wealth. This will be crucial to provide evidence of inequalities, and highlight the need for deliberate and targeted policy efforts and resources aimed at reducing disparities and eliminating the discriminatory policies and practices which may be fueling them. Indeed, data disaggregation can be seen as an essential component of the obligation of states to combat discrimination under existing international human rights law.¹⁸ Target 17.18 states that data should be disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location "and other characteristics relevant in national contexts". Indeed, further relevant and necessary categories for disaggregation will vary according to the national context, but disaggregation should be as extensive as possible and guided by the grounds of discrimination prohibited under international human rights law. Consultation with National Human Rights Institutions and other national human rights actors will be an essential step towards identifying the most pertinent grounds of disaggregation in a given context, as well as the means and methods for disaggregated data collection and analysis from a human rights perspective. Certainly, there are challenges for some countries in rapidly scaling up disaggregation, but a universal, initial minimum should be disaggregation on the basis of age, sex, disability, rural/urban location, and income, with concrete plans and strategies to progressively improve capacities for disaggregation on other grounds, as well as for analysis of how disparities on multiple grounds (e.g. gender and disability) intersect. Such plans should be encouraged by national, regional and global SDG monitoring processes, and supported by international donors where necessary.

As an example of data disaggregation gaps which should be addressed from a human rights perspective, current prevailing development indicators and datasets have strong limitations when it comes to age. Many population-based surveys (including Demographic and Health Surveys (DHS)) focus on people aged 15-49, which excludes children and adolescents as well as older persons. This leads to profound gaps in data which exacerbate age-related discrimination and inequalities. For example, it obscures patterns of violence against older women (target 5.2) and makes

¹⁸ Several international human rights monitoring mechanisms have encouraged the disaggregation of data, e.g. in Article 31 of the Convention on the Rights of Persons with Disabilities, General Recommendation 9 of CEDAW on statistical data (1989), General Comment 34 of CERD on discrimination against people of African descent (2011). See OHCHR, *SDGs Indicator Framework: A Human Rights Approach to Data Disaggregation to Leave No One Behind*, Draft Background Note (2015) <http://www.ohchr.org/Documents/Issues/HRIndicators/DataDisaggregation.pdf>

¹⁷ See Yamin, A.E., and Falb, K.L., "Counting What we Know; Knowing What to Count" (2012), *Nordic Journal of Human Rights* 30:3, 360.

it impossible for States to monitor their human rights obligations in this regard (or formulate appropriate policy responses). Similarly, if sexual and reproductive health indicators for targets 3.7 and 5.6 only measure progress for women over 15, they are ignoring the significant and specific needs of adolescent girls during this critical period.¹⁹ Of course, age is not the only potential blindspot in data disaggregation, and other gaps and groups will have to be carefully considered.²⁰



This graph provides an illustration of how the progressive reduction of inequalities can be envisaged and monitored. In this case, the percentage of the worst-off population regarding access to a basic service (e.g. basic sanitation) is compared with the better-off population, to establish the disparity and monitor its reduction.²¹

Measuring economic inequality

A global indicator which specifically measures income inequality, taking into account the top end of distribution, will be essential to ensure the integrity, legitimacy and ambition of Goal 10 ('Reduce inequality within and among countries') and its targets. Good methodologies already exist that can be applied to all countries: the Gini index or (preferably) the Palma ratio to measure overall levels of income inequality in a society, before and after taxes and social transfers (see box below).

From a human rights perspective, as well as measuring income inequality as an outcome, the indicators will also

need to get at some of the policy determinants of this inequality – including social protection systems, decent work, fiscal policy and anti-discrimination measures. These are all areas of public policy which must be guided by the provisions of relevant human rights standards. SDG10 rightly includes targets which aim at addressing various types and determinants of inequality: including income inequality; social, economic and political inclusion; inequalities of outcome and opportunity; financial markets; fiscal, wage and social protection policies; migration and political representation in global economic governance. However, the current list of proposed global indicators²² for Goal 10 does not adequately reflect the intention and ambition of Goal 10 and its targets. Indeed, many of the proposed indicators distort the priorities which many governments and civil society fought very hard to see integrated in the post-2015 agenda.²³

To effectively monitor economic inequality it will be essential to measure the distribution of wealth and resources, including by better capturing the extremes at the top and bottom of the spectrum. Most current estimates of economic inequality suffer from under-reporting by the "invisible rich," skewing our understanding of who is truly benefitting from sustainable development policies. It is estimated that 8% of global GDP is held offshore, most of which goes unrecorded.²⁴ Unfortunately, the SDG targets shy away from explicitly mentioning the need to address extreme wealth or implement redistributive policies, which is an essential tool to achieve meaningful widespread human rights enjoyment in many countries.²⁵ Nonetheless, these approaches will certainly be necessary if governments are serious about achieving the Goal 10 targets (and indeed, many of the targets elsewhere in the agenda). At a national level, one concrete first step would be to suggest that household living standards surveys capture the distribution of *effective income and capital*, especially of high-net worth households.²⁶

Given that much of the economic power of the top 10% is held in wealth, civil society organizations including CESR have proposed²⁷ an indicator on wealth (financial assets and

19 See Plan International, "We Cannot Use Old Indicators to Measure New Ideas in SDGs", <https://plan-international.org/blog/2015/07/we-cannot-use-old-indicators-measure-new-ideas-sdgs#>; Stakeholder Group on Ageing, "Indicators for SDGs – disaggregation of data by age", 20 March 2015 <http://www.helpage.org/download/5511496228e28>

20 For example, on data disaggregation challenging concerning indigenous peoples, see Permanent Forum on Indigenous Issues, *Report of the Workshop on Data Collection and Disaggregation for Indigenous Peoples*, E/C.19/2004/2.

21 WHO-UNICEF Joint Monitoring Project for Water Supply and Sanitation, *Ending Inequalities - A cornerstone of the post-2015 development agenda*. http://www.wssinfo.org/fileadmin/user_upload/resources/Ending-Inequalities-EN-LowRes.pdf

22 IAEG-SDGs, "List of indicator proposals" (11 August 2015). http://www.cesr.org/downloads/IAEG_submission_CESR_02_sep_2015.pdf

23 For example, by shying away from careful examination of income inequality; see Cobham, A., Schlogl, L., and Sumner, A., "Top incomes drive inequality – so why does the inequality target ignore them?", *The Guardian*, 21 September 2015. <http://www.theguardian.com/global-development/2015/sep/21/top-incomes-drive-income-inequality-global-target>

24 Zucman, G., *The Missing Wealth of Nations: Evidence From Switzerland, 1914-2010*, Working Paper N° 2011 – 07 (2011), Paris-Jourdan Sciences Economiques at: <http://halshs.archives-ouvertes.fr/docs/00/56/52/24/PDF/wp201107.pdf>

25 See CESR and Christian Aid, *A Post-2015 Fiscal Revolution*, Human Rights Policy Brief (2014).

26 See CESR and Christian Aid, *A Post-2015 Fiscal Revolution*, in particular section III.B 'Proposals on data and monitoring for a post-2015 fiscal revolution', p.15.

27 CESR, *Illustrative Indicators for a Post-2015 Fiscal Revolution*, Human rights working paper responding to IAEG-SDG list of proposed indicators for the Sustainable Development Goals, September 2015. Available at: http://www.cesr.org/downloads/IAEG_submission_CESR_02_sep_2015.pdf

property) concentration. The wealth inequality indicators should include offshore wealth (for example through data obtained through aggregating data collected under the future Automatic Information Exchange regime). An indicator on wealth inequality/concentration will also have the positive effect of driving data-production and gathering to permit a better understanding of the true extent of economic inequality worldwide.

Measuring discrimination

Discrimination is a major cause and consequence of inequalities, exclusion and human rights violations. The SDGs include distinct targets on discrimination; including 5.1, 10.3, and 16.b.²⁸ Measuring discrimination is not always easy, as an unequal outcome is not necessarily attributable to discriminatory policies or practices. However, there are several complementary approaches to monitoring discrimination which have been developed within and beyond the human rights community and which demonstrate that it is possible and indeed already being done.

Discrimination monitoring is often done through events-based data on individual incidents of discriminatory treatment and hate crimes. However, given the limitations of event-based data (many acts of discrimination are not reported or prosecuted), it will also be necessary to use direct population surveys measuring experiences, perceptions and attitudes. The current proposed indicator (as of August 2015) for target 10.3 is a good example of an outcome indicator based on rights holders' experiences: "Percentage of population reporting having personally felt discriminated against or harassed within the last 12 months on the basis of a ground of discrimination prohibited under international human rights law". Currently, disaggregation is suggested by 'age, sex, region and population group', but when this data is collected it will be important for the basis of the perceived discrimination to also be collected.

Because inequalities of outcome are often the result of discrimination in policies and practices, it is particularly important that discrimination-related indicators track disparities in who is benefitting from specific policy interventions. For example, while disaggregated outcome indicators on maternal mortality may reveal disparities in maternal mortality ratios between indigenous and non-indigenous women, disaggregated indicators related to key policy interventions – such as access to emergency obstetric care or to a skilled birth attendant – can reveal biases in the geographical coverage and provision of services which may be discriminatory in effect if not in intent.²⁹

cesr.org/downloads/IAEG_submission_CESR_02_sep_2015.pdf

²⁸ 5.1 End all forms of discrimination against all women and girls everywhere; 10.3 Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard; 16.b Promote and enforce non-discriminatory laws and policies for sustainable development.

²⁹ See CESR, *Assessing fiscal policies from a Human Rights Perspective: Method-*

Progressive taxation and inequality

Progressive taxation will be a crucial means to implement all the SDGs, and in particular the commitment to reduce inequality, as recognized in 10.4: "Adopt policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality". Current proposals for indicators for this target either ignore the fiscal dimension entirely, or rest on overly simplistic assumptions about how fiscal policy contributes to greater equality (for example by looking only at the tax side of fiscal policy, or assuming that all direct taxes are progressive and all indirect taxes are regressive).

CESR and Christian Aid have proposed a more comprehensive method which would look at the full distributive impacts of fiscal policy: the Palma national income inequality measured pre-tax and post-social transfers. This would look at the full distributive effects of fiscal policy, from market (pre-tax) income to post-tax income to post-transfer income. These incidence analyses can and have used disaggregated data to look at the impact of fiscal policy on disadvantaged groups (the Commitment to Equity Index is one good example). Using the Palma ratio, which indicates distributional changes at both the top and bottom of the income spectrum, would be preferable to alternative measures of inequality such as the Gini coefficient. This indicator not only measures income inequality – an important outcome – but by doing so before and after taxes and social transfers are implemented, it gives a clearer idea of the effect of state policy efforts and is therefore more human rights and policy-sensitive. Note that for this target, CESR and Christian Aid also propose using an indicator on wage or labor income share ratio.

For more proposals on indicators related to inequalities, resources and fiscal policy, see CESR's September 2015 input into the consultation of the IAEG-SDGs".³⁰

It is also advisable to include "structural" indicators of policy effort which measure the existence of discriminatory laws, or pro-active measures taken to tackle discrimination. One such structural indicator would be the existence of independent National Human Rights Institutions in compliance with the Paris Principles.³¹ A structural indicator alone will say little about the impact or effectiveness in practice of a particularly legislative

ological case study on Guatemala, pp. 12-17, <http://www.cesr.org/downloads/assessing.fiscal.policies.from.a.human.rights.perspective.pdf>

³⁰ CESR, *Illustrative Indicators for a Post-2015 Fiscal Revolution*, Human rights working paper responding to IAEG-SDG list of proposed indicators for the Sustainable Development Goals, September 2015. Available at: http://www.cesr.org/downloads/IAEG_submission_CESR_02_sep_2015.pdf

³¹ A set of international standards which define the role, composition, status and functions of national human rights institutions. The Principles are broadly accepted as the test of an institution's legitimacy, independence and credibility. See OHCHR, 'Paris Principles: 20 years guiding the work of National Human Rights Institutions', <http://www.ohchr.org/EN/NewsEvents/Pages/ParisPrinciples20yearsguidingtheworkofNHRI.aspx>

measure or institution, and therefore needs to be complemented with other indicators of policy effort. Innovative methodologies are also being developed to use a cluster of structural indicators to measure discrimination in the SDGs.

For example, in order to track progress towards the broadly-framed target 5.1 ('End all forms of discrimination against all women and girls everywhere'), UN Women has proposed a composite structural indicator and a monitoring methodology involving the CEDAW Committee (the body which monitors implementation of the Convention on the Elimination of All Forms of Discrimination Against Women). The indicator proposed 'Whether or not legal frameworks are in place to promote equality and non-discrimination on the basis of sex' is a binary (yes/no) structural indicator, underpinned by a 'package' of criteria that countries have to meet in order to answer 'yes'. These include the existence of legislation on equal pay, minimum age of marriage, equal rights over inheritance and property, gender quotas for parliament, and paid maternity and paternity leave – dimensions of discrimination which are covered by the detailed provisions of CEDAW and therefore within the monitoring mandate of the Committee.³² This is a good example of the value of involving an international human rights monitoring mechanism (in this case, one of the UN treaty bodies) in monitoring SDG targets which are not only highly relevant to human rights enjoyment, but can also be more effectively monitored by engaging with human rights standards and instruments. Given the expertise of the international human rights mechanisms and the information they already collect, their active role in monitoring the SDGs should be promoted and supported.

Measuring gender equality and women's human rights

SDG5 aims to 'achieve gender equality and empower women and girls'. The right indicators for Goal 5 targets will be essential to ensure that these targets can drive concrete improvements in the full and equal realization of women's human rights. In addition, of course, gender-sensitive indicators should be in place across all goals, as well as data disaggregation by sex for every target.

Addressing gaps in the production of gender statistics will be critical. For example, based on UN Women's assessment in 2015, currently only 75 countries have data related to hours spent on unpaid domestic work by sex, age and location³³ (essential for monitoring target 5.4, and generally collected through time-use surveys). Thus, increased capacity for regular time-use surveys will be an essential investment in monitoring and achieving the SDGs – especially given that heavy and unequal burdens of unpaid

care work will constrain many women's ability to benefit from action under other goals and targets. This is also an example of how data collection for the SDGs can hopefully spur much-needed attention to oft-neglected issues.

Other targets under Goal 5 clearly show the need for multiple indicators, and different types of indicators, universally applied. For example, target 5.3 requires indicators on both early and forced marriage and female genital mutilation. It is also imperative to note that such global indicators must be universal, with no national get-out clause; whereas some proposals for FGM indicators included the caveat 'for relevant countries only'. As target 5.5 seeks to ensure 'women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic, and public life', indicators capturing the proportion of seats held by women could be supplemented by qualitative or perception-based indicators measuring women's impact on decision-making and perceptions of women as leaders.³⁴ Meanwhile, target 5.6 'ensure universal access to sexual and reproductive health and reproductive rights...' is a good candidate for a structural indicator (complemented by others), capturing whether countries have laws and regulations in place that guarantee access to sexual and reproductive health services (including comprehensive sexuality education, and safe and legal abortion).³⁵

Gender-sensitive indicators should also seek to capture the extent to which women are able to access and benefit from resources. This will require specific indicators on issues such as gender-responsive budgeting (for example under 5.c and 16.7), financing for women's rights organizations (5.c), and disaggregation of household income and wealth data, to provide insight into how resources are distributed within households. In order to ensure that this agenda is prioritizing the poorest women - who were those most often failed by the MDGs - indicators for all appropriate Goal 5 targets should be disaggregated by income, as well as along other lines.

b. Measuring the targets related to economic and social rights

Several SDGs focus on important economic and social rights areas such as poverty (Goal 1), food and nutrition (Goal 2), health (Goal 3), education (Goal 4), and water and sanitation (Goal 6). Most of these are not new to international development, and therefore many are already captured to some extent in well-established socio-economic indicators (including some used for the MDGs). However, the way the targets are conceptualized is more holistic and in many respects better aligned with human

³² UN Women, *Monitoring the gender equality and women's empowerment targets in the SDGs: opportunities and challenges*, (July 2015).

³³ UN Women, *Monitoring gender equality and the empowerment of women and girls in the 2030 Agenda for Sustainable Development: opportunities and challenges*, (August 2015).

³⁴ Gender and Development Network, *Proposed Indicators for SDG Goal 5* (2015) <http://static1.squarespace.com/static/536c4ee8e4bob60bc6ca7c74/t/55a61900e4b06147323fa665/1436948736202/GADN+Proposals+on+Indicators+-+July+2015+final.pdf>

³⁵ Proposed by International Women's Health Coalition (IWHC).

rights provisions than under the MDGs, for example in their universality and emphasis on access and non-discrimination. Therefore, existing indicators these will need to be adapted and built upon, and new indicators will have to be introduced to bring them better into alignment with human rights principles and practice.

Given this close relation to economic and social rights standards (e.g. those enshrined in the International Covenant on Economic, Social and Cultural Rights, ICESCR), the indicators for these targets should be informed by existing monitoring practice for economic and social rights,³⁶ and aligned with the provisions of the ICESCR and its General Comments, including indicators developed by the Committee and relevant UN agencies. For instance, indicators for targets related to economic and social rights would benefit from taking into account the 'AAAQ criteria' developed by the human rights treaty bodies (and other human rights practitioners) to measure the availability, accessibility, acceptability and quality of goods and services needed to give effect to e.g. the rights to water, food, education, health and social protection – and assess whether the resources allocated to them are sufficient.

The ICESCR recognizes that it is often not possible to immediately achieve the full realization of many economic, social and cultural rights, due to resource constraints. Therefore, the fulfillment of these rights is subject to 'progressive realization', unlike civil and political rights – although states have to show they are taking concrete steps to move towards full realization, to the 'maximum of their available resources' (including those available through international cooperation). This is in some ways in line with the approach of the SDGs, which set targets to be definitively met by 2030.

Monitoring the progressive reduction of inequalities

It is absolutely essential that the SDG indicators in this area do a much better job than the MDG indicators in incentivizing and monitoring the reduction of inequalities between different groups, for example in access to water and sanitation, or good-quality education and healthcare. Under the MDGs, overall progress was largely achieved by focusing on the low-hanging fruit and neglecting the hardest-to-reach groups, leading to increased or unchanged disparities in access.

In line with the human rights obligations of equality/non-discrimination and progressive realization, the SDG indicators and their monitoring and review framework should commit to regularly monitor the reduction of inequalities between social and economic groups over time to ensure the gap is closing between the most

disadvantaged groups and the rest of the population.³⁷ This imperative to incentivize and monitor the closing of inequality gaps applies across all the SDGs, but will be particularly relevant for the goals that encompass access to services essential for enjoying economic and social rights.

The promise to 'leave no one behind' is well reflected throughout the goals and targets, but will require more than just data disaggregation to become a reality. As a result, several civil society actors have suggested '**stepping-stone equity targets**' on the road to 2030,³⁸ to ensure there are incentives to focus on reaching the most marginalized and disadvantaged from the outset, and to reduce disparities at a reasonable pace, as is consistent with human rights principles. Several civil society organizations and coalitions have made rights-based proposals on the related SDGs to ensure we move far beyond the MDGs approach, including on education³⁹ health,⁴⁰ and water and sanitation.⁴¹

c. Measuring the targets related to civil and political rights

The inclusion of Goal 16 ('Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels') is a major advance of the SDGs over the MDGs. It reflects the reality that civil and political rights – including access to information, access to justice, and freedoms of expression, assembly and association – are key to sustainable development, as elements of effective, accountable, transparent governance. However, political compromises during the Open Working Group sessions (the political negotiations during 2014 to determine the first draft of the goals and targets) resulted in Goal 16 targets which are not particularly specific or action-oriented. Many of the targets are broad and somewhat

37 See final report of the UNICEF-WHO Joint Monitoring Project on Equity and Non-Discrimination (2012) http://www.wssinfo.org/fileadmin/user_upload/resources/JMP-END-WG-Final-Report-20120821.pdf

38 See e.g. Watkins, K., *Leaving No One Behind: an equity agenda for the post-2015 goals*, Overseas Development Institute Think piece, October 2013 <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/8638.pdf>; Christian Aid, *Leave No One Behind – from goals to implementation*, June 2015 <http://www.christianaid.org.uk/images/leave-no-one-behind-report.pdf>

39 See e.g. Global Campaign for Education and Education International, *Proposed Global Indicators*, 2015, http://www.campaignforeducation.org/docs/post2015/Proposed%20GLOBAL_indicators_FINAL_EN.pdf; Right to Education Project, *Applying Right to Education Indicators to the post-2015 Education Agenda*, (2015), http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/RTE_Applying_RTE_Indicators_to_the_Post_2015_Agenda_2015.pdf

40 See particularly the suggestions from Center for Reproductive Rights, High-Level Taskforce for ICPD and Keba Finland in response to the IAEG-SDG consultation of September 2015 <http://unstats.un.org/sdgs/iaeg-sdgs/open-consultation.html>

41 See e.g. final report of the UNICEF-WHO Joint Monitoring Project on Equity and Non-Discrimination (2012); End Water Poverty, *SDG 6: indicators must go further to ensure that marginalized and vulnerable communities are reached*, http://www.endwaterpoverty.org/sites/endwaterpoverty.org/files/EWP-%20response%20to%20indicators%20final_2.pdf

36 See for example Center for Economic and Social Rights, *The OPERA Framework*.

vague, and unfortunately are not explicitly stated in human rights terms. This makes it all the more important that the indicators chosen are consistent with existing human rights obligations.

Many statisticians have complained that the targets under Goal 16 are 'not measurable' or are difficult to measure. In fact, it is certainly possible to measure all of the Goal 16 targets, and indeed all are already being measured in some form, including by NSOs, UN agencies and civil society.⁴² However, undoubtedly Goal 16 targets will require many NSOs to engage the support and expertise of civil society, academics, National Human Rights Institutions and UN agencies (especially the Office of the High Commissioner for Human Rights). A range of indicators including policy effort, structural and perception indicators will be necessary to measure this goal, and some targets will absolutely require multiple indicators as they cover a range of separate issues (for instance, target 16.4). Some experts have suggested using a 'basket' of indicators to measure each target accurately – combining outcome, policy effort/process and perception indicators.⁴³

As an example, target 16.10 commits States to 'Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements'. As of August 2015, the suggested indicator (proposed by OHCHR, UNESCO, the ILO and others) is 'Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.' Such an indicator, while measuring a vitally important issue, only gets at the most egregious violations of the human rights in question. This is therefore a clear example of a target which absolutely needs more than one indicator; for example, the existence and implementation of a national law and/or constitutional guarantee on access to information would also be a critically important structural indicator here. OHCHR has also proposed an indicator on associations dissolved, closed or suspended, and on time taken/fee charged to respond to Freedom of Information requests. Given that public budgeting is an essential tool for rights-respecting sustainable development, the use of indicators which measure access to fiscal and budgetary information would also be very valuable – but the scope of the indicator(s) selected for this target must not be arbitrarily limited to these areas of information.

⁴² Existing data sources and methodologies to measure Goal 16 include: regional Barometers including Latinobarometro, Afrobarometer, Eurobarometer (on crime, violence, corruption) The Financial Secrecy Index (on corruption, illicit financial flows); Transparency International Global Corruption Barometer and Corruption Perception Index (on corruption); OHCHR's Universal Rights Index (on access to justice and fundamental freedoms); Open Budget Index (on access to information and participatory decision-making). On access to justice, see International Development Law Organization, *Doing Justice to Sustainable Development: Integrating the Rule of Law into the Post-2015 Development Agenda*, (2015) and Open Society Justice Initiative, *Measuring Justice in the Post-2015 Development Framework*, (2013).

⁴³ See e.g. Saferworld, *A Vision of Goals, Targets and Indicators*, <http://www.saferworld.org.uk/resources/view-resource/730-a-vision-of-goals-targets-and-indicators>

Indicators for monitoring extraterritorial obligations in a development context

In response to the accountability shortfalls of MDG 8, the United Nations High-Level Task Force on the Implementation of the Right to Development recently developed a practical and comprehensive set of operational criteria and illustrative quantitative indicators to help policymakers and development practitioners measure and assess whether government conduct is contributing to—or contravening—their domestic and extraterritorial ("internal, external and collective") responsibilities under the 1986 United Nations Declaration on the Right to Development (explicitly referenced in the post-2015 Declaration as a guiding document). Many of these proposed indicators directly refer to human rights principles, such as whether tax revenues mobilize the maximum available resources for the fulfilment of human rights and the existence of national regulation to guard against extraterritorial infringement of human rights by business enterprises. It seeks to provide the foundation for a multidimensional monitoring system which can effectively make all more responsible, answerable and ultimately accountable for their conduct towards the achievement of sustainable development and human rights of individuals and communities abroad. In so doing, this UN Task Force made a significant contribution to illustrating how it is indeed feasible to monitor States' extraterritorial obligations.

d. Monitoring the global partnership for development

The SDGs also include commitments on tackling inequalities between States (see targets 10.6, 16.7, 16.8) and on revitalizing the 'global partnership for development' (Goal 17). Ensuring adequate monitoring and accountability for these targets will be crucial to fairly distributing the costs and benefits of sustainable development, improving global governance, realizing human rights, and building trust and solidarity in international cooperation. MDG8 on the 'global partnership' suffered from a monitoring and accountability deficit due to lack of quantitative and time-bound benchmarks and narrow indicators that were insufficiently human rights-aligned.⁴⁴ In order to ensure that this mistake is not repeated, the process of selecting and analyzing indicators should be informed by an understanding of extraterritorial human rights obligations – including the obligation of international assistance and cooperation, and the obligation of all states to respect, protect and help fulfil human rights beyond their borders.⁴⁵

⁴⁴ See Fukuda-Parr, S., "Millennium Development Goal 8: Indicators for International Human Rights Obligations?", *Human Rights Quarterly* 28 (2006) 966-997

⁴⁵ See CESR and Third World Network, *Universal Rights, Differentiated Responsibilities: Safeguarding human rights beyond borders to achieve the Sustainable Development Goals*, (April 2015) http://cesr.org/downloads/CESR_TWN_ETOs_briefing.pdf

The indicators chosen to track progress under the global partnership for development must concretely measure the actions and contributions of those countries with the most resources and greatest effective influence to promote or undermine sustainable development beyond their borders. For example, the indicators for Goal 17 should measure the responsibilities of developed countries to support rather than undermine tax collection in lower-income countries (17.1); mobilize additional predictable and untied financing for sustainable development (17.3); and proactively provide debt relief to poor countries including through forgiving odious debt (17.4).⁴⁶

Additionally, given the enormous potential for policies in other areas to undermine sustainable development commitments and human rights obligations, target 17.14 on policy coherence must be underpinned by a strong indicator that concretely indicates the efforts of economically powerful countries towards greater policy coherence in their tax, trade, aid, debt, and environmental policies (among others). An effective way to do this would be to include an indicator on the existence of human rights and sustainable development impact assessments for such policies. This would also be in line with the Addis Ababa Action Agenda,⁴⁷ where States “call on countries to assess the impact of their policies on sustainable development” (para. 103).

e. Safeguarding human rights when developing indicators and gathering data

In the process of developing indicators, a central guiding principle should be that when difficult decisions are made about what indicators to choose and prioritize, a broad range of stakeholders should be involved – including civil society and NHRIs. In keeping with the human rights principle of participation, affected populations should be involved in data collection and measurement where possible, especially where they can evaluate services at local and national levels. At a minimum, the indicators, data and methodologies should be made accessible to the public, so that they are understood and can be judged as legitimate.⁴⁸ Transparency and access to information will be a crucial part of ensuring that the SDG indicators can promote true accountability of States to people.

There must also be human rights **safeguards** in place when it comes to the collection, disaggregation and storage of data. Groups that are subject to systematic discrimination and even persecution (for example on the basis of their sexual orientation or gender identity, migratory status, ethnicity, or religion) may be endangered by being identified and categorized. Therefore, very rigorous **privacy and confidentiality** safeguards must be in place, and the right to **self-identification** must be respected.

⁴⁶ For more detailed suggestions see CESR, *Illustrative Indicators for a Post-2015 Fiscal Revolution*, Human rights working paper responding to IAEG-SDG list of proposed indicators for the Sustainable Development Goals, (September 2015). Available at: http://www.cesr.org/downloads/IAEG_submission_CESR_02_sep_2015.pdf

⁴⁷ The July 2015 agreement that emerged from the Third International Conference on Financing for Development, held in Ethiopia.

⁴⁸ See Yamin, A.E., and Falb K., *Counting What We Know*, (2012) 361.

4. CONCLUSION

The 2030 Agenda has the potential to spur major advances in the realization of human rights worldwide. However, it will only be able to fulfil this potential if planning, implementation and monitoring are undertaken with careful regard to human rights principles, priorities and obligations. The selection of indicators that will be used to measure and track progress towards the goals is the first major test in this regard. The stakes are very high; the tendency to ‘treasure what we measure’ and not vice versa is persistent and widespread. If the indicators chosen are human rights-aligned and human rights-sensitive, it will make it far easier to avoid the mistakes of the MDGs and ensure that by 2030, this agenda has led to real improvement in the lives of the poorest and most disadvantaged people around the world, and enabled them to realize and claim their rights.

The choice of indicators to track SDG progress cannot be reduced to a technocratic exercise. A good indicator, informed by the principles and detailed provisions of existing international human rights standards, is an advocacy tool that promotes transparency, accountability and action.⁴⁹ Moreover, indicators and data are not the be-all and end-all of accountability, and further decisive and ambitious action will be required if the SDGs are to live up to their potential as a vehicle for holding states answerable for what they are doing to uphold human dignity within and beyond their borders. Even the best indicators cannot promote accountability without robust and participatory processes and mechanisms in place for monitoring the data they generate, reviewing their implications and taking appropriate corrective and remedial action. Therefore, it will be essential to put place an ‘ecosystem of accountability’ to monitor and review progress and remedy setbacks against the goals and targets for 2030, stretching up from the local to the global level.⁵⁰ The ‘follow-up and review’ framework outlined in the final agreement is unfortunately very weak and vague in this regard, but there are still several opportunities ahead that must be seized to build the necessary accountability architecture, including at the national level. The indicator selection process is an essential foundation of this long and crucially important process.

⁴⁹ Davis, M., “UNAIDS: Bold human rights targets need better monitoring”, OpenDemocracy.net, 27 July 2015. <https://www.opendemocracy.net/open-globalrights/meg-davis/unais-bold-human-rights-targets-need-better-monitoring>

⁵⁰ For more information, see CESR and OHCHR, *Who Will Be Accountable? Human Rights and the Post-2015 Development Agenda* (2013) and CESR, Amnesty International, Center for Reproductive Rights and Human Rights Watch, *Accountability for the Post-2015 Agenda: A Proposal for a Robust Global Review Mechanism* (2015)

About CESR

The Center for Economic and Social Rights (CESR) was established in 1993 with the mission to work for the recognition and enforcement of economic, social and cultural rights as a powerful tool for promoting social justice and human dignity. CESR exposes violations through an interdisciplinary combination of legal and socio-economic analysis. CESR advocates for changes to economic and social policy at the international, national and local levels so as to ensure these comply with international human rights standards.

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